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federal register

TUESDAY, NOVEMBER 1, 1977

highlights

DAY-OF-THE-WEEK PROGRAM

For a change in the "Agency Publication on Assigned Days of the Week", see the Note appearing under the table on the inside cover of this issue.

NEW FEDERAL REGISTER PHONE NUMBERS

Several frequently called phone numbers in the Office of the Federal Register have been changed. Please use the numbers on page iii of this issue and disregard all previous listings.

"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.

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

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/OHMO	USDA/REA		DOT/OHMO	USDA/REA
DOT/OPSO	CSC		DOT/OPSO	CSC
	LABOR			LABOR
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	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.

Note: As of Nov. 1, 1977, Nuclear Regulatory Commission documents are no longer being assigned to the Monday/Thursday schedule.

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

federal register

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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.**

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List of Public Laws

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

H.R. 7769..... Pub. L. 95–145
To authorize the creation of a record of admission for permanent residence in the cases of certain refugees from Vietnam, Laos, or Cambodia, and to amend the Indochina Migration and Refugee Assistance Act of 1975 to extend the period during which refugee assistance may be provided, and for other purposes. (Oct. 28, 1977; 91 Stat. 1223). Price: $.50.

S. 1682..... Pub. L. 95–144
To provide for the implementation of treaties for the transfer of offenders to or from foreign countries. (Oct. 28, 1977; 91 Stat. 1212). Price: $.70.

Table of Effective Dates and Time Periods—November 1977

This table is for use in computing dates certain in connection with documents which are published in the FEDERAL REGISTER subject to advance notice requirements or which impose time limits on public response.

Federal Agencies using this table in calculating time requirements for submissions must allow sufficient extra time for FEDERAL REGISTER scheduling procedures.

In computing dates certain, the day after publication counts as one. All succeeding days are counted except that when a date certain falls on a weekend or holiday, it is moved forward to the next Federal business day. (See 1 CFR 18.17)

A new table will be published monthly in the first issue of each month. All January and February dates are in 1978.

Dates of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
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November 30	December 15	December 30	January 16	January 30	February 28

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(This List Will Be Published Monthly In First Issue Of Month.)

USDA—AGRICULTURE DEPARTMENT

AMS—Agricultural Marketing Service
ARS—Agricultural Research Service
ASCS—Agricultural Stabilization and Conservation Service
APHIS—Animal and Plant Health Inspection Service
CCC—Commodity Credit Corporation
CEA—Commodity Exchange Authority
CSRS—Cooperative State Research Service
EMS—Export Marketing Service
ERS—Economic Research Service
FmHA—Farmers Home Administration
FCIC—Federal Crop Insurance Corporation
FAS—Foreign Agricultural Service
FNS—Food and Nutrition Service
FSQS—Food Safety and Quality Service
FS—Forest Service
PSA—Packers and Stockyards Administration
RDS—Rural Development Service
REA—Rural Electrification Administration
RTB—Rural Telephone Bank
SCS—Soil Conservation Service

COMMERCE—COMMERCE DEPARTMENT

Census—Census Bureau
DIBA—Domestic and International Business Administration
EDA—Economic Development Administration
MA—Maritime Administration
MBE—Minority Business Enterprise Office
NBS—National Bureau of Standards
NFPCA—National Fire Prevention and Control Administration
NOAA—National Oceanic and Atmospheric Administration
NSA—National Shipping Authority
NTIS—National Technical Information Service
PTO—Patent and Trademark Office
USTS—United States Travel Service

DOD—DEFENSE DEPARTMENT

AF—Air Force Department
Army—Army Department
DCPA—Defense Civil Preparedness Agency
DIA—Defense Intelligence Agency
DLA—Defense Logistics Agency

Engineers—Engineers Corps
Navy—Navy Department

DOE—ENERGY DEPARTMENT

ERA—Economic Regulatory Administration
FERC—Federal Energy Regulatory Commission

HEW—HEALTH, EDUCATION, AND WELFARE DEPARTMENT

ADAMHA—Alcohol, Drug Abuse, and Mental Health Administration
CDC—Center for Disease Control
FDA—Food and Drug Administration
HCFA—Health Care Financing Administration
HDSO—Human Development Services Office
HRA—Health Resources Administration
HSA—Health Services Administration
NIH—National Institutes of Health
OE—Office of Education
PHS—Public Health Service
RSA—Rehabilitation Services Administration
SSA—Social Security Administration

HUD—HOUSING AND URBAN DEVELOPMENT DEPARTMENT

CARF—Consumer Affairs and Regulatory Functions, Office of Assistant Secretary
CPD—Community Planning and Development, Office of Assistant Secretary
FDAA—Federal Disaster Assistance Administration
FHEO—Fair Housing and Equal Opportunity, Office of Assistant Secretary
FHC—Federal Housing Commissioner, Office of Assistant Secretary for Housing
FIA—Federal Insurance Administration
GNMA—Government National Mortgage Association
ILSRO—Interstate Land Sales Registration Office
NCA—New Communities Administration
NCDC—New Community Development Corporation
NVACP—Neighborhoods Voluntary Associations and Consumer Protection, Office of Assistant Secretary

INTERIOR—INTERIOR DEPARTMENT

BPA—Bonneville Power Administration
BIA—Bureau of Indian Affairs
BLM—Bureau of Land Management
FWS—Fish and Wildlife Service
GS—Geological Survey
MESA—Mining Enforcement and Safety Administration
Mines—Mines Bureau
NPS—National Park Service
OHA—Office of Hearings and Appeals
Reclamation—Reclamation Bureau
SMRE—Surface Mining Reclamation and Enforcement Office

JUSTICE—JUSTICE DEPARTMENT

DEA—Drug Enforcement Administration
INS—Immigration and Naturalization Service
LEAA—Law Enforcement Assistance Administration
NIC—National Institute of Corrections

LABOR—LABOR DEPARTMENT

BLS—Bureau of Labor Statistics
BRB—Benefits Review Board
ESA—Employment Standards Administration
ETA—Employment and Training Administration
FCCPO—Federal Contract Compliance Programs Office
LMSEO—Labor Management Standards Enforcement Office
OSHA—Occupational Safety and Health Administration
P&WBP—Pension and Welfare Benefit Programs
W&H—Wage and Hour Division

STATE—STATE DEPARTMENT

AID—Agency for International Development
FSGB—Foreign Service Grievance Board

DOT—TRANSPORTATION DEPARTMENT

CG—Coast Guard
FAA—Federal Aviation Administration
FHWA—Federal Highway Administration
FRA—Federal Railroad Administration
MTB—Materials Transportation Bureau
NHTSA—National Highway Traffic Safety Administration
OHMO—Office of Hazardous Materials Operations
OPSO—Office of Pipeline Safety Operations
SLS—Saint Lawrence Seaway Development Corporation
UMTA—Urban Mass Transportation Administration

TREASURY—TREASURY DEPARTMENT

ATF—Alcohol, Tobacco and Firearms Bureau
Customs—Customs Service
Comptroller—Comptroller of the Currency
ESO—Economic Stabilization Office (temporary)
FS—Fiscal Service
IRS—Internal Revenue Service
Mint—Mint Bureau
PDB—Public Debt Bureau
RSO—Revenue Sharing Office

INDEPENDENT AGENCIES

ATBCB—Architectural and Transportation Barriers Compliance Board
CAB—Civil Aeronautics Board
CASB—Cost Accounting Standards Board
CEQ—Council on Environmental Quality
CFTC—Commodity Futures Trading Commission
CITA—Textile Agreements Implementation Committee
CPSC—Consumer Product Safety Commission
CRC—Civil Rights Commission
CSA—Community Services Administration
CSC—Civil Service Commission
CSC/FPRAC—Federal Prevailing Rate Advisory Committee
EEOC—Equal Employment Opportunity Commission
EXIMBANK—Export-Import Bank of the U.S.
EPA—Environmental Protection Agency
ESSA—Endangered Species Scientific Authority
ERDA—Energy Research and Development Administration
FCC—Federal Communications Commission
FCSC—Foreign Claims Settlement Commission
FDIC—Federal Deposit Insurance Corporation
FEA—Federal Energy Administration
FEC—Federal Election Commission
FHLBB—Federal Home Loan Bank Board
FPC—Federal Power Commission
FRS—Federal Reserve System
FTC—Federal Trade Commission
GSA—General Services Administration
GSA/ADTS—Automated Data and Telecommunications Service
GSA/FPA—Federal Preparedness Agency
GSA/FSS—Federal Supply Service
GSA/NARS—National Archives and Records Service
GSA/PBS—Public Buildings Service
ICC—Interstate Commerce Commission
ICP—Interim Compliance Panel (Coal Mine Health and Safety)
ITC—International Trade Commission
LSC—Legal Services Corporation
NASA—National Aeronautics and Space Administration
NCUA—National Credit Union Administration
NFAH/NEA—National Endowment for the Arts
NFAH/NEH—National Endowment for the Humanities
NLRB—National Labor Relations Board
NRC—Nuclear Regulatory Commission
NSF—National Science Foundation
NTSB—National Transportation Safety Board
OFR—Office of the Federal Register
OMB—Office of Management and Budget
OPIC—Overseas Private Investment Corporation
PADC—Pennsylvania Avenue Development Corporation
PRC—Postal Rate Commission
PS—Postal Service
RB—Renegotiation Board
RRB—Railroad Retirement Board
ROAP—Reorganization, Office of Assistant to President
SBA—Small Business Administration
SEC—Securities and Exchange Commission
TVA—Tennessee Valley Authority
USIA—United States Information Agency
VA—Veterans Administration
WRC—Water Resources Council

rules and regulations

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

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

Title 1—General Provisions

CHAPTER I—ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

CFR CHECKLIST

1976/1977 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1976 and 1977. New units issued during the month are announced on the back cover of the daily FEDERAL REGISTER as they become available.

For a Checklist of current CFR volumes comprising a complete CFR set, see the latest issue of the Cumulative List of CFR Sections Affected, which is revised monthly.

The rate for subscription service to all revised volumes issued for 1977 is $350 domestic, $75 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR Unit (Rev. as of Jan. 1, 1977):

Title	Price
1	$1.65
2 [Reserved]	
3	3.00
4	3.25
5	4.70
7 Parts:	
0–45	5.30
46–51	4.20
52	5.20
53–209	5.80
210–699	6.10
700–749	4.10
750–899	1.80
900–944	4.25
945–980	2.40
981–999	2.50
1000–1059	4.25
1060–1119	4.40
1120–1199	3.20
1200–1499	4.20
1500–end	7.25
8	2.60
9	6.80
10 Parts:	
0–199	4.40
200–end	4.60
11 (Rev. 5/1/77)	2.30
12 Parts:	
1–299	7.40
300–end	7.30
13	4.20
14 Parts:	
1–59	6.00
60–199	5.10
200–1199	6.20
1200–end	2.20
15	5.35
16 Parts:	
0–149	$5.50
150–999	4.25
1000–end	3.00

CFR Unit (Rev. as of April 1, 1977):

17	6.75
18 Parts:	
1–149	4.25
150–end	4.00
19	5.75
20 Parts:	
01–399	3.25
400–499	5.00
500–end	4.00
21 Parts:	
1–99	3.25
100–199	4.75
200–299	2.10
300–499	5.00
500–599	4.00
600–1299	3.50
1300–end	4.25
22	4.50
23	5.50
24 Parts:	
0–499	5.00
500–end	5.25
25	4.50
26 Parts:	
1 (§§ 1.0–1.169)	4.75
1 (§§ 1.170–1.300)	4.00
1 (§§ 1.301–1.400)	3.75
1 (§§ 1.401–1.500)	4.00
1 (§§ 1.501–1.640)	4.00
1 (§§ 1.641–1.850)	4.35
1 (§§ 1.851–1.1200)	5.25
1 (§§ 1.1201–end)	6.75
2–29	4.50
30–39	4.35
40–299	4.50
300–499	4.35
600–end	2.40
27	7.00

CFR Unit (Rev. as of July 1, 1977):

32 Parts:	
500–699	4.00
32A	3.75
34	1.70
37	3.00
41 Chapters:	
19–100	4.50

CFR Unit (Rev. as of Oct. 1, 1976):

42	5.95
43 Parts:	
1–999	3.10
1000–end	6.00
44 [Reserved]	
45 Parts:	
1–99	3.45
100–199	10.00
200–499	3.15
500–end	6.40
46 Parts:	
1–29	2.15
30–40	2.20
41–69	4.00
70–89	2.10
90–109	1.95
110–139	1.90
140–165	$4.00
166–199	2.65
200–end	7.25
47 Parts:	
0–19	3.80
20–69	5.00
70–79	4.90
80–end	6.20
48 [Reserved]	
49 Parts:	
1–99	2.05
100–199 (Rev. 12/31/76)	6.50
200–999	7.55
1000–1199	3.95
1200–1299	7.40
1300–end	3.60
50	4.20

[6325–01]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Commerce Department

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: The position of Special Assistant to the Director, Bureau of the Census, is excepted from the competitive service under Schedule C because it is confidential in nature.

EFFECTIVE DATE: November 1, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3314(v)(1) is added as set out below:

§ 213.3314 Department of Commerce.

* * * * *

(v) *Bureau of the Census.*

(1) One Special 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.77-31573 Filed 10-31-77;8:45 am]

[6325–01]

PART 213—EXCEPTED SERVICE

Environmental Protection Agency

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This position reestablishes and changes the title of one position of

Assistant to the Director, Office of Public Affairs to Special Assistant to the Director, Office of Public Affairs. The reestablishment of this position is appropriate because the position is confidential in nature and the title change more appropriately reflects the duties of the position.

EFFECTIVE DATE: November 1, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3318(a)(2) is reestablished as set out below:

§ 213.3318 Environmental Protection Agency.

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

(2) One Special Assistant to the Director, Office of Public Affairs.

(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.77–31574 Filed 10–31–77;8:45 am]

[6325–01]

PART 213—EXCEPTED SERVICE

State Department

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: One additional position of Member of the Policy Planning Staff is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: November 1, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3304(a)(29) is amended as set out below:

§ 213.3304 Department of State.

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

(29) Four Members of the Policy Planing Staff.

(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.77–31575 Filed 10–31–77;8:45 am]

[6325–01]

PART 213—EXCEPTED SERVICE

Transportation Department

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: One position of Congressional Liaison Officer to the Director of Congressional Relations is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: November 1, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3394(a)(17) is amended as set out below:

§ 213.3394 Department of Transportation.

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

(17) Eight Congressional Liaison Officers, Office of the Director of Congressional Relations.

(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.77–31576 Filed 10–31–77;8:45 am]

[6325–01]

PART 213—EXCEPTED SERVICE

Executive Office of the President

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule B, in the Office of Management and Budget, 75 positions of senior staff member, GS–15, and staff member, GS–11/14, for employment not to exceed April 30, 1981, under the President's reorganization project, because it is impracticable to hold a competitive examination for these positions.

EFFECTIVE DATE: November 1, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3203 is added as set out below:

§ 213.3203 Executive Office of the President.

(a) *Office of Management and Budget.*

(1) Seventy-five positions of senior staff member, GS–15, and staff member, GS–11/14, for employment not to exceed April 30, 1981, under the President's reorganization project.

(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.77–31671 Filed 10–31–77;8:45 am]

[6325–01]

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Federal Home Loan Bank Board

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: One position of Congressional Liaison is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: November 1, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3354(1) is added as set out below:

§ 213.3354 Federal Home Loan Bank Board.

* * * * *

(1) One Congressional Liaison.

(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.77–31672 Filed 10–31–77;8:45 am]

[6325–01]

PART 213—EXCEPTED SERVICE

Small Business Administration

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: One position of Confidential Assistant to the Associate Administrator for Minority Small Business is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: November 1, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3332(p) is amended as set out below:

§ 213.3332 Small Business Administration.

* * * * *

(p) Three positions of Special Assistant and one position of Confidential Assistant to the Associate Administrator for Minority Small Business.

(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.77–31673 Filed 10–31–77;8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE

State Department

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: One additional position of Special Assistant to the Under Secretary for Coordinating Security Assistance Programs is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: November 1, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3304(a)(11) is amended as set out below:

§ 213.3304 **Department of State.**

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

(11) One Personal Assistant and two Special Assistants to the Under Secretary for Coordinating Security Assistance 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.77-31674 Filed 10-31-77;8:45 am]

[3410-10]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 6—IMPORT QUOTAS AND FEES

Subpart—Section 22 Import Quotas

WAIVER OF THROUGH BILL OF LADING REQUIREMENT

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Final rule.

SUMMARY: The licensing regulations applicable to articles subject to Section 22 import quotas are amended to provide for the waiver by the Licensing Authority of the requirement that articles imported pursuant to import licenses must be accompanied by a through bill of lading, if he determines that compliance with such requirement, during periods of strikes, lockouts, or other emergencies affecting the importation of articles, would interfere with the entry of such articles.

The presentation of a through bill of lading from the country of origin of the article to the United States is required as additional evidence that the article is from the country of origin specified in the license. In some situations, such as when there is a longshoreman strike and the article cannot be unloaded at a United States port, it is even impossible to get it loaded at a foreign port if the bill of lading indicates the United States as final destination. A waiver of the through bill of lading requirement during such period will permit transshipment of the article, with the United States as final point of destination.

EFFECTIVE DATE: November 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Bryant H. Wadsworth, Head, Dairy and Import Group, Dairy, Livestock and Poultry Division, FCA, Foreign Agricultural Service, 6621 South Agriculture Building, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-5270.

SUPPLEMENTARY INFORMATION:

EFFECTIVE DATE

This action, which involves foreign affairs of the United States, must be made effective as soon as possible in order that full use of 1977 Import Licenses, which expire on December 31, 1977, may be made during the current longshoremen's strike at east and gulf coast docks. It is hereby determined that compliance with the notice and effective date provisions of 5 U.S.C. 553 is impractical and contrary to public interest.

The subpart, Section 22 Import Quotas, of Part 6, Subtitle A of Title 7, is amended by revising § 6.27(b) to read as follows:

§ 6.27 **Use of licenses.**

* * * * *

(b) Notwithstanding any other rules, regulations, or procedures for the importation of goods, the article entered under license may be entered or withdrawn from warehouse only in the name of the licensee either by him or by his agent acting in the licensee's name under power of attorney, and the quantity so entered must be charged against the license in effect on the date of entry. The article entered under license shall be accompanied by a through bill of lading from the country of origin named in the license: *Provided*, That such requirement may be waived by the licensing authority upon his determination that compliance therewith, during periods of strikes, lockouts, or other such emergencies affecting the importation of articles, would interfere with the entry of such article.

* * * * *

(Sec. 3, 62 Stat. 1248, as amended, 7 U.S.C. 624; Part 3 of the Appendix to the Tariff Schedules of the United States, 19 U.S.C. 1202.)

Issued at Washington, D.C., this 26th day of October 1977.

THOMAS R. HUGHES,
Administrator, Foreign Agricultural Service.

[FR Doc.77-31590 Filed 10-31-77;8:45 am]

[3410-02]

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

PART 931—FRESH BARTLETT PEARS GROWN IN OREGON AND WASHINGTON

Expenses, Rate of Assessment and Carryover of Unexpended Funds

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes expenses and a rate of assessment for the 1977-78 fiscal period, to be collected from handlers to support activities of the Northwest Fresh Bartlett Pear Marketing Committee which locally administers the Federal marketing order covering Oregon and Washington Bartlett pears.

EFFECTIVE DATES: July 1, 1977, through June 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-3545.

SUPPLEMENTARY INFORMATION: On October 7, 1977, notice was published in the FEDERAL REGISTER (42 FR 54566) inviting written comments not later than October 21, 1977, on proposed expenses, rate of assessment, and carryover of unexpended funds, under Marketing Order No. 931 (7 CFR Part 931), regulating the handling of fresh Bartlett pears grown in Oregon and Washington. None were received. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

After consideration of all relevant matters presented, including the proposals in the notice, a new § 931.212 is added to 7 CFR Part 931 as follows:

§ 931.212 **Expenses, rate of assessment, and carryover of unexpended funds.**

(a) Expenses that are reasonable and likely to be incurred by the Northwest Fresh Bartlett Pear Marketing Committee during the period July 1, 1977, through June 30, 1978, will amount to $27,425.

(b) The rate of assessment for said period payable by each handler in accordance with § 931.41 is fixed at $0.01 per standard western pear box of pears, or an equivalent quantity of pears in other containers or in bulk.

(c) Unexpended assessment funds in excess of expenses incurred during the fiscal period ended June 30, 1977, shall be carried over as a reserve in accordance with § 931.42.

It is further found that good cause exists for not postponing the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) as the order requires that the rate of as-

sessment for a fiscal period shall apply to all assessable Bartlett pears handled from the beginning of the period.

(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.77-31578 Filed 10-31-77;8:45 am]

[3410–07]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

PART 1901—PROGRAM-RELATED INSTRUCTIONS

[FmHA Instruction 1901–I]

Subpart I—Truth in Lending—Real Estate Settlement Procedures

AMENDMENT

AGENCY: Farmers Home Administration, Department of Agriculture.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration is amending its truth in lending regulations to clear up a misinterpretation as to whom the regulations are applicable. This action is necessary because the regulations are presently worded so as to allow more than one interpretation.

EFFECTIVE DATE: November 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Wesley Harris, 202–447–4295.

SUPPLEMENTARY INFORMATION: Section 1901.401(b) of Part 1901, Chapter XVIII, Title 7, Code of Federal Regulations, is amended. The Agency has found, since the regulation was originally issued, that the punctuation and language in this paragraph resulted in some confusion as to the proper interpretation. This amendment is issued to clear up this apparent confusion. It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This amendment, however, is not published for proposed rulemaking since the purpose of the change is editorial in nature accomplishing a clarification in meaning and makes no substantive change in the regulation.

As amended § 1901.401(b) reads as follows:

§ 1901.401 Truth in lending.

* * * * *

(b) *Scope.* This section applies to all natural persons (individuals) who apply for loans, assumptions, or credit sales except:

(1) Applicants who are corporations, associations, cooperatives, public bodies, partnerships, or other organizations,

(2) Applicants for Rural Rental Housing (RRH) loans and other business type loans except those for agricultural purposes, or

(3) Applicants involved in credit transactions primarily for agricultural purposes including real property transactions in which the amount financed exceeds $25,000.

* * * * *

(7 U.S.C. 1989; 42 U.S.C. 1480; Sec. 10, Pub. L. 93–357, 88 Stat. 392; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70.)

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

Dated: October 13, 1977.

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

[FR Doc.77-31522 Filed 10-31-77;8:45 am]

[3410–34]

Title 9—Animals and Animal Products

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

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

PART 73—SCABIES IN CATTLE

Release of Area Quarantined

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to release a portion of Parmer County in Texas from areas quarantined because of cattle scabies. Surveillance activity indicates that cattle scabies no longer exists in the area quarantined.

EFFECTIVE DATE: October 27, 1977.

FOR FURTHER INFORMATION CONTACT:

Dr. Glen O. Schubert, Chief Staff Veterinarian, Sheep, Goats, Equine, and Ectoparisites Staff, USDA, APHIS, VS, Room 737, Federal Building, 6505 Belcrest Road, Hyattsville, Md. 20782, 301–436–8322.

SUPPLEMENTARY INFORMATION: This amendment releases a portion of Parmer County in Texas from the areas quarantined because of cattle scabies. Therefore, the restrictions pertaining to the interstate movement of cattle from quarantined areas contained in 9 CFR Part 73, as amended, will not apply to the excluded area, but the restrictions pertaining to the interestate movement of cattle from nonquarantined areas contained in said Part 73 will apply to the excluded area.

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

In § 73.1a, paragraph (a)(5) relating to the State of Texas is deleted.

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

The amendment relieves restrictions no longer deemed necessary to prevent the spread of cattle scabies and should be made effective promptly in order 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, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 27th 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.

E. A. SCHILF,
Acting Deputy Administrator, Veterinary Services.

[FR Doc.77-31622 Filed 10-31-77;8:45 am]

[3410–34]

PART 78—BRUCELLOSIS

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

BRUCELLOSIS AREAS

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

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

EFFECTIVE DATE: November 1, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The amendments delete the following areas from the list of Modified Certified Brucellosis-Free Areas in § 78.21 and add

such areas to the list designated as Noncertified Areas in § 78.22 because it has been determined that they no longer come within the definition of a Modified Certified Brucellosis Area in § 78.1(m):

Vernon County in Missouri.

The amendments delete the following areas from the list of Certified Brucellosis-Free Areas in § 78.20 and add such areas to the list designated as Modified Certified Brucellosis Areas in § 78.21 because it has been determined that they now come within the definition of a Modified Certified Brucellosis Area in § 78.1(m):

Madison County in Arkansas.

The amendments delete the following areas from the list of Modified Certified Brucellosis Areas in § 78.21 and add such areas to the list designated as Certified Brucellosis-Free Areas in § 78.20 because it has been determined that they now come within the definition of a Certified Brucellosis-Free Area in § 78.1(l): Story and Union Counties in Iowa; and Edwards, Marion, Sherman, and Smith Counties in Kansas.

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

§ 78.20 Certified Brucellosis-Free Areas.

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

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

(b) *Specific Counties Within States.*—

Alabama. Dale, Geneva.

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

Colorado. Adams, Alamosa, Arapahoe, Archuleta, Baca, Bent, Bolder, Chaffee, Cheyenne, Clear Creek, Conejos, Costilla, Crowley, Custer, Delta, Denver, Dolores, Douglas, Eagle, Elbert, El Paso, Fremont, Garfield, Gilpin, Grand, Gunnison, Hinsdale, Huerfano, Jackson, Jefferson, Kiowa, Kit Carson, Lake, La Plata, Larimer, Las Animas, Lincoln, Logan, Mineral, Moffat, Montezuma, Montrose, Morgan, Otero, Ouray, Park, Phillips, Pitkin, Prowers, Pueblo, Rio Blanco, Rio Grande, Routt, Saguache, San Juan, San Miguel, Sedgwick, Summit, Teller, Washington, Weld.

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

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

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

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

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

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

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

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

Missouri. Audrain, Dunklin, Gasconade, Hickory, Jackson, Laclede, Lewis, Moniteau, Montgomery, Perry, Platte, Pulaski, St. Louis, Schuyler, Shelby.

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

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

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

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

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

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

Puerto Rico. Adjuntas, Aguada, Aguadilla, Aguas Buenas, Aibonito, Anasco, Arroyo, Barceloneta, Barranquitas, Bayamon, Cabo Rojo, Caguas, Canovanas (Loiza), Catano, Cayey, Ceiba, Ciales, Cidra, Coamo, Comerio, Corozal, Culebra, Dorado, Fajardo, Guanica, Guayama, Guaynabo, Guayanilla, Gurabo, Hormigueros, Humacao, Isabela, Jayuya, Juana Diaz, Juncos, Lajas, Lares, Las Marias, Luquillo, Manati, Maricao, Muanabo, Mayaguez, Moca, Morovis, Naranjito, Orocovis, Patillas, Penuelas, Ponce, Quebradillas, Rincon, Rio Grande, Rio

Piedras, Sabana Grande, Salinas, San German, San Juan, San Lorenzo, San Sebastian, Santa Isabel, Tao Alta, Toa Baja, Trujillo Alto, Utuado, Vega Alta, Vega Baja, Vieques, Villalba, Yabucoa, Yauco.

§ 78.21 Modified Certified Brucellosis Areas.

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

(a) *Entire States.* Alaska, Louisiana, Nebraska, Oklahoma.

(b) *Specific Counties Within States.*—*Alabama.* Autauga, Baldwin, Barbour, Bibb, Blount, Bullock, Butler, Calhoun, Chambers, Cherokee, Chilton, Choctaw, Clarke, Clay, Cleburne, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Cullman, Dallas, De Kalb, Elmore, Etowah, Escambia, Fayette, Franklin, Greene, Hale, Henry, Houston, Jackson, Jefferson, Lamar, Lauderdale, Lawrence, Lee, Limestone, Lowndes, Macon, Madison, Marengo, Marion, Marshall, Mobile, Monroe, Montgomery, Morgan, Perry, Pickens,, Pike, Randolph, Russell, St. Clair, Shelby, Sumter, Talladega, Tallapoosa, Tuscaloosa, Walker, Washington, Wilcox, Winston.

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

Colorado. Mesa, Yuma.

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

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

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

Illinois. Massac.

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

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

Kentucky. Adair, Allen, Anderson, Ballard, Barren, Bath, Boone, Bourbon, Boyd, Boyle, Bracken, Breckinridge, Bullitt, Butler, Caldwell, Calloway, Carlisle, Carroll, Carter, Casey, Christian, Clark, Clinton, Crittenden Cumberland, Daviess, Elliott, Estill, Fayette, Fleming, Franklin, Fulton, Gallatin, Garrard, Grant, Graves, Grayson, Green, Greenup, Hancock, Hardin, Harrison, Hart, Henderson, Henry, Hickman Hopkins, Jackson, Jefferson, Jessamine, Larue, Laurel, Lincoln, Livingston, Logan, Lyon, Madison, Marion, Marshall, Mason, McCracken, McLean, Meade, Mercer, Metcalfe, Monroe, Montgomery, Muhlenberg, Nelson, Nicholas, Ohio, Oldham, Owen, Powell, Pulaski, Rockcastle, Rowan, Russell, Scott, Shelby, Simpson, Spencer, Taylor, Todd, Trigg, Union, Warren, Washington, Wayne, Webster, Woodford.

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

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

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

South Dakota. Jones, Stanley.

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

Texas. Anderson, Andrews, Angelina, Aransas, Archer, Armstrong, Atascosa, Austin, Bailey, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Bowie, Brazoria, Brazos, Briscoe, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Camp, Carson, Cass, Castro, Chambers, Cherokee, Clay, Cochran, Coke, Coleman, Collins, Collingsworth, Colorado, Comanche, Concho, Cook, Coryell, Cottle, Crockett, Crosby, Culberson, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, De Witt, Dickens, Dimmitt, Donley, Duval, Eastland, Edwards, Ellis, El Paso, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Foard, Fort Bend, Franklin, Freestone, Frio, Gaines, Galveston, Garza, Gillespie, Glasscock, Goliad, Gonzales, Gryson, Gregg, Grimes, Guadalupe, Hale, Hall, Hamilton, Hardeman, Hardin, Harris, Harrison, Haskell, Hayes, Henderson, Hidalgo, Hill, Hockey, Hood, Hopkins, Houston, Howard, Hudspeth, Hunt, Hutchinson, Jack, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Johnson, Jones, Karnes, Kaufman, Kendall, Kenedy, Kent, King, Kinney, Kleberg, Knox, Lamar, Lamb, Lampassas, La Salle, Lavaca, Lee, Leon, Liberty, Limestone, Live Oak, Lubbock, Lynn, McCulloch, McLennan, McMullen, Madison, Marion, Martin, Matagorda, Maverick, Medina, Menard, Midland, Milam, Mills, Mitchell, Montague, Montgomery, Moore, Morris, Motley, Nacogdoches, Navarro, Nolan, Nueces, Ochiltree, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Polk, Potter, Presidio, Rains, Randall, Real, Red River, Reeves, Refugio, Robertson, Rockwall, Runnels, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, San Saba, Schleicher, Scurry, Shackelford, Shelby, Sherman, Smith, Somervell, Starr, Stephens, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terry, Throckmorton, Titus, Tom Green, Travis, Trinity, Tyler, Upshur, Upton, Uvalde, Van Zandt, Victoria, Walker, Waller, Washington, Webb, Wharton, Wheeler, Wichita, Wilbarger, Willacy, Williamson,

Wilson, Wise, Wood, Yoakum, Young, Zapata, Zavala.

Utah. Box Elder, Cache.

Wyoming. Lincoln.

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

§ 78.22 Noncertified Areas.

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

(a) *Entire States.* Yellowstone National Park.

(b) *Specific Counties Within States. Missouri.* Morgan, Vernon.

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

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

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

Done at Washington, D.C., this 27th 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.77–31594 Filed 10–31–77;8:45 am]

[3410–34]

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

Importation of Horses

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document provides the Deputy Administrator with authority, upon request in specific cases, to permit horses to be brought into or through the United States, under such conditions as he may prescribe, when he determines in the specific case that such action will not endanger the livestock of the United States. This is being done because such authority was inadvertently omitted when the regulations imposing the prohibition were promulgated. The intended effect of this action is to restore such authority to the Deputy Administrator.

EFFECTIVE DATE: October 26, 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.

In placing this prohibition into effect, authority for the Deputy Administrator to permit, upon request in specific cases, horses to be brought into or through the United States under such conditions as he may prescribe, when he determines in the specific case that such action will not endanger the livestock of the United States, was inadvertently deleted from the regulations. The effect of this document is to restore such authority to the Deputy Administrator.

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

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

§ 92.2 General prohibitions; exceptions.

* * * * *

(i) Except as provided in § 92.2(a), 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 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).

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

This amendment restores certain authority to the Deputy Administrator which was inadvertently deleted in a previous amendment to the regulations 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 amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 26th day of October 1977.

NOTE.—The Animal Plant and 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.

E. A. SCHILF,
Acting Deputy Administrator,
Veterinary Services.

[FR Doc.77–31623 Filed 10–31–77;8:45 am]

[1505–01]

CHAPTER III—FOOD SAFETY AND QUALITY SERVICE (MEAT AND POULTRY PRODUCTS INSPECTION), DEPARTMENT OF AGRICULTURE

PART 362—VOLUNTARY POULTRY INSPECTION REGULATIONS

Rate Increase for Inspection Service

Correction

In FR Doc. 77–29850 appearing in the issue of Tuesday, October 11, 1977, on page 54829, in the 3rd column, § 362.5 (c), next to the last line should read, "* * * ing the regularly scheduled administra-".

[6355–01]

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER A—GENERAL

PART 1012—MEETINGS: ADVANCE PUBLIC NOTICE, PUBLIC ATTENDANCE, AND RECORDKEEPING

Corrections

AGENCY: Consumer Product Safety Commission.

ACTION: Corrections of final rule.

SUMMARY: This document makes corrections to a final rule previously published in the FEDERAL REGISTER.

EFFECTIVE DATE: September 26, 1977.

FOR FURTHER INFORMATION CONTACT:

David Melnick, 202–634–7770.

The corrections are as follows:

In FR Doc. 77–27978, appearing in the FEDERAL REGISTER of September 26, 1977 on page 48375:

1. The words "Recordkeeping categories" in the third column following "Section 1012.5" should be deleted and

"Agency meetings: requirements for advance public notice and attendance by the public " inserted in lieu thereof; and

2. The letter "(a)" should be deleted and "(b)" inserted in lieu thereof.

Dated: October 25, 1977.

RICHARD E. RAPPS,
Secretary, Consumer Product Safety Commission.

[FR Doc.77-31503 Filed 10-31-77;8:45 am]

[1505-01]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 77-258]

PART 153—ANTIDUMPING

Antidumping—Pressure Sensitive Plastic Tape Measuring Over One and Three-Eighths Inches in Width and Not Exceeding Four Millimeters in Thickness From Italy

Correction

In FR Doc. 77-30769 appearing at page 56110 in the issue of Friday, October 21, 1977, the effective date reading, "October 21, 1971" should read, "October 21, 1977".

[4110-03]

Title 21—Food and Drugs

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

[Docket No. 75N-0161]

PART 1250—INTERSTATE CONVEYANCE SANITATION

Wastes Discharge From Railroad Conveyances

AGENCY: Food and Drug Administration.

ACTION: Administrative Stay of Effective Dates.

SUMMARY: This document announces the administrative stay of the effective dates for compliance with the 70-percent compliance level deadline of December 31, 1976 and the 100-percent compliance level deadline of December 31, 1977, for compliance with restrictions on wastes discharge applicable to nonnew railroad conveyances. The stay does not apply to wastes discharge restrictions that apply to new conveyances. The Association of American Railroads has petitioned the agency for a postponement for all railroads of the final compliance date until the completion of a study and report to Congress on wastes from intercity railroad conveyances.

EFFECTIVE DATE OF STAY: November 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Richard S. Nacewicz, Bureau of Foods (HFF-324), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, 202-245-1505.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of June 8, 1971 (36 FR 11025), the agency issued regulations restricting wastes discharge from railroad conveyances; the regulations required, as of July 1, 1972, wastes discharge controls on all new railroad conveyances and retrofitting of all existing equipment (passenger and nonpassenger) by December 31, 1974.

The Commissioner extended the retrofit compliance date for nonpassenger conveyances to December 31, 1977—regulation published in the FEDERAL REGISTER of July 17, 1975 (40 FR 30108). That regulation also allowed intermediate compliance levels leading to 100-percent compliance by the deadline date; and it provided for extensions beyond December 31, 1977, for retrofitting passenger conveyances when the companies, in specific cases, demonstrated that without an extension substantial disruption of operations might occur.

On February 5, 1976 and October 19, 1976, respectively, Congress amended section 306(i) of the Rail Passenger Service Act (45 U.S.C. 546(i)) to exempt "intercity rail passenger service" from regulations (21 CFR Part 1250) governing discharge of wastes from railroad conveyances (Railroad Revitalization and Regulatory Reform Act of 1976, Pub. L. 94-210, 90 Stat. 31 (45 U.S.C. 801 et seq.); Rail Transportation Improvement Act, Pub. L. 94-555, 90 Stat. 2613 (45 U.S.C. 501 note)).

Section 301 of the Rail Transportation Improvement Act (45 U.S.C. 641 note) also directed the Secretary of the Department of Health, Education, and Welfare, in consultation with other government agencies, to conduct a study of the public health, environmental, and financial aspects of wastes discharge from railroad conveyances operated in intercity rail passenger service, in rail commuter service, and in rail freight service. The study is to be reported to the Congress by April 19, 1978. To provide Congress with a comprehensive study, the Commissioner issued a notice in the FEDERAL REGISTER of June 3, 1977 (42 FR 28601), asking that interested persons submit data, information, and views regarding the discharge of wastes from railroad conveyances. The comment period for submission of these materials ended on August 2, 1977. The agency will use the submitted information in developing its recommendations to the Secretary for his report to the Congress.

A petition was filed with the Food and Drug Administration (FDA) on May 23, 1977 by the Association of American Railroads (AAR). On behalf of its membership, AAR is seeking a postponement of the compliance date for the retrofitting of nonnew railroad conveyances until sometime after the Department of Health, Education, and Welfare's report and recommendations have been submitted to Congress.

In reviewing the facts pertinent to the discharge of wastes from railroad conveyances, the Commissioner finds that (1) new conveyances placed into service from July 1, 1972 to date meet the wastes discharge restrictions; (2) since neither the stay nor the legislative exemption for intercity rail passenger service is applicable to new freight and other similar conveyances, all such new conveyances must meet the requirements; (3) to date, all new equipment placed into service by the National Rail Passenger Association (AMTRAK) meets the wastes regulation requirements; (4) AMTRAK apparently intends to continue meeting these requirements for equipment built under current contracts; (5) the new generation of AMTRAK bi-level equipment currently under production will reportedly provide some measure of control and very basic treatment of wastes; and (6) railroads, through calendar year 1976, have retrofitted most existing freight and other such nonpassenger equipment, as well as some passenger equipment.

The Commissioner is conducting a study of the discharge of wastes from railroads and will submit his findings and recommendations to the Congress by April 19, 1978. During the period of the study an interim compliance period has ended, i.e., achievement of a 70-percent compliance level by December 31, 1976. Further, the final compliance date, 100-percent compliance by December 31, 1977, will have passed before the study's completion.

Considering these factors, the Commissioner has concluded that it is reasonable to stay these compliance completion dates and corresponding compliance levels. Therefore, he is staying the compliance deadline of 100-percent compliance by December 31, 1977 for nonnew conveyances (21 CFR Part 1250.51(b) and (d)) and the interim compliance date of December 31, 1976 and accompanying 70-percent compliance level for nonnew conveyances (21 CFR Part 1250.51(d)).

The Commissioner emphasizes that this stay is temporary. After the report's submission to Congress and the subsequent Congressional direction, FDA will again review the issue of railroad wastes discharge. Further, during the period of this stay, the Commissioner will promptly terminate the stay if it is determined that such action is necessary to protect the public health.

Dated: October 19, 1977.

DONALD KENNEDY,
Commissioner of Food and Drugs.

[FR Doc.77-31472 Filed 10-31-77;8:45 am]

[1505-01]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7508]

PART 1—INCOME TAX: TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Minimum Participation Standards

Correction

In FR Doc. 77-27175 appearing on page 47192 in the issue for Tuesday,

September 20, 1977, the following corrections should be made:

1. On page 47196, in § 1.410(a)-5, in the 3rd column, the last paragraph, 1st sentence should read:

"(d) *Special continuity rule for certain plans.*"

2. On page 47197, at the top of the 1st column, the section heading should read:

"§ 1.1410(a)-6 **Amendment of break in service rules; transitional period.**"

[4510-26]

Title 29—Labor

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

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

MICHIGAN

Approval of Supplements to State Plans

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

ACTION: Final rule.

SUMMARY: This notice approves three supplements to the Michigan occupational safety and health plan. The supplements are: a public employee program which has been in effect since July 1, 1975; a revision to the staffing pattern contained in the plan and notification that the Michigan Departments of Labor and Public Health are in substantial conformity with the revised staffing pattern; and, a comprehensive management information system which is capable of meeting the reporting requirements of the State's plan.

EFFECTIVE DATE: November 1, 1977.

FOR FURTHER INFORMATION CONTACT:

John Domenic Smith, Office of State Programs, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Ave. NW., Washington, D.C. 20210, telephone 202-523-8031.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Part 1953, of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) for review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and Part 1902 of this chapter. On October 3, 1973, a notice was published in the FEDERAL REGISTER (39 FR 27388) of the approval of the Michigan plan and of the adoption of Subpart T of Part 1952 containing the decision. On February 25, 1977, notice of submission of a number of Michigan plan supplements involving developmental changes was published in the FEDERAL REGISTER (42 FR 11024). These supplements are described below.

DESCRIPTION OF SUPPLEMENTS

Public Employee Program. The State has submitted notification that, as of July 1, 1975, all requirements and provisions of the Occupational Safety and Health Act, the State safety and health standards, and Federal occupational safety and health standards adopted by reference are applicable in a uniform manner to both public and private employers and employees in the State, except that the State, in order to effect compliance by a public employer, has the option to seek a writ of mandamus in lieu of proposing civil penalties.

Staffing. The State has submitted revisions to the staffing pattern contained in the State's plan and has indicated that the Michigan Departments of Labor and Public Health are in substantial conformity with the revised staffing pattern.

Management Information System. The State has indicated that the Michigan Department of Labor and Public Health have established a comprehensive management information system which is capable of meeting the reporting requirements of the State plan.

LOCATION OF THE PLAN AND ITS SUPPLEMENTS FOR INSPECTION

A copy of the State's plan and the supplements may be inspected and copied during normal business hours at the following locations: Office of State Programs, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, Room 3263, 230 South Dearborn Street, Chicago, Illinois 60604; Michigan Department of Labor, State Secondary Complex, 7150 Harris Drive, Lansing, Michigan 48926.

PUBLIC PARTICIPATION

The February 25, 1977 notice published in the FEDERAL REGISTER described the supplements allowed 30 days for interested persons to submit written data, views, and arguments concerning whether the supplements should be approved. No public comments concerning these supplements have been received.

DECISION

After careful consideration, the Michigan plan supplements described above are hereby approved under Subpart B of Part 1953 of this chapter. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally. In addition, Subpart T of 29 CFR Part 1952 is hereby amended to reflect these approved plan changes. Accordingly § 1952.264 of Subpart T is hereby amended to reflect the completion of developmental steps as follows:

§ 1952.264 **Completed developmental steps.**

* * * * *

(d) In accordance with § 1952.263(g) Michigan's public employee program was implemented with an effective date of July 1, 1975, and approved by the Assistant Secretary on October 17, 1977.

(Secs. 8(g), 18, Pub. L. 91-596, 84 Stat. 1600, 1608 (29 U.S.C. 657(g), 667).)

Signed at Washington, D.C., this 17th day of October 1977.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc.77-31344 Filed 10-31-77;8:45 am]

[4810-40]

Title 31—Money and Finance

CHAPTER II—FISCAL SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

PART 341—REGULATIONS GOVERNING UNITED STATES RETIREMENT PLAN BONDS

Correction

AGENCY: Department of the Treasury.

ACTION: Correction.

SUMMARY: On April 28, 1977, an amendment was published in the FEDERAL REGISTER making certain address changes in the regulations governing United States Retirement Plan Bonds. The purpose of this notice is to correct a reference to one of the sections being amended.

EFFECTIVE DATE: November 1, 1977.

FOR FURTHER INFORMATION CONTACT:

A. E. Martin, Attorney-Adviser, Bureau of the Public Debt, 202-376-0636.

In FR Doc. 77-12184 appearing at page 21611 in the FEDERAL REGISTER of April 28, 1977, the reference to paragraph (b) of section 341.11 should be to paragraph (b) of § 341.10.

Dated: October 28, 1977.

CALVIN NINOMIYA,
Chief Counsel,
Bureau of the Public Debt.

[FR Doc.77-31737 Filed 10-31-77;8:45 am]

[3810-70]

Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

SUBCHAPTER M—MISCELLANEOUS

[DoD Instruction 6015.18]

PART 203—SMOKING IN DOD OCCUPIED BUILDINGS AND FACILITIES

AGENCY: Office of the Secretary of Defense.

ACTION: Issuance of DoD Instruction 6015.18.[1]

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

SUMMARY: This regulatory instruction establishes Department of Defense (DoD) policy for the control of smoking in DoD-occupied buildings and facilities, and outlines procedures to be followed in complying with these requirements.

EFFECTIVE DATE: August 18, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. George M. Siebert, Office of the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics), Washington, D.C. 20301, telephone 202-697-5947.

Accordingly, Part 203 reads as follows:

Sec.
203.1 Purpose.
203.2 Applicability and Scope.
203.3 Background.
203.4 Policy.

AUTHORITY: 5 U.S.C. 301.

§ 203.1 Purpose.

This Instruction establishes Department of Defense (DoD) procedures for control of smoking in DoD occupied buildings and facilities.

§ 203.2 Applicability and Scope.

The provisions of this Part apply to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the Defense Agencies, and the Army-Air Force Exchange Service. This Part applies in all DoD occupied facilities. It does not cancel or supersede other instructions where smoking is controlled because of fire, explosive, or other safety considerations.

§ 203.3 Background.

The Surgeon General of the United States has determined that the smoking of tobacco can constitute a hazard to health. DoD recognizes the right of individuals working or visiting in DoD occupied buildings to an environment reasonably free of contaminants. DoD also recognizes the right of individuals to smoke in such buildings, provided such action does not endanger life or property, cause discomfort or unreasonable annoyance to nonsmokers, or infringe upon their rights.

§ 203.4 Policy.

(a) The smoking of tobacco products within DoD occupied space shall be controlled in accordance with the following guidelines:

(1) *Auditoriums.* Smoking shall not be permitted in auditoriums. Prompt action shall be taken to post appropriate no-smoking signs in these areas. Ash trays should be removed from these areas and receptacles may also be placed just inside the auditorium so that visitors may dispose of cigarettes, etc., when they become aware of the smoking restriction.

(2) *Eating Facilities.* No-smoking areas will be established in eating facilities in DoD occupied buildings wherever practicable. Where appropriate this may be accomplished by agreement between the responsible DoD official and a concessionaire, and then included as a provision in future amendments and new contracts. A no-smoking area should be designated and posted based on an estimate of smoking and nonsmoking patrons served.

(3) *Elevators.* Elevators shall be designated as no-smoking areas.

(4) *Shuttle vehicles.* Smoking shall be prohibited in shuttle vehicles.

(5) *Medical care facilities.* In medical care facilities, smoking shall be restricted to staff lounges, private offices, and specially designated areas. Smoking is permitted in visitor waiting areas only where space and ventilation capacities permit division into smoking and nonsmoking sections.

(6) *Conference and classrooms.* Smoking in conference rooms and classrooms shall be prohibited.

(7) *Work areas.* In establishing and continuing a smoking policy in work areas under their jurisdiction, officials must strive to maintain an equitable balance between the rights of nonsmokers and smokers. Smoking shall be permitted in private offices. In common work spaces shared by smokers and nonsmokers, smoking shall be permitted only if ventilation is adequate to remove smoke from a work area and provide an environment that is healthful. Work space may be planned to accommodate the preferences of each group, provided that (a) efficiency of work units will not be impaired; and (b) additional space or costly alterations will not be required. As a general rule, a minimum ventilation rate of 10 cubic feet of fresh air per minute per person is recommended to remove smoke from a work area and provide a healthful environment.

(8) *Corridors, lobbies, and restrooms.* Except in medical care facilities, there should be no limitation on smoking in corridors, lobbies, and restrooms as persons are not in these areas for long periods of time.

(b) Emphasis should be placed on educational programs to discourage smoking. These programs should focus on high risk personnel such as those with chronic bronchitis, emphysema, asthma, and coronary heart disease and upon special occupational groups such as asbestos workers. Programs should include lectures, films, pamphlets, and posters, and should be updated frequently to utilize the latest available medical research information on smoking and health.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Washington Headquarters Services.

[FR Doc.77-31550 Filed 10-31-77;8:45 am]

[6560-01]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 808-3]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLAN

Florida: Approval of Plan Revision

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This rule specifies limitations on the conditions under which burning may be used to protect citrus and other crops from cold or frost and the types of fuels which may be burned. As a revision to the State Implementation Plan to attain and maintain the National Ambient Air Quality Standards, it was adopted by the Florida Environmental Regulation Commission to provide relief during emergency situations in subfreezing weather.

EFFECTIVE DATE: November 1, 1977.

ADDRESSES: Copies of the information submitted by Florida may be examined by the public during normal business hours at the following locations:

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

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

Florida Department of Environmental Regulation, 2562 Executive Center Circle East, Montgomery Building, Tallahassee, Fla. 32301.

FOR FURTHER INFORMATION CONTACT:

D. Brian Mitchell, Air Programs Branch, Air and Hazardous Materials Division, Environmental Protection Agency, 345 Courtland Street SW., Atlanta, Ga. 30308, 404-881-3286.

SUPPLEMENTARY INFORMATION: On March 4, 1976 (40 FR 4376), the Administrator announced a proposed revision to the Florida implementation plan. This consisted of changes to the regulations dealing with specific limitations and conditions under which burning may be used to protect agricultural operations from cold or frost and the types and quantities of fuels that may be burned, Section 17-5.06. The revision was duly adopted by the Board of the Florida Department of Environmental Regulation on November 19, 1975, consistent with requirements of 40 CFR 51.4, and was submitted for the Agency's approval on January 14, 1976. Copies of the revision were made available for public inspection at the Agency's Region IV Headquarters in Atlanta, Ga., and at the of-

fices of the Florida Department of Environmental Regulation throughout the State. Written comments were solicited from the public, but none were received.

The existing provisions of Section 17-5.06 are left largely unaltered except that the prohibition on the burning of clean dry wood is removed. Restrictions and conditions on open burning and outdoor heating devices are added as follows:

Burning for the protection of agricultural crops (including citrus nurseries) other than citrus groves may not begin until the ambient temperature falls to 32° F or below.

Burning for the protection of citrus fruit to be marketed as fresh fruit may not begin until the ambient temperature drops to 29° F or below and can reasonably be expected to remain at or below 28° F for four hours or more. Clean dry wood may be used in this case for open fires as a substitute for approved fuels. Prior to undertaking such burning, the owner or operator must notify the Department of Environmental Regulation.

To prevent unnecessary air pollution and to conserve fuel, the quantity of fuel oil burned is not to exceed certain limits: 35 gallons per acre per hour at 25° F to 28° F; 50 gallons per acre per hour below 25° F; and 75 gallons per acre per hour below 20° F.

Generally, the use of open burning or outdoor heating devices is to be curtailed as permitted by the availability of non-polluting protection methods such as spray irrigation or wind machines.

Special provision is made in the revised regulations for the burning of normally unapproved fuels when an unusually large amount of cold weather causes shortages of approved fuels. The unapproved fuels that may be used under emergency conditions shall not include Bunker C residual oil, tires, rubber materials, asphalt, tar, railroad cross ties, other creosoted materials, or plastics.

A revised control strategy and other ancillary materials were submitted in support of the proposed revision. The Administrator has determined that implementation of Florida's revised regulations will not interfere with the attainment and maintenance of the national ambient air quality standards.

Accordingly, 40 CFR Part 52 is amended as follows:

Subpart K—Florida

In § 52.520, subparagraph (17) is amended by adding paragraph (c) as follows:

§ 52.520 Identification of plan.

* * * * *

(c) * * *

(17) Revised burning rule for cold or frost protection, submitted on January 14, 1976, by the Florida Department of Environmental Regulation.

(Sec. 1110(a), Clean Air Act is amended (42 U.S.C. 1857c-5(a)).)

Dated: October 25, 1977.

DOUGLAS COSTLE,
Administrator.

[FR Doc.77-31604 Filed 10-31-77;8:45 am]

[6560-01]

[FRL 793-4]

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Amendments to General Provisions and Copper Smelter Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule clarifies that excess emissions during periods of startup, shutdown, and malfunction are not considered a violation of a standard. This rule also clarifies that excess emissions for no more than 1.5 percent of the time during a quarter will not be considered indicative of a potential violation of the new source performance standard for primary copper smelters provided the affected facility and the air pollution control equipment are maintained and operated consistent with good air pollution control practice.

EFFECTIVE DATE: November 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Don R. Goodwin, Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

SUPPLEMENTARY INFORMATION:

BACKGROUND

EPA promulgated standards of performance for primary copper, zinc and lead smelters on January 15, 1976. On March 5, 1976, Kennecott Copper Corporation filed a petition with the United States Court of Appeals for the District of Columbia Circuit requesting that EPA reconsider the standards for copper smelters. EPA proposed to make two clarifying amendments to the standards, and Kennecott agreed to withdraw its court challenge providing these amendments were made. The amendments being made are in response to the following two issues raised in the Kennecott court appeal:

(1) The standards of performance fail to provide for excessive emissions during periods of startup, shutdown, and malfunction.

(2) The standards of performance prescribe averaging times too short to accommodate the normal fluctuations in sulfur dioxide emissions inherent in smelting operations.

EXCESS EMISSIONS DURING STARTUP, SHUTDOWN AND MALFUNCTION

For all sources covered under 40 CFR Part 60, compliance with numerical emission limits must be determined through performance tests. 40 CFR 60.8(c) exempts periods of startup, shutdown, and malfunction from performance tests. By implication this means compliance with numerical emission limits cannot be determined during periods of startup, shutdown, and malfunction. EPA and Kennecott have agreed that for clarification purposes this should be specifically stated in the regulation. Therefore, an amendment to this effect is being made in 40 CFR 60.8(c).

This exemption from compliance with numerical emission limits during startup, shutdown and malfunction, however, does not exempt the owner or operator from compliance with the requirements of 40 CFR 60.11(d) which says: "At all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions."

AVERAGING TIMES

Kennecott alleged that a six-hour averaging time is not long enough to average out periods of excessive emissions of sulfur dioxide which normally occur at smelters equipped with best control technology. According to Kennecott, the six-hour averaging period simply does not mask emission variations caused by normal fluctuations in gas strengths and volumes.

A performance test to determine compliance with the numerical emission limit included in the standard of performance consists of the arithmetic average of three consecutive six-hour emission tests. EPA's analysis of the emission data presented in the background document ("Background Information for New Source Performance Standards: Primary Copper, Zinc, and Lead Smelters," October 1974) supporting the standards of performance for copper smelters indicates that the possibility of a performance test exceeding the standard of performance under normal conditions is extremely low, less than 0.15 percent. This same analysis, however, indicates that the possibility of emissions averaged over a single six-hour period exceeding the numerical emission limit included in the standard of performance during normal operation is about 1.5 percent. To reconcile this situation with the excess emission reporting requirements, which currently require all six-hour periods in excess of the level of the sulfur dioxide standard to be reported as excess emissions, 40 CFR 60.165 is being amended to provide that if emissions exceed the level of the standard for no more than 1.5 percent of the six-hour averaging periods during a quarter, they will not be considered indicative of potential violation of 40 CFR 60.11(d); i.e., indicative of improper maintenance or operation. This exemption applies, however, only if the owner or operator maintains and operates the affected facility and air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions during these periods. This ensures that the control equipment will be operated and emissions will be minimized during this time. Excess emissions during periods of startup, shutdown, and malfunction are not considered part of the 1.5 percent.

MISCELLANEOUS

The Administrator finds that good cause exists for omitting prior notice and public comment on these amendments and for making them immediately effective because they simply clarify the existing regulations and impose no additional substantive requirements.

NOTE.—The EPA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Orders 11821 and 11949, and OMB Circular A–107.

Dated: October 25, 1977.

DOUGLAS M. COSTLE,
Administrator.

Part 60 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 60.8, paragraph (c) is amended to read as follows:

§ 60.8 Performance tests.

* * * * *

(c) Performance tests shall be conducted under such conditions as the Administrator shall specify to the plant operator based on representative performance of the affected facility. The owner or operator shall make available to the Administrator such records as may be necessary to determine the conditions of the performance tests. Operations during periods of startup, shutdown, and malfunction shall not constitute representative conditions for the purpose of a performance test nor shall emissions in excess of the level of the applicable emission limit during periods of startup, shutdown, and malfunction be considered a violation of the applicable emission limit unless otherwise specified in the applicable standard.

* * * * *

2. In § 60.165, paragraph (d)(2) is amended to read as follows:

§ 60.165 Monitoring of operations.

* * * * *

(d) * * *

(2) Sulfur dioxide. All six-hour periods during which the average emissions of sulfur dioxide, as measured by the continuous monitoring system installed under § 60.163, exceed the level of the standard. The Administrator will not consider emissions in excess of the level of the standard for less than or equal to 1.5 percent of the six-hour periods during the quarter as indicative of a potential violation of § 60.11(d) provided the affected facility, including air pollution control equipment, is maintained and operated in a manner consistent with good air pollution control practice for minimizing emissions during these periods. Emissions in excess of the level of the standard during periods of startup, shutdown, and malfunction are not to be included within the 1.5 percent.

(Secs. 111, 114, and 301(a) of the Clean Air Act as amended (42 U.S.C. 1857c–6, 1857c–9, 1857g(a)).)

[FR Doc.77–31506 Filed 10–31–77;8:45 am]

[1505–01]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 73–96]

PART 153—SAFETY RULES FOR SELF-PROPELLED VESSELS CARRYING HAZARDOUS LIQUIDS

Correction

In FR Doc. 77–27790, appearing at page 49016, in the issue for Monday, September 26, 1977, on page 49038, third column, the first line of § 153.372, reading "por pressure exceeds 100 kPa absolute at" should read "A containment system that carries at".

[3510–03]

CHAPTER II—MARITIME ADMINISTRATION, DEPARTMENT OF COMERCE

PART 381—CARGO PREFERENCE—U.S.-FLAG VESSELS

Shipments Related to Federal Grants, Guaranties, Loans, and Advance of Funds Programs

AGENCY: Maritime Administration, Department of Commerce.

ACTION: Final regulations.

SUMMARY: These regulations clarify the scope of provisions in the Cargo Preference Act of 1954, 68 Stat. 832 (46 U.S.C. 1241(b)), commonly known as Pub. L. 664. This Act requires Government agencies to take all necessary and practicable steps to assure the carriage on United States-flag ocean vessels of at least 50 percent of all cargo which these agencies direct or generate through various Federal programs, including grant, guaranty, loan and advance of funds programs which are not subject to the Federal Procurement Regulations (FPR). Responsibility for administering Pub. L. 664 was given to the Secretary of Commerce under authority in the Merchant Marine Act of 1970, Pub. L. 91–469 (46 U.S.C. 1241(b)(2)).

EFFECTIVE DATE: November 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Joseph A. Ryan, Jr., or S. Thomas Romeo, Maritime Administration, Office of Market Development, Washington, D.C. 20230, 202–377–3446.

SUPPLEMENTARY INFORMATION: These regulations are intended to state clearly that the United States vessel carriage requirements of Pub. L. 664 apply to the shipment of all ocean cargo which is directed or generated by United States Government agencies through Federal grant, guaranty, loan, and advance of funds programs. Specifically, these regulations provide guidelines as to acceptable suggested language, stating cargo preference requirements, to be incorporated in grant, guaranty, loan and advance of funds agreements between agencies and the recipients of such assistance, as well as in contracts and subcontracts resulting from such agreements.

Subsequent to the issuance of Part 381, the Maritime Administration began its liaison work with government agencies to secure their compliance with these rules. However, in its dealings with agencies which were administering grants, guaranties, loans and advance of funds programs, many of them commented that the regulations were not responsive to the peculiarities of their programs. As a result of these and other related comments from agencies on Part 381, these regulations were formulated to reflect the intent of Pub. L. 664. Accordingly, Part 381 of Title 46 of the Code of Federal Regulations is amended as follows:

1. A new paragraph (4) is added at the end of § 381.2(b) to read as follows:

§ 381.2 Definitions.

* * * * *

(b) * * *

(4) Procured, contracted for, or otherwise obtained within or outside of the United States with advance of funds, loans or guaranties made by or on behalf of the United States.

2. A new § 381.7 is added to read as follows:

§ 381.7 Federal Grant, Guaranty, Loan and Advance of Funds Agreements.

In order to insure a fair and reasonable participation by privately owned United States-flag commercial vessels in transporting cargoes which are subject to the Cargo Preference Act of 1954 and which are generated by U.S. Government Grant, Guaranty, Loan and/or Advance of Funds Programs, the head of each affected department or agency shall require appropriate clauses to be inserted in those Grant, Guaranty, Loan and/or Advance of Funds Agreements and all third party contracts executed between the borrower/grantee and other parties, where the possibility exists for ocean transportation of items procured, contracted for or otherwise obtained by or on behalf of the grantee, borrower, or any of their contractors or subcontractors. The clauses required by this Part shall provide that at least 50 percent of the freight revenue and tonnage of cargo generated by the U.S. Government Grant, Guaranty, Loan or Advance of Funds be transported on privately owned United States-flag commercial vessels. These clauses shall also require that all parties provide to the Maritime Administration the necessary shipment information as set forth in § 381.3. A copy of the appropriate clauses required by this Part shall be submitted by each affected agency or department to the Secretary, Maritime Administration, for approval no later than 30 days after the effective date of this Part. The following are suggested acceptable clauses with respect to the use of United States-flag vessels to be incorporated in the Grant,

Guaranty, Loan and/or Advance of Funds Agreements as well as contracts and subcontracts resulting therefrom:

(a) *Agreement Clauses.* "Use of United States-flag vessels:

"(1) Pursuant to Pub. L. 664 (46 U.S.C. 1241(b)) at least 50 percent of any equipment, materials or commodities procured, contracted for or otherwise obtained with funds granted, guaranteed, loaned, or advanced by the U.S. Government under this agreement, and which may be transported by ocean vessel, shall be transported on privately owned United States-flag commercial vessels, if available.

"(2) Within 20 days following the date of loading for shipments originating within the United States or within 30 working days following the date of loading for shipments originating outside the United States, a legible copy of a rated, 'on-board' commercial ocean bill-of-lading in English for each shipment of cargo described in paragraph (1) above shall be furnished to both the Contracting Officer (through the prime contractor in the case of subcontractor bills-of-lading) and to the Division of National Cargo, Office of Market Development, Maritime Administration, Washington, D.C. 20230."

(b) *Contractor and Subcontractor Clauses.* "Use of United States-flag vessels: The contractor agrees—

"(1) To utilize privately owned United States-flag commercial vessels to ship at least 50 percent of the gross tonnage (computed separately for dry bulk carriers, dry cargo liners, and tankers) involved, whenever shipping any equipment, material, or commodities pursuant to this contract, to the extent such vessels are available at fair and reasonable rates for United States-flag commercial vessels.

"(2) To furnish within 20 days following the date of loading for shipments originating within the United States or within 30 working days following the date of loading for shipments originating outside the United States, a legible copy of a rated, 'on-board' commercial ocean bill-of-lading in English for each shipment of cargo described in paragraph (1) above to both the Contracting Officer (through the prime contractor in the case of subcontractor bills-of-lading) and to the Division of National Cargo, Office of Market Development, Maritime Administration, Washington, D.C. 20230.

"(3) To insert the substance of the provisions of this clause in all subcontracts issued pursuant to this contract."

AUTHORITY: Secs. 204(b), 212(d), and 901 (b), Merchant Marine Act, 1936, as amended (46 U.S.C. 1114(b), 1122(d), and 1241(b)). Reorganization Plans No. 21 of 1950 (64 Stat. 1273) and No. 7 of 1961 (75 Stat. 840) as amended by Pub. L. 91-469 (84 Stat. 1036) and Department of Commerce Organization Order 10-8 (38 FR 19707, July 23, 1973).

Dated: October 25, 1977.

By Order of the Assistant Secretary for Maritime Affairs, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary, Maritime Administration.

[FR Doc.77-31658 Filed 10-31-77;8:45 am]

[1505-01]

Title 47—Telecommunications

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 17—CONSTRUCTION, MARKING AND LIGHTING OF ANTENNA STRUCTURES

Editorial Amendments Adopting Metric System of Measurements

Correction

In FR Doc. 77-29702 appearing on page 54823 in the issue for Tuesday, October 11, 1977 in the 3rd column, the last full paragraph should read:

§ 17.7 [Amended]

2. In § 17.7(a) change "200 feet" to "60.96 meters (200 feet)."

[7035-01]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. 230 (Sub-No. 4)]

PART 1090—PRACTICES OF FOR-HIRE CARRIERS OF PROPERTY PARTICIPATING IN TRAILER-ON-FLATCAR SERVICE

Investigation To Consider Further Modification of Piggyback Service Regulations

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: This decision eliminates the circuitry limitation requirements for carriers participating in joint intermodal TOFC service which is to be provided in lieu of their authorized line-haul transportation.

EFFECTIVE DATE: December 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Michael Erenberg, Assistant Deputy Director, Section of Operating Rights, Interstate Commerce Commission, Washington, D.C. 20423, 202-275-7292.

SUPPLEMENTARY INFORMATION: By notice and order entered October 12, 1976, the Interstate Commerce Commission instituted a rulemaking proceeding to determine whether there continues to be a need for any circuitry limitations on trailer-on-flatcar (TOFC) service and, if so, what the limitations should be in light of current economic conditions. Previously the Commission had changed the circuitry limitation as it related to motor carriers so as to increase permissible circuitry reduction from 15 to 20 percent. In this proceeding the Commission has decided that (1) because the substituted service does not compete in significant direct ways with all-motor service, and (2) since there was no showing that there would be substantial adverse effects on existing motor or water carrier operations, the circuitry provisions at 49 CFR 1090.5 should be abolished and this part of the Code of Federal Regulations should be deleted.

The Commission adopted the environmental findings and environmental impact statement which accompanied the report and order in Operational Circuitry Reduction, TOFC Serv. Rules, 353 I.C.C. 1 (1976), since the decision herein was merely an extension of the former decision.

The above rule change was made under the authority of sections 12(1), 204 (a) (b), and 316(a) of the Interstate Commerce Act (49 U.S.C. 12(1), 304(a)(6), 553, and 559).

Issued at Washington, D.C.

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

Accordingly, Part 1090 of Chapter X of Title 49 of the Code of Federal Regulations is deleted.

The following sections are renumbered as follows:

§ 1090.6 [Renumbered § 1090.5]

Section 1090.6 is renumbered 1090.5—Responsibility for placing and securing trailers.

§ 1090.7 [Renumbered § 1090.6]

Section 1090.7 is renumbered 1090.6—Tariff publication regulations.

§ 1090.8 [Renumbered 1090.7]

Section 1090.8 is renumbered 1090.7—Billing and notification rules.

[FR Doc.77-31610 Filed 10-31-77;8:45 am]

[4710-01]

Title 45—Public Welfare

CHAPTER XIX—NATIONAL COMMISSION ON THE OBSERVANCE OF INTERNATIONAL WOMEN'S YEAR

PART 1901—GENERAL

PART 1905—NATIONAL WOMEN'S CONFERENCE, RULES OF ORDER

AGENCY: National Commission on the Observance of International Women's Year.

ACTION: Final rules.

SUMMARY: The National Commission on the Observance of International Women's Year adopts the rules of order for the conduct of the National Women's Conference and amends certain defini-

tions that apply to the National Women's Conference. The intent of these rules is to provide for the orderly conduct of business at the National Women's Conference in accordance with the authority vested in the Commission to organize and convene the Conference.

EFFECTIVE DATE: These rules and amendments are effective on October 31, 1977.

FOR FURTHER INFORMATION CONTACT:

Linda Colvard Dorian, General Counsel, National Commission on the Observance of International Women's Year, D/IWY, Department of State, Washington, D.C. 20520, telephone 202–632–9002.

SUPPLEMENTARY INFORMATION: On September 23, 1977, the Commission published proposed rules of order for the National Conference (42 FR 48355) and requested that comments on the proposal be submitted to the Rules Committee. All comments submitted have been reviewed and the Commission has adopted the rules as originally proposed with the following changes.

The Commission has amended § 1905.4 to state that there will be no secret ballots or roll call votes based on the reality that permitting roll call votes or secret ballots would not permit the business of the Conference to be conducted in the amount of time available.

In finalizing these rules, the Commission has considered Robert's Rules of Order as well as deliberative assemblies such as the United States Senate and House of Representatives, depending on the size, nature and function of the body.

In addition, § 1905.7 has been amended to clarify that the Commission will establish the order of business and the proposed § 1905.11(c) has been deleted and § 1905.15 has been amended to read consistently with § 1905.7.

Section 1905.10(d) has been amended to permit the limitation of debate by a majority vote as is provided by the House of Representatives. Section 1905.10(e) has been added to clarify the Chair's right to call an executive session when necessary to insure the orderly conduct of the Conference.

The word "appeal" in § 1905.4 has been changed to "overrule" to clarify that the procedure intended is that which normally prevails.

Some comments were received suggesting alternative quorum requirements. Credential Committee operations, procedures for approving minutes and appointing parliamentarians but the Commission has reviewed them and found no need to change the proposed rules in these respects. Other comments received referred to registration, credentialling or other administrative details not properly addressed by these rules.

Accordingly, 45 CFR 1901 and 1905 are adopted in final form as set forth below.

Sec.
1901.1 Definitions of terms used in this chapter.
1901.2 Words importing gender.

AUTHORITY: E.O. 11832, 3 CFR 106, 40 FR 2415, January 13, 1975; Pub. L. 94–167, 89 Stat. 1003, December 23, 1975.

§ 1901.1 Definitions of terms used in this chapter.

(a) "Commission" means the National Commission on the Observance of International Women's Year, 1975 established by Executive Order 11832, 3 CFR 106, 40 FR 2415, January 13, 1975; Pub. L. 94–167, 89 Stat. 1003, December 23, 1975.

(b) "Conference" means the National Women's Conference to be organized and convened by the Commission in accordance with Pub. L. 94–167.

(c) "Coordinating Committee" means the Coordinating Committee in each State designated by the Commission to organize and conduct a meeting in the State in preparation for the National Women's Conference.

(d) "State" includes the fifty States and the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands, unless otherwise specified.

(e) "State Meeting" means the meetings organized and conducted in each State by the Coordinating Committee in preparation for the National Women's Conference.

(f) "Act" means Pub. L. 94–167, 89 Stat. 1003, December 23, 1975.

(g) "Conference session," "plenary session," or "session" refers to the meetings which may be held at the following times:

Session I. November 19, morning.
Session II. November 19, afternoon.
Session III. November 19, evening.
Session IV. November 20, afternoon.
Session V. November 21, morning.

§ 1901.2 Words importing gender.

As used in this chapter, unless the context requires a different meaning, words importing the feminine gender include both genders.

Part 1905 is adopted as set forth below.

Subpart A—Call to Conference

Sec.
1905.1 Call to conference.

Subpart B—Voting Delegates and Voting

1905.2 Voting body.
1905.3 No proxy voting.
1905.4 Method of voting.
1905.5 Identification badges.

Subpart C—Registration for Plenary Session

1905.6 Registration.

Subpart D—Conduct of Conference Sessions

1905.7 Order of business.
1905.8 Designated seating.
1905.9 Quorum.
1905.10 Discussion and debate.
1905.11 Making motions.
1905.12 Credentials committee.
1905.13 Timekeepers.
1905.14 Floor tellers.
1905.15 New business.
1905.16 Minutes.
1905.17 Interpretation of rules.
1905.18 Parliamentary authority.
1905.19 Conference officials.
1905.20 Committee of the Conference.

AUTHORITY: E.O. 11832, 40 FR 2415, January 18, 1975, Pub. L. 94–167, 89 Stat. 1003, December 23, 1975.

Subpart A—Call to Conference

§ 1905.1 Call to conference.

The Commission shall determine the time, place and the agenda of the Conference and shall issue official notice thereof to the Chair and to the Recording Secretary of each Coordinating Committee, to all delegates, and to the general public.

Subpart B—Voting Delegates and Voting

§ 1905.2 Voting body.

The voting body of the Conference shall consist of the following voting delegates:

(a) State delegates, certified as having been duly selected in accordance with applicable regulations;

(b) All current and past members of the Commission;

(c) Additional delegates-at-large designated by the Commission deemed necessary and appropriate to fulfill the requirements of Section 3(a) of Public Law 94–167;

(d) Alternate State delegates who have been properly certified in one of the following two ways:

(1) If the Commission receives proper notification by November 1, 1977, that a State delegate is unable to attend, the ranking alternate selected at the State Meeting will be permanently certified by the Commission as a State delegate; or

(2) The chair of the State delegation shall notify the Credentials Committee if she has been informed by a delegate in her State's delegation that such delegate is unable to attend or can no longer continue to participate in one or more sessions. Upon notification by the chair of the State delegation, the Credentials Committee will then certify the appropriate ranking alternate delegate present at the Conference as a delegate for her State for the appropriate session or sessions.

(3) In implementing the aforementioned rules, the following principles shall be controlling:

(i) An alternate has no right to participate as a voting delegate unless properly certified pursuant to paragraph (d) (1) or (2) of this section.

(ii) If a delegate has notified the chair of her State's delegation that she is unable to participate in any session and if she has been replaced by an alternate for that session according to the procedure in this section, she may not return and

be recertified as a voting delegate during any such session.

(iii) There shall be no alternate delegates for current and past members of the Commission and delegates-at-large.

§ 1905.3 No proxy voting.

There shall be no proxy voting. No individual shall have more than one vote.

§ 1905.4 Method of voting.

The regular method of voting shall be by standing vote, except that individuals with physical limitations may vote by raising their hands. A majority vote of those present and voting shall be required in order to overrule any ruling of the chair. There will be no secret ballots or roll call votes.

§ 1905.5 Identification badges.

Voting delegates and alternates shall have photo identification badges.

Subpart C—Registration for Plenary Sessions

§ 1905.6 Registration.

All persons who attend the plenary sessions (including press) must comply with registration requirements, including registering with name, address, identification, and payment of any required fee. Upon compliance with registration requirements each registrant shall be issued an identification badge as voter, special guest, observer, press or staff. Badges shall not be transferable and they must be visible at all meetings. Badges shall not be altered in any fashion.

Subpart D—Conduct of Conference Sessions

§ 1905.7 Order of business.

The Commission shall establish the order of business for the Conference when it issues the Call to the Conference according to § 1905.1. New business may be submitted and adpoted in accordance with § 1905.15.

§ 1905.8 Designated seating.

Separate seating spaces shall be provided and clearly designated as follows: (a) Current and past Commission members; (b) State delegates, seated by State delegation; (c) Delegates-at-Large; (d) Alternate State delegates; (e) Special guests; (f) Official observers; (g) Operational committees and Commission and Conference staff; (h) Duly registered press; and (i) Duly registered observers to the capacity of the meeting room.

Only persons wearing an appropriate badge shall be admitted to the plenary sessions by the Credentials monitors, and only to designated areas and at designated times in accordance with procedures established by the Commission and the Credentials Committee. Only voting delegates, authorized media personnel and authorized Commission and Conference staff shall be admitted to the floor for Conference sessions.

§ 1905.9 Quorum.

One-third of the duly registered voting delegates shall constitute a quorum for the plenary voting sessions.

§ 1905.10 Discussion and debate.

(a) In order to address the Conference, a voting delegate must address the chair, await recognition, give her name and identification and state whether she is speaking in the affirmative or the negative.

(b) Discussion on a motion or agenda topic shall be limited to two minutes for each speaker.

(c) No one may speak a second time on an issue until all others who wish to speak have had an opportunity to do so.

(d) Debate may be limited or terminated by a majority vote of those voting delegates present and voting.

(e) The Chair shall have the authority to call an executive session when she deems it necessary to insure the orderly conduct of the Conference. In the event the Chair exercises this authority, the hall shall be cleared of all observers.

§ 1905.11 Making motions.

(a) Only properly certified voting delegates may speak to issues, making motions or vote. All motions, except on procedural matters, shall be written and signed by the person who makes the motion. The Chair may require such written motion before action is taken.

(b) A majority vote of those voting delegates present and voting shall be required to table, or to postpone indefinitely, or to object to consideration.

§ 1905.12 Credentials committee.

A Credentials Committtee shall be appointed by the Rules Committee. The Credentials Committee shall have authority and responsibility to resolve any questions of registration, voting rights, or admission to the Conference, and to report registrations to the Conference upon request of the Chair. List of State delegates and of delegates-at-large shall be provided to the Chair of the Credentials Committee prior to the opening of Conference registration. Duplications of such lists shall be prepared to facilitate the registration.

(a) No registrant will be permitted to obstruct the view or hearing of any other registrant by any device. Only persons authorized by the Commission shall be permitted to bring any electronic or sonic devices into the Conference. Any person violating these rules may be denied all Conference privileges and removed from the Conference.

(b) Any registrant may be requested at any time by the Credentials Committee to provide additional identification. The Credentials Committee may deny any or all Conference privileges to any registrant who lacks appropriate identification or abuses any Conference privilege or obstructs the orderly conduct of the Conferences.

(c) The Credentials Committee shall appoint sergeants-at-arms and credentials monitors as necessary to assist in the enforcement of the rules of the Conference.

§ 1905.13 Timekeepers.

Timekeepers shall be appointed by the Rules Committee to serve at all sessions. Their duty shall be to indicate to each speaker an appropriate warning before expiration of the time allowed.

§ 1905.14 Floor tellers.

Floor tellers shall be appointed by the Rules Committee to count, tabulate and report standing count votes. The floor tellers shall be assigned to definite sections of the conference floor. A record of the vote shall be entered in the minutes. During a vote count only floor tellers will be permitted to move about. All other persons except voting delegates shall leave the voting area.

§ 1905.15 New business.

Subject matter not embraced within the established order of business, in the judgment of the Chair, may be brought up under the heading of new business at the final session. Any such new business shall be submitted to the Recording Secretary in writing prior to the close of the session before the last plenary session in order that it may be read to the Conference body at the start of the last plenary session. A majority vote of those voting delegates present shall be required to consider such new business.

§ 1905.16 Minutes.

The recording secretary, who shall be appointed by the Rules Committee, shall be responsible for the preparation of the official minutes for all plenary sessions. Tape recording shall be provided for all plenary session discussions to aid in the preparation of accurate minutes by the designated Recorder or Recorders. Minutes shall be approved by the Chair of the Session and by the Presiding Officer of the Commission or her designate.

§ 1905.17 Interpretation of rules.

Any question regarding the interpretation of these rules shall be resolved by the Rules Committee.

§ 1905.18 Parliamentary authority.

(a) The Rules Committee shall appoint the parliamentarians who shall be advisors to the Chair. The rules in Roberts' Rules of Order Newly Revised, shall govern the plenary sessions of the Conference in all cases when not inconsistent with these rules.

(b) The format, agenda, order of business and seating arrangements shall be determined in all cases by the Commission. All discussion groups or other meetings of the Conference shall be governed by Roberts' Rules of Order Newly Revised whenever open debate is scheduled.

§ 1905.19 Conference officials.

At each plenary session there shall be in attendance a Chair, Vice-Chair, Federal officer, appointed pursuant to the requirements of the Federal Advisory Committee Act, the Chair of the Rules Committee or her designee, the Chair of the Credentials Committee or her designee, an official parliamentarian, timekeepers, tellers, a recording secretary

and credentials monitors. The Chair and Vice-Chair for each plenary session shall be appointed by the Commission.

§ 1905.20 Committee of the conference.

Pursuant to Section 3(b)(7) of Public Law 94–167 the Conference shall establish a Committee of the Conference which will take steps to provide for the convening of a second National Women's Conference.

Dated: October 28, 1977.

ELIZABETH ATHANASAKOS,
Co-Chair, Rules Committee, National Commission on the Observance of International Women's Year.

HARRY T. EDWARDS,
Co-Chair, Rules Committee, National Commission on the Observance of International Women's Year.

[FR Doc.77–31746 Filed 10–31–77;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.

[1505–01]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 725]

FLUE-CURED TOBACCO

1978 National Marketing Quotas for Flue-Cured Tobacco

Correction

In FR Doc. 77–30714 appearing at page 56134 in the issue for Friday, October 21, 1977, in the third column, the last line of the first full paragraph, the reference to "(42 FR 62430)" should have read "(42 FR 52430)".

[3410–02]

Agricultural Marketing Service

[7 CFR Part 989]

RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Withdrawal of Proposal

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Withdrawal of proposed rule.

SUMMARY: This action withdraws a proposal that would have included Golden and Dipped Seedless raisins under a weight dockage system. Comments in opposition to this proposal were submitted and accepted. Thus, the dockage system remains applicable only to Natural (sun-dried) Seedless raisins.

EFFECTIVE DATE: November 1, 1977.

SUPPLEMENTARY INFORMATION: Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), a notice of proposed rulemaking was published in the August 19, 1977, issue of the FEDERAL REGISTER (42 FR 41867) regarding a proposed change in § 989.210 of Subpart—Supplementary Regulations (7 CFR 989.201—989.231) to include Golden and Dipped Seedless raisins under a weight dockage system. The proposal was based on a recommendation of the Raisin Administrative Committee, established under the Federal marketing order for California raisins (7 CFR Part 989; 42 FR 37200).

The dockage system permits handlers to acquire as standard raisins Natural (sun-dried) Seedless with an excess of substandard raisins. Since these raisins can be removed from the lots by the handler during normal processing, no extra effort is needed by the handler and the producer saves the time and the cost of reconditioning.

A raisin handler commented that Golden and Dipped Seedless raisins are more difficult to process than sun-dried raisins because they are stickier. He contended that the stickiness of substandard immature raisins makes their removal more difficult during normal processing because they tend to adhere to the sound mature raisins. He also contended that the maturity problems result from dehydrating immature grapes and the maturity problems can be reduced or eliminated by picking the grapes later.

To give the Committee and other interested persons an opportunity to reconsider the proposal in light of this comment, a document published in the FEDERAL REGISTER on October 21, 1977 (42 FR 49097) reopened the period for receipt of written data, views or arguments until October 17, 1977. During this period, the Raisin Administrative Committee submitted a comment supporting the reasoning and position of the raisin handler and recommended that the dockage system not be made applicable to Golden or Dipped Seedless raisins.

Therefore, the proposal to add Golden and Dipped Seedless raisins to the weight dockage system is withdrawn and the proceeding is terminated.

Dated: October 27, 1977.

CHARLES R. BRADER,
Acting Director,
Fruit and Vegetable Division.

[FR Doc.77–31579 Filed 10–31–77;8:45 am]

[6720–01]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

[No. 77–627]

FEDERAL SAVINGS AND LOAN SYSTEM

Proposed Amendments Regarding Electronic Fund Transfers Through Remote Service Units

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rule.

SUMMARY: The Federal Home Loan Bank Board proposes to allow continued operation of remote service units (RSUs) by Federally-chartered savings and loan institutions until March 31, 1978. The Board's present regulations require that all such operations cease on December 31, 1977. The purpose of this extension of time is to allow accountholders to enjoy uninterrupted RSU service while the Board considers proposing new, permanent regulations covering electronic fund transfers. This extension would not permit new applications for RSUs or material alterations of previously approved applications.

DATE: Comments must be received on or before November 16, 1977.

ADDRESS: Send comments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street NW., Washington, D.C. 20552. Comments will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT:

Harry W. Quillian, Associate General Counsel, Federal Home Loan Bank Board, 202–376–3556, at the above address.

SUPPLEMENTARY INFORMATION: The Federal Home Loan Bank Board proposes to amend paragraph (k) of 12 CFR 545.4–2 of the rules and regulations for the Federal Savings and Loan System to extend the expiration date of its experimental remote service unit regulations from December 31, 1977, to March 31, 1978. This extension would permit Board-approved units and projects to continue operating while the Board considers the proposal of permanent regulations in this area. The Board has postponed issuing permanent regulations so that it might benefit from experience gained in conducting a pilot remote service unit program, and from the research and conclusions of the National Commission on Electronic Fund Transfers.

The Board has determined that any new remote service unit regulations it may propose should be further considered in light of comment by any interested persons and therefore should be open to public comment for a reasonable period before final Board action on them. New regulations could not be implemented before the December 31 expiration date of the present temporary § 545.4–2 and still allow time for such comment and analysis thereof. In the meantime, the Board believes that the public would best be served by allowing uninterrupted use of existing remote service units, and therefore proposes a 3-month extension of the present temporary regulation to permit such continued service.

Applications approved under existing § 545.4–2 would be extended to March 31, 1978, without further application. No new applications or material alteration of previously approved applications would be permitted.

Accordingly, the Board hereby proposes to amend paragraph (k) of § 545.4–2 to read as set forth below.

§ 545.4–2 **Remote service units (experimental provision).**

* * * * *

(k) *Termination.* This section and any approval granted under this section shall automatically terminate at the close of March 31, 1978.

(Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); sec. 2, Pub. L. 93–100, 87 Stat. 342; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943–48 Comp., 1071.)

By the Federal Home Loan Bank Board.

J. J. FINN,
Secretary.

[FR Doc.77–31585 Filed 10–31–77;8:45 am]

[6320–01]

CIVIL AERONAUTICS BOARD

[14 CFR Part 302]

[PDR–47; Docket No. 31552; Dated October 20, 1977]

RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Proposed Rulemaking

AGENCY: Civil Aeronautics Board.

ACTION: Proposed rule.

SUMMARY: This notice proposes a new rule concerning application for new or modified certificated route authority. The rule would require all such applications to be accompanied by a motion for hearing which contains certain economic and operational data. The rule would also specify the persons to be served, extend the time to answer to 30 days after service, and require the filing of the specific operational and economic data with petitions to consolidate which seek to enlarge or expand the route authority in question. This rule was proposed at the Board's initiative.

DATE: Comments by December 1, 1977.

ADDRESSES: Comments should be sent to Docket 31552, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. Docket comments may be examined at the Docket Section, Civil Aeronautics Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT:

James Saltsman, Deputy Director, Bureau of Operating Rights, Civil Aeronautics Board, Washington, D.C. 20428, 202–673–5315.

SUPPLEMENTARY INFORMATION: Under the current rules, an air carrier applies for new or modified certificated route authority by submitting a simple application alleging the truth of certain jurisdictional facts under the statute. The carrier that wants its application to be seriously considered subsequently files a motion for hearing setting forth economic and operational data which the carrier wants the Board to notice officially and rely upon. Thus, an air carrier may file applications for route authority which it has no serious intention of pursuing and never file the motion for hearing containing the information necessary to evaluate it. The separate filing of the application and the motion also results in extra paperwork and the creation of extra dockets. Therefore, to prevent air carriers from filing applications for route authority that they do not intend to pursue actively, we are proposing a new section to Part 302, which would require motions for hearing to be filed simultaneously with applications for route authority.

On the whole, the new rule represents a procedural rather than a substantive change, and we have for this reason included it in Subpart I of Part 302. It does not require an air carrier to file any information different from what is now filed. The motion for hearing would have to contain the same information as is now required by § 302.18(a–2). The section would merely require that it be filed simultaneously with the route application. We have combined what is now § 302.18(a–2) with the proposed rule to emphasize that the application and motion must be filed concurrently.

Some other procedural changes are necessary to effectuate the new rule and to allow the carriers an adequate opportunity to respond to the filings. Thus, the time to interpose an answer has been extended from 7 to 30 days from the date of filing of the application and motion, excluding Saturdays, Sundays, and holidays.[1] This allows carriers to analyze the data more thoroughly and to file better answers to the application. Also, by extending the time to answer, we are extending the time to prepare applications for consolidation.

The proposed rule contains a subsection delineating persons presumed to have an interest upon whom service of the application and motion should be made. There is no such section now, and as a result there is some confusion about which persons must be served with applications and/or motions. By this new provision we hope to remove ambiguity, and to prevent interested persons not being notified. This subsection incorporates the service list of § 302.403 (service of applications in exemption proceedings) and requires service upon carriers, including commuters, that already serve or have applied to serve any point involved, the chief executives of the affected states and localities, and the bodies responsible for the management of the affected airports.

Section 302.12, dealing with consolidations of proceedings, is incorporated by reference in proposed § 302.908. This section requires motions to consolidate to be filed no later than the prehearing conference in the proceeding with which consolidation is sought. The time between the last filing and the prehearing conference, coupled with the extended time to answer, provide ample time to prepare such an application. In cases in which the application to be consolidated requests the same route authority as the original application, the statement of economic and operational data need not be filed since those data do not play a part in the Board's decision to set the application for hearing. However, in cases in which the application seeks enlarged or expanded authority or authority closely related to, but not embracing the same markets as, the authority requested in the original application, the economic and operating data must be filed.

Since the proposed rule is procedural, we have included a provision making the rules of general applicability contained in Subpart A of Part 302 applicable to the proposed rule, unless the rule provides otherwise. The proposed rule also specifies that applications will be set for hearing in accordance with § 399.60 standards for determining priority of hearing.

Accordingly, the Board hereby amends Part 302 of its rules of practice in Economic Proceedings (14 CFR Part 302) as follows:

PROPOSED RULE

1. The table of contents of Part 302 would be amended by adding a reference to new § 302.908. applications for new or modified certificated route authority as follows:

Sec.

* * * * *

Subpart I—Rules Applicable to Route Proceedings Under Sections 401 and 402 of the Act

* * * * *

APPLICATIONS FOR ROUTE AUTHORITY

302.908 Applications for new or modified certificated route authority.
302.909 Renewal of fixed-term route authorizations granted by exemption.

* * * * *

2. Add a new § 302.908 as follows:

§ 302.908 Applications for new or modified certificated route authority.

(a) An application for new or modified certificated route authority shall be accompanied by either a motion for hearing on it or a motion to consolidate.

(b)(1) A motion for hearing on an application for new or modified certificated route authority shall include a statement of economic data or other matters which the movant desires the Board to notice officially, and affidavits establishing such other facts as it wants the Board to rely upon. Motions of air carriers for hearing shall contain at least the following economic and operating data on an annual basis:

(i) Present and proposed schedules by type of aircraft;

(ii) Number of departures, plane-miles, passengers, and passenger-miles;

(iii) Estimate of self-diversion or diversion from other carriers, if applicable;

(iv) Anticipated operating revenues; and

[1] In practice we have received extension requests which in most cases have been granted. By extending the time to answer, we are omitting the administrative steps of filing and granting extensions.

(v) Estimate of impact of proposal on operating expenses, which, in the case of local service carriers, should be computed in accordance with Subpart K of this part.

In addition, for local service carriers, the following:

(vi) Estimate of allowance for return on investment and taxes, computed according to Subpart K of this part; and

(vii) Increase or decrease in subsidy requirements.

(2) The Motion shall contain the names of the parties served and a notice to such parties that they may, within 30 days of the date the motion is served (excluding Saturdays, Sundays, and holidays) file and serve an answer in support or in opposition.

(c) Service of application: (1) A copy of an application and the accompanying motion for hearing or motion for consolidation shall be served on the following parties, who shall be presumed to have an interest in the subject matter of the application:

(i) Any air carrier which is authorized to render regular service to any point involved in the application;

(ii) Any person whose application for a certificate of public convenience and necessity, or for an exemption, authorizing regular service to or from any such point has been filed with the Board and has not been finally disposed of by it;

(iii) The chief executive of any State, territory, or possession of the United States in which any such point is located: *Provided, however,* That if there be a State commission or agency having jurisdiction over transportation by air, service shall be made on that commission or agency, rather than the chief executive of the State;

(iv) The chief executive of the city, town, or other unit of local government at any such point located in the United States or any territory or possession thereof;

(v) The Board, commission, manager, or other body or individual having direct supervision over and responsibility for the management of the airport located in the United States which is being used to serve such point at the time the application is filed; and

(vi) Any commuter air carrier operating under Part 298 of this chapter or other exemption authority which provides at least five round trips per week between two or more points, one of which is involved in such application, and which publishes schedules in the "Official Airline Guide" or in the "Air Cargo Guide" which include service to the point involved in the application.

(2) Additional service of notice. The Board may, in its discretion, order additional service made on such person or persons as the facts of the situation warrant.

(d) Consolidation of proceedings: The consolidation of applications for route authority shall be in conformity with § 302.12.

(1) If the application to be consolidated is for the same route authority as requested in the original application, no statement of economic and operating data need be filed;

(2) If the application to be consolidated is for enlarged or expanded authority or authority which is closely related to, but not exactly the same as, the authority requested in the original application, the motion to consolidate shall include a statement of economic and operating data for the expanded authority as required by paragraph (b)(1) of this section.

(e) Except as otherwise provided here, the provisions of Subpart A of this part are applicable.

(f) Applications shall be set for hearing in accordance with the standards for determining priorities of hearing set forth in § 399.60 of this chapter.

3. Delete and reserve § 302.18(a–2).

§ 302.18 Motions.

(a–1) * * *

(a–2) [Reserved]

* * * * *

(Sec. 401, Federal Aviation Act of 1958, as amended; 72 Stat. 754 as amended by 76 Stat. 143, 82 Stat. 867, 90 Stat. 883 (49 U.S.C. 1371).)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77–31621 Filed 10–31–77;8:45 am]

[6355–01]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1013]

PUBLICATIONS AND PUBLICITY

Proposed Application; Consumer Product Safety Act; Correction

AGENCY: Consumer Product Safety Commission.

ACTION: Correction of notice of proposed rulemaking.

SUMMARY: This document makes corrections to a notice of proposed rulemaking.

EFFECTIVE DATE: November 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Jeanette Wiltse, 202–634–7770.

In FR document 77–29217, appearing at page 54304 in the issue for Wednesday, October 5, 1977, make the following corrections:

Line five of Subpart C, Section 1013.10 (b) which reads: "disclosure under 1013.6, unless that" should read: "disclosure under 1013.7, unless that."

Line five of Subpart C, Section 1013.14 (a) which reads: "C, Section 1013.13 of this part, in which to ap-." should read: "C, Section 1013.12 of this part, in which to ap-."

The cross reference in line five of Subpart D, Section 1013.17 which reads: "(See Section 1013.6(c))" should read: ("See Section 1013.7(c)).

Dated: October 25, 1977.

RICHARD E. RAPPS,
Secretary, Consumer Product Safety Commission.

[FR Doc.77–31504 Filed 10–31–77;8:45 am]

[6355–01]

[16 CFR Parts 1115, 1116]

SUBSTANTIAL PRODUCT HAZARDS

Proposed Requirements, Policies, and Procedures

AGENCY: Consumer Product Safety Commission.

ACTION: Extension of comment period.

SUMMARY: In this document, the Commission extends from October 31 to November 30, 1977, the time during which comments may be submitted on its proposed Requirements, Policies, and Procedures under section 15 of the Consumer Product Safety Act. The Commission is taking this action at the request of several interested persons who are unable to prepare comments by October 31, 1977.

DATE: Comments on the proposed rules should be received by November 30, 1977. The Commission anticipates that the final rules will be effective on the date of final publication in the FEDERAL REGISTER.

ADDRESS: Comments should be sent to: Office of the Secretary, Consumer Product Safety Commission, 1111 18th Street NW., Third Floor, Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT:

Eric L. Stone, Product Defect Correction Division, Compliance and Enforcement, Consumer Product Safety Commission, Washington, D.C. 20207, 301–492–6608.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of September 16, 1977 (42 FR 46720, the Commission published proposed Requirements, Policies, and Procedures under Section 15 of the Consumer Product Safety Act. The Commission solicited comments on these rules for 45 days, until October 31, 1977.

Several interested persons have requested an additional 90 days to comment on the rules, since they will be unable to provide comments within the time originally provided. The Commission has decided to partially grant the request and extend the comment period for 30 days until November 30, 1977, in the interest of obtaining broad public comment on the rules. The Commission believes that the additional 30 days, when taken with the 45-day comment period, provides an ample period of time for the submission of comments while not cre-

ating an unreasonable delay in the promulgation of rules that substantially promote public safety.

Therefore, interested persons may submit written comments on the proposed rules until November 30, 1977. Comments received after that date will be considered if practicable. Comments and any accompanying data or material should be submitted, preferably in five copies, to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Comments may be accompanied by a memorandum or brief in support thereof. Comments and accompanying data may be seen in the Office of the Secretary, 1111 18th Street NW., Third Floor, Washington, D.C. 20207.

Dated: October 26, 1977.

RICHARD E. RAPPS,
Secretary, Consumer Product Safety Commission.

[FR Doc.77-31587 Filed 10-31-77;8:45 am]

[6355-01]

[16 CFR Part 1402]

CB BASE STATION ANTENNAS, TV ANTENNAS, AND SUPPORTING STRUCTURES

Proposed Warning and Instructions Requirements

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed rule.

SUMMARY: The Commission proposes to require manufacturers of (1) Citizens Band (CB) base station antennas, (2) outside television (TV) antennas, and (3) antenna supporting structures to give information to prospective purchasers of these products at the time of original purchase and to the first purchaser of these products for purposes other than resale. The information to be provided consists of instructions on how to avoid the hazard of contacting electric power lines with the antenna or supporting structure while putting it up or taking it down, labels on the antennas and supporting structures warning of this hazard and referring the reader to the instructions, and statements on the packaging or parts container, and at the beginning of the instructions, warning of this hazard and referring the reader to the instructions. Samples of the instructions, labels, and warning statements must also be provided to the Commission.

DATES: The proposed effective date is 90 days after the final regulation is promulgated in the FEDERAL REGISTER. Written comments on this proposal must be submitted to the Commission on or before December 1, 1977.

ADDRESSES: Written comments, preferably in five copies, should be submitted to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207 and should be titled "Communication Antennas."

All materials which the Commission has that are relevant to this proceeding, including any comments that may be received on this proposal, may be seen in, or copies obtained from, the Office of the Secretary, 3rd Floor, 1111 18th Street, NW., Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT:

Carl W. Blechschmidt, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207, 301-492-6557.

A. PRODUCT DEFINITION

The requirements set forth in proposed 16 CFR Part 1402 apply to antennas designed or intended to be used as outdoor CB base station antennas, outdoor TV receiving antennas, and antenna supporting structures over five feet in length that are intended to raise CB and TV antennas to a higher elevation. Part 1402 does not apply to CB antennas intended to be attached to automobiles or to TV antennas attached directly to a television set, commonly referred to as "rabbit ears." The proposed regulations applies to any CB base station or TV antenna or supporting structure and to products designed or intended for those uses even if they are also designed or suitable for other uses. Antenna supporting structures include towers, tripods, and masts. Devices which merely secure the antenna in place are not included within the requirements of this regulation. Moreover, the regulation only applies to those CB and TV antennas and supporting structures that are "consumer products" as that term is defined in section 3(a)(1) of the Consumer Product Safety Act, 15 U.S.C. 2052(a)(1).

B. BACKGROUND

By letter dated September 12, 1976, Mr. Lawrence H. Chapman, of Harvey, Louisiana, petitioned the Commission for a regulation requiring that a label be printed on the package and instruction sheet for all communications antennas sold to the public, warning of the hazard of electric shock associated with the installation and other use of these products; or, if there were no packaging or instruction sheet, that the warning label be attached to the antenna so that it would be clearly legible at the time of delivery of the antenna to the ultimate consumer. Mr. Chapman also identified in his petition specific information he believed should be included in the label and requirements that should be specified for the label's border, heading, and lettering.

The Commission's investigation of injuries and deaths associated with communications antennas disclosed over 160 deaths during 1976 due to electrocution associated with these products. More than 90 deaths were associated with CB antennas and over 29 deaths were associated with TV antennas. In over 40 other cases, the Commission was unable to tell what types of antennas were involved. The vast majority of these deaths occurred when the antenna contacted electric power lines while being put up or taken down. However, no significant injury pattern was found to exist with antennas other than from contact with electric lines. Therefore, the Commission granted Mr. Chapman's petition insofar as it requested the Commission to propose a regulation concerning the hazard of contacting electric power lines with TV or CB base station antennas. Accordingly, the Commission has decided to propose a rule, set forth below, requiring manufacturers to provide labels on the products and provide instructions so that consumers can avoid the hazard of electric shock caused by contact with outdoor electric lines. This rule would be issued under section 27(e) of the Consumer Product Safety Act (15 U.S.C. 2076(e)). The Commission is also presently studying the feasibility of a consumer product safety standard for these antennas that would eliminate or reduce the hazard of electric shock caused by contact with electric lines. The Commission is also planning to conduct an information and education program on hazards associated with these antennas.

C. GROUNDS FOR PROPOSAL

Section 27(e) of the Consumer product Safety Act authorizes the Commission to "by rule require any manufacturer of consumer products to provide to the Commission such performance and technical data related to performance and safety as may be required to carry out the purposes of this Act and to give such notification of such performance and technical data at the time of original purchase to prospective purchasers and to the first purchaser of such product for purposes other than resale, as it determines necessary to carry out the purposes of this Act." As provided in section 2(b) of the Consumer Product Safety Act (15 U.S.C. 2051(b)), one purpose of the Act is "to protect the public against unreasonable risks of injury associated with consumer products."

The Commission has considered the injury data associated with the communications antennas referred to in section B of this preamble and has also considered the cost of requiring (1) labeling of antennas, supporting structures, and packages or parts containers and (2) instructions to accompany antennas and supporting structures. After balancing these various factors, the Commission preliminarily finds that there is an unreasonable risk of injury associated with CB base station and TV antennas and with the supporting structures, as defined in the proposed rule, that are used with these antennas. This unreasonable risk of injury associated with CB base station and TV antennas and supporting structures is due primarily to contact between the antennas or supporting structures and overhead power lines, resulting in injury to, or electrocution of, the person installing or removing the equipment. Until it can be determined whether a consumer product safety

standard for these products can be developed that will reduce or eliminate the hazard of electric shock or electrocution, the Commission believes it is essential that consumers be advised of the hazard and of precautions they can take to avoid it.

Accordingly, the regulation proposed below requires that readily visible warning labels be attached to CB base station antennas, outdoor TV antennas, and antenna supporting structures to warn against the hazard of electrocution in putting up or taking down an antenna or antenna supporting structure. The label would also refer the reader to instructions that would be required to be provided with the products. The label on the supporting structure is necessary because the label on the antenna may be too far away to see when the antenna has been installed, and thus the antenna label would not serve to warn a person who was attempting to remove the antenna.

An exception to the labeling and instructions requirement is provided for antenna supporting structures that consist of unpackaged pipe or tubular nontelescoping mast sections less than 11 feet in length. This exception is provided because, based on the available information, the Commission believes that labeling and instruction requirements for these types of supporting structures would cause a significant percentage price increase in these products. The customary way to distribute these pipe and tubular mast sections is to tie a number of them together with wire and ship them, generally to a distributor who keeps piles of mast sections in stock. These mast sections are relatively inexpensive (the wholesaler's cost is about $2.00 per 10-foot section), and the cost of labeling them individually and providing accompanying instructions would increase the wholesaler's cost up to 25 percent. Methods of providing individual instructions for these mast sections, such as by taping instruction sheets and labels on the outside of the mast or inserting them insde the mast, have been considered, but these methods are believed to be impractical and/or too expensive. In addition to the increased cost to consumers, the price increases that would be caused if these mast sections are not excepted from Part 1402 could encourage users to use other products, such as water pipe, as mast sections. The use of products that are not designed to be used as mast sections could present an even greater risk of injury than mast sections without labels or instructions if the other products are not strong enough to withstand the stresses that the mast sections will receive during installation and use.

Even though instructions and labels are not required to be provided with these excepted mast sections, proposed Part 1402 attempts to insure that the protection afforded by labels and instructions will be extended to such mast sections by requiring that the manufacturers of antennas that can be mounted on these excepted masts include with the antennas a warning label that the consumer can attach to the mast. The requirement that a separate label be supplied with antennas should also result in the warning label being attached by the consumer to other products that are sometimes used as supporting structures, such as water pipe.

In addition to labeling requirements, the regulation would require that instructions containing (1) an explanation of the hazard of contacting electric lines and (2) directions on how to reduce the hazard while putting the product up or taking it down accompany CB base station antennas, outside television antennas, and supporting structures (except unpackaged pipe or nontelescoping mast sections less than eleven feet in length). In addition, warning statements are required to be located (1) at the beginning of any other instructions provided by the manufacturer of the product and (2) on either the packaging or the parts container supplied with the product. The instructions accompanying CB base station and TV antennas must also advise the consumer to affix the warning label to the supporting structure if that structure is not already labeled.

In order to increase the possibility that the labels that remain on antennas and their supporting structures after they are erected will remain visible until the antennas are taken down, the proposed regulation should require that the labels affixed to the products have an average expected life approximating that of the life of the products themselves. However, such a requirement does not appear to be economically feasible at this time. The Commission is advised that a type of vinyl label with a mylar covering that is now available will last for three years. The Commission believes that a requirement for a label that will last at least three years, while not optimal, will be of assistance in reducing the risk of contact with power lines when an antenna is being taken down.

In order to insure that the requirements for labels, warning statements, and instructions are being properly interpreted and followed, § 1402.4(b) requires manufacturers to provide the Commission with samples of all the labels, warning statements, and instructions that will be used to satisfy the requirements of proposed Part 1402. The samples shall be submitted within 30 days after the effective date of proposed Part 1402, or, in the case of a change in the labels, warning statements, or instructions or if a new product is introduced, within 30 days after the change or introduction. It is not intended that separate samples be submitted to the Commission when parts of the instructions are changed which do not relate to the portions of the instructions that are required by this regulation. It is also not intended that this requirement operate as a premarket clearance requirement, although the Commission will give an informal opinion on the acceptability of any label, warning statement, or instruction if requested to do so.

D. Environmental Considerations

Based on its consideration of the potential environmental impact of the proposal set forth below, the Commission concludes that the environment will not be significantly affected and that an environmental impact statement is not necessary.

E. Economic Impact

The Commission estimates that the cost to manufacturers of complying with the proposed regulation would range from $0.10 to $0.20 per product item. A draft economic analysis dated April 21, 1977, is available for inspection or copying in the Office of the Secretary.

F. Effective Date

The Commission proposes that Part 1402 apply to products manufactured, packaged, or sold by the manufacturer 90 days after publication of the final rule in the Federal Register. The Commission believes this period is adequate to allow time for ordering and developing the label and instructions, for introducing them into production, and for bringing manufacturers' inventory into compliance.

G. Conclusion and Proposal

On the basis of the information discussed above, the Commission concludes that a rule, applicable to CB base station and outside TV antennas and antenna supporting structures, that would require (1) labeling and instructions warning against the hazard of electrocution, (2) instructions explaining how to avoid the hazard, and (3) that manufacturers of CB base station and TV outside antennas and antenna supporting structures provide copies of the labels, warning statements, and instructions to the Commission is necessary to help protect the public against the unreasonable risk of injury associated with such products.

Therefore, under provisions of the Consumer Product Safety Act (Sec. 27(e), Pub. L. 92–573, 86 Stat. 1228; 15 U.S.C. 2076(e)), the Commission proposes that Title 16, Chapter II, of the Code of Federal Regulations be amended by adding to Subchapter B a new Part 1402 as follows:

PART 1402—CB BASE STATION ANTENNAS, TV ANTENNAS, AND SUPPORTING STRUCTURES

Sec.

1402.1 Scope.
1402.2 Background.
1402.3 Definitions.
1402.4 Requirements to provide performance and technical data.

Authority: Sec. 2, 27, Pub. L. 92–573, 86 Stat. 1207, 1228 (15 U.S.C. 2051, 2076).

§ 1402.1 Scope.

(a) This Part 1402 establishes requirements for manufacturers (including importers) of Citizens Band (CB) base station antennas, television (TV) antennas, and their supporting structures to notify (1) prospective purchasers of such products at the time of original

purchase and (2) the first purchaser of such products for purposes other than resale of ways to avoid the hazard of electrocution which exists when these products are allowed to come near power lines while the antennas are being put up or taken down. The notification consists of instructions to accompany the products, warning labels on the products, and warning statements on the packaging or parts container. Samples of the instructions, labels, and warning statements must also be provided to the Consumer Product Safety Commission.

(b) This Part 1402 applies to any of the following that are "consumer products" as defined in section 3 of the Consumer Product Safety Act (15 U.S.C. 2052) and that are manufactured, packaged or sold by the manufacturer, or imported after the date that is 90 days after publication of the final rule in the FEDERAL REGISTER.

(1) Antennas designed or intended to be used as outdoor CB base station antennas (referred to in this rule as "CB base station antennas").

(2) Antennas designed or intended to be used as outdoor TV receiving antennas (referred to in this rule as "TV antennas").

(3) Antenna supporting structures, which are elements that are intended to support these types of antennas at a higher elevation. These structures include towers, tripods, and masts. Devices which merely secure the antenna in place are not included.

§ 1402.2 Background.

As a result of numerous electrocutions which have occurred when consumers contacted power lines with CB base station and outside TV antennas while putting these antennas up or taking them down, the Consumer Product Safety Commission has determined that it is necessary to require that warnings and instructions be furnished with these antennas and their supporting structures so that consumers can be made aware of the hazards involved and of safe ways to put up and take down these antennas. The Commission anticipates that this regulation will accomplish the purpose of protecting the public against the unreasonable risk of injury associated with CB base station antennas, outside TV antennas, and supporting structures due to contact with overhead power lines.

§ 1402.3 Definitions.

(a) The definitions in section 3 of the Consumer Product Safety Act (15 U.S.C. 2052 apply to this Part 1402.

(b) "Antenna supporting structures," "CB base station antennas," and "TV antennas" are defined in § 1402.1(b)(1-3).

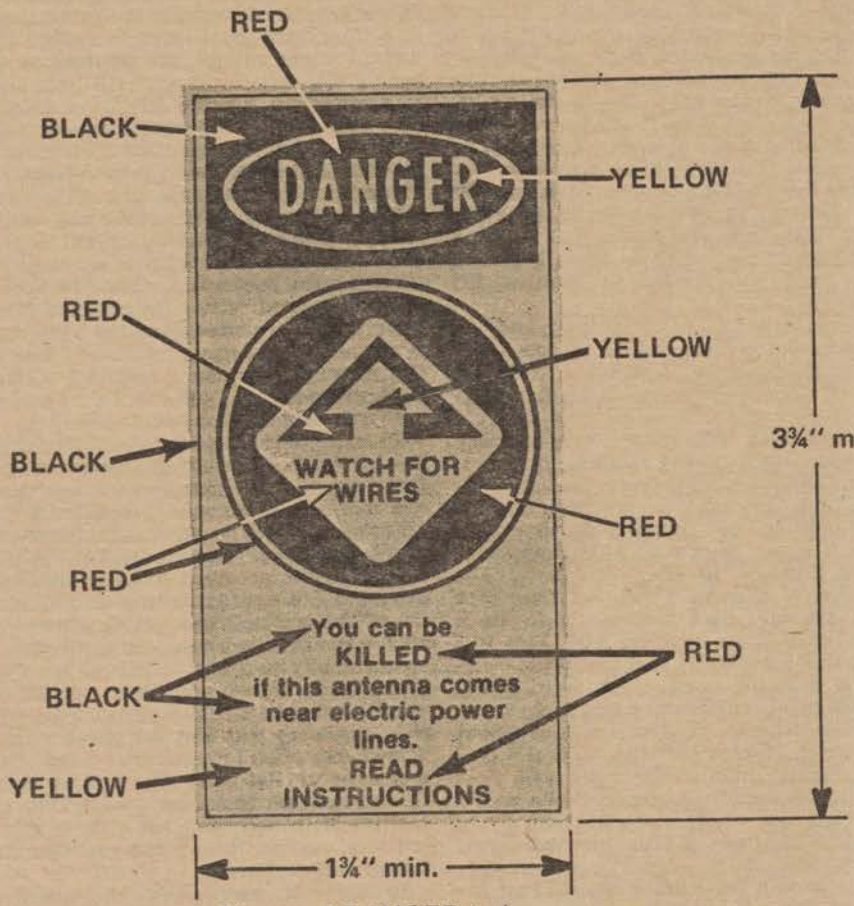
§ 1402.4 Requirements to provide performance and technical data by labeling and instructions.

(a) *Notice to purchasers.* Manufacturers of CB base station antennas, TV antennas, and antenna supporting structures shall give notification of performance and technical data related to performance and safety (1) to prospective purchasers of such products at the time of original purchase and (2) to the first purchaser of such products for purposes other than resale in the manner set forth below.

(1) *Antennas.* CB base station antennas and TV antennas shall be provided with the following:

(i) *Label.* (A) The antenna shall bear the label shown in Fig. 1 so that the label will be conspicuous to the installer during installation.

(B) If pipe or tubular non-telescoping masts are a suitable supporting structure for the antenna, a separate label as shown in Fig. 1 shall accompany the antenna. The label shall be suitable for mounting by the consumer on such a mast.



The word DANGER to be printed in either Helvetica or New Gothic 30 Pt. (Bold) compressed.
WATCH FOR WIRES to be printed in 10 Pt. Helvetica Medium.
The remaining copy to be printed in 10 Pt. Helvetica Medium.

Figure 1

(C) The label of Fig. 1 shall be made and attached in such a manner that it will be legible for an average expected life of at least 3 years.

(D) The word "product" may be substituted for "antenna" in the label of Fig. 1.

(ii) *Instructions.* CB base station antennas and TV antennas shall be accompanied by instructions that include the following:

(A) The following warning statement, placed on the first page of the document(s) containing the instructions and

at the beginning of the body of the instructions: "WARNING: INSTALLATION OF THIS PRODUCT NEAR POWER LINES IS DANGEROUS. FOR YOUR SAFETY, FOLLOW THE INSTALLATION DIRECTIONS". This statement shall be legible and conspicuous and shall be in type at least as large as the largest type used on the remainder of the page, with the exception of the logo and any identification of the manufacturer, brand, model, or similar designations.

(B) The information set forth below, which shall be in a part of the instructions that is conspicuously identified as containing information concerning the risk of electrocution caused by contact with power lines. No particular wording is required for this information, but it shall be in legible English and readily understandable to a user with a sixth grade reading ability (other languages may be included as appropriate).

(*1*) An explanation of the risk of electrocution caused by contacting power lines while putting up or taking down the antenna.

(*2*) An identification of the generally available types and sizes of antenna supporting structures that are suitable for use with the antenna. If a generally available type or size of supporting structure is not identified as suitable, an explanation of why it is not suitable shall be included.

(*3*) If pipe or tubular non-telescoping masts are a suitable supporting structure for the antenna, the instructions shall contain the following in relation to installation of the antenna on such masts:

(*A*) How to select and measure the installation site.

(*B*) An explanation (pictorial where appropriate) of methods that can be used to reduce the possibility of contact with power lines when putting up and taking down the antenna mast.

(*C*) Instructions for properly attaching the separate label that is required to accompany the antenna by paragraph (a)(1)(i)(B) of this section.

(*D*) A statement that if the supporting structure to be used with the antenna does not have a label of the type provided by the manufacturer, the provided label should be attached to the base of the supporting structure by the installer.

(2) *Antenna supporting structures.* (i) *Label.* Antenna supporting structures, except unpackaged pipe or tubular nontelescoping mast sections less than 11 ft. (335 cm.) in length, shall bear the label shown in Fig. 1, which shall be legible for an average expected life of at least 3 years. The label shall be attached so that it is conspicuous during installation and 3 to 5 ft. (91 to 152 cm.) from the base of the supporting structure.

(B) The word "product" may be substituted for "antenna" in the label, as may "tower," "tripod," or the equivalent if it accurately describes the supporting structure.

(ii) *Instructions.* Antenna supporting structures, except unpackaged or tubular non-telescoping mast sections less than 11 ft. (335 cm.) in length, shall be accompanied by instructions that include the following:

(A) The following warning statement, placed on the first page of the document(s) containing the instructions and at the beginning of the body of the instructions: "WARNING: INSTALLATION OF THIS PRODUCT NEAR POWER LINES IS DANGEROUS. FOR YOUR SAFETY, FOLLOW THE INSTALLATION DIRECTIONS." This statement shall be legible and conspicuous and shall be in type at least as large as the largest type used on the remainder of the page, with the exception of the logo and any identification of the manufacturer, brand, model, and similar designations.

(B) The information set forth below, which shall be in a part of the instructions that is conspicuously identified as containing information concerning the risk of electrocution caused by contact with power lines. No particular wording is required for this information, but it shall be in legible English and understandable to a user with a sixth grade reading ability (other languages may be included as appropriate).

(*1*) An explanation of the risk of electrocution caused by contacting power lines while putting up or taking down the supporting structure.

(*2*) How to select and measure the installation site.

(*3*) An explanation (pictorial where appropriate) of methods that can be used to reduce the possibility of contact with power lines when putting up and taking down the supporting structure.

(3) *Packaging.* The following warning statement shall legibly and conspicuously appear on either the packaging or the parts container of any CB base station antenna, TV antenna, or antenna supporting structure: "WARNING: INSTALLATION OF THIS PRODUCT NEAR POWER LINES IS DANGEROUS. FOR YOUR SAFETY, FOLLOW THE ENCLOSED INSTALLATION DIRECTIONS."

(b) *Data provided to the Commission.* Manufacturers of CB base station antennas, TV antennas, and antenna supporting structures shall provide to the Commission samples of all the labels, warning statements, and instructions which will be used to satisfy the requirements of paragraph (a) of this section. These samples shall be provided to the Associate Executive Director for Compliance and Enforcement, Consumer Product Safety Commission, 5401 Westbard Avenue, Bethesda, Md. 20207, within 120 days after the final rule is issued in the FEDERAL REGISTER or, in the event of a subsequent change in the labels, warning statements, or instructions or if a new product is introduced, within 30 days after the change or introduction.

(2) Manufacturers need not submit a separate sample for each model of antenna or supporting structure where different models use the same label and warning statement and where the portion of the instructions required by this Part is the same for the different models (even though the remainder of the instructions may be different for each model). Changes in instructions which do not affect the portions of the instructions required by this Part do not require the submission of additional samples.

Interested persons are invited to submit written data, views, or arguments regarding any aspect of proposed Part 1402 on or before December 1, 1977. Comments submitted after this date will be considered to the extent practicable. The Commission is particularly interested in receiving comment on the economic effect of the proposed rule, including its effect on the availability and utility of products subject to the rule, the appropriateness of the proposed effective date of the rule, and whether a 3-year average useful life for labels required by this rule is an appropriate period of time.

Comments should be accompanied, to the extent possible, by supporting data or documentation. Requests for confidentiality of documentation will be handled in accordance with the Freedom of Information Act as amended (5 U.S.C. 552), the Commission's regulations under that Act (16 CFR Part 1015, issued February 22, 1977, at 42 FR 10490), and the provisions of section 6(a)(2) of the Consumer Product Safety Act (15 U.S.C. 2055, (a)(2)).

Written submissions and any accompanying data or material should be submitted, preferably in five copies, addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Comments may be supported by a memorandum or brief.

Any comments that are received and all other material which the Commission has that is relevant to this proceeding may be seen in, or copies obtained from, the Office of the Secretary, Third Floor, 1111 18th Street NW., Washington, D.C. 20207.

Dated: October 27, 1977.

RICHARD E. RAPPS,
Secretary, Consumer Product Safety Commission.

[FR Doc.77-31589 Filed 10-31-77;8:45 am]

[4110-03]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 207, 607, 807]

[Docket No. 77N-0255]

MEDICAL DEVICES

Device Listing Procedures; Correction

AGENCY: Food and Drug Administration.

ACTION: Correction.

SUMMARY: This document corrects the authority citation of the proposal prescribing procedures for listing medical devices pursuant to section 510 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 360) and setting forth who

must list devices, the times for listing, and how and when devices must be listed.

FOR FURTHER INFORMATION CONTACT:

Thomas V. Kelly, Bureau of Medical Devices (HFK–124), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, Md. 20910, 301–427–7190.

SUPPLEMENTARY INFORMATION: In FR Doc. 77–28575 appearing at page 52808 in the FEDERAL REGISTER of Friday, September 30, 1977, on page 52810 in the right column the second paragraph is corrected to read: "Therefore, under the Federal Food, Drug and Cosmetic Act (secs. 301 (p), and (q)(2), 501, 502, 508, 510, 519, 520(e), 701(a), 52 Stat. 1043 as amended, 1049–1051 as amended, 1055, 76 Stat. 789–790 as amended, 794 as amended, 90 Stat. 564–567 (21 U.S.C. 331 (p) and (q)(2), 351, 352, 358, 360, 360i, 360j(e), 371(a))) and under authority delegated to the Commissioner (21 CFR 5.1), it is proposed that Parts 207, 607, and 807 be amended as follows:"

Dated: October 24, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.77–31486 Filed 10–31–77;8:45 am]

[4710–01]

DEPARTMENT OF STATE

Office of the Secretary

[22 CFR Part 51]

[Docket No. SD–136]

PASSPORTS

Proposed Requirements

AGENCY: Department of State.

ACTION: Proposed rule.

SUMMARY: The Department of State proposes to amend its passport regulations concerning persons who may be included in one passport, the requirements for acceptable passport photographs, and the conditions under which minors may execute passport applications. In order to increase administrative efficiency and institute more economical production methods, the Department proposes to require minors 13 years of age or older to be issued passports in their own names. The Department will no longer permit such children to be included in another person's passport. Effective January 1, 1978, revised size and image specifications will go into effect for passport photographs. These revisions make further changes necessary in the requirements for passport photographs. Joint photographs of the bearer of the passport and included person(s) will no longer be acceptable. An individual photograph of the passport bearer will be required at all times. When more than one person is to be included on the bearer's passport, a group photograph of all those persons to be included will be required.

DATE: Comments must be received on or before November 28, 1977.

ADDRESS: Send comments to the Chief, Legal Division, Passport Office, 1425 K Street NW., Washington, D.C. 20524.

FOR FURTHER INFORMATION CONTACT:

W. B. Wharton, 202–523–4246.

SUPPLEMENTARY INFORMATION: The amendment of passports to reflect the inclusion and exclusion of minor family members is consuming an increasing number of manhours. By requiring that minors over 13 years of age bear passports issued in their own names, the Department will eliminate the need to limit a bearer's passport to the 18th birthday of an included child. This procedure will result in increased administrative efficiency and economy. By amending passport photograph requirements, the Department will be able to introduce changes in the format of the passport which will allow for greater efficiency in the processing of passport applications.

1. Accordingly, it is proposed to amend Part 51, §§ 51.5(a) and 51.25 (a) and (b) of Title 22, Code of Federal Regulations, to read as follows:

§ 51.5 Persons who may be included in one passport.

(a) The following persons may be included in one passport:

(1) The spouse of the bearer;

(2) Children of the bearer under the age of 13 years, including stepchildren and adopted children;

(3) Brothers and sisters of the bearer under the age of 13 years.

* * * * *

§ 51.25 Photographs.

(a) *Photographs of bearer.* The applicant shall submit with his application identical photographs of himself alone taken within 6 months of the application, which are a good likeness and satisfactorily identify the applicant. The photographs shall be signed by the applicant in the same manner and form as the application. No joint photographs of the bearer and included person(s) will be acceptable.

(b) *Photographs of included persons.* An applicant who wishes to include members of his family shall submit two identical photographs showing only the included persons. When more than one person is to be included, group photographs of the included persons are required. Composite photographs are not acceptable. Separate photographs of each individual to be included may not be submitted; only group photographs are acceptable for this purpose. The photographs must be consistent with the photograph requirements in paragraph (a) of this section; however, they need not be signed.

* * * * *

2. In § 51.27 paragraph (b) is amended; paragraph (c) is deleted; and paragraphs (d) and (e) are renumbered as paragraphs (c) and (d).

§ 51.27 Minors.

(a) * * *

(b) *Execution of application by minors.* A minor of age 13 years or above shall execute an application on his own behalf unless in the judgment of the person before whom the application is executed it is not desirable for the minor to execute his own application. In such case it must be executed by a parent or guardian of the minor, or by a person in loco parentis. A parent, guardian or person in loco parentis shall execute the application for minors under the age of 13 years. The passport issuing office may require a minor under the age of 18 years to obtain and submit the written consent of a parent, a legal guardian or a person in loco parentis to the issuance of the passport.

(Sec. 1, 44 Stat. 887, sec. 4, 63 Stat. 111, as amended (22 U.S.C. 211a, 2658), EO 11295, 36 FR 10603; 3 CFR 1966–70 comp., page 507.)

* * * * *

Dated: October 7, 1977.

For the Secretary of State.

ROBERT T. HENNEMEYER,
Acting Assistant Secretary, for Consular Affairs.

[FR Doc.77–31586 Filed 10–31–77;8:45 am]

[4210–01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI–3578]

CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Council Bluffs, Pottawattamie County, Iowa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Planning Department, City Hall, 209 Pearl Street, Council Bluffs, Iowa 51501. Send comments to: The Honorable Daniel E. Lewis, Mayor, City of Council Bluffs, City Hall, 209 Pearl Street, Council Bluffs, Iowa 51501.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll free line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Council Bluffs, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Missouri River	700 ft downstream of confluence of Mosquito Creek.	975
	2,900 ft upstream of confluence of Indian Creek.	976
	U.S. Highways 92 and 275 bridge.	979
	500 ft upstream of Interstate Highway 80 bridge.	981
	At Interstate Highway 480 bridge.	983
	At Illinois Central Gulf RR. bridge.	985
	7,000 ft upstream of Illinois Central RR. bridge.	987
Indian Creek	At confluence with Missouri River.	976
	1,800 ft downstream of U.S. Highway 275 bridge.	976
	At intersection of South 19th St. and 8th Ave.	981
	At intersection of South 11th St. and 15th Ave.	982
	At intersection of North 16th St. and Avenue M.	984
	At Broadway	990
	At intersection of Mynster St. and Main St.	1,008
	At North 2d St.	1,020
Indian Creek	At entrance to conduit, 300 ft upstream of Frank St.	1,029
	At Oak Street Bridge	1,038
	1,100 ft upstream from Hunter Avenue Bridge.	1,041
	At Ivy Dr.	1,044
	600 ft upstream from Orchard Ave.	1,050
	400 ft upstream of Sylvan Dr.	1,055
	At a driveway, 850 ft upstream from Sylvan Dr.	1,061
	At North Broadway	1,065
Mosquito Creek	At confluence with Missouri River.	975
	1,800 ft upstream of the road to Iowa Power and Light Power plant.	975
	200 ft south of intersection of Chicago, Burlington and Quincy RR. and 35th Ave.	975
	800 ft north of Interstate 29 and Burlington and Quincy RR. at corporate limits.	975
	200 ft west from intersection of Norfolk and Western RR. and 29th Ave.	979
	100 ft upstream of Madison Avenue Bridge.	999
	200 ft downstream of College Rd.	1,006
	600 ft upstream of Yellow Pole Rd.	1,021

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: October 4, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-31372 Filed 10-31-77;8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3579]

CITY OF LOUISVILLE, JEFFERSON COUNTY, KY.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Louisville, Jefferson County, Ky. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, Sixth and Jefferson, Louisville, Ky.

Send comments to: Hon. Harvey Sloane, Mayor of Louisville, City Hall, Sixth and Jefferson, Louisville, Ky. 40202.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll free line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Louisville, Jefferson County, Ky., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the

appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ohio River	Downstream corporate limit	447
	McAlpine Dam	449
	Upstream corporate limit.	451
Beargrass Creek and South Fork Beargrass Creek.	Brownsboro Rd.	434
	Upstream Frankfort Ave.	440
	Breckinridge St.	451
	Ellison Ave.	453
	Upstream Trevilian Way.	466
	Watterson Expressway.	471
	Bushford Manor	474
	Green Dr. (extended)	482
	Klondike Lane	498
Middle Fork of Beargrass Creek.	Confluence with south fork Beargrass Creek.	447
	Payne St.	455
	Upstream Grimstead Dr.	458
	Park Bridge No. 8.	460
	Upstream of Park Bridge No. 9.	469
	Seneca Park Bridge No. 1.	471
	Old Cannons Lane	486
	Interstate 64 east entrance.	495
	Corporate limits	500
Weicher Creek	Watterson Expressway.	520
	Browns Lane (downstream).	530
	Woodmont Dr.	536
	Corporate limits	544
Brooklawn tributary.	Brocklawn Bridge	472
	Rose Bowl Bridge	479
	Stratford Ave.	485
	Shannon Dr.	491
Uppermill Creek	Corporate limits	451
	Manslick Rd.	451
Greasy ditch	Downstream corporate limits.	460
	Upstream corporate limits.	461

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: October 4, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77–31373 Filed 10–31–77;8:45 am]

[4210–01]

[24 CFR Part 1917]

[Docket No. FI–3580]

CITY OF LEVASY, JACKSON COUNTY, MO.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Levasy, Jackson County, Mo.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, P.O. Box 6A, Levasy, Mo. 64066. Send comments to: The Honorable Eugene Brown, Mayor, City of Levasy, City Hall, P.O. Box 6A, Levasy, Mo. 64066.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Levasy, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected location are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Missouri River	West corporate boundary.	711
	East corporate boundary.	713
Fire Prairie Creek	Westbound U.S. Route 24 bridge near river mile 1.4.	708
	Route "H"	715
	Westbound U.S. Route 24 bridge near river mile 4.6.	721
	West corporate boundary.	723

(National Flocd Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, Novemer 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: October 4, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77–31374 Filed 10–31–77;8:45 am]

[1505–01]

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Part 30]

EQUAL EMPLOYMENT IN APPRENTICESHIP PROGRAMS

Correction

In FR Doc. 77–28827 appearing at page 52441 in the issue for Friday, September 30, 1977, make the following correction:

In § 30.5, on page 52443, in paragraph (c)(1), the fifth line should be deleted and the following inserted:

"(2) Adopt an affirmative action plan"

[4510–26]

Occupational Safety and Health Administration

[29 CFR Part 1952]

MICHIGAN

Proposed Supplements to State Plan for the Enforcement of State Standards

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

ACTION: Proposed rule.

SUMMARY: This notice requests public comment on supplements to the approved Michigan State plan for occupational safety and health. The supplements are: procedural rules for the State Board of Health and Safety Compliance and Appeals; regulations for inspections, citations, and proposed penalties; pro-

cedures for notifying complainants of the disposition of complaints; procedural rules for the granting of variances from occupational safety and health standards; and rules for recording and reporting occupational injuries and illnesses by employers covered under the Michigan Occupational Safety and Health Act.

DATE: Interested persons must submit their comments by December 1, 1977.

ADDRESS: Comments may be sent to the following address: Director, Federal Compliance and State Programs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N3608, 200 Constitution Avenue NW., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT:

John Domenic Smith, Office of State Programs, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210; telephone: 202-523-8031.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) for the review of changes and progress in State plans which have been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On October 3, 1973, notice was published in the FEDERAL REGISTER (39 FR 27388) of the approval of the Michigan plan and the adoption of Subpart T of Part 1952 containing this decision. On March 5, September 28, November 5, and December 12, 1976, the State of Michigan submitted to the Chicago Regional Office of the Occupational Safety and Health Administration supplements to the plan involving developmental changes. Following Regional review, the supplements were forwarded to the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) for determination as to whether they should be approved. The supplements are described below.

DESCRIPTION OF THE SUPPLEMENTS

Procedural Rules for the Board of Health and Safety Compliance and Appeals: The State has submitted rules of procedures, effective November 23, 1976, governing contested cases before the Board or a hearing officer.

Regulations for Inspections and Investigations, Citations, and Proposed Penalties: The State has submitted regulations, effective November 12, 1976, for the conduct of inspections and investigations, the issuance of citations, and the proposal of penalties. They include provisions for regulating exceptions to the prohibition on advance notice of inspections and investigations.

Notification of the Disposition of Complaints: The State has submitted copies of form letters which have been in use since before September 1976, for the notification of the final disposition of complaints with notice of provisions for informal review.

Procedural Rules for the Granting of Variances: The State has submitted rules of procedure, effective March 1, 1976, for the granting of variances under the Michigan Occupational Safety and Health Act.

Rules for Recording and Reporting Occupational Injuries and Illnesses: The State has submitted rules, effective March 1, 1976, which provide for recording and reporting of occupational injuries and illnesses by employers covered under the Michigan Occupational Safety and Health Act.

LOCATION OF THE STATE'S PLAN AND ITS SUPPLEMENTS FOR INSPECTION

A copy of the State's plan and the supplements may be inspected and copied during normal business hours at the following locations: Directorate of Federal Compliance and State Programs, Occupational Safety and Health Administration, Room N3608, 200 Constitution Avenue NW., Washington, D.C. 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, Room 3263, 230 South Dearborn Street, Chicago, Ill. 60604; Michigan Department of Labor, State Secondary Complex, 7150 Harris Drive, Lansing, Mich. 48926.

PUBLIC PARTICIPATION

Interested persons are hereby given until December 1, 1977, in which to submit written data, views, and arguments concerning whether the supplements should be approved. Such submissions are to be addressed to the Director, Federal Compliance and State Programs, Occupational Safety and Health Administration, Room N3608, 200 Constitution Avenue NW., Washington, D.C. 20210, where they will be available for inspection and copying.

Any interested person may request an informal hearing concerning the proposed supplements by filing particularized written objections with respect thereto within the time allowed for comments with the Director, Federal Compliance and State Programs. If in the opinion of the Assistant Secretary, substantial objections are filed which warrant further public discussion, a formal or informal hearing on the subject and issue involved may be held.

DECISION

The Assistant Secretary shall consider all relevant comments, arguments, and requests submitted in accordance with this notice and shall thereafter issue a decision as to approval or disapproval of the supplements, make appropriate amendments to Subpart T of Part 1952, and initiate further proceedings, if necessary.

Signed at Washington, D.C., this 17th day of October 1977.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc.77-31343 Filed 10-31-77;8:45 am]

[1505-01]

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

[33 CFR Part 208]

USE OF STORAGE ALLOCATED FOR FLOOD CONTROL AND NAVIGATION PURPOSES

Proposed Revision of Regulations

Correction

In FR Doc. 77-28666 appearing on page 53637 in the issue for Monday, October 3, 1977, the Comment closing date, third column, page 53637, now reading "October 31, 1977," should read "November 2, 1977".

[4110-83]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration

[42 CFR Part 121]

"NATIONAL GUIDELINES FOR HEALTH PLANNING"

Public Meeting

AGENCY: Public Health Service, HEW.

ACTION. Notice of public meeting.

SUMMARY: This notice amends a previous notice published in the FEDERAL REGISTER on October 21, 1977 (42 FR 56138), announcing public meetings on the National Guidelines for Health Planning. The schedule of meetings and other information published in the previous notice remains unchanged except that Standards IV, V, and VI on pediatric inpatient and neonatal intensive care will not be discussed on Tuesday, November 8, but at a fifth meeting to be held on Thursday, November 17. The meeting on Tuesday, November 8 will review Standard III only, on obstretical services.

DATE: November 17, 1977.

ADDRESS: The meeting will be held in Room 3065, DHEW South (Switzer) Building, 330 C Street SW., Washington, D.C. beginning at 9:30 a.m. of the indicated day.

FOR FURTHER INFORMATION CONTACT:

Daniel I. Zwick, Associate Administrator, OPEL, HRA, Center Building, Room 10-22, 3700 East-West Highway, Hyattsville, Md. 20782, 301-436-7270.

Dated: October 31, 1977.

JAMES WALSH,
Acting Deputy Administrator, Health Resources Administration.

[FR Doc.77-31760 Filed 10-31-77;8:45 am]

[4310–09]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[43 CFR Part 426]

ACREAGE LIMITATION

Reclamation Rules and Regulations; Additional Public Hearings

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of additional public hearings on proposed rulemaking.

SUMMARY: The Bureau of Reclamation, Department of the Interior, published proposed rules and regulations for acreage limitation in the August 25, 1977, FEDERAL REGISTER (42 FR 43044). Notice of public hearings to receive testimony on the proposed rules and regulations were published in the October 18, 1977, FEDERAL REGISTER (42 FR 55625). Additional public hearings will be held in Klamath Falls, Oreg., on November 8, 1977, and in Riverton, Wyo., on November 14, 1977. Hours for both hearings will be 9 a.m. to 12 noon, 1 p.m. to 5 p.m., and 6:30 p.m. until conclusion, local time. Requests to testify at the Klamath Falls hearing may be made to the Klamath Project Office, and requests to testify at the Riverton hearing may be made to the Upper Missouri Regional Office.

DATES: November 8, 1977, and November 14, 1977.

ADDRESSES: November 8, 1977: Mills Elementary School, East Main and Orchard Avenue, Klamath Falls, Oreg.; Klamath Project Office, P.O. Box R, Klamath Falls, Oreg. 97601; November 14, 1977: Central Wyoming College, Theater-Activities Building, Riverton, Wyo.; Upper Missouri Regional Office, P.O. Box 2553, Billings, Mont. 59103.

FOR FURTHER INFORMATION CONTACT:

Mr. Vernon S. Cooper, Special Projects Officer, Division of Water and Land, Bureau of Reclamation, 202–343–5104.

Dated: October 27, 1977.

DANIEL P. BEARD,
Deputy Assistant Secretary of the Interior.

[FR Doc.77–31666 Filed 10–31–77;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.

[6330-01]

COMMISSION OF FINE ARTS

MEETING

The Commission of Fine Arts will meet in open session on Tuesday, November 22, 1977, at 10 a.m. in the Commission offices at 708 Jackson Place NW., Washington, D.C. 20006, to discuss various projects affecting the appearance of Washington, D.C.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Charles H. Atherton, Secretary, Commission of Fine Art, at the above address.

This notice confirms notice of 11 January, 1977, published at 42 FR 23337.

Dated in Washington, D.C., 26 October, 1977.

CHARLES H. ATHERTON,
Secretary.

[FR Doc.77-31582 Filed 10-31-77;8:45 am]

[3410-07]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation No. A510]

MICHIGAN

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Muskegon County, Mich., as a result of extreme cold weather December 27, 1976, through March 1, 1977.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended, and the provisions of 7 CFR 1904 Subpart C, Exhibit D, Paragraph VB, including the recommendation of Governor William G. Milliken that such designation be made.

Applications for emergency loans must be received by this Department no later than April 17, 1978, for physical losses and October 18, 1978, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 25th day of October 1977.

GORDON CAVANAUGH,
Administrator, Farmers Home Administration.

[FR Doc.77-31552 Filed 10-31-77;8:45 am]

[3410-07]

[Notice of Designation No. A513]

NEBRASKA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in certain Nebraska counties as a result of various adverse weather conditions shown in the following chart:

County:	*Natural Disaster(s) and Date(s)*
Adams	Hail, excessive rainfall, flood, Sept. 11, 1977.
Box Butte	Hailstorm, Aug. 4, 18, 30, 1977.
Buffalo	Hailstorm, Sept. 11, 1977.
Chase	Hailstorm, July 31, 1977.
Clay	Hailstorms, Aug. 3, 1977 and Sept. 11, 1977.
Custer	Hailstorm, July 7, 1977.
Dawson	Hailstorm, July 24, 1977.
Dixon	Hailstorm, Aug. 20, 1977.
Dundy	Hailstorms, May 24, June 13 and 18, Sept. 1, 1977.
	High Winds, Sept. 8, 1977.
	Flooding, Sept. 1, 1977.
Frontier	Hailstorms, May 30, June 4, July 2, July 7, 1977.
	Tornado, June 30, 1977.
Hall	Hailstorm and windstorm, Sept. 11, 1977.
Harlan	Hail and windstorms, June 16, Aug. 8, 25, 1977.
Hayes	Hailstorms, July 7 and 12, 1977.
Hitchcock	Hailstorms, May 20, July 31, Aug. 14, 1977.
Kimball	Hailstorms, June 9, 11, 18 and 21, July 3, 1977.
Lincoln	Hailstorms and heavy rain, May 20, July 11, Aug. 3, 1977.
	Tornado, July 9, 1977.
Morrill	Hailstorms, Aug. 24, 26, 1977.
Platte	Hailstorm and heavy rains, Aug. 20, 1977.
Saunders	Wind and hailstorms, July 16, 17, and 24, 1977.
	Tornado, Aug. 24, 1977.
Scotts Bluff	Hailstorms, Aug. 3 and 8, 1977.
Thayer	Hail and wind, June 12, 1977.
	Hail, wind, and heavy rain, July 28, Aug. 3, 1977.
Thurston	Hail and tornado, June 30, 1977.
	Hail, July 6, Aug. 20, 1977.
	Hail and wind, Aug. 9, 1977.
Valley	Hailstorm, July 7, 1977.
Wayne	Hailstorm, Aug. 20, 1977.
York	Hail and windstorm, June 17, 1977.

Therefore, the Secretary has designated these areas as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended, and the provisions of 7 CFR 1904 Subpart C, Exhibit B, Paragraph VB, including the recommendation of Governor J. James Exon that such designation be made.

Applications for emergency loans must be received by this Department no later than April 17, 1978, for physical losses and October 19, 1978, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 25th day of October 1977.

GORDON CAVANAUGH,
Administrator, Farmers Home Administration.

[FR Doc.77-31553 Filed 10-31-77;8:45 am]

[3410-07]

[Notice of Designation Number A514]

NEW MEXICO

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Rio Arriba County, N. Mex., as a result of severe rain and hailstorm with flooding August 29 and 30, 1977.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended, and the provisions of 7 CFR 1904 Subpart C, Exhibit D, Paragraph V B, including the recommendation of Governor Jerry Apodaca that such designation be made.

Applications for emergency loans must be received by this Department no later than April 17, 1978, for physical losses and October 19, 1978, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 25th day of October 1977.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc.77-31554 Filed 10-31-77;8:45 am]

[3410-07]

[Notice of Designation Number A511]

OHIO

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Ohio Counties as a result of hailstorms accompanied by heavy rains and strong winds August 21, 1977:

Brown Clermont

Therefore, the Secretary has designated these areas as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended, and the provisions of 7 CFR 1904 Subpart C, Exhibit D, Paragragh V B, including the recommendation of Governor James A. Rhodes that such designation be made.

Applications for emergency loans must be received by this Department no later than April 17, 1978, for physical losses and October 18, 1978, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 25th day of October, 1977.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc.77-31555 Filed 10-31-77;8:45 am]

[3410-07]

[Notice of Designation Number A512]

TEXAS

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Texas Counties as a result of severe drought conditions May 15 through September 30, 1977:

Bosque Burleson

Therefore, the Secretary has designated these areas as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended, and the provisions of 7 CFR 1904 Subpart C, Exhibit D, Paragraph V B, including the recommendation of Governor Dolph Briscoe that such designation be made.

Applications for emergency loans must be received by this Department no later than April 17, 1978, for physical losses and October 18, 1978, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 25th day of October, 1977.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc.77-31556 Filed 10-31-77;8:45 am]

[3410-01]

Office of the Secretary

AGRICULTURAL RESEARCH POLICY ADVISORY COMMITTEE

Provisional Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Agricultural Research Policy Advisory Committee (ARPAC) will be held beginning at 2:00 p.m. on Wednesday, November 16, 1977 and continuing through November 17 in Room 3109 South Building, U.S. Department of Agriculture, Washington, D.C. This meeting is contingent upon timely reestablishment of ARPAC and the filing of its charter.

The Committee is jointly sponsored and chaired by the Department of Agriculture and the National Association of State Universities and Land Grant Colleges.

The matters to be considered at this meeting include activities and progress in national and regional planning for agricultural research, general relationships between USDA and university research agencies, activities by other organizations of interest to ARPAC, and future ARPAC plans and actions.

The meeting will be open to the public. Attendance will be limited to the space available. While no oral presentations will be entertained, anyone may file with the Committee, before or after the meeting a written statement concerning the matters to be discussed. Persons who wish to file written statements may submit them to Dr. James Nielson, Deputy Assistant Secretary for Conservation, Research and Education, Office of the Secretary, Room 212-A, USDA, Washington, D.C. Telephone 202-447-7107.

A record of the meeting will be available for public inspection at the above address 60 days after the meeting.

Dated October 27, 1977.

HOWARD W. HJORT,
Director of Economics,
Policy Analysis and Budget.

[FR Doc.77-31602 Filed 10-31-77;8:45 am]

[1505-01]

CIVIL AERONAUTICS BOARD

[Docket 29123; Agreement CAB 26918; Agreement CAB 26919; R-1 and R-2]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreements Adopted by the Traffic Conferences Relating to Passenger Fare and Currency Matters

Correction

In FR Doc. 77-30866, appearing at page 56349, in the issue for Tuesday, October 25, 1977, insert the following in the second line of the docket numbers in the heading, "; Order 77-10-47" immediately after "R-2".

[6320-01]

[Docket No. 31360]

AEROPERU

Prehearing Conference

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on November 22, 1977 at 10:00 a.m. (local time) in Room 1003 Hearing Room C, Universal North Building, 1875 Connecticut Avenue, NW Washington, D.C., before Administrative Law Judge Stephen J. Gross.

Dated at Washington, D.C., October 26, 1977.

HENRY M. SWITKAY,
Acting Chief Administrative Law Judge.

[FR Doc.77-31611 Filed 10-31-77;8:45 am]

[6320-01]

[Docket Nos. 29701, 30986; Order 77-10-102]

AIR-SIAM AIR COMPANY LTD.

Order Regarding Cancellation and Amendment of Foreign Air Carrier Permit

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of August 1977.

By Order 77-6-70, June 14, 1977, the Board directed all interested persons to show cause why the Board should not dismiss Air-Siam Air Company Limited's (Air-Siam) pending application for amendment of its foreign air carrier permit[1] and, subject to the approval of the President, cancel its foreign air carrier permit.[2] The Board tentatively found that Air-Siam's permit should be canceled because the Government of Thailand had advised the United States that it had cancelled Air-Siam's operating license and withdrawn the designation of the carrier. The Board further noted that Air-Siam has no assets or aircraft.

On June 29, 1977, Air-Siam filed an objection to the Board's show-cause order. Air-Siam states that it has a suit pending in Bangkok Civil Court against the Government of Thailand, seeking damages in the amount of $25 million and restoration of its Thailand operating permit, which would include redesignation. Air-Siam asks that the Board hold this matter in abeyance and defer final action until such time as the pending lawsuit has been finally resolved, together with any other relief the Board thinks proper.

Air-Siam did not contest the facts on which the Board relied in making its tentative findings and conclusions nor did it request an evidentiary hearing. No other objections have been filed.

After considering Air-Siam's objections and all the relevant facts, and acting pursuant to sections 204(a) and 402 (f) of the Federal Aviation Act of 1958, as amended, the Board finds and concludes that it is in the public interest to dismiss the pending application for permit amendment and to cancel the foreign air carrier permit of Air-Siam.

Accordingly, it is ordered, That:

1. The tentative findings and conclusions set forth in Order 77-6-70 be made final;

2. The application of Air-Siam Air Company Limited pending in Docket 29701 be dismissed;

3. The foreign air carrier permit issued to Air-Siam Air Company Limited, pursuant to Order 75-1-26, approved by the President on January 4, 1975, be canceled;

4. This order shall become effective upon the date of its approval by the President of the United States; and

5. Copies of this order shall be served upon Air-Siam Air Company Limited and the Ambassador of Thailand.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,[3]
Secretary.

THE WHITE HOUSE
Approved: October 24, 1977.
JIMMY CARTER

[FR Doc.77-31614 Filed 10-31-77;8:45 am]

[6320-01]

[Docket No. 30782]

CALIFORNIA-TORONTO/MONTREAL ROUTE PROCEEDING

Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on November 29, 1977, at 10:00 a.m. (local time), in Room 1003, Hearing Room A, 1875 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge William A. Kane, Jr.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on September 19, 1977, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., October 26, 1977.

WILLIAM A. KANE, Jr.,
Administrative Law Judge.

[FR Doc.77-31612 Filed 10-31-77;8:45 am]

[6320-01]

[Docket No. 27918; Order 77-10-100]

NORTH ATLANTIC FARES INVESTIGATION

Order Granting Motion to Withhold Data From Public Disclosure

Issued under delegated authority October 25, 1977.

TWA's information response data filed on September 22, 1977, in this investigation includes reservations data by fare category (TW-IR-19A and 19B) and February 1977 daily load factor reports (TW-IR-13). TWA contends that the information in such reports consists of proprietary and highly sensitive data that should not be exposed to scrutiny by its competitors. It further argues that such information is similar to service segment data, to which the Board extends confidentiality under Part 241 of the Economic Regulations. Accordingly, TWA requests that this information be withheld from public disclosure.

No answers to the motion have been filed.

Although there may well be other situations in which the Board would not want to protect data of this type, the undersigned finds that in this situation disclosure of the subject information outside the Board's staff could adversely affect the interests of TWA and is not required in the interest of the public. I am particularly persuaded, in taking this action, by the fact that the booking and load factor data accumulated in this proceeding will be viewed in an industry context and, therefore, that a full development of the record should not require the disclosure of any individual carrier's statistics. In this connection, Exhibits TW-IR-19A and 19B and the February 1977 data of Exhibit TW-IR-13 filed in Docket 27918 will be kept in the Hearing Cases Analysis Section and will only be available to the Bureau of Fares and Rates for the preparation of exhibits and other data compilations in this proceeding.

Accordingly, it is ordered, That: The motion filed by Trans World Airlines in Docket 27918 to withhold Information Responses TW-IR-19A and 19B and the February 1977 data of TW-IR-13 from public disclosure is granted.

This order is issued pursuant to the authority delegated in Order 77-8-108. Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may do so within ten days after the date of service of this order.

This order shall become effective and become the action of the Civil Aeronautics Board upon the expiration of the above period.

This order shall be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-31613 Filed 10-31-77;8:45 am]

[6325-01]

CIVIL SERVICE COMMISSION

FEDERAL EMPLOYEES PAY COUNCIL

Meeting

In accordance with the Federal Advisory Committee Act, Public Law 92-463, the President's Pay Agent announces the following meeting:

Name: Federal Employees Pay Council.
Date and Time: 9:00 a.m., November 18, 1977.
Place: U.S. Civil Service Commission, 1900 E Street, NW., Washington, D.C., Room 5A06A.

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[1] Air-Siam's application, dated August 24, 1976, sought to renew its permit authority, and extend that authority to serve Fukuoka, Japan, as an additional intermediate point between Thailand and Honolulu, Hawaii, and the terminal point Los Angeles, California.

[2] Air-Siam's permit was issued pursuant to Order 75-1-26, approved by the President on January 4, 1975, authorizing the foreign air transportation of persons, property and mail between Thailand; the intermediate points Hong Kong; Fukuoka and Tokyo, Japan; and Honolulu, Hawaii, and the terminal point Los Angeles, California. Moreover, the carrier is authorized to operate charter trips pursuant to Part 212 of the Board's Economic Regulations.

[3] All Members concurred except Member Bailey who did not participate.

Type of Meeting: Open.
Contact person: Merlin S. Berry, Committee Management staff for the President's Pay Agent, U.S. Civil Service Commission, 1900 E Street, NW., Washington, D.C., telephone 202-632-5595.
Purpose of Committee: To make recommendations to the President's Pay Agent with respect to the process and procedures leading to, and amounts of, annual comparability adjustments in Federal white-collar pay.
Agenda: Discussions on the 1978 comparability adjustment for the statutory pay systems of the Federal Government, which are defined in section 5301 of title 5, United States Code.

For the President's Pay Agent.

RICHARD H. HALL,
Committee Management Officer for the President's Pay Agent.

[FR Doc.77-31541 Filed 10-31-77;8:45 am]

[6325-01]

DEPARTMENT OF THE INTERIOR

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary, Energy and Minerals (Power Resources and Regulation), Office of the Secretary.

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

[FR Doc.77-31542 Filed 10-31-77;8:45 am]

[6325-01]

DEPARTMENT OF THE INTERIOR

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Assistant to the Secretary, Office of the Secretary.

JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-31543 Filed 10-31-77;8:45 am]

[6325-01]

DEPARTMENT OF THE INTERIOR

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 the Interior to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary—Energy and Minerals (Regulation), Office of the Assistant Secretary—Energy and Minerals, Office of the Secretary.

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

[FR Doc.77-31544 Filed 10-31-77;8:45 am]

[6325-01]

DEPARTMENT OF TRANSPORTATION

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 Transportation to fill by noncareer executive assignment in the excepted service the position of Director, Office of Congressional Relations, Assistant Secretary for Congressional and Intergovernmental Affairs, Office of the Secretary.

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

[FR Doc.77-31545 Filed 10-31-77;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 Special Assistant to the 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.77-31546 Filed 10-31-77;8:45 am]

[3510-25]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

HERKIMER COUNTY BOARD OF COOPERATIVE EDUCATIONAL SERVICES, ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours at the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Subsection 301.8 of the Regulations provides in pertinent part:

> The applicant shall on or before the 20th day following the date of such notice, inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article for the same intended purposes to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Deputy Assistant Secretary in writing prior to the expiration of the 90-day period.
>
> * * * If the applicant fails, within the applicable time periods specified above, to either (a) informs the Deputy Assistant Secretary whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (b) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Deputy Assistant Secretary on the application within the context of Subsection 301.11.

The meaning of the subsection is that should an applicant either fail to notify the Deputy Assistant Secretary of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20-day period, or fails to resubmit a new application within the 90-day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Subsection 301.8 further provides:

> * * * the Deputy Assistant Secretary shall transmit a summary of the prior denial without prejudice to resubmission, to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Deputy Assistant Secretary.

Docket Number: 73-00322-99-61800. Applicant: Herkimer County Board of

Cooperative Educational Services, 132 West German Street, Herkimer, New York 13350. Article: Planetarium Projector, Model MS–8. Date of Denial Without Prejudice To Resubmission: March 23, 1977.

Docket Number: 77–00021. Applicant: Medical University of South Carolina-Dept. of Pharmacology, 80 Barre Street, Charleston, South Carolina 29401. Article: Batch Microcalorimeter, Model 2107–010 and accessories. Date of Denial Without Prejudice To Resubmission: April 11, 1977.

Docket Number: 77–00059. Applicant: Lamont-Doherty Geological Observatory, Columbia University, Palisades, N.Y. 10964. Article: ANAC Tiltmeter System Model 300 (Consisting of two units; the Model 305 Precision Tilt Transducer and the Model 301 Tilt Indicator.) Date of Denial Without Prejudice To Resubmission: June 15, 1977.

Docket Number: 77–00130. Applicant: U.S. Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213. Article: Bore hole Locator, Model BH–10. Date of Denial Without Prejudice To Resubmission: June 15, 1977.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific materials.)

RICHARD M. SEPPA,
Director, Special
Import Programs Division.

[FR Doc.77–31528 Filed 10–31–77;8:45 am]

[3510–25]

MASSACHUSETTS INSTITUTE OF TECHNOLOGY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77–00253. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, Massachusetts 02139. Article: Scanning Electron Microscope, Model HB5 and accessories. Manufacturer: VG Microscopes Ltd., United Kingdom. Intended use of article: The article is intended to be used for investigations of the microstructural properties of a wide variety of metals, metallic alloys, ceramics, earth minerals, and polymers. In particular the composition of small precipitates, compositional variations at heterogeneities, the structure of small particles, and the microstructure of polymers will be investigated. Experiments involving electron image formation to observe the structure of the sample, followed by the monitoring emitted X-rays, electrons that have lost specific energy, or the production of a microdiffraction pattern when the electron probe is stationary are the primary types of experiments planned. In addition, the article will be used for educational purposes in the courses: (i) "Introduction to Electron Microscopy": Techniques of light and electron microscopy. (ii) "Electron Microscopy: Image Interpretation": Theory and practice of interpreting electron images. (iii) "Introduction to Electron Optics and Electron Microscopy": Operation and principles governing electron microscopy. (iv) "Materials Laboratory I": X-ray diffraction, electron microscopy, and light microscopy used for analyzing microstructures of materials. (v) "Special Problems in Materials Science": Short-term research-type projects for undergraduate students.

Comments: No comments have been received wth respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (January 17, 1977).

Reasons: The foreign article provides the specification of a scanning transmission electron microscope (STEM) with a 100 kilovolt field emission gun. The National Bureau of Standards (NBS) advises in its memorandum dated September 28, 1977 that (1) the specification of the article described above is pertinent to the applicant's intended purposes and (2) it knows of no domestically manufactured STEM of equivalent scientific value to the foreign article for the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special
Import Programs Division.

[FR Doc.77–31529 Filed 10–31–77;8:45 am]

[3510–25]

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77–00237. Applicant: National Institute of Environmental Health Sciences, P.O. Box 12233, Research Triangle Park, N.C. 27709. Article: Ultra-High Resolution Electron Impact-Chemical Ionization Mass Spectrometer, Model MM/ZAB2F with Reversed Geometry For Ion Kinetic Energy Analysis and accessories. Manufacturer: VG Micromass, United Kingdom. Intended use of article: The article is intended to be used for the study and application of gas phase ion chemistry to problems in environmental health sciences. The particular phenomena to be studied include gas phase ion-molecule reactions with particular emphasis on developing an understanding of chemical ionization mass spectrometry and studying novel ion-molecule reactions which might have utility for the analysis of materials of interest to environmental health scientists. Typical examples of these materials include chlorinated and brominated aromatic hydrocarbons, polycyclic aromatic hydrocarbons, chlorodibenzo-p-dioxins, plasticizers (such as Di-2-ethyl-hexylphthalate), metabolites, conjugates and transformation products of the above, tissue extracts and so forth. The article will be used to produce electron impact, chemical ionization (using various reagent gases), field ionization, field desorption, mass-analyzed ion kinetic energy and first field free region metastable ion mass spectra from a variety of samples generated by staff environmental health scientists.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides the combined capability of high resolution (70,000), linked metastable scans and rapidly switching from high sensitivity to high resolution in the field desorption mode. The National Bureau of Standards advises in its memorandum dated September 22, 1977 that (1) the features described above for the article are pertinent to the applicant's intended uses and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special
Import Programs Division.

[FR Doc.77–31530 Filed 10–31–77;8:45 am]

[3510–25]

NATIONAL RADIO ASTRONOMY OBSERVATORY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77–00274. Applicant: National Radio Astronomy Observatory, P.O. Box 0), Socorro, New Mexico 87801. Article: 110 (each) Rigid Helix 20 mm waveguides, 52 (each) Flexible sheathed helix 20 mm waveguides 2.0m long, and 38 (each) Waveguide Tapers 20/60 and 50 (each) Coupling Sleeves. Manufacturer: Fujikura Cable Works, Ltd., Japan. Intended use of article: The article is intended to be used as part of the Very Large Array radio telescope to transmit radio wavelength radiation received from extraterrestrial objects to recording apparatus. The study of this radiation enables astronomers to study sources of energy, origin, and evolution of the universe. The waveguide coupling components when used in conjuction with TE 01 mode circular waveguide is the only feasible method of transmission for the bandwidth required.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign articles which are custom-made provide (1) low loss of signal strength over the long transmission paths (21 kilometers) required by the Very Large Array radio telescope under construction by the applicant, (2) transmission of wide signal bandwidths, needed for handling very high data rates, (3) very low signal distortion (VSWR) and (4) leimination of the need for complex electronic amplifiers (repeaters) at 800 meters along the transmission line. The National Bureau of Standards (NBS) advises in its memorandum dated September 27, 1977 that the capabilities of the articles described above are pertinent to the applicant's intended use. NBS also advises that it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign articles for such purposes as the articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77–31531 Filed 10–31–77;8:45 am]

[3510–25]

U.S. MEAT ANIMAL RESEARCH CENTER, ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before November 21, 1977. Amended regulations issued under cited Act, (15 CFR 301) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77–00363. Applicant: U.S. Meat Animal Research Center, Box 166, Clay Center, Nebr 68933. Article: Electron Microscope, Model EM 10A and accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for cytomorphological and cytochemical investigations which will involve detailed studies of the structure, function and biochemistry of cells in the tissues and organs of domestic meat animals. Primary application will be in the areas of reproductive physiology and cell biology with additional application in the areas of muscle biology and cellular nutrition-metabolism. Experiments to be conducted will include the following: (1) The elucidation and visualization of hormone receptors and hormone binding by spermatozoa, embryos, and cells of reproductive organs, (2) The evaluation of the purity of isolated membrane fractions and purified organelles from several types; (3) The study of the processes of synthesis, storage and utilization of glycogen by bovine lipid cells; (4) The identification and localization of membrane structural proteins specific to certain cell types; (5) The identification and quantification of types of muscle fibers; and (6) The ultrastructural characterization of the processes of fertilization, cell division and embryonic development. Application received by Commissioner of Customs: September 21, 1977.

Docket Number: 77–00376. Applicant: Sandia Laboratories, Kirtland A.F.B. East, Albuquerque, N. Mex. 87115. Article: Video Ram Controllers. Manufacturer: Matrox Electronics Systems Ltd., Canada. Intended use of article: The articles are intended to be used to drive dual video monitors for displaying of Alphanumeric data taken from Satellite Systems under test. These units will allow data to be written or plotted on a X-Y graph with 256 x 256 resolution. Application received by Commissioner of Customs: September 21, 1977.

Docket Number: 77–00377. Applicant: United States Energy Research and Development Administration, P.O. Box 550, Richland, Wash. 99352. Article: Electron Mieroscope, Model JEM 100CX, with side entry goniometer and accessories. Manufacturer: Japan Electron Optics Laboratory Ltd., Japan. Intended use of article: The article is intended to be used for studies of the microstructural changes induced by reactor neutron radiation in iron, chrome, and nickel based developmental cladding alloys. Investigations will be conducted to develop radiation resistant alloys for fast reactor fuel cladding and duct application. Application received by Commissioner of Customs: September 21, 1977.

Docket Number: 77–00378. Applicant: Veterans Administration Hospital, 130 West Kingsbridge Road, Bronx, New York 10468. Article: LKB 8800A Ultrotome III Ultramicrotome. Manufacturer: LKB Produkter AM, Sweden. Intended use of article: The article is intended to be used for sectioning animals, cells, tissue cultures, biopsy and autopsy tissues which have been exposed to environmental toxins, to deficiency states of combinations of toxins. Investigations will include ultrastructural studies of tissues and cells of normal and exposed animals and of counter part human specimens. Subcellular changes as in endoplasmic reticulum, mitochondria, nuclear chromatin microtubules and membranes will receive special attention. Particular focus will be upon the fine structure of elastin and collagen in interstitial spaces and after phagocytosis. The article will also be used for teaching post doctoral students, medical students and M.D. fellows the skills of ultrastructure and applied biology. Application received by Commissioner of Customs: September 21, 1977.

Docket Number: 77–00379. Applicant: The George Washington University, Department of Pathology, Ross Hall, 2300 I Street, NW., Washington, D.C. 20037. Article: LKB 8800A Ultrotome III Ultramicrotome and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for cutting sections of plastic embedded biological materials, both animal and fungal. The experiments to be conducted include correlative scanning and transmission electron microscopic analysis of the same block of tissue

(areas of control and traumatized cerebral ventricular system in Rhesus monkey), ultrastructural and E. M. autoradiographic analysis of macrophages under various environmental conditions, ultrastructural analysis of infection of certain organ systems by different pathologic fungi and screening of virus in various systems. The article will also be used in the course "Elective for Pathology Residents in Diagnostic Electron Microscopy" by both graduate and medical students as part of their introduction to the principles and techniques of electron microscopy as well as actual research projects following completion of the course. Another course, "Scanning and Transmission Electron Microscopy" is an intensive introductory course to all aspects of scanning and transmission electron microscopy and emphasizes working experience on a wide range of instruments. Application received by commissioner of customs: September 21, 1977.

Docket Number: 77-00380. Applicant: Cornell University, Materials Science Center, Room 625 Clark Hall, Ithaca, New York 14853. Article: Model ADES Angle Dispersive Photoelectron Spectrometer Chamber. Manufacturer: Vacuum Generators Ltd., United Kingdom. Intended use of article: The article is intended to be used to measure photoelectron spectra during the study of the electron and chemical properties of the surface electron physics of metals. The article will also be used in graduate student research on solid state surface physics to train students in this field. Students will learn to operate the equipment and to interpret results on engineering materials. Application received by Commissioner of Customs: September 21, 1977.

Docket Number: 77-00381. Applicant: Vanderbilt University, Nashville, Tennessee 37232. Article: LKB 8800A Ultrotome III Ultramicrotome and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for the study of biological materials including bacterial, fungal, viral, and tissue culture preparations. Animal tissues and molecular preparations will also be studied. The investigations will include examination of molecular ultrastructure of antibody-antigen complexes, the examination of immune cells attacking parasites (Schistosomes), and examination for morphology variations in the development of viral mutants. An attempt will be made to locate certain fungal antigens and demonstrate some unusual bacterial capsules. The article will also be used in the course Macromolecular and Cellular Ultrastructure in which students will learn both theoretical and practical aspects of electron microscopy to the extent that they are able to understand and use any electron microscope at its maximum level of performance. Application received by commissioner of customs: September 21, 1977.

Docket Number: 77-00382. Applicant: University of California, San Diego, Scripps Institution of Oceanography, Marine Life Research Group, A-022, La Jolla, CA 92093. Article: Deep Ocean Acoustic Command Release System. Manufacturer: Institute of Oceanographic Sciences, United Kingdom. Intended use of article: The article is intended to be used for the study of particulate sediment as an index to chemical and biologic condition of the ocean. The experiments to be conducted with the article involve the deployment of large area sediment collectors in the water column. The overall objective in this research is the characterization of the geochemical and contaminant chemistry of the Southern California Coastal sea and the offshore Pacific Ocean. Application received by Commissioner of Customs: September 21, 1977.

Docket Number: 77-00384. Applicant: U.S. Department of Agriculture, Veterinary Services Laboratories, Animal and Plant Health Inspection Service, P.O. Box 70, Ames, Iowa 50010. Article: Electron Microscope, Model H-500-L and Accessories. Manufacturer: Hitachi Perkin-Elmer, Japan. Intended use of article: The article is intended to be used for the following: (1) Characterization and identification of virus isolates by use of the electron microscope negative staining methods. (2) Blood parasite identification by visualizing subcellular organelles. (3) Toxicology investigation of agents (i.e., paraquot) which produce tissue changes which are not visible grossly or with the light microscope. (4) Macrophage phagocytized mycobacteria visualization which is not possible with present techniques. (5) Narrowed spectrum of diagnostic investigation by identifying possible viral etiologies on routine formalized submissions which may have equivocal histopath results due to specimen handling in transit. (6) Typing of arganisms by observation of organism-antibody complex, where autoagglutination or other problems make typing by other methods difficult or impossible. (7) Ascertainment of bacterial cell wall components and internal structures. (8) Determination of the size, shape and cellular location of bacterial spores. (9) Differentiation of flagella and pili using EM. (10) Determination of phage contamination in bacterial cultures. (11) Immunologic application using EM. Application received by Commissioner of Customs: September 20, 1977.

Docket Number: 77-00385. Applicant: United Cerebral Palsy of New York City, Inc. 122 East 23rd Street, New York, N.Y. 10010. Article: Parts for Swimming Pool Hydraulic Platform. Manufacturer: Anlagenbau fur Wassertechnik, West Germany. Intended use of Article: The article is intended to be used for raising a swimming pool floor to enable multiphysically handicapped students to wheel themselves onto the pool floor and be lowered into the pool for physical therapy. In an investigation of the peculiar medical, physiological and psychological effects on the health and severely disabling sequelae of cerebral palsy. Pool activity is an integral part of a continuing research and staff development program designed to enhance professional understanding and to identify more effective methods for correction and management of the extensive crippling effects of this devastating disease. Application received by Commissioner of Customs: September 22, 1977.

Docket Number: 77-00386. Applicant: Langston University, P.O. Box 967, Langston, Oklahoma 73050. Article: LKB 8800A Ultrotome III Ultramicrotome and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to section biological materials: plant, animal and fungal specimens embedded in hardened epoxy resins. Investigations will include ultrastructural studies on normal as well as pathological plant and animal tissues, developmental studies on prokaryotes and eukaryotes, cyto-and histochemical studies on enzymes in the cell, membrane studies in relation to host-parasite relationships and autoradiography. Application received by Commissioner of Customs: September 28, 1977.

Docket Number: 77-00387. Applicant: Veterans Administration Hospital, Department of Medicine, Rm. 1E408, 3801 Miranda Avenue, Palo Alto, Calif. 94304. Article: LKB 2128-010 Ultrotome IV Ultramicrotome with accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of biological materials e.g., animal tissues, cell cell cultures, cell pellets, lipid-containing materials, and cell fractions. The studies will include examinations of soft tissue such as liver, intestine and several endocrine organs, and also oriented cell monolayers, tissues labeled with heavy metal precipitates, pellets of centrifuged stratified materials such as isolated cell and simulated-cell like materials. Much of the work will have to do with research in carbohydrate and lipid metabolism in combined ultrastructural, biochemical and function studies related to health, aging, and disease states of man and animals. Various post-doctoral fellows, colleagues and visiting scientists will be trained to use the article for their own ultrastructural studied. Application received by Commissioner of Customs: September 23, 1977.

Docket Number: 77-00390. Applicant: Stevens Institute of Technology, Castle Point Station, Materials & Metallurgical Engineering Department, Hoboken, New Jersey 07030. Article: Electron Microscope, Model ELMISKOP 102 including accessories. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used in research project involving electro-deposited nickel, gold and silver, vapor-deposited gold, various polymeric materials and aluminum subjected to plasma bombardment, among others. The phenomena to be investigated are the nucleation and growth of thin epitaxial electro-deposits, pore formation in deposited films, shape and degree of ag-

gregation of polymers and the structural changes due to plasma bombardment. Other phenomena to be studied include surface damage due to grinding, role of bacterial in dental decay and studies of fungi. The article will also be used for training graduate students in the use of the electron microscope and interpretation of the results in the course Mt 244 Electron and Light Microscopic Methods in the Study of Materials. Application received by Commissioner of Customs: September 23, 1977.

Docket Number: 77-00391. Applicant: University of Virginia, Department of Materials Science, Thornton Hall, Charlottsville, Va. 22901. Article: Electron Microscope, Model EM 400 HTG and accessories. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for the microscopic and analytical study of a variety of metals, alloys, inorganic compounds and biological materials. The detailed microstructure, including chemical composition, crystal structure, micro-topography of surfaces and internal microstructure will be studied. Mechanical and chemical properties will be investigated in terms of their relationship to the above characteristics. Experiments will be conducted to determine the relationship between microstructure and function or behavior, both for biological and nonbiological materials. The article will also be used for educational purposes in the courses: MS-703 Electron Microscopy of Crystals, MS-704 X-Ray and Electron Diffraction, and MS-592 Materials Science Laboratory. Application received by Commissioner of Customs: September 26, 1977.

Docket Number: 77-00392. Applicant: Rice University, P.O. Box 1892, Houston, Tex. 77001. Article: Star sensor, rocket borne and Data conversion services for rocket flight. Manufacturer: INIK, Sweden. Intended use of article: The article is intended to be used in studies of the northern lights, the aurora borealis, and related phenomena in the earth's upper atmosphere. Instruments are built to measure the auroral light and the particles that produce it, and these launched on sounding rockets into the aurora. The article will be used to determine the altitude of the rocket in flight with very great precision. In addition, the article will be used to train graduate students to conduct independent scientific research. Application received by Commissioner of Customs: September 28, 1977.

Docket Number: 77-00393. Applicant: Dwight David Eisenhower Army Medical Center, Bldg. 300, Fort Gordon, Ga. 30905. article: JEOL JEM-100CX/SEG Transmission Electron Microscope. Manufacturer: JEOL Ltd., Japan. Intended use of Article: The article is intended to be used for studies of the following materials and/or phenomena: (i) Biopsies taken from clinical and hospital patients for pathological examination. (ii) Invasion of tissues, both clinical and experimental by microorganisms and viruses. (iii) Cellular fractions will be examined to assess techniques and determine fine structure of subsellular particles. (iv) Membranes from experimental systems will be examined to determine molecular structure. A number of investigations will be conducted to determine those agents responsible for selected diseases and improve methods for diagnosis and treatment of these diseases and to determine the role of cellular plasma membranes and their alteration in disease processes. The article will also be used to train pathologists, residents, and technicians in existing techniques and the newly developing techniques in relation to their own work. Application received by Commissioner of Customs: September 27, 1977.

Docket Number: 77-00394. Applicant: National Radio Astronomy Observatory, Associated Univ., Inc., 2010 N. Forbes Blvd., Suite 100, Tucson, Arizona 85705. Article: Repair of Varian Klystron Type VRB2113A30 SN 70443. Manufacturer: Varian Associates of Canada Ltd., Canada. Intended use of article: The article is intended to be used as a phase-locked local oscillator in a millimeter wave radio astronomy receiver used in conjunction with a microwave antenna to measure the intensity, polarization frequency and direction of cosmic radiation. Application received by Commissioner of Customs: September 27, 1977.

Docket Number: 77-00395. Applicant: National Radio Astronomy Observatory Associated Universities, Inc., 2010 N. Forbes Blvd., Suite 100, Tucson, Ariz. 85705. Article: Repair of Klystron VRT-2124B6 SN70032. Manufacturer: Varian Associates of Canada Ltd., Canada. Intended use of article: The article is intended to be used as a phase-locked local oscillator in a millimeter wave radio astronomy receiver used in conjunction with a microwave antenna to measure the intensity, polarization frequency and direction of cosmic radiation. Application received by Commissioner of Customs: September 27, 1977.

Docket Number: 77-00396. Applicant: University of Wisocnsin—Dept. of Electrical & Computer Engineering, 1425 Johnson Drive, Madison, Wis. 53706. Article: Variable-Temperature Cryostat. Manufacturer: Karlsruher Glastechnisches Werk, West Germany. Intended use of article: The article is intended to be used for studies of the electrical and photo-electric properties of single-crystal semiconductor materials including but not restricted to GeS, GeSe, SnS and SnSe in order to understand the electronic properties, energy band structure and impurity states of these materials. In addition, the article will be used for education purposes in the course Electrical and Computer Engineering 305—Laboratory in Semiconductor measurements. Application received by Commissioner of Customs: September 27, 1977.

Docket Number: 77-00397. Applicant: U.S. Environmental Protection Agency, Highway 54 and Alexander Drive, Research Triangle Park, N.C. 27711. Article: Sulfur Dioxide (SO_2) Mass Emission Rate Monitor. Manufacturer: Dominion Industries, Ltd., Canada. Intended use of article: The performance specifications of the article will be evaluated in order to satisfy the requirement that the Environmental Protection Agency provide guidelines on available technology for continuous monitoring of specified pollutant emissions. The sampling system will be evaluated in a laboratory type environment, and then after evaluation at coal and oil fired boilers, will be evaluated at a contact sulfuric acid plant in order to establish applicability of the system for monitoring acid SO_2 emissions. Application received by Commissioner of Customs: September 27, 1977.

Docket Number: 77-00398. Applicant: University of Texas Health Science Center, Department of Cell Biology, L1-224, 5323 Harry Hines Blvd., Dallas, Tex. 75235. Article: LKB 2128-010 UM IV Ultrotome and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for the investigation of the brains of rats, opossums, cats and monkeys. The particular area of the central nervous system to be studied is the basilar pontine gray. Experiments will involve the identification of axon terminals of all the known afferent systems reaching the basilar pontine gray as well as presynaptic elements arising from basilar pontine intrinisc and projection neurons. Application received by Commissioner of Customs: September 29, 1977.

Docket Number: 77-00399. Applicant: Lutheran Medical Center, Department of Pathology, 150 55th Street, Brooklyn, N.Y. 11220. Article: LKB 2128-010/Ultrotome IV Ultramicrotome and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for sectioning various biological materials including a variety of human and animal tissues, principally kidney, liver, lung and tumors. Studies will include enzyme and subcellular organelle distribution changes in cell membrane, and subcellular changes in cells induced by environmental factors. The mineral pulmonary burden in human lungs obtained at autopsy will be determined and related to environmental factors. In selected animal experiments, viral particles will be identified and related to oncogenic developmental factors. In addition, education will be carried out on an individual basis for training staff physicians and technicians in the use of the ultramicrotome, the electron microscope, the general principles of the techniques used and the ultrastructure of cells, tissues and minerals. Application received by Commissioner of Customs: September 29, 1977.

Docket Number: 78-00001. Applicant: Veterans Administration Hospital, 8801 Miranda Avenue, Palo Alto, Calif. 94304. Article: Electron Microscope, Model EM 201, Plate Camera and Accessories. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article is in-

tended to be used for investigation of the ultrastructural and morphological abnormalities produced by various diseases which will include morphologic and enzymatic adaptation of arterial smooth muscle to exercise training, morphological studies in nervous system structures involved in Parkinsonism, and ultrastructural study of radiation-induced cardiovascular disease. The article will also be used in the general training of pathology residents and electron microscopy technicians. The products of the electron microscope will be used extensively in the sequence of General and Special Pathology and Neuropathology and in numerous conferences. All students receive formal lectures and will be trained in service, with supervision in ultrastructure of normal mammalian tissues. Application received by Commissioner of Customs: October 5, 1977.

Docket Number: 78-00002. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, Ill. 60439. Article: Carcinotron, Model C040B (Millimeter Backward Wave Oscillator). Manufacturer: Thomson—CSF, France. Intended use of article: The article is intended to be used in proton polarized target (PPT) facilities which are used to conduct high energy physics (HEP) research on the scattering produced by high energy K's and π etc., on a proton polarized target, i.e. material which has a large fraction of its protons pointing in the same direction. HEP experiments to be conducted will include the measurement of A and R and the scattering amplitudes and phases of weak resonances. Application received by Commisioner of Customs, October 5, 1977.

Docket Number: 78-00003. Applicant: University of California/Los Angeles, School of Engineering and Applied Science, 405 Hilgard Avenue, Los Angeles, Calif. 90024. Article: TEA 600A, CO_2 Laser and Accessories. Manufacturer: Lumonics Research Ltd., Canada. Intended use of article: The article is intended to be used for far-infrared lasers development, a program which consists of using CO_2 lasers to optically pump molecular gases such as Methyl Fluoride, Deuterium Oxide and obtain laser action around .5mm. These far-infrared lasers are to be used for Tokamak plasmas diagnostics. This is part of a line of research in an attempt to find an alternative to oil and other fossil fuels as a source of electrical power. Application received by Commissioner of Customs: October 5, 1977.

Docket Number: 78-00004. Applicant: Research Foundation City University of New York, 505 Park Avenue, New York, N.Y. 10022. Article: Spin-Lock CPS-2 NMR Pulse Spectrometer and Accessories. Manufacturer: Spin-Lock Electronics Co., Canada. Intended use of article: The article is intended to be used for detecting and quantitating the formation of each of the ternary enzyme-metal - PRPP - nitrogeneous substrate complexes using water-proton relaxation rate enhancement techniques. Experiments will be conducted for obtaining binding constants for the formation of the manganese (II)—PRPP complex in addition to the manganese ternary and quaternary enzymic complexes. Application received by Commissioner of Customs: October 5, 1977.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-31527 Filed 10-31-77;8:45 am]

[3510-25]

UNIVERSITY OF CALIFORNIA, LIVERMORE LABORATORY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00221. Applicant: University of California—Lawrence Livermore Laboratory, P.O. Box 808, Livermore, Calif. 94550. Article: Travelling Wave Oscilloscope, Model TSN 660 4GHZ and Accessories. Manufacturer: Thomson CSF, France. Intended use of article: The article is intended to be used to observe electrical signals generated by a picosecond response X-ray diode during fast X-ray emission from a laser irradiated deuterium-tritium filled glass Microballoon.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a bandwidth of 0-4 gigahertz and a 100 picosecond rise time. The National Bureau of Standards advises in its memorandum dated September 23, 1977, that (1) the features of the article described above are pertinent to the applicant's intended use and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended purpose.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-31532 Filed 10-31-77;8:45 am]

[3510-25]

UNIVERSITY OF HAWAII

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number 77-00215. Applicant: University of Hawaii, Chemistry Department, 2545 The Mall, Honolulu, Hawaii 96822. Article: Low Temperature Flash Photolysis Apparatus. Manufacturer: Applied Photophysics, United Kingdom. Intended use of article: The article is intended to be used to detect extremely short-lived excited states of organic compounds. Investigations will be conducted in order to understand the photo-chemical processes of vision pigments and related compounds immediately after their exposure to light. The article will also be used in the course Chemistry 699 Directed Research to conduct research projects leading to a better general understanding of decay processes of electronically excited organic molecules, including those related to the visual process. In addition, the article will be used for informal instruction of researchers.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides capabilities of short pulse duration (less than 4 microseconds) and use at low temperatures (from liquid nitrogen to room temperature). The National Bureau of Standards advises in its memorandum dated September 21, 1977, that (1) the capabilities of the article described above are pertinent to the applicant's intended uses and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus of

equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-31533 Filed 10-31-77;8:45 am]

[3510-03]

Maritime Administration

DETERMINATION OF OPERATING-DIFFERENTIAL SUBSIDY FOR WAGES OF OFFICERS AND CREWS AND SUBSISTENCE OF OFFICERS AND CREWS OF PASSENGER VESSELS

Amendments to the Manual of Procedures

Notice is hereby given that the Assistant Secretary of Commerce for Maritime Affairs and the Maritime Subsidy Board have under consideration a complete revision of PART ONE (Wages of Officers and Crews) and PART TWO (Subsistence of Officers and Crews of Passenger Vessels) of the Manual of General Procedures for Determining Operating-Differential Subsidy for liner vessels.

Copies of the proposed revision of the Manual may be obtained from the Secretary, Maritime Subsidy Board, Maritime Administration, Washington, D.C. 20230. Interested parties are invited to file written comments with the Secretary not later than December 2, 1977.

Dated: October 26, 1977.

By order of the Maritime Subsidy Board and Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.77-31603 Filed 10-31-77;8:45 am]

[3510-12]

National Oceanic and Atmospheric Administration

NEW ENGLAND FISHERY MANAGEMENT COUNCIL

Change in Date of Public Meeting

The meeting of the New England Fishery Management Council scheduled for December 14–15, 1977, at the Holiday Inn, Junction of Routes 1 and 128, Peabody, Mass., as published in the FEDERAL REGISTER, Vol. 42, No. 201, Tuesday, October 18, 1977, has been changed to December 7–8, 1977, at the same location.

Dated: October 25, 1977.

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

[FR Doc.77-31580 Filed 10-31-77;8:45 am]

[3510-25]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

BILATERAL COTTON TEXTILE AGREEMENT WITH INDIA

Further Extension

OCTOBER 28, 1977.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Further extending the Bilateral Cotton Textile Agreement of August 6, 1974, as amended, between the Governments of the United States and India.

SUMMARY: Notes have been exchanged between the Governments of the United States and India further extending the Bilateral Cotton Textile Agreement of August 6, 1974, as amended, and extended, for 1 month, through November 30, 1977. Accordingly, the specific levels of restraint previously established for cotton textiles and cotton textile products under the terms of this agreement are being increased to reflect the extension.

EFFECTIVE DATE: November 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Donald R. Foote, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, 202–377–5423.

SUPPLEMENTARY INFORMATION: On September 30, 1976, there was published in the FEDERAL REGISTER (41 FR 43235) a letter dated September 29, 1976, from the Chairman of the Committee for the Implementation of Textile Agreements, which established the levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products, produced or manufactured in India and exported to the United States during the 12-month period which began on October 1, 1976, and extended through September 30, 1977. On October 3, 1977, a letter dated September 29, 1977, from the Chairman of the Committee for the Implementation of Textile Agreements was published in the FEDERAL REGISTER (42 FR 53653), which increased the previously established levels of restraint pursuant to a 1-month extention of the bilateral agreement, through October 31, 1977. In the letter of October 28, 1977, published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to limit entry into the United States for consumption and withdrawal from warehouse for consumption of the indicated categories and groups of categories, produced or manufactured in India, to the designated 14-month levels of restraint.

ARTHUR GAREL,
Acting Chairman, Committee for the Implementation of Textile Agreements, U.S. Department of Commerce.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS.

COMMISSIONER OF CUSTOMS,
Department of the Treasury, Washington, D.C.

DEAR MR. COMMISSIONER: This directive further amends, but does not cancel, the directive issued to you on September 29, 1976 by the Chairman of the Committee for the Implementation of Textile Agreements, as amended by directive of September 29, 1977, concerning imports into the United States of certain specified categories of cotton textiles and cotton textile products, produced or manufactured in India.

Under the terms of the Arrangement Regarding International Trade in Textiles, done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton Textile Agreement of August 6, 1974, as amended and extended, between the Governments of the United States and India, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed, effective on November 1, 1977, and for the fourteen-month period beginning on October 1, 1976 and extending through November 30, 1977, to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1 through 64 in excess of the levels of restraint listed below. These goods shall be accompanied by an export visa.

Category	*14-month level of restraint* [1]
1–38 and 64	52,372,280 yd² equivalent.
9/10	54,854,893 yd²
18/19	11,548,893 yd²
26 (other than duck).[2]	50,524,244 yd².
28–38 and 64	12,108,523 yd² equivalent.
28/29	9,321,816 units.
31	36,793,928 units of which not more than 22,076,356 units shall be in T.S.U.S.A. 366.-1820, 366.1855, 366.-1865, 366.2120, 366.-2160, 366.2420, and 366.2460.
34/35	1,862,645 units.
39–63	21,854,817 yd² equivalent.

[1] The levels of restraint have not been adjusted to reflect any imports after Sept. 30, 1976.

[2] In category 26 the T.S.U.S.A. numbers for duck fabric are:

320.—01 through 04, 06, 08
321.—01 through 04, 06, 08
322.—01 through 04, 06, 08
326.—01 through 04, 06, 08
327.—01 through 04, 06, 08
328.—01 through 04, 06, 08

Paragraph 2 of the directive of September 29, 1976 is amended by substituting November 30, 1977 for September 30, 1977.

The actions taken with respect to the Government of India and with respect to imports of cotton textiles and cotton textile products from India have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within

the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ARTHUR GAREL,
Acting Chairman, Committee for the Implementation of Textile Agreements, U.S. Department of Commerce.

[FR Doc.77-31667 Filed 10-31-77;8:45 am]

[3810-70]

DEPARTMENT OF DEFENSE

Office of the Secretary

ADVISORY GROUP ON ELECTRON DEVICES

Advisory Committee Meeting

Working Group D (Mainly Laser Devices) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session at 201 Varick Street, New York, N.Y. 10014, on 15-16 December 1977.

The purpose of the Advisory Group is to provide the Director of Defense Research and Engineering, the Director, Defense Advanced Research Projects Agency, and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities, or in their laboratories. The laser area includes programs on developments and research related to low energy lasers for such applications as battlefield surveillance, target designation, ranging, communications, weapon guidance and data transmission. The review will include details of classified defense programs throughout.

In accordance with Section 10(d) of Appendix I, Title 5, United States Code it has been determined that this Advisory Group meeting concerns matters listed in Section 552b(c) of Title 5 of the United States Code, specifically, Subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

Dated: October 27, 1977.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

[FR Doc.77-31534 Filed 10-31-77;8:45 am]

[3810-70]

ADVISORY GROUP ON ELECTRON DEVICES

Advisory Committee Meeting

Working Group C (Mainly Imaging and Display) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session at 201 Varick Street, New York, N.Y. 10014, on 9 December 1977.

The purpose of the Advisory Group is to provide the Director of Defense Research and Engineering, the Director, Defense Advanced Research Projects Agency, and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group C meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities, or in their laboratories. This special device area includes such programs as Infrared and Night Vision Sensors. The review will include classified program details throughout.

In accordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Advisory Group meeting concerns matters listed in Section 552b(c) of Title 5 of the United States Code, specifically Subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

Dated: October 27, 1977.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

[FR Doc.77-31535 Filed 10-31-77;8:45 am]

ADVISORY GROUP ON ELECTRON DEVICES

Advisory Committee Meeting

Working Group B (Mainly Low Power Devices) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session at 201 Varick Street, New York, N.Y. 10014, on 30 November 1977.

The purpose of the Advisory Group is to provide the Director of Defense Research and Engineering, the Director, Defense Advanced Research Projects Agency, and the Military Departments with tactical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group B meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities, or in their laboratories. The low power device area includes such programs as integrated circuits, charge coupled devices and memories. The review will include details of classified program details throughout.

In accordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Advisory Group meeting concerns matters listed in Section 552b(c) of Title 5 of the United States Code, specifically Subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

Dated: October 27, 1977.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

[FR Doc.77-31536 Filed 10-31-77;8:45 am]

[3810-70]

ADVISORY GROUP ON ELECTRON DEVICES

Advisory Committee Meeting

Working Group A (Mainly Microwave Devices) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session at 201 Varick Street, New York, N.Y. 10014, on 30 November 1977.

The purpose of the Advisory Group is to provide the Director of Defense Research and Engineering, the Director, Defense Advanced Research Projects Agency, and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group A meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities, or in their laboratories. The microwave area includes programs on developments and research related to microwave tubes, solid state microwave, electronic warfare devices, millimeter wave devices, and passive devices. The review will include details of classified defense programs throughout.

In accordance with Section 10(d) of Appendix I, Title 5, United States Code, it is hereby determined that this meeting of the Advisory Group on Electron Devices concerns matters listed in Section 552b(c) of Title 5 of the United States Code, specifically Subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

Dated: October 27, 1977.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

[FR Doc.77-31537 Filed 10-31-77;8:45 am]

[3810-70]

ADVISORY GROUP ON ELECTRON DEVICES

Advisory Committee Meeting

The DoD Advisory Group on Electron Devices (AGED) will meet in closed session at 201 Varick Street, 9th Floor, New York, N.Y. 10014, 13 December 1977.

The purpose of the Advisory Group is to provide the Director of Defense Research and Engineering, the Director, Defense Advanced Research Projects Agency, and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of Electron Devices.

The meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities, or in their laboratories. The AGED will review programs on microwave devices, night vison devices, lasers, infrared systems and microelectronics. The review will include classified program details throughout.

In accordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Advisory Group meeting concerns matters listed in Section 552b(c) of Title 5 of the United States Code, specifically Subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

Dated: October 27, 1977.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

[FR Doc.77-31538 Filed 10-31-77;8:45 am]

[3810-70]

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON NATIONAL/TACTICAL INTERFACE

Advisory Committee Meeting

The Defense Science Board Task Force on National/Tactical Interface will meet in closed session on November 17 and 18, 1977, in the Office of the Assistant Secretary of Defense (Communications, Command, Control, and Intelligence), Directorate of Surveillance and Warning Systems, at the Pentagon.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering policy and to provide long-range guidance to the Department of Defense in these areas.

The Task Force is providing an analysis of the major issues concerning the interface between national and tactical intelligence systems and their potential for satisfying the requirements of tactical/theater military commanders and those of national authorities and agencies.

In accordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Task Force meeting concerns matters listed in Section 552b(c) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

Dated: October 28, 1977.

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

[FR Doc.77-31712 Filed 10-31-77;8:45 am]

[1505-01]

FEDERAL TRADE COMMISSION

WARRANTIES COMPLYING WITH MAGNUSON-MOSS WARRANTY ACT

Applicability of Certain Provisions of California State Law; Final Findings and Determination

Correction

In FR Doc. 77-29035 appearing on page 54004 in the issue of Tuesday, October 4, 1977 the following corrections should be made:

1. In the 17th line of the "Supplementary Information" paragraph, the line of sections in small type should read:

"§§ 1790.4, 1791, 1793.3, 1793.6, 1794.1."

2. In the 3rd column, the 1st footnote, the last sentence should read as follows:

"* * * The Rules became effective as of December 31, 1976."

3. On page 54005, the 1st full paragraph, the 6th line should read, "* * * Warranty Act provisions (102, 103, or * * *."

4. In the 3rd column, the print at the top of the page should be included in the last line of footnote 9.

5. Footnote 11 should read:

[11] H.R. 7917, 93d Cong., 2nd Sess., § 111(c)(1)(A) (1973).

[6820-22]

GENERAL SERVICES ADMINISTRATION

SUBCONTRACTOR LISTING STUDY GROUP

Meeting

Notice is hereby given of a meeting of a Subcontractor Listing Study Group, November 17, 1977, from 8:30 a.m. to 4 p.m., Room 2126, General Services Administration, 18th and F Streets NW., Washington, D.C. The study group will review and evaluate the requirement for bidders to submit a listing of subcontractors with bids on construction projects (41 CFR Part 5B-2); related bidding problems which resulted in the proposal to delete the requirement, published at 42 FR 27966, June 1, 1977; and comments thereon. The study group will then develop and recommend solutions.

The meeting will be open to the public.

Dated: October 28, 1977.

TOM L. PEYTON, JR.,
Deputy Commissioner, Public Buildings Service.

[FR Doc.77-31721 Filed 10-31-77;8:45 am]

[1610-01]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on October 25, 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 receipts.

The notice includes the title of each 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 NRC requests 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 requests, comments (in triplicate) must be received on or before November 21, 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.

NUCLEAR REGULATORY COMMISSION

The NRC is requesting an extension without changec learance of the recordkeeping requirement contained in 10 CFR 30.51. This section requires each person who receives byproduct material pursuant to an NRC license to keep records showing the receipt, transfer, export, and disposal of such byproduct material. The NRC estimates respondents to be approximately 8,000 licensees and recordkeeping time to average 6.25 hours annually, or two minutes per entry.

The NRC is requesting an extension without change clearance of the recordkeeping and reporting requirements contained in 10 CFR 31.5. This section pertains to acquiring, receiving, possessing, using and transferring byproduct material in devices designed and manufactured by the purpose of detecting, measuring, gauging or controlling thickness, density, level, interface location, radiation, leakage or qualitative or quantitative chemical composition or for producing light or ionized atmosphere. The NRC estimates respondents to be approximately 10,000 licensees and recordkeeping and reporting time to average two minutes to one hour depending on which subsection of 10 CFR 31.5 a respondent is complying.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.77-31581 Filed 10-31-77;8:45 am]

[6740-02]

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CI77-717 et al.]

CHEVRON U.S.A. INC.

Applications for Certificates, Abandonment of Service, and Petitions To Amend Certificates [1]

OCTOBER 21, 1977.

Take notice that each of the Applicants listed herein has filed an application or

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before November 1, 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). 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 all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
CI77-717..... A 8-8-77	Chevron U.S.A. Inc., 1111 Tulane Ave., New Orleans, La. 70112.	Natural Gas Pipeline Co. of America, Block 305 Field, Eugene Island area, offshore Louisiana.	(1)	15.025
CI77-813..... (G-11544) D 9-12-77	Oil Development Co. of Texas, 2500 1st City National Bank Bldg., Houston, Tex. 77002.	Natural Gas Pipeline Co. of America, Twin Field, Hansford County, Tex.	(2)	.....
CI77-854..... C 9-30-77	Sonat Exploration Co., P.O. Box 1513, Houston, Tex. 77001.	Southern Natural Gas Co., certain acreage in Louisiana and Texas.	(1 2)	14.73
CI78-7..... (CI75-585) F 10-4-77	Highland Resources, Inc. (partial successor to Enterprises, Inc.), 800 San Jacinto Bldg., Houston, Tex. 77002.	Enterprises, Inc., Natural Buttes area, Uintah County, Utah.	1 $1.45	14.73
CI78-8..... A 10-5-77	Harper Oil Co., 904 Hightower Bldg., 105 North Hudson, Oklahoma City, Okla. 73102.	Natural Gas Pipeline Co. of America, Ivan Lease, et al., sec. 35-25N-9W, Alfalfa County, Okla.	(1 3)	14.65
CI78-9..... B 10-6-77	McCaleb & Davis, E107 Petroleum Center, San Antonio, Tex. 78209.	South Texas Natural Gas Gathering Co., Edlasater Field, Jim Hogg County, Tex. and Edlasater, West (Mirando 1950) Field, Zapata County, Tex.	(5)	.....
CI78-10..... A 10-6-77	Florida Gas Exploration Co., P.O. Box 44, Winter Park, Fla. 32790.	Transcontinental Gas Pipeline Corp., Bowie Creek Field, Jefferson Davis County, Miss.	1 $1.4790	15.025
CI78-14..... (CI71-669) B 10-6-77	Hawthorne Oil & Gas Corp. (formerly Hugh A. Hawthorne), Arcade Enterprises, Inc.) (formerly J. Aron, Inc.) and William B. Burkenroad, Jr., P.O. Box 52429, Lafayette, La. 70505.	Texas Gas Transmission Corp., south Bayou Mallet Felid, Acadia Parish, La.	(6)	.....
CI78-15..... A 10-6-77	Phillips Petroleum Co., 5 C4 Phillips Bldg., Bartlesville, Okla. 74004.	Southern Natural Gas Co., State Lease No. 2000, Well No. 44, Block 29, Breton Sound area, Plaquemines, Parish, La.	1 195.00¢	15.025
CI78-16..... B 10/7/77.	B & R and Associates—Seller/Drew Cornell, Inc., Agent, P.O. Box 51267, Oil Center Station, Lafayette, La. 70501.	Transcontinental Gas Pipe Line Corp., Lac des Allemands Field, St. Charles Parish, La.	(4)	.....

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[1] Applicant is willing to accept the applicable national rate pursuant to Opinion No. 770, as amended.
[2] Applicant proposes to continue as successor-in-interest to Southern certain "off-system" sales now being made by Southern in Louisiana, Texas, Mississippi, and offshore Louisiana.
[3] Applicant and purchaser are affiliated.
[4] Property leased to H&L Operating Co.
[5] Nonproductive.
[6] Depleted.
[7] Depleted—Uneconomical and well plugged and abandoned.

[FR Doc.77-31354 Filed 10-31-77;8:45 am]

[6740-02]

[Docket Nos. CS66-139, et al.]

SMALL PRODUCER CERTIFICATES

Applications [1]

OCTOBER 21, 1977.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and § 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before November 1, 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). 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 jurisdicion 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 all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No.	Date filed	Applicant
CS66-139	July 22, 1977	Mrs. N. R. Caine,[1] 26 Beaver St., New York, N.Y. 10004.
CS68-1	May 28, 1976	K. K. Amini (operator), et al.[2] P.O. Drawer 3068. Midland, Tex. 79701.
CS71-677	June 16, 1975	Hanover Petroleum Corp.,[3] 211 North Ervay, Dallas, Tex. 75201.
CS71-677	Jan. 26, 1976	Hanover Planning Co. Inc.,[4] 211 North Ervay Dallas, Tex. 75201.
CS71-237	Oct. 19, 1976	Oil Properties, Inc. (Petro-Lewis Corp.),[5] 904 Midland Savings Bldg., Denver, Colo. 80202
CS72-180	July 29, 1977	Glenn M. Nuebert, Agent,[6] d.b.a. R&N Associates (Estate of Gerald L. Reasor), 13601 Preston Rd., Carillon Tower East—suite 714, Dallas, Tex. 75240.
CS72-379	June 2, 1975	John E. Schalk, operator,[7] et al. (Mrs. John E. Schalk), 915 Midland Savings Bldg. Denver, Colo. 80202.
CS72-722	Dec. 8, 1976	The Stone Oil Corp.[8] (Louisiana) (Petrodyne Exploration Co.), suite 3100—Fountain Square Plaza, Cincinnati, Ohio 45202.
CS72-858	April 18, 1977	Harold O. Pool and H. O. Pool[9] Trustee of the H. O. Pool Trust, 1300 El Paso National Bank Bldg., El Paso, Tex. 79901.
CS73-256	Aug. 8, 1977	T. D. Reppond (Richard F.[10] Cox d.b.a. Ergon, Inc.), 243 Maple Valley, Houston, Tex. 77027.
CS73-384	July 26, 1977	K. R. M. Petroleum[11] Corp., Successor to Cow Gulch Oil Co., 820 Guaranty Bank Bldg., Denver, Colo. 80202.
CS74-35	June 2, 1977	Estates of Bobby M. Burns[12] and Abigail H. Burns (Bobby M. Burns), 400 1st National Bldg., Wichita Falls, Tex. 76301.
CS74-103	Mar. 28, 1977	Charles F. Harding (Harding[13] Oil Co.), 4317 Oak Lawn, Dallas, Tex. 75219.
CS76-583	Mar. 2, 1977	Mrs. Helen G. Cherry (Mrs. Helen S. Cherry),[14] 1st National Bank in Dallas, c/o Trust Oil Depart., P.O. Box 6031, Dallas, Tex. 75283.
CS76-1129	Sept. 13, 1976	Frank W. Summers II,[15] 1812 Palmer Ave., New Orleans, La. 70118.

[1] Being noticed to reflected name change from Mrs. Thomas Cassidy because of remarriage.

[2] Being noticed to reflect name change from Amini Oil Corp.

[3] Being noticed to reflect name change effective as of Nov. 21, 1974, Hanover Planning Co., Inc., as evidenced by filing of Certificate of Amendment of Certificate of Incorporation (State of Delaware), to Hanover Petroleum Corp.

[4] Being noticed to reflect that Letter dated Jan. 22, 1976, advising that Hanover as operator, wishes to cover other signatory parties under their small producer certificate.

[5] Being noticed to reflect the sale by Oil Properties, Inc., in 1974 to Petro-Lewis Corp., original certificate holder in Docket No. CS72-204.

[6] Being noticed to reflect name change as evidenced by letter dated July 27, 1977, from Gleen M. Neubert, Agent d./b./a. R & N Associates.

[7] Being noticed to reflect the inclusion of Mrs. John E. Schalk—partner and wife of John E. Schalk, interest under original certificate issued John E. Schalk, et al., in Docket No. CS72-379.

[8] Being noticed to reflect name change as evidenced by letter dated Dec. 2, 1976, from Stone Oil Corp. (Louisiana).

[9] Being noticed to reflect the inclusion of H. O. Pool, Trustee of the H. O. Pool Trust.

[10] Being noticed to reflect a request by Rabun & Post to terminate small producer certificate since T. D. Reppond, sold on Sept. 1, 1974, all of his producing properties to Richard F. Cox d./b./a. Ergon, Inc.

[11] Being noticed to reflect the merger of Cow Gulch Oil Co., holder of Small Producer Certificate in Docket No. CS73-384, with K. R. M. Petroleum Corp.

[12] Being noticed to reflect that subsequent letter request dated Apr. 28, 1977, to include the Estate of Abigail H. Burns under the subject docket number.

[13] Being noticed to reflect a request to transfer the subject small producer certificate from Harding Oil Co., which was dissolved on Feb. 28, 1977, to Charlges F. Harding, former president of the dissolved company

[14] Being noticed to reflect the middle initial was improperly typed on Small Producer Certificate No. CS76-583, showing Helen S. Cherry, whereas it should have been Helen G. Cherry.

[15] Being noticed to reflect Supplemental information filed July 21, 1977.

[FR Doc.77-31355 Filed 10-31-77;8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 810-4]

AMBIENT AIR MONITORING REFERENCE AND EQUIVALENT METHODS

Philips PW9771 0_3 Analyzer; Correction

In a notice of "Equivalent Method Designation" published in the FEDERAL REGISTER (Vol. 42, page 38931, August 1, 1977), the method identification number was inadvertently omitted. The method designation should have read as follows:

EQOA-0777-023, "Philips PW9771 0_3 analyzer" consisting of the following components:

PW9771/00 0_3 monitor with PW9724/00 Disc.-set;
PW9750/00 Supply Cabinet;
PW9750/20 Supply Unit operated with a 0.5 ppm range, with or without any of the following accessories:
PW9733/00 Sampler;
PW9752/00 Air Sampler (manifold);
PW9750/30 Frame for M.T.T.;
PW9750/41 Control clock 60 Hz;
PW9732/00 Sampler line heater.

STEPHEN J. GAGE,
Acting Assistant Administrator for Research and Development.

OCTOBER 25, 1977.

[FR Doc.77-31507 Filed 10-31-77;8:45 am]

[6560-01]

[FRL 810-2]

DISCHARGES OF POLLUTANTS INTO NAVIGABLE WATERS: STATE OF TENNESSEE

Public Hearing and Request for State Program Approval

On October 18, 1972, Congress passed the Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. §§ 1251-1376, Supp. 1973; hereinafter the "Act"). This legislation established the National Pollutant Discharge Elimination System (NPDES) permit program, under which the Administrator of the United States Environmental Protection Agency (EPA) may issue permits to municipal, industrial, and agricultural entities to control the discharge of pollutants into navigable waters.

Section 402(b) of theA ct provides that the Governor of a State desiring to administer the NPDES program to control discharges into navigable waters within its jurisdiction may submit to the Administrator of the EPA a full and complete description of the program it intends to administer, including a statement from the State Attorney General that the laws of the State provide adequate authority to carry out the described program. The Administrator is required to approve each such submitted program unless the program does not meet the requirements of section 402(b) and EPA's guidelines. Among other authorities, the State must have: (1) adequate authority to issue permits which comply with all pertinent requirements of the Act; (2) adequate authority, including civil and criminal penalties, to abate violations of permits; and (3) authority to ensure that the Administrator, the public, any other affected State, and other affected agencies, are given notice of each application and are given the opportunity for a public hearing before acting on each permit application. Also, the State must have and commit itself to use manpower and resources sufficient to act on all outstanding permit applications in a timely manner and consistent with the periods prescribed by the Act. EPA's guidelines establishing State Program Elements Necessary for Participation in the NPDES were published in Volume 37 of the FEDERAL REGISTER, December 22, 1972 (40 CFR 124), beginning at page 28390.

The State of Tennessee has submitted a full and complete Request for State Program Approval and proposes that the Department of Public Health, Water Quality Division, 621 Cordell Hull Building, Nashville, Tenn. 37219, 615-714-2275 operate the NPDES permit program for discharges into the navigable waters within the jurisdiction of the State in accordance with the Act.

John C. White, Regional Administrator of EPA's Region IV Office, has scheduled a public hearing to consider this request and enable all interested parties to present their views on the State's submission. The hearing will be held in House Hearing Room 29, Legislative Plaza Building, Sixth Avenue and Union Street, Nashville, Tenn. 37219, on November 21, 1977, at 10 a.m.

A three-member hearing panel will hear the matter. The panel will consist of the Administrator of the EPA or his representative who will serve as the Presiding Officer, the Director of the Division of Water Quality or his representative and the Regional Administrator of EPA's Region IV Office, or his representative. Oral statements will be heard and considered, but for the accuracy of the record, all testimony should be submitted in writing. Statements should summarize extensive written material so there will be time for all interested parties to be heard. Persons are encouraged to bring extra copies of their written statements for the use of the hearing panel and other interested persons. Comments are particularly invited with respect to the following issues: adequacy of manpower and resources to issue all permits on a timely basis; adequacy of manpower and resources to determine compliance with issued permits and to pursue violations; adequacy of manpower and resources to conduct on-site compliance monitoring inspections and to support enforcement actions.

The Presiding Officer may, at his discretion, exclude oral testimony if it is overly repetitious of previous testimony

heard or if it is not relevant to the decision to approve or require revision to the State program as submitted. The hearing record will be left open for a period of five days following the hearing to allow any person to submit additional written statements or to present views or evidence tending to rebut testimony presented during the hearing.

Any interested person may comment upon the State submission by writing to the EPA, Region IV Office, Attention: Enforcement Division, 345 Courtland Street NE., Atlanta, Ga. 30308. Such comments will be made available to the public for inspection and copying. All comments or objections received by November 29, 1977, or presented at the public hearing, will be considered by EPA before taking final action on the Tennessee Request for State Program Approval.

The State's submission, related documents, and all comments received are on file and may be inspected and copied (@ 20c/page) at the EPA Region IV Office in Atlanta. In addition, copies of the complete submission are available for review at the Division of Water Quality's Office in Nashville.

Copies of this notice are available upon request from the Public Affairs Division of EPA, Region IV, 404–257–3008.

Please bring the foregoing to the attention of persons you know would be interested.

Dated: October 26, 1977.

MARVIN B. DURNING,
Assistant Administrator for Enforcement.

[FR Doc.77–31508 Filed 10–31–77;8:45 am]

[6560–01]

[FRL 810–1]

MASSACHUSETTS DRINKING WATER

Approval of State Application for Primary Enforcement Responsibility

In accordance with the provisions of Section 1413 of the Safe Drinking Water Act (SDWA) (88 Stat. 1661; 42 U.S.C. 300f et seq.) and 40 CFR 142 (41 FR 2918, January 20, 1976), Mr. David Standley, Commissioner of the Massachusetts Department of Environmental Quality Engineering has submitted an application to assume primary enforcement responsibility under the SDWA to the Environmental Protection Agency (EPA) for approval.

Notice is hereby given that the Regional Administrator, EPA, Region I, has approved this application for primary enforcement authority, to become effective 30 days after the publication of this notice. This action is based on a thorough evaluation of the State's water supply supervision program in relation to the requirements of 40 CFR 142.10, including the adoption and implementation of: (1) State primary drinking water regulations; (2) an inventory of public water systems; (3) a systematic program of sanitary surveys; (4) a State program for certification of laboratories; (5) State laboratory facilities certified by EPA; (6) a plan review program; (7) adequate statutory or regulatory enforcement authority; (8) record-keeping and reporting procedures; (9) a program for issuing variances and exemptions; (10) a plan for providing safe drinking water under emergency circumstances.

This evaluation has shown that the program which will be carried out by the Department of Environmental Quality Engineering's Division of Water Supply fulfills all requirements for obtaining primary enforcement authority.

Any interested person may request a public hearing to consider the Regional Administrator's determination within 30 days of the publication of this notice. If a public hearing is requested and granted, this determination shall not become effective until such time, following the hearing, as the Regional Administrator issues an order affirming or rescinding the determination. Requests for hearing shall be addressed to:

William R. Adams, Regional Administrator, U.S. Environmental Protection Agency, Room 2203, John F. Kennedy Building, Boston, Mass. 02203.

and shall include the following information:

(1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing.

(2) A brief statement of the requesting person's interest in the Regional Administrator's determination and of information that the requesting person intends to submit at such hearing.

(3) The signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

A complete copy of the Department of Environmental Quality Engineering's application for primary enforcement responsibility is available for public inspection during normal business hours at the Office of the Regional Administrator and at the following location in Massachusetts:

Commonwealth of Massachusetts, Department of Environmental Quality Engineering, Division of Water Supply, Room 320, 600 Washington Street, Boston, Mass. 02111.

Dated: October 26, 1977.

WILLIAM R. ADAMS,
Regional Administrator, Region I.

[FR Doc.77–31509 Filed 10–31–77;8:45 am]

[6560–01]

[FRL 809–8]

SCIENCE ADVISORY BOARD, ENVIRONMENTAL HEALTH ADVISORY COMMITTEE

Meeting

Under Pub. L. 92–463, notice is hereby given that a meeting of the Environmental Health Advisory Committee of the Science Advisory Board will be held at 9 a.m. on November 17, 1977, in Conference Room A (Room 1112), Crystal Mall Building No. 2, 1921 Jefferson Davis Highway, Arlington, Va. The meeting may be continued on November 18, 1977, if necessary.

The principal purpose of the meeting will be to provide advice and consultation on a draft document assessing the health effects of benezene which the U.S. Environmental Protection Agency will refer to the Committee for review. The draft document is intended for utilization, by the Agency, in connection with the listing of benezene as a hazardous air pollutant under section 112 of the Clean Air Act, as amended (42 FR 29332). The Agenda will also include brief reports and informational items of current interest to the members.

The meeting will be open to the public. Any member of the public wishing to attend or submit a paper should contact the Secretariat, Science Advisory Board (A–101), U.S. Environmental Protection Agency, Washington, D.C. 20460, by c.o.b. November 9, 1977. Please ask for Mrs. Ilene Stein or Ms. Barbara Robinson. The telephone number is 703–557–7720.

RICHARD M. DOWD,
Staff Director, Science Advisory Board.

OCTOBER 25, 1977.

[FR Doc.77–31510 Filed 10–31–77;8:45 am]

[6570–06]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Elementary-Secondary Staff Information EEO–5

Extension of Deadline for Filing Report

Notice is hereby given that the deadline for filing the 1977 Elementary-Secondary Staff Information EEO–5 report required by 29 CFR 1602. 41 is extended from November 30, 1977 to January 31, 1978. The payroll period for the EEO–5 report remains unchanged.

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

ELEANOR HOLMES NORTON,
Chair, Equal Employment Opportunity Commission.

[FR Doc.77–31474 Filed 10–31–77;8:45 am]

[6570–06]

HIGHER EDUCATION STAFF INFORMATION EEO–6

Extension of Deadline for Filing Report

Notice is hereby given that the deadline for filing the 1977 Higher Education Staff Information EEO–6 report required by 29 CFR 1602.50 is extended from November 30, 1977 to January 31, 1978. The payroll period for the EEO–6 report remains unchanged.

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

ELEANOR HOLMES NORTON,
Chair, Equal Employment Opportunity Commission.

[FR Doc.77–31475 Filed 10–31–77;8:45 am]

[6730-01]

FEDERAL MARITIME COMMISSION

AGREEMENTS FILED

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, La.; San Francisco, Calif.; and San Juan, P.R. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 21, 1977. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

AGREEMENT NO.: 2846-33.

FILING PARTY: Stanley O. Sher, Esquire, Billig, Sher & Jones, P.C., 2033 K Street NW., Washington, D.C. 20006.

SUMMARY: Agreement No. 2846-33, among the member lines of the West Coast of Italy, Sicilian and Adriatic Ports/North Atlantic Range Conference, modifies the basic conference agreement by providing that the amount of the financial guarantee specified in the agreement may be changed by four-fifths vote of the member lines entitled to vote and that any change agreed to shall be communicated to the Federal Maritime Commission for its information but not for approval.

AGREEMENT NO.: 5850-35.

FILING PARTY: Howard A. Levy, Esquire, Suite 727, 17 Battery Place, New York, N.Y. 10004.

SUMMARY: Agreement No. 5850-35 among the member lines of the North Atlantic Westbound Freight Association, modifies the approved basic agreement by adding a new paragraph to Article 7 to provide for the appointment of a United States Resident Representative. The additional paragraph reads as follows:

The members shall also appoint a United States Resident Representative (the "Resident Representative") and they may appoint the Chairman of the North Atlantic United Kingdom Freight Conference, or a member of his staff, for that purpose. The Resident Representative shall report to the Conference Chairman and perform such functions as the Chairman may assign and delegate, including attending meetings of the conference and any of its committees and presiding at meetings held in North America. In particular, the Resident Representative shall assist the Chairman in the implementation of shippers' request and complaint procedures adopted and maintained in the United States by the Conference. Housekeeping, administrative and funding arrangements involving the Resident Representative shall be handled pursuant to FMC Agreements 10281 and 10301.

AGREEMENT NO.: 9615-25.

FILING PARTY: Stanley O. Sher, Esquire, Billig, Sher & Jones, P.C., 2033 K Street NW., Washington, D.C. 20006.

SUMMARY: Agreement No. 9615-25, among the member lines of the Iberian/North Atlantic Westbound Freight Conference, modifies the basic conference agreement by (1) increasing the amount of the financial guarantee specified in the agreement from U.S. $25,000 to U.S. $50,000, (2) providing that this new amount may be changed by two-thirds vote of the member lines entitled to vote, and (3) that any change agreed to shall be communicated to the Federal Maritime Commission for its information but not for approval.

AGREEMENT NO.: 9978-12.

FILING PARTY: Howard A. Levy, Esq., Suite 727, 17 Battery Place, New York, N.Y. 10004.

SUMMARY: Agreement No. 9978-12 would amend, respectively, Articles 8, 11, and 15 of the Associated North Atlantic Freight Confrences Agreement to (1) allow for surprise interviews and audits of all member lines and their records; (2) define what is meant by the term "credible" when it is used in conjunction with thee type of proof accepted during a hearing; and (3) allow the Board of Directors to appoint a standing single arbitrator in lieu of a panel of arbitrators in accordance with the terms and conditions set forth in the agreement.

AGREEMENT NO.: 10122-1.

FILING PARTY: Jose Vicente Valdez, Executive Administrator, Inter-American Freight Conference—River Plate/Puerto Rico & U.S. Virgin Islands/River Plate, Lavalle 381—8.° Piso, Buenos Aires, Argentina.

SUMMARY: Agreement No. 10122-1, among the member lines of the Inter-American Freight Conference, River Plate/Puerto Rico and U.S. Virgin Islands/River Plate modifies the basic agreement by the addition of a new article (Article 27) which reads as follows:

Article 27. Each of the members hereof hereby appoints the Executive Administrator or Assistant Executive Administrator of the Conference, individually, as its attorney-in-fact and representative authorized on behalf of such member to sign and file with the Federal Maritime Commission each amendment to this Agreement which shall have been unanimously adopted by all the members hereof.

AGREEMENT NO: 10141-2.

FILING PARTY: John R. Mahoney, Esq., Burlingham Underwood & Lord, 25 Broadway, New York, N.Y. 10004.

SUMMARY: Agreement 10141, between Johnson Line and K/S Nosac A/S & Co., is a cooperative working arrangement between the two whereby both will contribute tonnage for the transportation of automobiles from the United Kingdom to ports on the West Coast of the United States. This arrangement is scheduled to expire by its terms on December 31, 1977.

Agreement 10141-2, the subject of this notice, would extend the term of approval until December 31, 1978.

AGREEMENT No.: T-3536.

FILING PARTY: Dwight Green, Traffic Consultant, Port of Palm Beach, P.O. Box 9935, Riveria Beach, Fla. 33404.

SUMMARY: Agreement No. T-3536, between Port of Palm Beach District (Port) and Caribbean Lines Corp. (CLC), provides for the one-year, renewable, exclusive lease of certain facilities at the Port of Palm Beach, Fla., for the purpose of warehouse space. As compensation, CLC will pay $312.50 per month as rental plus all applicable charges as specified in the then current tariff published by Port. Although this agreement may not be subject to section 15 of the Shipping Act, 1916, interested parties are given an opportunity to comment thereon if they so desire.

AGREEMENT No.: T-3537.

FILING PARTY: Albert B. Dearden, Deputy Chief, Leases and Operating Agreements Division, The Port Authority of New York and New Jersey, One World Trade Center, New York, N.Y. 10048.

SUMMARY: Agreement No. T-3537, between the Port Authority of New York and New Jersey and Brigantine Terminal Corp. (Brigantine), provides for the month-to-month lease of certain land, buildings and water areas located at Brooklyn-Port Authority Marine Terminal. As compensation, Brigantine will pay rental based on a minimum-maximum computation set forth in the agreement.

By order of the Federal Maritime Commission.

Dated: October 26, 1977.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.77-31584 Filed 10-31-77;8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM

GRETNA CO.

Formation of Bank Holding Company

The Gretna Company, Gretna, Nebr., 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 by acquiring 80 percent or more of the voting shares of Gretna Sate Bank, Gretna, Nebr. 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 Gretna Company, Gretna, Nebr., has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to engage in the activity of acting as agent for the sale of insurance that is directly related to extensions of credit by the bank. Notice of the application was published on October 5, 1977, in Gretna Guide and News, a newspaper circulated in Gretna, Nebr. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than November 23, 1977.

Board of Governors of the Federal Reserve System October 26, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-31539 Filed 10-31-77;8:45 am]

[6210-01]

LENORA BANCSHARES, INC.

Formation of Bank Holding Company

Lenora Bancshares, Inc., Lenora, Kansas, 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 94.57 percent of the voting shares of The Exchange Bank of Lenora, Lenora, Kansas. 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 Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 8, 1977.

Board of Governors of the Federal Reserve System, October 26, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-31540 Filed 10-31-77;8:45 am]

[4110-03]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 77N-0361]

DRUGS FOR HUMAN USE

Legislative Proposals Regarding Regulation, Hearing

AGENCY: Food and Drug Administration.

ACTION: Notice of Public Hearing.

SUMMARY: The Commissioner of Food and Drugs announces that a public hearing will be held beginning on November 22, 1977, to receive oral and written information and views from interested persons on legislative proposals that may be submitted to Congress to revise the statutory provisions for regulation of drugs for human use.

DATES: Public hearing beginning on November 22, 1977, at 9 a.m.; written or oral notice of participation must be filed by November 11, 1977.

ADDRESS: Written notice of participation to the Hearing Clerk (HFC-20), Food and Drug Administration, Rm 4-65, 5600 Fishers Lane, Rockville, Md. 20857. Oral notice of participation to Bruce Brown (see phone number below).

FOR FURTHER INFORMATION CONTACT:

Bruce Brown, Office of the Executive Secretariat (HF-1), Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3380.

SUPPLEMENTARY INFORMATION: Over the past several years, legislation has been proposed by the Department of Health, Education, and Welfare, as well as by individual members of Congress, that would alter the current provisions of the Federal Food, Drug, and Cosmetic Act (the "act") regarding the regulation of drugs for human use. In this Congress, for example, major changes have been suggested by Senator Edward Kennedy (S. 1831), Senators Harrison Williams and Jacob Javits (S. 2040), Senator Gaylord Nelson (S. 628 through S. 643), and Representative Paul Rogers (H.R. 8891). A number of other bills have been introduced that address single specific sections of the act dealing with drugs for human use. The Department's proposals for 1977 have not yet been submitted.

Furthermore, in recent years regulations issued under the drug provisions of the act have been subject to intense litigation, much of which has specifically addressed the legal authority of the Food and Drug Administration (FDA) to promulgate such regulations. This litigation has resulted in many decisions, including four Supreme Court rulings regarding FDA regulations implementing the new drug provisions of the act and the Drug Amendments of 1962: *Weinberger* v. *Hynson, Westcott & Dunning, Inc.*, 412 U.S. 609 (1973); *CIBA Corp.* v. *Weinberger*, 412 U.S. 640 (1973); *Weinberger* v. *Bentex Pharm. Inc.*, 412 U.S. 645 (1973); and *USV Pharm. Corp.* v. *Weinberger*, 412 U.S. 655 (1973). Other cases have challenged the authority of FDA to define a "drug" (*United States* v. *An Article of Drug* * * * *OVA II*, 414 F. Supp. 660 (D. N.J. 1975), aff'd 535 F. 2d 1258 (3d Cir., 1976)), to commence enforcement action against a drug product that FDA believes to be in violation of the law (*Rutherford* v. *United States*, 542 F. 2d 1137 (10th Cir., 1976)), to restrict distribution of a drug to those clinical settings in which FDA believes safety could be best assured (*American Pharm. Ass'n.* v. *Mathews*, 530 F. 2d 1054 (D.C. Cir., 1976)), and to require that patients be provided in writing specific information regarding a prescription drug (*Pharmaceutical Mfrs. Ass'n.* v. *Califano*, Civil Action No. 77-291 (D. Del., 1977)). Without discussing the merits of the arguments on either side in any of these or similar lawsuits, it can be noted that a recurring theme of those challenging FDA is that the agency should obtain explicit congressional authorization for its regulatory initiatives. The Commissioner believes that Congressional review of, and guidance on, many of these controversies would avoid costly and time-consuming litigation, and that these issues should be included in any legislative agenda.

On May 31, 1977, an advisory committee appointed by the Secretary of Health, Education, and Welfare in 1974, the Review Panel on New Drug Regulation, completed a 2-year review of the human drug provisions of the act. Included among the recommendations offered by the Panel in its final report were many that would require changes in the act. On June 2, 1977, the Secretary asked the Commissioner to undertake a thorough and careful review of all recommendations offered by the Panel and to identify the actions that the Commissioner will take to implement those recommendations of the Panel with which he agrees. The Secretary further directed that this "review of the Panel's report and recommendations * * * be informed by

full consultation with public interest groups, consumer organizations, the affected industries and other interested persons."

As one aspect of this consultation, the Commissioner published a notice in the FEDERAL REGISTER of June 14, 1977 (42 FR 30432) inviting interested persons to submit comments on the Panel's report and specific recommendations for use by the Commissioner in reaching final decisions on these matters. Comments were requested to be filed by August 15, 1977, and may be seen in the office of the Hearing Clerk (HFC–20), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, Md. 20857, between 9 a.m. and 4 p.m., Monday through Friday. As a second step, the Commissioner held a public hearing on September 29 to receive further comments on the Panel's recommendations. Notice of this hearing was published in the FEDERAL REGISTER of September 2, 1977 (42 FR 44283). The transcript of this hearing may also be seen in the office of the FDA Hearing Clerk.

Based upon a review of the existing provisions of the act for regulating drugs for human use, the questions of FDA authority raised in recent court proceedings, the legislative proposals offered in the last few years, and the final report of the Review Panel on New Drug Regulation, together with comments received on that report, the Secretary and the Commissioner have concluded that legislation should be proposed to restate the principles underlying the current system of drug regulation, to remove inconsistent and unnecessary provisions, to clarify and resolve any lingering questions regarding FDA authority over drugs for human use, and to improve the drug regulation process. While testifying before the Subcommittee on Health and Scientific Research of the Senate Committee on Human Resources on July 26, 1977, the Commissioner indicated that he had requested that an internal study be undertaken to outline the need for, and possible contents of, such a bill. During an appearance before the Public Citizen Forum on October 5, Secretary Califano announced the Department's intention to propose new legislation in this area. A copy of the Secretary's remarks is on display in the office of the Hearing Clerk. In his speech, the Secretary identified several matters that he believes a new drug statute should contain:

> We need a system that sets a consistent standard governing the marketing of all drugs.
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> * * * * *
>
> We need a system that will allow us to put promising drugs on the market faster, without compromising safety, and that will encourage competition, not stifle it.
>
> * * * * *
>
> We need a system for careful surveillance of all drugs on the market and prompt removal of drugs when problems appear.
>
> * * * * *
>
> We need a system that will make public all relevant scientific and testing data while still providing needed proprietary protection to encourage the development of new drugs.
>
> * * * * *
>
> We need a system that will provide maximum information and education to the health consumer to foster careful and informed use of drugs.
>
> * * * * *

At the request of the Secretary, and to assure public involvement in the development of legislative proposals originating from FDA, the Commissioner will hold a public hearing to begin on November 22, 1977, to receive oral and written comments and suggestions from all interested persons. The hearing will continue on November 23, if necessary, to accommodate all persons seeking to appear. The hearing, which is being held pursuant to Part 15 (21 CFR Part 15), will take place at 9 a.m. in Conference Rooms D–E–F, Parklawn Building, Rockville, Md. The presiding officer will be Dr. Donald Kennedy, Commissioner of Food and Drugs. Interested persons may make a written submission instead of an oral presentation.

Although the hearing will encompass all aspects of the current provisions of the act regarding drugs for human use, there are several specific matters on which the Commissioner particularly seeks advice. These are:

A. *Should regulatory standards vary on the basis of factors other than protection of the public health?* Currently, there are significant differences in the regulatory schemes and standards applied to different categories of drugs. These categories appear to result from factors that were important at the time a particular statutory provision was enacted, but may no longer be necessary. Thus, for example, the act subjects antibiotics and insulin to systems of control quite different from those applicable to other drugs; biological products are jointly regulated under two separate but somewhat overlapping statutes; drugs marketed before 1938, or between 1938 and 1962, are theoretically exempt from some—but not all—provisions of the act; and manufacturing of over-the-counter drugs is exempted from certain inspectional review by FDA. The Commissioner has tentatively concluded that, as a general principle, all drugs intended for human use in the United States should be subject to a uniform scheme of regulation, independent of such factors as when the drug was first marketed, where it is manufactured or sold, or whether it is derived from bacterial degradation, biological sources, or chemical synthesis. This principle does not mean that regulatory requirements should be identical for every drug; the regulations essential to assure that different drugs are safe and effective and properly manufactured and labeled may vary, and flexibility is essential for regulation to be reasonable and cost-effective in terms of protecting consumers. Specific requirements should differ among drugs, however, only to the extent that the need for regulation to protect the consumer also varies among those drugs.

B. *What are the appropriate standards for approving a new chemical entity, a new dosage form, a new combination product, or other types of drug products not previously marketed?* The act currently requires that a "new drug" (which includes new dosage forms or combinations of previously marketed drugs) be shown to be both safe and, by "substantial evidence" consisting of adequate and well-controlled studies, effective. Are there situations where these requirements should be modified because, for example, of ethical or scientific difficulties or the great public health benefits that the new drug appears to offer? If so, how should the standards be modified? How can these situations be defined? In addition, the Commissioner is reevaluating the extent to which scientific data generated outside the United States should be accepted in lieu of American studies, and what conditions should be imposed to assure that foreign studies meet standards of ethical propriety and scientific reliability required of those conducted in the United States. The Commissioner is assessing the extent to which the standards or requirements that must be met before a drug is approved can or should be modified in light of the ability of FDA to gather additional information about the drug promptly and systematically and to take necessary regulatory action based on this information.

C. *How can the process of reviewing and approving new drugs be modified to achieve an optimum balance among objectives such as (a) assuring that the requirements for approval are satisfied, (b) opening the process to greater public scrutiny (including access to scientific data) and more meaningful public participation, (c) expediting the availability of important new drugs, and (d) eliminating unnecessary delays or paperwork burdens for all new drugs?* In recent years numerous and valuable recommendations have been suggested for changing the drug approval process to make scientific data available, to encourage greater public accountability, to permit consumer involvement in decisionmaking, to render the process more efficient, and to facilitate development of new drugs. It is not always perceived, however, that some of the suggestions are not easily compatible. For example, can public participation be introduced into the process (e.g., by approving drugs through a public rule making procedure) without also introducing unacceptable delays or very early release of safety and effectiveness data? If participation does not occur until completion of FDA review, the process must pause to accommodate the new step. If public involvement is to go on concurrently with FDA review, the relevant scientific data must be available much earlier in the process than many have proposed. Such early release in turn may be a disincentive to

further drug research. These potentially conflicting goals must be reconciled.

D. *What would be the impact of disclosure of safety and effectiveness data on incentives for development of new drugs?* Would such disclosure significantly reduce those incentives? If so, how, and to what extent? In particular, would such disclosure adversely affect a pioneer firm's marketing prospects in the United States or abroad? If so, how, and to what extent? Even if disclosure would reduce incentives for innovation, would the remaining incentives be sufficient to maintain an adequate level of drug innovation? In particular, would the remaining trade secret and patent protection (e.g., for manufacturing processes) be adequate to protect the domestic and foreign marketing prospects for pioneer firms? If not, what compensating protection (e.g., increased patent protection, temporary prohibition on use of pioneer data by a competing firm) should be provided?

E. *What standards should apply to the approval of products that are generic equivalents to a drug approved after a full review by FDA?* Under the act, for some drugs, a generic manufacturer is required to duplicate all of the data submitted by the pioneer firm. For other drugs, only a limited amount of data is required before marketing may commence. For still other drugs, no submission of information is necessary before selling the drug. Even in the "middle" situation, the quantity of data can vary from a certification as to manufacturing practices to a full description of the manufacturing process and bioavailability data derived from human studies. Should preclearance be required for every drug product? If preclearance of products identical to a pioneer drug is required, what information should be required for protection of the public health? Does this vary from product to product?

F. *What standards should be imposed on drugs manufactured in the United States but intended exclusively for export to another country?* Under the act, an adulterated or misbranded drug may be exported, notwithstanding these conditions, if it meets the specifications of the country in which it is to be used. A "new drug," however, cannot be exported even if it meets these specifications, unless it is also approved for marketing within the United States. The Commissioner believes this anomaly should be removed, but has not concluded whether an exception to the general standards for drugs should be made for exported drugs.

G. *What changes, if any, should be made in the law regarding the investigational use of drugs?* The Medical Device Amendments of 1976 provide, among other things, for the investigational use of medical devices. As a result, there are several inconsistencies in the act regarding regulation of scientific investigations as between drugs and devices. For example, the requirements for informed consent of human subjects differ, and the device amendments explicitly provide for a product development protocol and institutional review of clinical studies. (Compare section 505(i) (21 U.S.C. 355 (i)) with section 520(g) (21 U.S.C. 360j (g)).) To what extent should the drug requirements be modified to conform to the device requirements? In addition, the Commissioner is considering whether public participation can be incorporated into the regulatory decisions regarding the investigational use of drugs and whether FDA can do more to facilitate, or at least not to complicate unnecessarily, the research and development of new drugs.

H. *What should be the relationship between the regulation of drugs and the regulation of the professional practice of medicine and pharmacy?* The historic policy of FDA has been to regulate drugs, and leave the regulation of the medical and pharmacy professions to State agencies and professional societies. In several areas, however, FDA has sought or asserted authorities it perceived as related to drug regulation that have been construed by others as interference in the practice of medicine or pharmacy. The most controversial of these areas currently are: The use of a drug under conditions not described on the FDA-approved labeling of the drug; labeling of prescription drugs for patients; and restrictions on the distribution of drugs to uniquely defined clinical settings, or in some other way that distinguishes the drug from other prescription drugs (as authorized for medical devices in section 520(e)(1) of the act (21 U.S.C. 360j(e)(1))). The Commissioner recognizes that the regulation of drugs has important and necessary implications for the practice of health professionals. He invites discussion on the means of assuring effective drug regulation without inappropriate interference in or supervision of health care delivery, as well as on the policy that should be developed regarding legislation on the controversial issues in this area.

I. *Should the Federal Government become more involved in regulating the promotion of drugs; and if so, how?* The act presently authorizes FDA to regulate, to some degree, written advertising of prescription drugs. Responsibility for advertising of over-the-counter drugs now rests with the Federal Trade Commission. Should this allocation of authority be changed? The promotion of prescription drugs to physicians has become quite sophisticated with the development of audiovisual materials, special-band radio broadcasting, and other techniques; in addition, the Commissioner is aware of the extensive involvement of the pharmaceutical industry in the continuing education of physicians through support of medical journals, scientific symposia and publications, and noncommercial exhibits at medical conventions. These activities further reinforce the work of pharmaceutical detailmen and drug sampling. Is regulation in these areas necessary? Should any regulation in this area be accomplished with the traditional approach to promotional materials (looking at the content of the message) or with a different approach? For example, a different approach would be disclosure of financial support or other information that may indicate bias on the part of the speaker, without substantive review of the content of the message, or with minimum qualifications of the personnel involved.

J. *What changes should be made in the administrative authority of FDA to carry out drug regulation?* The agency now has limited inspectional authority (e.g., it cannot look at production records regarding over-the-counter drugs), although other agencies regulating drugs (e.g., the Federal Trade Commission and the Drug Enforcement Administration) have broader powers. All litigation, including civil actions and suits against FDA, are handled by the Department of Justice; other consumer protection agencies are authorized to litigate certain cases independently. Are there reasons for giving or withholding similar powers from FDA?

K. *Are the penalty provisions of the act adequate or appropriate?* The Commissioner is particularly interested in comments regarding whether the principle of strict criminal liability, announced in *Dotterweich* v. *United States*, 320 U.S. 277 (1943), and recently upheld by the Supreme Court in *United States* v. *Park*, 421 U.S. 658 (1975), should be retained as a matter of public policy. The Commissioner is also considering whether FDA should seek authority to impose civil fines, administrative detention of products, and remedial advertising requirements.

L. *If a new statute is enacted, what provisions should be made for the transition from existing regulatory schemes to the new system?* At the present time, FDA is involved in major reviews of the safety and effectiveness of over-the-counter drugs and of biological products. Not all "new drugs" approved between 1938 and 1962 have completed proceedings to establish their effectiveness. And a number of drugs have never been reviewed for either safety or effectiveness, i.e., the so-called "grandfather drugs." What steps should be taken to assure a prompt, orderly, and responsible process to bring all of these drugs into compliance with any new regulatory standards?

The Commissioner recognizes that this list is not exhaustive and invites comments on any other provision of the current law, or omission from it, that any person wishes to address.

The Commissioner advises that, because the scope of this hearing is so broad, persons may elect to testify orally concerning matters of the greatest interest to them and submit more extensive written statements for inclusion in the record. Because of resources and time limitations, the Commissioner does not anticipate that FDA will be able to respond to comments individually or formally; all will be considered, however, in preparation of the initial legislative proposals formally submitted to the

Secretary. In addition, the Commissioner is evaluating comments that have been submitted regarding legislative recommendations made by the Review Panel on New Drug Regulation; persons who have made such submissions need not repeat their comments in response to this notice. The Commissioner also wishes to advise that he is currently contemplating soliciting additional public comment on any specific legislative proposal to restate the drug law that is submitted to Congress. These comments would be considered in assessing particular alternative suggestions that may be offered in response to the Department's proposal.

Because of the abbreviated period of time between the publication of this notice and the date of the hearing, notice of participation may be given in either of two ways. A written notice of participation can be filed pursuant to § 12.45 (21 CFR 12.45) with the Hearing Clerk (HFC–20), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, Md. 20857, not later than November 11, 1967. The envelope containing the written notice of participation should be prominently marked "Legislative Proposal Hearing." Alternatively, an oral notice of participation can be made by contacting Mr. Bruce Brown, Office of the Executive Secretariat, FRA, at 301–443–3380. The notice of participation itself must in either case contain the name, address, and telephone number of the person desiring to make a statement along with any business affiliation, and indicate the scope of the presentation and the approximate amount of time being requested for the presentation. A schedule for the hearing will be mailed or telephoned to each person who files a notice of participation; the schedule will also be available from the FDA Hearing Clerk. Individuals and organizations with common interests are urged to consolidate or coordinate their presentations.

In the event that the responses to this notice of hearing are so numerous that insufficient time is available to accommodate the full amount of time requested in the notices of participation received, FDA will continue the hearing on November 23 and, if this is also not adequate, either schedule further hearings or allocate the available time among persons making the oral presentations to be used as they wish. Formal written statements (preferably in quadruplicate) may be presented to the presiding officer on November 22, 1977, for inclusion in the administrative record.

The hearing will be open to the public. Any interested person who files a written notice of participation may be heard with respect to matters relevant to the issues under consideration.

Dated: October 28, 1977.

DONALD KENNEDY,
Commissioner of Food and Drugs.

[FR Doc.77–31677 Filed 10–31–77;8:45 am]

[1505–01]

Food and Drug Administration

[Docket No. 77N–0221]

SAFETY OF CERTAIN FOOD INGREDIENTS

Opportunity for Public Hearing

Correction

In FR Doc. 77–25405 appearing at page 44284 in the issue for Friday, September 2, 1977, in the table for the substance "Citric acid", the number "1" should be inserted under the column for "Select committee tentative conclusion".

[4310–84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A–9553]

ARIZONA

Amended Notice of Airport Lease Application: Correction

OCTOBER 25, 1977.

In the September 22, 1977 FEDERAL REGISTER, Volume 42, Page 47880, Document No. 77–27523, the legal description for Section 23, T. 41 N., R. 7 W., is corrected to read as follows:

Section 23, N½NE¼NE¼, NE¼NW¼,

MARIO L. LOPEZ,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77–31583 Filed 10–31–77;8:45 am]

[1505–01]

MONTANA

[M 9703]

Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

Correction

In FR Doc. 77–29126, appearing at page 54014 in the issue of Tuesday, October 4, 1977, make the following changes:

1. On page 54014, in the third column, under the heading "PRINCIPAL MERIDIAN, MONTANA; REICHLE RESERVOIR", the entry which begins on line 15 should read:

Sec. 4, SW¼NW¼, NE¼SW¼, S½SW¼, N½SE¼, and SW¼SE¼;

2. On page 54015, in the first column, the entry which begins on line 36 should read:

Sec. 20, SW¼NW¼NE¼, NW¼SW¼NE¼, N½SE¼NW¼, and SW¼SE¼NW¼.

[4310–70]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Additions, Deletions, and Corrections

By notice in the FEDERAL REGISTER of February 1, 1977, Part IX, there was published a list of the properties included in the National Register of Historic Places. Further notice is hereby given that certain amendments or revisions in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 16 U.S.C. 470 et seq. (1970 ed.), and the procedures of the Advisory Council on Historic Preservation, 36 CFR Part 800.

WILLIAM J. MURTAGH,
Keeper of the National Register.

ALABAMA

Madison County

Huntsville, *Robinson, John, House*, 2709 Meridian St., N. (10–6–77) HABS.

ALASKA

Yukon–Koyukuk Division

Gold Creek vicinity, *Susitna River Bridge*, N of Gold Creek (9–15–77).
Healy vicinity, *Mine Safety Car 5*, E of Healy at Usibelli–Suntrana Spur 99787 (9–15–77).

ARKANSAS

Pulaski County

Little Rock vicinity, *Walnut Grove Methodist Church*, W of Little Rock on Walnut Grove Rd. (9–28–77).

Saline County

Benton vicinity, *Old River Bridge*, SW of Benton at River Rd. and Saline River (9–15–77).

CALIFORNIA

Alameda County

Berkeley, *Berkeley Day Nursery*, 2031 6th St. (9–15–77).

El Dorado County

Placerville, *Lombardo Ranch* a*Fossati's Winery*), 1709 Carson Rd. (9–30–77).

Riverside County

Riverside, *Harada House*, 3356 Lemon St. (9–15–77).

Sonoma County

Healdsburg vicinity, *Walters Ranch*, 6 mi. S of Healdsburg at 6050 Westside Rd. (10–7–77).

Tulare County

Three Rivers vicinity, *Cattle Cabin*, NE of Three Rivers on Sequoia National Park (9–15–77).

Ventura County

Port Hueneme, *Berylwood*, Ventura Rd. (9–15–77).

COLORADO

Baca County

Springfield, *Springfield Schoolhouse*, 281 W. 7th Ave. (10–5–77).

CONNECTICUT

Fairfield County

Bridgeport, *Bridgeport City Hall*, 202 State St. (9–19–77).
Greenwich, *Knapp Tavern*, 243 E. Putnam Ave. (9–15–77).

Trumbull vicinity, *Kaatz Icehouse*, N of Trumbull at 255 Whitney Ave. (9–19–77).

Hartford County

Berlin, *Kelsey, Ezekiel, House*, 429 Beckley Rd. (9–16–77).
East Windsor Hill, *Grant, Ebenezer, House*, 1653 Main St. (9–19–77).
Hartford, *Hyde-St. John House*, 25 Charter Oak Ave. (10–6–77).
New Britain, *New Britain Opera House*, 466–468 Main St. (10–7–77).
Plantsville, *Smith, H. D., Company Building*, 24 West St. (9–19–77).
Rocky Hill, *Academy Hall*, 785 Old Main St. (10–7–77).
South Glastonbury, *Welles-Shipman-Ward House*, 972 Main St. (9–19–77).

Litchfield County

Kent vicinity, *Kent Iron Furnace*, N of Kent off U.S. 7 (10–5–77).
Norfolk vicinity, *Tamarack Lodge Bungalow*, S of Norfolk off CT 272 at Dennis Hill Park (9–16–77).

New Haven County

Middlebury vicinity, *Richardson, Nathaniel House*, NE of Middlebury on Kelly Rd. (9–19–77).
North Branford vicinity, *Baldwin, George, House*, W of North Branford at 530 Foxon Rd. (9–15–77) HABS.

Tolland County

Tolland, *Tolland County Courthouse*, 53 Tolland Green (9–15–77).

Windham County

Abington, *Abington Congregational Church*, CT 97 (9–19–77).

DELAWARE

Sussex County

Lewes, *Lewes Historic District*, Ship-carpenter, Front, Savannah, 2nd, 3rd, and 4th Sts. (9–19–77).
Lewes, *Lewes Presbyterian Church*, 100 Kings Highway (10–5–77).

GEORGIA

Catoosa County

Ringgold, *Whitman-Anderson House*, 309 Tennessee St. (10–5–77).

Clarke County

Athens, *Parrott Insurance Building*, 283 E. Broad St. (10–7–77).

Elbert County

Elberton vicinity, *Gaines, Ralph, House*, N of Elberton on GA 368 (10–5–77).
Ruckersville vicinity, *Alexander-Cleveland House*, 3.5 mi. NE of Ruckersville (9–15–77).

Fulton County

Atlanta, *Capital City Club*, 7 Harris St., N.W. (9–15–77).
Atlanta, *Rose, Rufus M., House*, 537 Peachtree St. (9–20–77).
Atlanta, *Western and Atlantic Railroad Zero Milepost*, Central Ave. between Wall St. and Railroad Ave. (9–19–77).

Muscogee County

Columbus, *Rankin Square*, bounded by Broadway, 1st Ave., 10th and 11th Sts. (10–7–77).

GUAM

Agana, *Guam Institute*, off Rte 1 (10–6–77).

IDAHO

Bannock County

Pocatello, *Pocatello Federal Building*, Arthur Ave. and Lewis St. (10–5–77).

Bear Lake County

Paris, *Bear Lake County Courthouse*, U.S. 89 (10–7–77).
Paris, *Dance Pavilion*, Main and E. 1st South (10–6–77).

Bingham County

Blackfoot, *Blackfoot LDS Tabernacle*, 120 S. Shilling St. (9–19–77).

Blaine County

Hailey, *Emmanuel Episcopal Church*, 101 2nd Ave. S. (10–5–77).

Elmore County

Atlanta vicinity, *Atlanta Dam and Power Plant*, W of Atlanta on Boise River (10–5–77).
Mountain Home, *St. James Episcopal Church*, 305 N. 3rd East (10–5–77).

Kootenai County

Coeur d'Alene, *St. Thomas Catholic Church*, 919 Indiana Ave. (10–5–77).

Latah County

Moscow, *Memorial Gymnasium*, University of Idaho campus (10–5–77).

Payette County

Payette, *Methodist Episcopal Church of Payette*, 1st Ave. S. and 9th St. (10–5–77).

Washington County

Weiser, *Baptist Church*, E. Main and 8th Sts. (10–7–77).

ILLINOIS

Cook County

Chicago, *Lakeview Historic District*, roughly bounded by Wrightwood, Lakeview, Sheridan, Belmont, Halsted, Wellington, Racine, and George Sts. (9–15–77).

DuPage County

Naperville, *Naperville Historic District*, roughly bounded by Julian, Highland, Chicago, Jackson, Eagle and 5th Sts. (9–29–77).

INDIANA

Carroll County

Lockport, *Burris House and Potawatomi Spring*, Towpath Rd. (9–15–77).

Hancock County

Greenfield, *Riley, James Whitcomb, House*, 250 W. Main St. (9–28–77).

Monroe County

Bloomington, *Seminary Square Park*, College Ave. and E. 2nd St. (9–19–77).

IOWA

Black Hawk County

Cedar Falls vicinity, *Fields Barn*, SW of Cedar Falls (9–19–77).

Boone County

Boone, *Finnegan Flats*, 710–718 7th St. (9–20–77).

Des Moines County

Burlington, *German Methodist Episcopal Church*, 7th and Washington Sts. (9–22–77).

Jasper County

Newton, *St. Stephen's Episcopal Church*, 223 E. 4th St. N. (9–22–77).

Johnson County

Iowa City, *Cavanaugh-Zetek House*, 704 Reno St. (9–16–77).

Polk County

Des Moines, *Sherman, Hoyt, Place*, 1501 Woodland Ave. (9–19–77).

Scott County

Davenport, *Gilruth Schoolhouse*, 53rd and Marquette Sts. (9–16–77).

Washington County

Washington, *Kurtz House*, 305 S. Avenue C (9–22–77).

KANSAS

Douglas County

Baldwin City, *Parmenter Memorial Hall*, 8th and Dearborn Sts. (9–19–77).

Neosho County

Chanute vicinity, *Austin Bridge*, SE of Chanute at Neosho River (9–15–77).

Shawnee County

Topeka, *Davies Building*, 725–727 Kansas Ave. (9–15–77).

KENTUCKY

Jefferson County

Louisville, *Cathedral of the Assumption*, 443 S. 5th St. (9–21–77).

MAINE

Cumberland County

Portland, *Westbrook College Historic District*, 716 Stevens Ave. (9–15–77).
Steep Falls vicinity, *Valley Lodge*, NW of Steep Falls off ME 113 (9–19–77).

Kennebec County

Oakland, *Pressey House*, 287 Summer St. (9–15–77).
Vassalboro, *River Meetinghouse*, U.S. 201 (9–19–77).

Oxford County

Hebron, *Sturtevant Hall*, ME 119 (9–19–77).

York County

Wollis Center vicinity, *Wiggin, Kate Douglas, House (Quillcote)*, E of Hollis Center on Salmon Falls Rd. (9–16–77).

MARYLAND

Baltimore (independent city)

Baltimore Equitable Society, 21 N. Eutaw St. (10–6–77).

Baltimore County

Lansdowne, *Hull Memorial Christian Church*, 101 Clyde Ave. (9–15–77).

Carroll County

Taneytown vicinity, *Antrim*, S of Taneytown on Uniontown Rd. (9–16–77).
Uniontown vicinity, *Trevanion*, 3 mi. NW of Uniontown on Trevanion Rd. (9–15–77).
Westminster vicinity, *Friendship Valley Farm*, S of Westminster at 950 Gist Rd. (9–16–77).

Dorchester County

Taylor's Island vicinity, *Ridgeton Farm*, SW of Taylor Island on Bay Shore Rd. (10–5–77).

Frederick County

Frederick vicinity, *Nallin Farm Springhouse and Bank Barn*, N of Frederick (9–16–77).

Prince Georges County

Bowie, *Belair*, Tulip Grove and Belair Drives (9–16–77) HABS.
Brandywine vicinity, *St. Paul's Parish Church*, SE of Brandywine off MD 381 (9–15–77) HABS.
College Park vicinity, *College Park Airport*, E of College Park off Kenilworth Ave. (9–23–77).

Hyattsville, *Ash Hill*, 3308 Rosemary Lane (9–16–77).

MASSACHUSETTS

Norfolk County

Quincy, *Winthrop, John, Jr., Iron Furnace Site*, Crescent St. (9–20–77).

Worcester County

Charlton, *Northside Village Historic District*, Stafford St., Northside and Cemetery Rds. (10–5–77).
Lancaster, *Center Village District*, irregular pattern along Main St. (9–15–77).
Milford, *Milford Town Hall*, 52 Main St. (9–22–77).
Oxford, *Barton, Clara, Homestead*, 3 mi. W of Oxford on Clara Barton Rd. (9–22–77).
Petersham vicinity, *Gay Farm (Negus Hill)*, S of Petersham off Nichewaug Rd. (9–22–77).

MICHIGAN

Antrim County

Elk Rapids, *Elk Rapids Township Hall*, River St. (9–22–77).

Huron County

Bay Port, *Bay Port Historic Commercial Fishing District*, off MI 25 (9–22–77).

MINNESOTA

Chippewa County

Montevideo, *Budd, Charles H., House*, 219 N. 3rd St. (9–19–77).
Montevideo, *Chippewa County Bank*, N. 1st St. and Lincoln Ave. (9–19–77).

Goodhue County

Red Wing, *St. James Hotel*, Bush and Main Sts. (9–15–77).

Hennepin County

Minneapolis, *Advance Thresher/Emerson-Newton Company Buildings*, 700–704 S. 3rd St. (9–20–77).
Minneapolis, *Bennett-McBride House*, 3116 3rd Ave. S. (9–19–77).
Minneapolis, *Newell, George R., House*, 1818 LaSalle Ave. (9–15–77).

Koochiching County

International Falls, *Koochiching County Courthouse*, 4th St. and 8th Ave. (9–15–77).

Martin County

Fairmont, *Martin County Courthouse*, Lake Ave. and 2nd St. (9–22–77).

Ramsey County

St. Paul, *Ramsey County Poor Farm Barn*, 2020 White Bear Ave. (9–22–77).
St. Paul, *University Hall, Hamline University*, 1536 Hewitt Ave. (9–22–77).

Swift County

Benson, *Swift County Courthouse*, Idaho Ave. and 14th St. (9–19–77).

Winona County

Winona, *Winona Savings Bank Building*, 204 Main St. (9–15–77).

MISSISSIPPI

Lafayette County

Oxford, *Lafayette County Courthouse*, Courthouse Sq. (9–23–77).

MISSOURI

Buchanan County

St. Joseph, *Wholesale Row*, bounded by Jules, 3rd, 4th, and Francis Sts. (9–19–77).

Jackson County

Kansas City, *Loew's Midland Theater-Midland Building*, 1232–34 Main St. and 1221–33 Baltimore Ave. (9–28–77).

Saline County

Marshall, *First Presbyterian Church*, 212 E. North St. (9–20–77).

MONTANA

Meagher County

White Sulphur Springs, *Sherman, Byron R., House*, 310 2nd Ave. NE (9–15–77).

NEBRASKA

Douglas County

Omaha, *Specht, Christian, Building*, 1110 Douglas St. (9–19–77).

Hall County

Grand Island, *Hall County Courthouse*, 1st and Locust (9–15–77).

Saline County

Crete, *Johnston-Muff House*, 1422 Boswell Ave. (9–19–77).

NEW JERSEY

Burlington County

Burlington vicinity, *Irick, John, House*, E of Burlington off NJ turnpike (9–16–77).
Moorestown, *Perkins House*, Camden Ave. and King's Highway (9–15–77).

Camden County

Chesilhurst, *Grant A.M.E. Church*, 4th and Washington Sts. (10–5–77).

Cape May County

North Wildwood, *Hereford Lighthouse*, Central Ave. (9–20–77).

Essex County

Newark, *Feigenspan Mansion*, 710 High St. (10–5–77) HABS.
Newark, *Salaam Temple (Newark Symphony Hall)*, 1020 Broad St. (10–5–77).
West Orange, *St. Mark's Episcopal Church*, 13 Main St. (9–22–77).

Hunterdon County

Glen Gardner, *Glen Gardner Pony Pratt Truss Bridge*, Mill St. at Spruce Run (9–22–77).

Morris County

Morristown vicinity, *Whippany Farm*, 53 E. Hanover Ave. (9–22–77).
Whippany, *Tuttle House*, 341 NY 10 (10–5–77). HABS.

Salem County

Daretown, *Pittsgrove Presbyterian Church*, Main St. (9–19–77) HABS.

Sussex County

Stillwater vicinity, *Harmony Hill United Methodist Church*, N of Stillwater on Fairview Lake Rd. (9–19–77).

Union County

Springfield vicinity, *Hutchings Homestead*, 126 Morris Ave. (9–16–77) HABS.

NEW MEXICO

Luna County

Deming, *Luna County Courthouse and Park*, 700 S. Silver Ave. (10–5–77).

Valencia County

Tome, *Tome Jail*, Tome Plaza (10–5–77).

NEW YORK

Cortland County

Homer, *Water, Wall, and Pine Streets Lenticular Truss Bridges*, Wall, Water and Pine Sts. (10–5–77).

Essex County

Tahawus vicinity, *Adirondack Iron and Steel Company: Upper Works*, N of Tahawus at Henderson Lake (10–5–77).

Jefferson County

Mannsville vicinity, *Pierrepont Manor Complex*, N of Mannsville on Ellisburg St. (9–15–77).

Oneida County

Waterville, *Tower Homestead and Masonic Temple*, 210 Tower St. and Sanger St. (10–5–77).

Rensselaer County

Schodack Landing, *Schodack Landing Historic District*, NY 9J (9–15–77).

NORTH CAROLINA

Burke County

Morganton, *Western North Carolina Insane Asylum*, off NC 18 (10–5–77).

Warren County

Ridgeway vicinity, *Chapel of the Good Shepherd*, E of Ridgeway (9–16–77).

NORTH DAKOTA

Burke County

Flaxton, *Flaxton Hotel*, Davis St. (9–16–77).

Burleigh County

Bismarck, *Northern Pacific Railway Depot*, 410 E. Main Ave. (9–19–77).
Bismarck, *Yegen House and Pioneer Grocery*, 808–810 E. Main Ave. (10–5–77).

Richland County

Christine, *Nelson's Grocery*, Main and 3rd Sts. (10–5–77).

Christine, *Post Office*, Main and 3rd. Sts. (10–5–77).

Traill County

Mayville, *Great Northern Railway Depot (Goose River Heritage Center)*, Front St. (10–5–77).

Wells County

Fessenden, *Wells County Courthouse*, Railway St. N (9–15–77).

OHIO

Butler County

Hamilton vicinity, *Hueston, Matthew, House*, 1320 Four Mile Creek Rd. (9–16–77).

Clemont County

Milford vicinity, *Pfarr Log House*, SE of Milford on Shayler Run Rd. (9–16–77).

Cuyahoga County

Cleveland, *Rockefeller Park Bridges*, Rockefeller Park (9–27–77).

Darke County

Greenville, *Waring House*, 304 W. 3rd St. (9–16–77).

Franklin County

Columbus, *Columbus Savings and Trust Building (Atlat Building)*, 8 E. Long St. (9–15–77).

Lorain County

Sheffield Lake vicinity, *Burrell Orchard Site*, S of Sheffield Lake (9–15–77).

Richland County

Mansfield, *Renner and Weber Brewery*, 79 E. 4th St. (9–16–77).

Summit County

Hudson vicinity, *Brown, John, Farmhouse*, 1842 Hines Hill Rd. (9–22–77).

OREGON

Clackamas County

Oregon City, *Ermatinger, Francis, House*, 1018 Center St. (9–27–77).

Multnomah County

Portland, *West Hall*, 5000 N. Willamette Blvd. (9–22–77).

PENNSYLVANIA

Berks County

Stonersville vicinity, *Mill Tract Farm*, NE of Stonersville on Mill Rd. (9–22–77) HABS.

Lehigh County

Fullerton vicinity, *Helfrich's Springs Grist Mill*, W of Fullerton on Mickley Rd. (10–14–77).

Montgomery County

Lansdale, *Jenkins Homestead*, 137 Jenkins Ave. (9–15–77).

Philadelphia County

Philadelphia, *Mt. Airy Station*, E. Gowen Ave. (9–22–77).

Philadelphia, *Northern Saving Fund and Safe Deposit Company*, 600 Spring Garden St. (9–28–77) HABS.

PUERTO RICO

San Juan, *Antiguo Casino de Puerto Rico*, Avenida Ponce de Leon 1 (9–22–77).

RHODE ISLAND

Providence County

Providence, *Swan Point Cemetery*, 585 Blackstone Blvd. (10–5–77).

SOUTH CAROLINA

Aiken County

Aiken, *Legare-Morgan House*, 241 Lauren St., S.W. (9–22–77).

Berkeley County

Cross vicinity, *Loch Dhu*, N of Cross off S.C. 6 (9–22–77).

Lee County

Lynchburg vicinity, *Tanglewood Plantation*, SE of Lynchburg on SC 341 (9–22–77).

SOUTH DAKOTA

Brown County

Aberdeen, *Chicago, Milwaukee, St. Paul and Pacific Railroad Depot*, Main St. and Railroad Ave. (9–20–77).

Grant County

Summit vicinity, *Lebanon Lutheran Church*, 8 mi. SW of Summit (9–15–77).

Hughes County

Pierre, *Crawford-Pettyjohn House*, 129 S. Washington St. (9-22–77).

Pierre, *Karcher-Sahr House*, 222 E. Prospect St. (9–22–77).

Pierre, *Meade, Judge C. D., House*, 106 W. Prospect St. (10–7–77).

Kingsbury County

DeSmet, *Kingsbury County Courthouse*, SD 25 (9–22–77).

TENNESSEE

Clay County

Celina, *Clay County Courthouse*, TN 52 (9–22–77).

Franklin County

Old Salem vicinity, *Mann, R. N., House*, N of Old Salem off U.S. 64 (9–22–77).

Maury County

Columbia, *Columbia Arsenal (Columbia Military Academy)*, W. 7th St. (9–19–77).

TEXAS

Cass County

Queen City, *Mathews-Powell House*, Miller St. (9–22–77).

DeWitt County

Cuero vicinity, *Cuero Hydroelectric Plant*, 2 mi. N of Cuero on Guadalupe Plant (9–19–77).

Harrison County

Marshall vicinity, *Edgemont*, W of Marshall (9–22–77).

Pecos County

Sheffield vicinity, *Canon Ranch Railroad Eclipse Windmill*, W of Sheffield on Canon Ranch (9–22–77).

UTAH

Grand County

Moab, *Warner, Orlando W., House*, Mill Creek Rd. (9–20–77).

WASHINGTON

Spokane County

Spokane, *Natatorium Carousel*, Spokane Falls Blvd. (9–19–77).

Whitman County

Hay vicinity, *Henley Site*, W of Hay (9–19–77).

WEST VIRGINIA

Pocahontas County

Marlinton, *Pocahontas Times Print Shop*, 810 2nd Ave. (9–22–77).

WISCONSIN

Rock County

Beloit vicinity, *Turtleville Iron Bridge*, N of Beloit on Lathers Rd. (9–15–77).

Janesville, *Willard, Frances, Schoolhouse*, Craig Ave. (10–5–77).

WYOMING

Sweetwater County

Rock Springs vicinity, *Dug Springs Station Site*, E of Rock Springs (9–22–77).

* * * * *

The following is a list of corrections to properties previously listed in the FEDERAL REGISTER.

CALIFORNIA

Mariposa County

Curry Village, *LeConte Memorial Lodge*, Yosemite Valley, Yosemite National Park (3–8–77).

IOWA

Johnson County

Iowa City, *North Presbyterian Church*, 26 E. Market St. (8–28–73) (formerly listed as First Presbyterian Church).

OHIO

Hamilton County

Cincinnati, *Fechheimer, Marcus, House*, 22 Garfield Pl. (10–26–72) (formerly listed as Cuvier Press Club).

PENNSYLVANIA

Dauphin County

Harrisburg, *Harris, John, Mansion (Simon Cameron House)*, 219 S. Front St. (9–20–73) NHL.

TENNESSEE

Maury County

Columbia vicinity, *Pleasant Mount Cumberland Presbyterian Church*, SE of Columbia off TN 50 (8–16–77).

* * * * *

The following properties were omitted from the February 1, 1977, listing of properties in the FEDERAL REGISTER.

WASHINGTON

Benton County

Prosser, *Benton County Courthouse*, Dudley Ave. and Market St. (12–12–76).

Chelan County

Wenatchee, *Centennial Flour Mill*, Skagit and Wenatchee Aves. (12–12–76).

Kittitas County

Ellensburg, *Washington State Normal School Building*, 8th Ave. (12–12–76).

Thurston County

Bucoda, *Seatco Prison Site*, off WA 507 (5–2–75).

Yakima County

Yakima, *Carbonneau Mansion*, 620 S. 48th Ave. (12–12–76).

Yakima, *Donald House*, 304 N. 2nd St. (12–12–76).

Yakima vicinity, *Fort Simcoe State Park*, SW of Yakima on WA 220 (6–27–74).

* * * * *

The following properties have been either demolished or removed from the National Register of Historic Places.

CONNECTICUT

Fairfield County

Bridgeport, *Brooks, Capt. John Sr., House*, 199 Pembroke St.

KANSAS

Dickinson County

Solomon, *Union Pacific Railroad Depot*, 3rd St. between Walnut and Pine Sts.

NEW YORK

Otsego County

Oneonta, *Oneonta State Normal School*, State St.

Westchester County

White Plains, *Westchester County Courthouse Complex*, bounded by Martine Ave., Grand, Court, and Main Sts.

OHIO

Butler County

Hamilton vicinity, *Hughes, Phillip, House*, E of Hamilton at jct. of OH 4 and OH 747.

Carroll County

Minerva, *Minerva Grade School*, W. Line St. and Grant Blvd.

Hamilton County

Cincinnati, *Albee Theater*, 13 E. 5th St.

Huron County

Willard, Baltimore & Ohio Railroad Depot, B&O Railroad junction.

TENNESSEE

Knox County

Knoxville, *Commerce Avenue Fire Hall*, 201–205 Commerce Ave.

* * * * *

The following properties have been determined to be eligible for inclusion in the National Register. All determinations of eligibility are made at the request of the concerned Federal Agency under the authorities in section 2(b) and 1(3) of Executive Order 11593 as implemented by the Advisory Council on Historic Preservation, 36 CFR Part 800. This listing is not complete. Pursuant to the authorities discussed herein, an Agency Official shall refer any questionable actions to the Director, Office of Archeology and Historic Preservation, National Park Service, Department of the Interior, for an opinion respecting a property's eligibility for inclusion in the National Register.

Historical properties which are determined to be eligible for inclusion in the National Register of Historic Places are entitled to protection pursuant to section 106 of the National Historic Preservation Act of 1966, as amended, and the procedures of the Advisory Council on Historic Preservation, 36 CFR Part 800. Agencies are advised that in accord with the procedures of the Advisory Council on Historic Preservation, before an agency of the Federal Government may undertake any project which may have an effect on such a property, the Advisory Council on Historic Preservation shall be given an opportunity to comment on the proposal.

ALABAMA

Green County

Gainesville vicinity, *Archeological Sites in Gainesville Project*. Tombigbee Waterway (also in Pickens and Sumter counties).

*Tombigbee River Multi-Resource District**, also in Pickens Co., AL and Tishomingo, Prentiss, Tawamba, Monroe, Clay, Lowndes, Noxubee Cos., MS.

Jefferson County

Site 1Je36. Project I–459–4(4).

Lowndes County

Jones Bluff Park Site (1 Au 139), Jones Bluff Lake Project.

Madison County

Huntsville, *Lee House*, Red Stone Arsenal.

Montgomery County

Gunter Hill Park Site (1 MT 134), Jones Bluff Lake Project.

Washington County

Sunflower vicinity, *Dr. Williams Home*, AL project RF–98(7).

ALASKA

Fairbanks Division

Davidson Ditch, Steese Hwy.

Nome Division

Cape Nome vicinity, *Nuk Site*, Nome-Council Rd.

Little Diomede Island, *Iyapana, John House*.

Sitka Division

Crab Bay, *Crab Bay Petroglyph*.

ARIZONA

Apache County

Grand Canyon National Park, *Old Post Office*.

Apache County

Painted Cliffs Archeological District (Arizona K:12:3, K:12:87, K:12:238, K:12:239), Lupton Interchange of I–40.

Conconino County

Gray Mountain Site, (AR–02–020–946).

House Rock Springs, Upper Houserock Valley.

Paria Plateau Archeological District.

Graham County

Foote Wash—No name Wash Archeological District.

Maricopa County

Beth Israel Synagogue, 120 E. Culver.

Cave Creek Archeological District.

Glendale vicinity, *Cave Creek Dam*.

New River Dams Archeological District.

Phoenix, *Brooks, M. B., House*, 334B 75th Ave.

Phoenix, *Ellis-Shackleford House*, 1242 N. Central.

Phoenix, *Evans Barn*, 67th Ave., between Van Buren and McDowell.

Phoenix, *Fennemore House*, 501 E. Moreland.

Phoenix, *Hidden-Porcher House*, 763 E. Moreland.

Phoenix, *Ivy House*, 111 W. Monroe St.

Phoenix, *Kenilworth Elementary School*, 1210 N. 5th Ave.

Phoenix, *La Ciudad Archeological Site*.

Phoenix, *Las Colinas (Arizona T:12810)*, 1200 block of N. 27th Ave.

Phoenix, *Pieri-Elliott House*, 767 E. Moreland.

Phoenix, *Stewart House*, 1115 N. Central.

Site T:4:6.

Site U:1:30 (A.S.U.).

Site U:1:31 (A.S.U.).

Skunk Creek Archeological District.

Mohave County

Colorado City vicinity, *Short Creek Reservoir States NA 13,257 and NA 13,258*.

Navajo County

Polacca vicinity, *Walpi Hopi Village*, adjacent to Polacca.

Pima County

Tucson, *Convento Site*.

Yavapai County

Copper Basin Archeological District, Prescott National Forest.

Yuma County

Eagle Tail Mountains Archeological Site.

ARKANSAS

Archeological Sites, Black River Watershed.

Clay County

Site 3CY34, Little Black River Watershed.

Craighead County

Mangrum Site (State Site Number 3CG636).

Faulkner County

Site 3WH145, E fork of Cadron Creek Watershed (also in White county).

Sites 3VB49–3VB51, N fork Cadron Creek Watershed.

Hempstead County

Archeological Sites in Ozan Creeks Watershed.

Lonoke County

Scott vicinity, *William S Pemberton House*.

Ouachita County

Camden, Old Post Office, Washington St.

Poinsett County

Riverside Site (State Site Number 3P0395).

CALIFORNIA

Archeological Sites, Buchanan Dam at Chowchilla River.

Alpine County

Woodsford vicinity, *Archeological Site 4-Alp–105*.

Amador County

Amador City, 35 mi. SE of Sacramento.

Benito County

Chalone Creek Archeological Sites, Pinnacles National Monument.

Calaveras County

New Melones Historical District, New Melones Lake Project area, Stanislaus River (also in Tuolumne County).

Colusa County

Stoneyford vicinity, *Upper and Lower Letts Valley Historical District*, 12 mi. SW of Stoneyford.

Del Norte County

Chimney Rock, Six Rivers National Forest.

Doctor Rock, Six Rivers National Forest.

Peak No. 8, Six Rivers National Forest.

El Dorado County

Site Eld–58.

Giebenhahn House and Mountain Brewery Complex.

Fresno County

Helms Pumped Storage Archeological Sites, Sierra National Forest.

Home Camp T.S. (6 archeological sites) in Sierra National Forest.

Glenn County

Stick Lake Prehistoric Site, Case No. 05–08–67, Mendocino National Forest.

Upper Leach Lake Prehistoric Site, Case No. 05–08–67, Mendocina National Forest.

Willows vicinity, *White Hawk Top Site*, Twin Rocks Ridge Road Reconstruction Project.

Humbolt County

Eureka, *Eureka Historic District*.

Imperial County

Glamis vicinity, *Chocolate Mountain Archeological District*.

Lake Cahuilla, *Lot 1*.

Lake Cahuilla, *Lot 5*.

Inyo County

Scotty's Castle, Death Valley National Monument.

Scotty's Ranch, Death Valley National Monument.

The Twenty Mule Team Borax Wagon Road (also in Kern and San Bernardino counties).

Kern County

Site Ca-Ker-322.

Lassen County

Archeological Site HJ–1 and HJ–5.

Los Angeles County

Big Tujunga Prehistoric Archeological Site, I 210 Project.

Los Angeles, *Fire Station No. 26*, 2475 W. Washington Blvd.

Van Norman Reservoir, Site CA–LAN 646, CA–LAN 643, Site CA–LAN 490, and a cluster made up of Sites CA–LAN, 475, 491, 492, and 493.

Madera County

Bass Lake Archeological Sites

CA–MAD 176–185.

Lower China Crossing.

New Site.

Marin County

Point Reyes, *P. E. Booth Company Pier*, Point Reyes National Seashore.
Point Reyes, *Point Reyes Light Station.*

Modoc County

Alturas vicinity, *Rail Spring*, about 30 mi. N of Alturas in Modoc National Forest.
Johnson Slough Site (Site 1).
Tulelake vicinity, *Lava Bed National Monument Archeological District*, S of Tulelake (also in Siskiyou County).

Mono County

Archeological Site CA-MNO-684.

Monterey County

Big Sur, *Point Sur Light Station.*
Pacific Grove, *Point Pinos Light Station.*

Napa County

Archeological Sites 4-Nap-14, 4-Nap-261. Napa River Flood Control Project.

Plumas County

Mineral, *Hay Barn and Cook's Cabin, Drakesbad (Sifford Family) Guest House*, Lassen Volcanic National Park.
Mineral, *Summit Lake Ranger Station*, Lassen Volcanic National Park.

Riverside County

Twentynine Palms, *Cottonwood Oasis (Cottonwood Springs)*, Joshua Tree National Monument.
Twentynine Palms, *Lost Horse Mine*, Joshua Tree National Monument.

Sacramento County

Sacramento River Bank Protection Project, Site 1, Sacramento River.
Sacramento Weir
Sacramento, *Tower Bridge*, M St. over Sacramento River (also in Yolo County).

San Bernardino County

Squaw Spring Well Archeological District.
Steam Well Petroglyph Archeological District.
Trona Pinnacles Railroad Camp.
Twentynine Palms, *Keys, Bill, Ranch*, Joshua Tree National Monument.
Twentynine Palms, *Twentynine Palms Oasis* Joshua Tree National Monument.

San Diego County

Escondido vicinity, *Caltrans' Project (Archeological Site 4-SDi-4558)*
North Island, *Camp Howard, U.S. Marine Corps*, Naval Air Station.
North Island, *Rockwell Field*, Naval Air Station.
San Diego, *Marine Corps Recruit Depot*, Barnett Ave.

San Francisco County

Forest Hill Station.
North Point Park/Marina (Eagle Cafe and Pier Facades), San Francisco northern waterfront.
San Francisco, *Twin Peaks Tunnel.*

San Luis Obispo County

New Cuyana vicinity, *Caliente Mountain Aircraft Lookout Tower*, 13 mi. NW of New Cuyana off Rte. 166.
San Luis Obispo, *San Luis Obispo Light Station.*

San Mateo County

Hillsborough, *Point Montara Light Station.*

Santa Barbara County

Santa Barbara, *Site SBa-1330*, Santa Monica Creek.
Site CA-Sba-1325.

Santa Clara County

Sunnyvale, *Theuerkauf House*, Naval Air Station, Moffett Field.

Shasta County

Mineral, *Comfort Station*, Lassen Volcanic National Park.
Mineral, *Park Entrance Station and Residence*, Lassen Volcanic National Park.
Mineral, *Park Naturalist's Residence*, Lassen Volcanic National Park.
Mineral, *Warner Valley Ranger Station*, Lassen Volcanic National Park.
Redding vicinity, *Squaw Creek Archeological Site*, NE of Redding.
Whiskeytown, *Irrigation System (165 and 166)*, Whiskeytown National Recreation Area.

Sierra County

Archeological Site HJ-5 (Border Site 26WA-1676).
Properties in Bass Lake Sewer Project.

Siskiyou County

Thomas-Wright Battle Site, Lava Beds National Monument.

Sonoma County

Dry Creek-Warm Springs Valley Archeological District.
Petaluma, *Ferrell Home*, 500 E. Washington St.
Santa Rosa, *Santa Rosa Post Office.*

Tehama County

Los Molinos vicinity, *Ishi Site (Yahi Camp)*, E of Los Molinos in Deer Creek Canyon.

Tulare County

Atwell's Mill, Sequoia National Park.
Cattle Cabins, Sequoia National Park.
Quinn Ranger Station.

Ventura County

Simi Valley, *Archeological Site Ven-341.*

Yuba County

Site 4-Yub-S27 (Marysville Riverfront Park Project), along the Feather River, City of Marysville.

COLORADO

Denver County

Douglas County

Keystone Railroad Bridge, Pike National Forest.

El Paso County

Colorado Springs, *Old El Paso County Jail*, corner of Vermijo and Cascade Ave.

Larimer County

Estes Park, *Beaver Meadows Maintenance Area*, Rocky Mountain National Park utility area.
Sites 5-LR-257 and 5-LR-263, Boxelder Watershed Project.

Pueblo County

Pueblo, *Pueblo Federal Building (U.S. Post Office)*, 5th and Main Sts.

CONNECTICUT

Fairfield County

Bridgeport Harbor, *Bridgeport Canal Barges.*
Norwalk, *Washington Street—S. Main Street Area.*

Hartford County

Farmington, *Gridley-Parsons-Staples Homestead*, Rte. 4, Farmington Ave.
Granby, *Granby Center.*
Hartford, *Christ Church Cathedral and Cathedral House*, 955 Main St. and 45 Church St.
Hartford, *Houses on Charter Oak Place.*
Hartford, *Houses on Wethersfield Avenue*, between Morris and Wyllys Sts., particularly Nos. 97-81, 65.
Manchester, *Portions of Cheney Silk Mills Industrial Complex* (Cheney Homes Area).
Southington, *Lewis, Sally, House*, 500 N. Main St.

Middlesex County

Middletown, *Cookson, John, House*, S. Main St.
Middletown, *Fuller, Caleb, House*, Upper Williams St.
Middletown, *Main Street Firehouse*, 533 Main St.
Middletown, *Middletown High School*, Court and Pearl Sts.
Middletown, *Southmayd, William, House*, Lower Williams St.

New London County

New London, *Bank Street Historic District.*
New London, *Buckingham Memorial Building*, 307 Main St.
New London, *Williams Memorial Institute Building*, 110 Broad St.
Norwich, *Washington Street Historic District*, Project 103-159.

New Haven County

Ansonia Opera House, 100 Main St.
New Haven, *Grand Avenue Drawbridge*, over Quinnipiac River.

Windham County

Brooklyn, *Quebec Historic District (Quebec Village).*

DISTRICT OF COLUMBIA

Auditors' Building, 201 14th St. SW.
Brick Sentry Tower and Wall, along M St.
Central Heating Plant, 13th and C Sts. SW.
SE between 4th and 6th Sts SE
1700 Block Q Street NW, 1700-1744, 1746, 1748 Que St. NW.; 1536, 1538, 1540, 1602, 1604, 1606, 1608, 17th St. NW.

FLORIDA

Broward County

Hillsboro Inlet, *Coast Guard Light Station.*

Collier County

Marco Island, *Archeological Sites on Marco Island.*

Monroe County

Knights Key Moser Channel—Packet Channel Bridge (Seven Mile Bridge)
Long Key Bridge
Old Bahia Honda Bridge

Pinellas County

Bay Pines, *VA Center*, Sections 2, 3, and 11 TWP 31-S, R-15E.

GEORGIA

Bibb County

Macon, *Vineville Avenue Area*, both sides of Vineville Ave. from Forsyth and Hardman Sts. to Pio Nono Ave.

Carroll County

Jordan-Hampton House, Route 1.

Chatham County

Archeological Site, end of Skidaway Island.
Savannah, *516 Ott Street.*
Savannah, *908 Wheaton Street.*
Savannah, *914 Wheaton Street.*
Savannah, *920 Wheaton Street.*
Savannah, *928 Wheaton Street.*

Savannah, *930 Wheaton Street.*
Skidaway Island, *Priest's Landing Mounds.*

Clay County

Archeological Site WGC-73, downstream from Walter F. George Dam.

Cobb County

Bostwick, Charles C., House, 325 Atlanta St.
Brumby, Arnoldus, House, 472 Powder Springs St.
Clay, Alexander Stephens, House, 353 Atlanta St.
McCullock-Wellons House, 348 Powder Springs Rd.
Slaughter, M. G., Cottage, 216 Fraser St.

De Kalb County

Atlanta, *Atkins Park Subdivision,* St. Augustine, St. Charles, and St. Louis places.
Cottingin Building, 97 Broad St., SW.
Decatur, *Sycamore Street Area.*

Fulton County

Atlanta, *Downtown Atlanta Historic District,* beginning at jct. Atlanta St. and Central Ave.

Gordon County

Haynes, Cleo, House and Frame Structure. University of Georgia.
Moss—Kelly House, Sallacoa Creek area.

Greene County

Wallace Reservoir Archeological District, (also in Hancock, Morgan, and Putnam counties).

Gwinnett County

Duluth, *Hudgins, Scott, Home (Charles W. Summerour House),* McClure Rd.

Heard County

Philpott Homesite and Cemetery, on bluff above Chattahoochee River where Grayson Trail leads into river.

Richmond County

Archeological Sites Project F-117-1 (7).
Augusta, *Blanche Mill.*
Augusta, *Enterprise Mill.*
Augusta, *Green Street.*

Stewart County

Rood Mounds, Walter F. George Dam and Reservoir.

Sumter County

Americus, *Aboriginal Chet Quarry,* Souther Field.

HAWAII

Hawaii County

Hawaii Volcanoes National Park, *Mauna Loa Trail.*
Kwalakakwa Bay, *Kona Field System*

Maui County

Hana vicinity, *Kipahulu Historic District,* SW of Hana on Rts. 31.

Oahu County

Barber's Point Harbor.
Moanalua Valley.

IDAHO

Ada County

Boise, *Alexanders,* 826 Main St.
Boise, *Falks Department Store,* 100 N. 8th St.
Boise, *Idaho Building,* 216 N. 8th St.
Boise, *Simplot Building (Boise City National Bank),* 805 Idaho St.
Boise, *Union Building,* 712½ Idaho St.

Clearwater County

Orofino vicinity, *Canoe Camp—Suite 18,* W of Orofino on U.S. 12 in Nez Perce National Historical Park.

Gem County

Marsh and Ireton Ranch, Montour Flood project.
Town of Montour, Montour Flood project.

Idaho County

Kamiah vicinity, *East Kamiah*—Suite 15, SE of Kamiah on U.S. 12 in Nez Perce National Historical Park.

Lemhi County

Tendoy, *Lewis and Clark Trail, Pattee Creek Camp.*

Nez Perce County

Lapwai, *Fort Lapwai Officer's Quarters,* Phinney Dr. and C St. in Nez Perce National Park.
Lapwai, *Spalding.*
Lewiston, *Fix Building,* 211-213 Main St.
Lewiston, *Lower Snake River Archeological District*
Lewiston, *Moxley Building,* 215 Main St.
Lewiston, *Scully Building,* 209 Main St.

Power County

American Falls vicinity, *Register Rock.*

ILLINOIS

Bureau County

I & M Canal (also in Henry, Rock Island, and Whiteside counties).

Carroll County

Savanna vicinity, *Spring Lake Cross Dike Island Archeological Site,* 2 mi. SE of Savanna.

Cook County

Chicago, *Ogden Building,* 180 W. Lake St.
Chicago, *Oliver Building,* 159 N. Dearborn St.
Chicago, *Springer Block (Bay, State, and Kranz Buildings),* 126-146 N. State St.
Chicago, *Unity Building,* 127 N. Dearborn St.

De Kalb County

De Kalb, *Haish Barbed Wire Factory,* corner of 6th and Lincoln Sts.

Henry County

Genesco, *Ristau Brewery.*

Lake County

Fort Sheridan, *Museum Bldg. 33,* Lyster Rd.

Madison County

American Botroms, 69 archeological sites in Madison, Monroe, and St. Clair counties.

Rock Island County

Archeological Site 11-Ri-337, East Moline Mississippi and Rock Rivers.

Scott County

Naples vicinity, *Naples-Castle Site,* SW of Naples.

Williamson County

Wolf Creek Aboriginal Mound, Crab Orchard National Wildlife Refuge.

INDIANA

Lawrence County

Bedford, *Main Post Office,* 1324 K St.
Mitchell, *Riley School.*

Marion County

Indianapolis, *Lockfield Gardens Public Housing Project,* 900 Indiana Ave.
Indianapolis vicinity, *Garfield Park Pagoda,* 2 mi S of Indianapolis in Garfield Park.

Monroe County

Bloomington, *Carnegie Library.*

Orange County

Cox Site, Lost River Watershed.
Half Moon Spring, Lost River Watershed.
Jackson, *Ten Prehistoric Sites in the Patoka Lake.*

St. Joseph County

Mishawaka, *100 NW Block,* properties fronting N. Main St. and W. Lincoln Way.

Spencer County

Evansville, *Pollard, Maier, House.*

Vanderburgh County

Evansville, *Alhambra Theater,* 50 Adams St.
Evansville, *Riverside Neighborhood.*

Vermillion County

Houses in SR 63/32 Project, jct. of SR 32 and SR 63 and 1st rd. S. of Jct.

IOWA

Allamakee County

Marquette vicinity, *Fire Point Site (Nine Foot Channel Navigation Project).*

Boone County

Saylorville Archeological District (also in Polk and Dallas counties).

Ida County

Muri Brown Site (13-IA-4), County Courthouse.

Johnson County

Indian Lookout.

KANSAS

Douglas County

Lawrence, *Curtis Hall (Kiva Hall),* Haskell Institute.

KENTUCKY

Boone County

Rabbit Hash, *Sites 15Be75 and 15Be76.*

Jefferson County

Archeological Sites: Section 2, SW Jefferson County Local Protection Project.
Louisville, *Levin Bates House,* Bardstown Rd.

Johnson County

Fishtrap United Methodist Church.
Volga, *McKenzie Log Cabin,* McKenzie Branch.

Lawrence County

Fort Ancient Archeological Site.

Spence County

Taylorsville vicinity, *McClain-Prevallet Site (Archaeological Site 15-Sp-243).*

Trigg County

Golden Pond, *Center Furnace,* N of Golden Pond on Bugg Spring Rd.

LOUISIANA

Cameron Parish

Hackberry, *Black Lake Site (16-Cm-87).*
Hackberry, *Ellender House.*
Hackberry, *Sanner House.*

East Baton Rouge Parish

Baton Rouge, *Spanish Town,* Baton Rouge.

Lasalle Parish

White Sulfer Springs vicinity, *Whatley Site (16-LA-37),* SW of White Sulphur Springs.

Orleans Parish

New Orleans, *Algiers Point Historic District*, bounded by Mississippi River, Atlantic St., and Opelousas St.
New Orleans, *Beauregard Square*, bounded by St. Peter, Rampart, St. Anne Sts., and Municipal Auditorium Building.
New Orleans, *Brooklyn Cooperage Company*, 1200 S. Peters St.
New Orleans, *Casey, Kate, House*, 932–934 Howard.
New Orleans, *Central City District*.
New Orleans, *Cochran and Mims Foundry*, 1101 S. Peters St.
New Orleans, *Cordes, John, House*, 3027–3029 Royal St., Square 170.
New Orleans, *Deyron, Dr. J. A., House*, 3037 Royal St., Square 170.
New Orleans, *Dunn, Andrew Jackson, House*, 928–930 Calliope St., Square 119.
New Orleans, *Duyer, James, House*, 933–935 Galenne St., Square 119.
New Orleans, *Gasquet, William, Houses*, 1128–1130 Constance St., Square 119.
New Orleans, *Hart, James S., House*, 615 Erato St., Square 71.
New Orleans, *I-Sea Storage and Transfer Company Building*, 2201 Clio St., Square 348.
New Orleans, *Israelite Divine Spiritual Church*, 631 S. Roman St.
New Orleans, *Jahucke Building*, 814 Howard Ave., Square 237.
New Orleans, *Kohlman Cotton Mill and Manufacturing*, 1226 St. Thomas St.
New Orleans, *Lee Circle and Lee Monument*, St. Charles Ave. at Howard Ave.
New Orleans, *Maginnis Cotton Mills*, 1054 Constance St., Square 120.
New Orleans, *McDowall, Robert, House*, 1119–1121 Constance St., Square 130.
New Orleans, *McLaughlin, M. A., House*, 1122–1126 Constance St., Square 119.
New Orleans, *McLeod, Euphenia Napir House*, 1523–1525 Calliope St., Square 183.
New Orleans, *Murray, Thomas, House*, 1131 S. Rampart St., Square 290.
New Orleans, *Old Firehouse*, 1045 Magazne St., Square 158.
New Orleans, *Peyton, William H., House*, 1135 S. Rampart St., Square 290.
New Orleans, *Roper, George W., House*, 1032 St. Charles Ave., Square 183.
New Orleans, *St. John the Baptist Church*, 1139 Dryedes St., Square 277.
New Orleans, *Saulet, Marie Theresa, House*, 1218–1222 Annunciation St., Square 100.
New Orleans, *Schwegmann, G. A., House* 3044 Royal St., Square 142.
New Orleans, *Sincer, Louis, House*, 1061 Camp St., Square 183.
New Orleans, *Sporl, C. J., House*, 3015 Royal St., Square 142.
New Orleans, *Talen, Aaldemar Appollonius, Studio-House*, 1029 Calliope St., Square 137.
New Orleans, *Temple Sinai*, 1032 Ceroudelet St., Square 215.
New Orleans, *Verret, Theodore, House*, 1216 Annunciation St., Square 109.
New Orleans, *Tourae, Nicholas, House*, 1169 Tchoupitoulas St., Square 71.
Wells Fargo Building, 1055 Dryades St.
New Orleans, *Zangel, Frederick, House*, 1118 Constance St., Square 119.

Red River County

Hanna Site (16RR4).

St. Martins Parish

Site 16, Sm—45, Atchafalaya Basin Floodway.

Vernon Parish

Ft. Polk, *Site 16 VN 18*.

West Feliciana Parish

Illinois Central Gulf RR Abandonment, Hardwood, AL to Woodville, MS (also in Wilkinson Co, MS)

MARYLAND

Allegany County

Flintstone vicinity, *Martin Gordon Farm*, Breakneck Rd. (Rte. 1).
Flintstone vicinity, *Martins Mountain Farm*, Breakneck Rd. (Rte. 1).

Anne Arundel County

Claiborne, *Bloody Point Bar Light*, on Chesapeake Bay.
Skidmore, *Sandy Point Shoal Light*, on Chesapeake Bay.

Baltimore (independent city)

Baltimore Belt (Baltimore and Ohio) Railroad (Howard Street Tunnel and Power House).
Barre Circle Historic District, Lombard St., Fremont Ave., Scott St.
Eastern Avenue Sewage Pumping Station, SW corner of Eastern Ave. and President St.
Fayette Street Methodist Episcopal Church, 745 West Fayette St.
Mount Calvary Church Historic District, Biddle St., Madison Ave., N. Eutaw St.

Baltimore County

Federal Hill-Riverside Park Historic District, Federal Hill and Riverside Park areas.
Fort Howard, *Craighill Channel Upper Range Front Light*, on Chesapeake Bay.
Hollins-Lombard Historic District, 800 blocks of Hollins and Lombard Sts., bet. Fremont and Callender; unit block of Parkin St.
New Owings Mills Railroad Station, W of Reisterstown Rd.
Old Owings Mills Railroad Station, Reisterstown Rd.
Old Western Police Station (Old Pine Street Station).
Reisterstown Historic District, Butler and Walston Rds.
Ridgely's Delight Historic District.
Sparrows Point, *Craighill Channel Range Front Light*, on Chesapeake Bay.
St. Paul's Cemetery, Union Block, Fremont Ave.

Carroll County

Bridge No. 1–141 on Hughes Road.

Cecil County

Sassafras Elk Neck, *Turkey Point Light*, at Elk River and Chesapeake Bay.

Dorchester County

Hoopersville, *Hooper Island Light*, Chesapeake Bay-Middle Hooper Island.

Frederick County

Fort Detrick, *Horton Test Sphere (One-Million-Liter Test Sphere)*.

Montgomery County

Rockville, *Third Addition to Rockville and Old St. Mary's Church and Cemetery*.

St. Marys County

St. Inigoes, *St. Inigoes Manor House*, Naval Electronic System Test and Evaluation Detachment.
St. Marys City, *Point No Point Light*, on Chesapeake Bay.

Talbot County

Tilghman Island, *Sharps Island Light*, on Chesapeake Bay.

MASSACHUSETTS

Barnstable County

Rider, Samuel, House, Gull Pond Rd. off Mid-Cape Hwy. 6.
Truro, *Highland Gold Course*, Cape Cod Light, area.

Bristol County

Mansfield, *School Street Site*, I 495 and relocated SR 140.

Hampden County

Holyoke, *Caledonia Building (Crafts Building)*, 185–193 High St.
Holyoke, *Cleary Building (Stiles Building)*, 190–196 High St.
Holyoke, *Steamer Company No. 3*.

Middlesex County

Wayland, *Old Town Bridge (Four Arch Bridge)*, Rte. 217, 1.5 m. NW of Rte. 126 Jct.

Suffolk County

Northern Avenue Bridge, Fort Point Channel.

Worcester County

Leicester, *Shaw Site (Sites 4, 5, and 6)*, Upper Quaboag River Watershed project.
North Brookfield, *Meadow Site No. 11*, Upper Quaboag River Watershed.

MICHIGAN

Kalamazoo County

Masonic Temple, corner Rose and Eleanor Sts.
Little Forks Archeological District.

MINNESOTA

Hennepin County

Minneapolis, *Minnesota Veterans Home*, E. 51st St. and Minnehaha Ave.

Itasca County

Deer River, *Lake Winnibigoshish Dam Archeological Site*.

St. Louis County

Duluth, *Morgan Park Historic District*.

Winona County

Winona, *Second Street Commercial Block*.

MISSISSIPPI

Lowndes County

Tibbee Creek Archeological Site, Columbus lock and dam project.

Tishomingo County

Tennessee—Tombigbee Waterway.

MISSOURI

Buchanan County

St. Joseph, *Hall Street Historic District*, bounded by 4th St. on W., Robidoux on S., 10th on E., and Michel, Corby, and Ridenbaugh on N.

Dent County

Lake Spring, *Hyer, John, House*.

Franklin County

Leslie, *Noser's Mill and adjacent Miller's House*, Rural Rte. 1.

Greene County

Springfield, *Landers Theater*, 311 E. Walnut St.

Henry County

La Due, *Batschelett House*, near Harry S Truman Dam and Reservoir.

Little Black River Watershed (also in Ripley County).

Monroe County

Violette, Alexander House.

Newton County

Racine, *Smith Cabin Ruins (Lost Creek Watershed Archeological Site)*

MONTANA

Big Horn County

Decker vicinity, *Bunny Chase Archeological Site*, 10 mi. W of Decker.

Cascade County

Great Falls, *Building at 108 Central Avenue.* 108 Central Ave.

Custer County

"Old Fort" at Fort Keogh.

Fergus County

Lewis & Clark, Campsite, May 23, 1805.
Lewis & Clark, Campsite, May 24, 1805.

Lewis and Clark County

Marysville, *Marysville Historic District.*

NEBRASKA

Cherry County

Valentine vicinity, *Fort Niobrara National Wildlife Refuge.*
Valentine vicinity, *Newman Brothers House.*

Knox County

Niobrara Historic Properties.

NEVADA

Clark County

Las Vegas vicinity, *Blacksmith Shop*, Desert National Wildlife Range.
Las Vegas Vinicity, *Las Vegas Wash Archeological District.*
Las Vegas vicinity, *Mesquite House*, Desert National Wildlife Range.

Elko County

Carlin vicinity, *Archeological Sites 26EK1669, 26EK1672.*

Nye County

Las Vegas vicinity, *Emigrant's Trail*, about 75 mi. NW of Las Vegas on U.S. 95.

Pershing County

Lovelock vicinity, *Adobe in Ruddell Ranch Complex.*
Lovelock vicinity, *Lovelock Chinese Settlement Site.*

Storey County

Sparks vicinity, *Derby Diversion Dam*, on the Truckee River 19 mi. E of Sparks, along I 80 (also in Washoe County).

Washoe County

Site 26Wa2065.

NEW HAMPSHIRE

Cheshire County

Arch Bridge, between N. Walpole and Bellows Falls (also in Windham Co., VT).

Hillsborough County

Amoskaag Millyard Complex.
Smyth Tower.

Rockingham County

Portsmouth, *Pulpit Rock Observation Station*, Portsmouth Harbor.

Strafford County

Odd Fellow's Hall (Morning Star Block).
O'Neill House (Cocheco Co. Housing).
Public Market (Morrill Block).
Trella House (Dover Manufacturing Co. Housing).
Veteran's Building (Central Fire House).
Western Auto Block (Merchants Row).

NEW JERSEY

Hudson County

S.S. Newton, midway between Ellis and Liberty islands.

Mercer County

Hamilton and West Windsor Townships, *Assunpink Historic District.*
Trenton, *Lamberton Interceptor.*
West Windsor Township Wastewater Facilities (Archeological Site 3313.14)—Extended.

Middlesex County

Cranbury Historic District.
Metuchen, *Metuchen RR Station.*

Monmouth County

Long Branch, *The Reservation*, 1-9 New Ocean Ave.

Morris County

Morristown, *Abbett Avenue Bridge.*

Ocean County

Joseph Holmes Mill (The Mill Site), SW corner of intersection of Mill and Parker Sts.

Passaic County

Forsberg House, 3 Edgemont Crescent.

Union County

Berkeley Heights Township, *Feltville (Deserted Village).*
Elizabeth, *Bender Building (Plainfield Corridor Service Project)*, 251-267 N. Broad St.
Elizabeth, *Freight Station (Plainfield Corridor Service Project)*, 520-532 North Ave.
Elizabeth, *Slaughterhouse (Plainfield Corridor Service Project)*, 247 Morris Ave.
Springfield Township, *Sayre House (I-78 Project).*
Tannery *(Plainfield Corridor Service Project)*, 244-246 N. Broad St.

NEW MEXICO

Chaves County

Cites LA11809—LA11822, Cottonwood-Walnut Creek Watershed (also in Eddy County).

Dona Ana County

Placitas Arroyo, *Sites SCSPA 1—8.*

Guadalupe County

Los Esteros Lake Archeological Site.

Lee County

Laguna Plata Archeological District.

McKinley County

Zuni Pueblo Watershed, *Oak Wash Sites N.M.G.:13:19—N.M.G.:13:37.*

Otero County

Three Rivers Petroglyphs.

Rio Arriba County

Cerrito Recreation Site Archeological District.

NEW YORK

Albany County

Guilderland, *Nott Prehistoric Site.*
Tetilla Peak Site.

Bronx County

New York, *Bronx Post Office.*
New York, *North Brothers Island Light Station*, in center of East River.

Broome County

Mill Site at Site 7-A, Manticoke Creek project (also in Tioga County).
Vestal, *Vestal Nursery Site*, Vestal Project (also in Union County).

Cattaraugus County

Olean, *Forness Park Development-Archeological Sites.*

Chautauqua County

Dunkirk, *Properties in the city of Dunkirk.*
Loomis Archeological Site, South and Central Chautauqua Lake

Erie County

Erie Canal.

Greene County

New York, *Hudson City Light Station*, in center of Hudson River.

Kings County

Rheingold Office Building (Brooklyn Industrial Park), Forest and Stanwix Sts.
Steeplechase Parachute Jump.

Nassau County

Greenville, *Toll Gate House*, Northern Blvd.
Long Island, *Seafood Park Archeological Site.*

New York County

New York, *Colonial Park Pool Complex*, Bradhurst Ave.
New York, *Harlem Courthouse*, 170 E. 121st St.
New York, *Old Produce Exchange (Army Building Reservation)*, 39 Whitehall.

Orange County

Port Jervis, *Church Street School*, 55 Church St.
Port Jervis, *Farnum, Samuel, House*, 21 Ulster Pl.
New Windsor, *Hazard's Mill Lott*, between Forge Hill Rd. and Moodna Creek and E of U.S. 9W.

Oswego County

Gustin-Earle Factory Site, village of Mexico.
Musico Motors Building, W. First and W Seneca Sts.

Otsego County

Swart-Wilcox House

Queens County

Fort Totten Officers' Club.

Richmond County

New York, *Romer Shoal Light Station*, located in lower bay area of New York Harbor.
Staten Island, *U.S. Coast Guard Base, St. George.*

Saratoga County

Saratoga Springs, *Yaddo House and Gardens, District.*
Saratoga Springs, *Yaddo House and Gardens*, Saratoga Springs Historic District.
Schuylerville, *Archeological Site*, Schuylerville Water Pollution Control Facility.

Staten Island

Tottenville, *Ward's Point*, Oakwood Beach Project.

Suffolk County

Janesport vicinity, *East End Site.*
Janesport vicinity, *Hallock's Pond Site*
New York, *Fire Island Light Station*, U.S. Coast Guard Station.
New York, *Little Gull Island Light Station*, off North Point of Orient Point, Long Island.
New York, *Plum Island Light Station*, off Orient Point, Long Island.

New York, *Race Rock Light Station*, S. of Fishers Island, 10 mi. N. of Orient Point.
Northville Historic District, houses along Sound Ave.

Ulster County

Kingston vicinity, *Esopus Meadows Light Station*, middle of Hudson River.
New York, *Rondout North Dike Light*, center of Hudson River at Jct. of Rondout Creek and Hudson River.
New York, *Saugerties Light Station*, Hudson River.
Wildmere and Cliffhouse Resort Hotels (Minnewaska Acquisition Project), towns of Gardiner and Rochester.

Warren County

Lake George, *Boyau*, portion of Montcalm St.

Washington County

Greenwich, *Palmer Mill (Old Mill)*, Mill St.

Westchester County

Port Washington vicinity, *Execution Rocks Light Station*, lower SW portion of Long Island Sound.
Yonkers, *Women's Institute Building*.
Yorktown, *Yorktown Railroad Station*.

NORTH CAROLINA

Alamance County

Burlington, *Clapp's Mill and Dam Site* (also in Guilford County).
Burlington, *Faust Mill* (also in Guilford County).
Burlington, *Low House* (also in Guilford County).
Burlington, *Southern Railway Passenger Depot*, NE corner Main and Webb Sts.

Buncombe County

Asheville, *Battery Park Hotel*, Battle Sq. (7-14-77).

Caswell County

Archeological Sites CS-12, County Line Creek Watershed Project (also in Rockingham County).
Womack's Mill, in County Creek Watershed Project (also in Rockingham County).

Cleveland County

Archeological Resources in Second Brood River Watershed Project (also in Rutherford County).

Cumberland County

Fayetteville, *Veterans Administration Hospital Confederate Breastworks*, 23 Ramsey St.

Dare County

Buxton, *Cape Hatteras Light*, Cape Hatteras National Seashore.

Forsyth County

Winston-Salem, *Atkins, Dr. Simon Green, House*, 346 Atkins St.
Winston-Salem, *Hill, James S., House*, 914 Stadium Dr.
Winston-Salem, *Paisley, J. W., House*, 934 Stadium Dr.
Winston-Salem, *Patterson, Ackerman, and Sussdorf Houses*, 434, 440, 448 S. Trade St.

Hyde County

Ocracoke, *Ocracoke Lighthouse*.

Onslow County

Swansboro, *Uniflite Site (31 ON 33)*, just beyond end of SR 1507.

Wayne County

Goldsboro, *Mouse Lodge No. 6—International Order of Odd Fellows*, 113-115 S. John St.

NORTH DAKOTA

Burleigh County

Bismarck, *Fort Lincoln Site*.

OHIO

Adams County

Wrightsville vicinity, *Grimes Site (33 AD 39)*, Killen Electric Generating Station.
Wrightsville vicinity, *Killen Bridge Site, (33 AD 36), Killen Electric Generating Station*.

Astabula County

Astabula, *West Fifth Street Bridge*, over Astabula River.

Athens County

Shade, *Colburn Residence*, Route 1.

Belmont County

Bellaire, *Bergundthal, Rose, House*, 4710 Jefferson St.
Bellaire, *Guernsey Street Historic Grouping*, 4711-4825 Guernsey St.
Bellaire, *Independent Hose Company #3, The*, 19th and Belmont Sts.
Bellaire, *Mitchell Residence*, 4363 Guernsey St.
Bellaire, *Union Street Bridge*, Union St. over McMahon's Creek.

Clark County

Pike Township, *Hallock, Mertie, House*.

Clermont County

Neville vicinity, *Maynard House*, 2 mi. E of Neville off U.S. 52.

Crawford County

Calvary Reformed Church, First United Methodist Church, Crestline Shunk Museum.

Darke County

DAR-S.R.-571-0.00.

Montgomery County

Columbia Bridge Works.
Lower Cratis Road Bridge.

Richland County

Mansfield, *Ritter, William, House*, 181 S. Main.

Seneca County

Tiffin, *Old U.S. Post Office*, 215 S. Washington St.

Summit County

United Way Building, Perkins St.

Tuscarawas County

Conotton Creek Bridge, CR 90 in Warren Township, over Conotton Creek.

Warren County

Corwin, *Shaffer Mound*, S of New Burlington Rd.
Harveysburg, *E. L. Anderlee Mound*, S of New Burlington Rd. in Caesar Creek Lake Project.

Wayne County

Wooster, *Thorne House*, 1576 Beall Ave.

OKLAHOMA

Atoka County

Estep Shelter, Lower Clear Boggy Watershed.
Graham Site, Lower Clear Boggy Watershed.

Caddo County

Delaware Canyon Sites Cd-257 and Cd-258, West Branch Delaware Creek.

Comanche County

Fort Sill, *Blockhouse on Signal Mountain* off Mackenzie Hill Rd.
Fort Sill, *Chiefs Knoll, Post Cemetery*, N of

Kay County

Newkirk vicinity, *Bryson Archeological Site*, NE of Newkirk.

OREGON

Baker County

Baker vicinity, *Virtue Flat Mining District*, 10 mi. E of Baker off Hwy. 86.

Columbia County

Scappose vicinity, *Portland and Southwestern Railroad Tunnel*, 13 mi. NW of Scappose.

Coos County

Charleston, *Cape Arago Light Station*.

Curry County

Port Orford, *Cape Blanco Light Station*.

Douglas County

Winchester Bay, *Umpqua River Lighthouse*.

Gilliam County

Archeological Sites (Ghost Camp Reservoir).
Arlington vicinity, *Four Mile Canyon Area (Oregon Trail)*, 10 mi. SE of Arlington.
Crum Gristmill, Ghost Camp Reservoir area.
Old Wagon Road, Ghost Camp Reservoir area.
Olex School, Ghost Camp Reservoir area.
Steel Truss Bridge, Ghost Camp Reservoir area.

Klamath County

Crater Lake National Park, *Crater Lake Lodge*.

Lane County

Coburg vicinity, *McKenzie River Railroad Bridge*.
Roosevelt Beach, *Heceta Head Lighthouse*.
Roosevelt Beach, *Heceta Head Light Station*.

Lincoln County

Agate Beach, *Yakuina Head Lighthouse*.

Polk County

Salem, *Chemawa Indian School*.

Tillamook County

Tillamook, *Cape Meares Lighthouse*.

Wasco County

Memaloose Island, River Mile 177.5 in Columbia River.

Wheeler County

Antone, *Antone Mining Town*, Barite 1901-1906.

PENNSYLVANIA

Adams County

Gettysburg, *Barlow's Knoll*, adjacent to Gettysburg National Military Park.
Kuhn's Fording Bridge, spans Conewago Creek.

Allegheny County

Bruceton, *Experimental Mine*, U.S. Bureau of Mines, off Cochran Mill Rd.
McJunkin Site, New Texas Rd.
Pittsburgh, *St. Boniface Church*, 2208 East St.

Berks County

Brownsville vicinity, *Lauer/Gerhart Farm*.
Mt. Pleasant, *Berger-Stout Log House*, near jct. of Church Rd. and Tulephocken Creek.
Mt. Pleasant, *Conrad's Warehouse*, near jct. of Rte. 183 and Powder Mill Rd.
Mt. Pleasant, *Heck-Stamm-Unger Farmstead*, Gruber Rd.
Mt. Pleasant, *Miller's House*, jct. of Rte. 183 and Powder Mill Rd.
Mt. Pleasant, *O'Bolds-Billman Hotel and Store*, Gruber Rd. and Rte. 183.
Mt. Pleasant, *Pleasant Valley Roller Mill*, Gruber Rd.
Mt. Pleasant, *Reber's Residence and Barn*, on Tulephocken Creek.

Mt. Pleasant, *Union Canal*, Blue Marsh Lake Project area.
Reading vicinity, *Blue Marsh Archeological District*.

Butler County

Butler, *Bonnie Brook Archeological Site*.

Chester County

Charlestown, *Nesspor House (Thomas Davis House)*, State Rd.
Charlestown, *Pickering Creek Ice Dam*, State Rd.
Lock Aerie.
Nature Center of Charleston, State Rd. Charleston township.

Clinton County

Lockhaven, *Apsley House*, 302 E. Church St.
Lockhaven, *Harvey Judge, House*, 29 N. Jay St.
Lockhaven, *McCormick, Robert, House*, 234 E. Church St.
Lockhaven, *Mussina, Lyons, House*, 23 N. Jay St.

Cumberland County

Hampden Township, *Croghan Site*, Route 1067.
Hampden Township, *Weibly House*, Route 1067.

Delaware County

I 476 Historic Sites (20 Historic Sites), Mid-County Expwy. (also in Montgomery County).
Minshall House, Media Borough.

Fayette County

Washington, *Cook, Joseph H., House*. Cook Rd.

Huntingdon County

Brumbaugh Homestead, Raystown Lake Project.

Lackawanna County

Carbondale, *Miners and Mechanics Bank Bldg.*, 13 N. Main St.

Lancaster County

Bainbridge Township, *Haldeman Mansion*.

Lehigh County

Colesville vicinity, *Site 1: Farmhouse, barn, and outbuildings*, I–78.
Dorneyville, *King George Inn and two other stone houses*, Hamilton and Cedar Crest Blvds.

Lycoming County

Williamsport, *Faxon Co., Inc.*, Williamsport Beltway.

Northampton County

Lehigh Canal.
Site 3: Farmhouse, barn, and outbuildings, I–78.
Site 4: Farmhouse, barn, and outbuildings, I–78.

Philadelphia County

Philadelphia, *Bridge on "I" Street, over* Tacony Creek.
Philadelphia, *Courthouse and Post Office*, 9th St., between Chestnut and Market Sts.
Philadelphia, *New Forest Theatre*, 1108–1114 Walnut St.
Philadelphia, *Poth, Frederick, House*, 216 N. 33rd St.
Philadelphia, *Tremont Mills*, Wigonocking St. and Adams Ave.
U.S. Naval Base, *Quarters "A" Commandant's Quarters*.

Pike County

Delaware Township, *Emery House*, I–316.

Washington County

Charleroi, *Ninth Street School*.
Cross Creek Village (36 Wh 293) (Cross Creek Watershed).
Somerset Township, *Wright No. 22 Covered Bridge*.

York County

Wellsville Historic District.

PUERTO RICO

San Juan County

San Juan, *Paseo Munoz Rivera Archeological Site*, SR 1.

RHODE ISLAND

Providence County

Providence, *Woonesquatucket Bridge*.
Woonsocket, *Club Marquette Building (St. Anne's Gymnasium)*, Cumberland St.

Washington County

Narragansett, *Sprague, Gov., Bridge*, Boston Neck Rd.

SOUTH CAROLINA

Beaufort County

Parris Island, *Marine Corps Recruit Depot*.

Charleston County

Charleston, *139 Ashley St.*
Charleston, *69 Barre St.*
Charleston, *69r Barre St.*
Charleston, *316 Calhoun St.*
Charleston, *316r Calhoun St.*
Charleston, *268 Calhoun St.*
Charleston, *274 Calhoun St.*
Charleston, *Old Rice Mill*, off Lockwood Dr.

Florence County

Florence, *United States Post Office-Florence*, South Carolina, corner of Irby St. and Evan St.

SOUTH DAKOTA

Minnehaha County

Orpheum Theater, 315 N. Phillips Ave.

Pennington County

TENNESSEE

Rapid City, *612–632 Main St.*

Davidson County

Nashville, *Ancient Indian Village and Burial Ground*, section 203(b).

TEXAS

Bexar County

Fort Sam Houston, *Eisenhower House*, Artillery Post Rd.

Concho County

Middle Colorado River Watershed, *Prehistoric Archeology in the Southwest Laterals Subwatershed* (also in McCulloch County).

Denton County

Hammons, George House, between Sangers and Pilot Point.

Galveston County

Galveston, *U.S. Customhouse*, bounded by Avenue B, 17th, Water, and 18th Sts.

Hardeman County

Quanah, *Quanah Railroad Station*, Lots 2, 3, and 4 in Block 2.

Uvalde County

Leona River Watershed, Archeological Sites.

Webb County

Laredo, *Bertani, Paul Prevost House*, 604 Iturbide St.
Laredo, *De Leal, Viscaya, House*, 620 Zaragoza St.
Laredo, *Garza, Zoila De La, House*, 500 Iturbide St.
Laredo, *Leyendecker/Salinas House*, 702 Iturbide St.
Laredo, *Montemayor, Jose A., House (Carols Vela House)*, 601 Zaragosa St.

Williamson County

Archeological Districts of North Fork and Granger Lake.

TRUST TERRITORY OF THE PACIFIC ISLANDS

Truk District

Sapore Village, *Aikei/Winas*, Fefen Island.

UTAH

Emery County

Site ML–2145, Manti-LaSal National Forest.

VERMONT

Chittenden County

Clark Memorial Building.

Windham County

Rockingham, *Bellow Falls Armory*, 72 Westminster St., Bellows Falls.

Windsor County

Windsor, *Post Office Building*.

VIRGINIA

Charlottesville (independent city)

U.S. Post Office and Courthouse (Old Post Office).

Accomack County

Captain's Cove Dev., Archeological Sites (Chincoteague Bay).

Allegheny County

Gathright Lake Project (Archeological sites), (also in Bath County).

Wythe County

Fort Criswell.

WASHINGTON

Benton County

Richland vicinity, *Paris Archeological Site*, Hanford Works Reservation.
Richland vicinity, *Wooded Island Archeological District*, N of Richland.

Callam County

Cape Alava vicinity, *White Rock Village Archeological Site, S o, Cape Alava*.
Olympic National Park Archeological District, Olympic National Park (also in Jefferson County).
Segium, *New Dungeness Light Station*.

Grays Harbor County

West Port, *Grays Harbor Light Station*.

King County

Burton, *Point Robinson Light Station*.
Seattle, *Alki Point Light Station*.
Seattle, *Home of the Good Shepherd*.
Seattle, *West Point Light Station*.

Kitsap County

Hansville, *Point No Point Light Station*.

Pacific County

Ilwaco, *North Head Light Station.*

Pierce County

Fort Lewis Military Reservation, *Captain Wilkes, July 4, 1841, Celebration Site.*
Longmire, *Longmire Cabin,* Mount Rainier National Park.

San Juan County

San Juan Islands, *Patos Island Light Station.*

Skamania County

North Bonneville, *Site 44SA11,* Bonneville Dam Second Powerhouse Project.

Snohomish County

Mukilteo, *Mukiltea Light Station.*

Wahkiakum County

Skamokawa village, *Archeological site 45–WK–5.*

WEST VIRGINIA

Barbour County

Covered Bridge across Rooting Creek, Elk Creek Watershed (also in Harrison County).

Cabell County

Huntington, *Old Bank Building,* 1208 3rd Ave.

Kanawha County

Charleston, *Kanawha County Courthouse.*
St. Albans, *Chilton House,* 439 B St.

Ohio County

Wheeling, *U.S. Post Office, Courthouse and Customhouse,* 12th and Chapline Sts.

Pendleton County

Wayside Inn (Site's Inn), Monongahela National Forest.

Wood County

Parkersburg, *Wood County Courthouse.*
Parkersburg, *Wood County Jail.*

WISCONSIN

Ashland County

Ashland vicinity, *Madeline Island Site 7302.*

Green County

Madison, *Pratt Truss Bridge,* between Madison, WI and Freeport, IL (also in Dade Co, WI).
Madison, *Tunnel, Illinois Central Gulf RR,* between Freeport, IL and Madison, WI (also in Dade Co, WI).
Monroe, *Illinois Central Freight House.*

LaCrosse County

LaCrosse, *LaCrosse Post Office.*

Milwaukee County

Victor Schlitz House (Highland Community School), 2004 W. Highland Ave.

Rock County

Portion of Evansville Historic District.

WYOMING

Albany County

Woods Landing vicinity, *Boswell Ranch, WY 10.*

Fremont County

Pilot Butte Powerplant, Wind River Basin.

Johnson County

Casper, *Castle Rock Archeological Site.*
Casper, *Dull Knife Battlefield.*
Casper, *Middle Fork Pictograph-Petroglyph Panels.*
Casper, *Portuguese Houses.*

Park County

Mammouth, *Chapel at Fort Yellowstone,* Yellowstone National Park.

PUERTO RICO

Mona Island, *Sardinero Site and Ball Courts.*

[FR Doc.77–31327 Filed 10–31–77;8:45 am]

[4310–70]

NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before October 21, 1977. Pursuant to section 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted by November 11, 1977.

WILLIAM J. MURTAGH,
Keeper of the National Register.

ARIZONA

Gila County

Globe, *Dominion Hotel,* S. Broad St.

Navajo County

Keams Canyon vicinity, *Inscription Rock,* E of Keams Canyon off AZ 264.

CALIFORNIA

Alameda County

Piedmont, *Wetmore House,* 342 Bonita Ave.

Napa County

Napa, *Migliavacca House,* Division St.
St. Helena, *Greystone Cellars,* 2555 Main St.

Riverside County

Riverside, *Riverside Municipal Auditorium and Soldier's Memorial Building,* 3485 7th St.

Santa Clara County

Stanford, *Hoover, Lou Henry, House,* 623 Mirada Rd.

Shasta County

Redding, *Pine Street School,* 1135 Pine St.

MAINE

Androscoggin County

Mechanic Falls vicinity, *All Soul's Chapel,* S of Mechanic Falls on ME 26 at Poland Spring.

MASSACHUSETTS

Middlesex County

Bedford, *Page, Nathaniel, House,* 89 Page Rd.
Cambridge, *Harvard Lampoon Building,* 44 Bow St.

Plymouth County

Duxbury, *King Caesar House (Weston, Ezra II, House),* King Caesar Rd.

MINNESOTA

Hennepin County

Minneapolis, *Hewitt, Edwin H., House,* 126 E. Franklin Ave.

McLeod County

Hutchinson, *Maplewood Academy,* 700 N. Main St.

NEVADA

Washoe County

Reno, *Mount Rose Elementary School,* 915 Lander St.

TEXAS

Caldwell County

Lockhart, *Caldwell County Courthouse Historic District,* Courthouse Sq.

[FR Doc.77–31328 Filed 10–31–77;8:45 am]

[4510–30]

DEPARTMENT OF LABOR

Employment and Training Administration

ECONOMIC STIMULUS PACKAGE ALLOCATIONS UNDER TITLE VI OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT ("CETA")

Reallocations for 1977 and 1978

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: This notice lists reallocations of funds under Title VI of the Comprehensive Employment and Training Act. The purpose of this notice is to advise all interested parties of this reallocation of funds.

FOR FURTHER INFORMATION CONTACT:

Roberts T. Jones, Director, Office of Community Employment Programs, Room 5402, 601 D Street NW., Washington, D.C. 20213, telephone 202–376–6366.

SUPPLEMENTARY INFORMATION: The Secretary of Labor is authorized to reallocate funds in accordance with the provisions of Section 606 of Pub. L. 93–567 and pursuant to the regulations of 29 CFR 99.73.

Section 606 of the CETA provides that:

> The Secretary is authorized to make such reallocations as he deems appropriate of any amount of any allocaton under this title to the extent that the Secretary determines that an eligible applicant will not be able to use such amount within a reasonable period of time. Any such amount may be allocated only if the Secretary has provided thirty days' advance notice to the prime sponsor for such area and to the Governor of the State of the proposed reallocation, during which period of time the prime sponsor and the Governor may submit comments to the Secretary. After considering any comments submitted during such period of time, the Secretary shall notify the Governor and affected prime sponsors of any decisions to reallocate funds, and shall publish any such decisions in the FEDERAL REGISTER. Any such funds shall be reallocated to other areas within the same State.

Prime sponsors under Title VI had been previously notified that failure to achieve at least 70 percent of the minimum planned net increase in enrollment by July 31, 1977, would result in a determination by the Secretary that they were not able to use the funds

within a reasonable period of time. They were notified that this determination would result in the reallocation of Title VI funds. Those prime sponsors which were previously performing below this level on July 31, 1977, were notified by letter in early August that if their performance did not improve funds would be reallocated. It has been determined by the Secretary that the prime sponsors listed below were not able to use all of their funds within a reasonable period of time. Therefore, the following is a listing of those prime sponsors from whom the Secretary is reallocating funds in accordance with the authority of Section 606.

The following list contains these reallocations:

From—	Amount	To	Amount
		Region IV	
Florida: Pasco County	$1,000,000	Escambia County	$800,000
		North East Florida manpower consortium	200,000
		Region V	
Indiana: Tippecanoe County	892,000	Hammond	140,000
		Lake	100,000
		South Bend	150,000
		St. Joseph	102,000
		Madison County	150,000
		Delaware/Blackford Consortium	100,000
		Virgo County	150,000
Illinois: DuPage County	1,000,000	Shawnee consortium	62,750
		McLean County	105,950
		Macon County	22,100
		BOS Illinois	251,600

Signed in Washington, D.C., this 17th day of October 1977.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

[FR Doc.77-31342 Filed 10-31-77;8:45 am]

[4510-28]

Office of the Secretary

INVESTIGATIONS REGARDING CERTIFICATIONS OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") ad are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 11, 1977.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 11, 1977.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

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

HAROLD A. BRATT,
Acting Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
The Arrow Shirt Co. (ACTWU).	Elysburg, Pa.	Oct. 14, 1977	Oct. 6, 1977	TA-W-2,487	Men's dress, sport, short and long sleeves shirts.
Do.	Lewistown, Pa.	do.	do.	TA-W-2,488	Do.
Do.	Huntingdon, Pa.	do.	do.	TA-W-2,489	Do.
ASARCO, Sacaton unit (workers).	Casa Grande, Ariz.	Oct. 12, 1977	do.	TA-W-2,490	The mining and concentrating of copper.
Charles Lyons Corp. (workers).	Los Angeles, Calif.	Oct. 7, 1977	Oct. 5, 1977	TA-W-2,491	Men's suits and sportcoats.
Jones & Laughlin Steel Corp., conduit products division (International Union of Electrical, Radio & Machine Workers).	New Kensington, Pa.	Oct. 13, 1977	Oct. -3, 1977	TA-W-2,492	Conduit pipe, tubing and galvanized pipe.
Midwest Steel & Alloy Corp. (workers).	Hubbard, Ohio	do.	Oct. 6, 1977	TA-W-2,493	The recycling of cast iron and scrap steel to make new steel.
Olympia Industries Inc. (workers).	Tuscaloosa, Ala.	Oct. 7, 1977	Sept. 30, 1977	TA-W-2,494	Textile and dyeing of yarns.
Do.	Spartanburg, S.C.	do.	do.	TA-W-2,495	Knitting and finishing of fabrics.

[FR Doc.77-31488 Filed 10-31-77;8:45 am]

[4810-28]

[TA-W-2266, TA-W-2267]

ALAN WOOD STEEL CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2266 and TA-W-2267 investigations regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigations were initiated on August 15, 1977 in response to worker petitions received on that date which were filed by the United Steelworkers of America on behalf of production and maintenance workers engaged in employment related to the production of steel plates, cold rolled sheet and strip products, and hot rolled sheet and strip products of the Conshohocken, Pa. plant of the Alan Wood Steel Co. and on behalf of office and technical workers at the Conshohocken, Pa. plant.

The Notices of Investigation were published in the FEDERAL REGISTER on August 26, 1977 (42 FR 43155). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Alan Wood Steel Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production;

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in the sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production and maintenance workers employed by the Alan Wood Steel Co. increased 10.0 percent in 1976 compared to 1975 and then declined 40.0 percent in the first three quarters of 1977 compared to the first three quarters of 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Alan Wood is an integrated steel company. In 1977 almost 90 percent of its production consisted of steel plate and cold rolled sheet and strip.

A. PLATE

Sales of steel plates in terms of tons declined 3.4 percent in 1976 compared to 1975 and declined 7.4 percent in the first eight months of 1977 compared to the first eight months of 1976.

B. COLD ROLLED SHEET AND STRIP

Sales of cold rolled sheet and strip steel products in terms of tons increased 74.2 percent in 1976 compared to 1975. However, sales declined by 20 percent and 11 percent in the third and fourth quarters of 1976, respectively when compared to the previous two quarters. Sales then declined 38.7 percent in the first eight months of 1977 compared to the first eight months of 1976.

INCREASED IMPORTS

A. STEEL PLATE

Imports of carbon steel plate decreased from 1,651.0 thousand tons in 1972 to 1,322.0 thousand tons in 1974. Imports decreased to 1,353.0 thousand tons in 1975 and then increased 15.0 percent to 1,555.4 thousand tons in 1976. The ratios of imports to domestic shipments and domestic consumption increased from 19.4 percent and 16.6 percent, respectively in 1975, to 27.7 percent and 21.9 percent, respectively, in 1976. Imports during the first half of 1977 totalled 793.0 thousand tons, an increase of 14.9 percent over the 690.3 thousand tons imported in the first half of 1976. The ratios of imports to domestic shipments and consumption increased from 23.5 percent and 19.1 percent, respectively, in the first half of 1976 to 25.7 percent and 20.5 percent, respectively, in the first half of 1977.

B. COLD ROLLED SHEET AND STRIP

Imports of cold rolled carbon steel sheets decreased from 3,236.2 thousand tons in 1972 to 2,2704.4 thousand tons in 1973 and decreased to 2,547.6 thousand tons in 1974. Imports continued to decline to 2,2067.1 thousand tons in 1975 and then increased 13.7 percent to 2,350.7 thousand tons in 1976. The ratios of imports to domestic shipments and consumption decreased from 16.5 percent and 14.2 percent, respectively, in 1975 to 13.2 percent and 11.7 percent, respectively, in 1976. Imports totalled 1,159.6 thousand tons in the first half of 1977, an increase of 7.9 percent over the 1,074.9 thousand tons imported in the first half of 1976. The ratios of imports to domestic production and consumption increased from 11.5 percent and 10.4 percent, respectively, in the first half of 1976 to 12.8 percent and 11.3 percent, respectively, in the first half of 1977.

Imports of cold rolled carbon steel strip decreased from 62.9 thousand tons in 1972 to 56.4 thousand tons in 1973 and decreased again to 44.3 thousand tons in 1974. Imports continued to decrease to 26.2 thousand tons in 1975 and then increased 62.2 percent to 42.5 thousand tons in 1976. The ratios of imports to domestic shipments and consumption increased from 3.9 percent and 3.9 percent, respectively, in 1975 to 5.0 percent and 5.0 percent, respectively, in 1976. Imports totalled 20.9 thousand tons in the first half of 1977, a decrease of 9.5 percent from the 23.1 thousand tons imported in the first half of 1976. The ratios of imports to domestic shipments and consumption decreased from 5.2 percent and 5.1 percent, respectively, in the first half of 1976 to 4.5 percent and 4.5 percent, respectively, in the first half of 1977.

CONTRIBUTED IMPORTANTLY

Increased imports of a wide range of steel products have had the effect of both reducing domestic steel production and depressing domestic steel prices. For the week ending September 17, 1977 the domestic steel industry was operating at only 75 percent capacity. On October 3, 1977 the U.S. Treasury Department made a preliminary finding that foreign steel producers were selling carbon steel plate in the U.S. market at prices sub-

stantially below their production costs. In August 1977 the Alan Wood Steel Co. ceased all operations. Officials of the company cited imports as a problem contributing to the closure of the firm. A survey by the Department of customers of Alan Wood revealed the following:

A. STEEL PLATE

The Department's investigation revealed that some customers reduced purchases of steel plates from Alan Wood Steel and have increased purchases of imported steel plates.

B. COLD ROLLED SHEET AND STRIP

The Department's investigation revealed that some customers reduced purchases of cold rolled sheet and strip steel products from Alan Wood Steel and have increased purchases of imported cold rolled sheet and strip steel products.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with steel plate and cold rolled sheet and strip steel products produced at the Conshohocken, Pa. plant of the Alan Wood Steel Co. contributed importantly to the total of partial separations of workers at that plant.

In accordance with the provisions of the Act, I make the following certification:

All workers of the Alan Wood Steel Co., Conshohocken, Pa. who became totally or partially separated from employment on or after July 15, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

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

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc.77-31489 Filed 10-31-77;8:45 am]

[4510-28]

[TA-W-1874]

DOWNING GARMENTS, INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1874: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 23, 1977 in response to a worker petition received on March 23, 1977 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing women's apparel at Downing Garments, Inc., Plymouth, Pa.

The Notice of Investigation was published in the FEDERAL REGISTER on April 12, 1977 (42 FR 19176). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Leslie Fay Inc. and the International Ladies' Garment Workers' Union.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations or threat thereof, and to the decrease in sales or production. The terms "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (2) has not been met.

Downing Garment is a subsidiary of Leslie Fay, Inc. Downing has one plant located at Plymouth, Pa. The Downing plant produces women's apparel which is marketed under the Leslie Fay label.

Production of women's apparel at Downing Garments increased 26 percent in quantity in 1976 from 1975 and increased 14 percent in the first six months of 1977 compared to the like period in 1976. Production increased in each quarter of 1976 and in the first two quarters of 1977 compared to the like quarters one year earlier. Since Downing Garments produces womens' apparel for sale by Leslie Fay, Inc., production equals sales at Downing Garments.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that neither sales nor production of women's apparel at Downing Garments, Inc., has decreased as required for certification under Section 222 of the Trade Act of 1974.

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

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc.77-31490 Filed 10-31-77;8:45 am]

[4510-28]

[TA-W-1996]

EXCELSIOR CLOAK & SUIT CORP.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1996: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on April 21, 1977, in response to a worker petition received on April 21, 1977, which was filed on behalf of workers and former workers producing women's winter coats and raincoats at the New York, N.Y., plant of Excelsior Cloak & Suit Corp.

The notice of investigation was published in the FEDERAL REGISTER on May 6, 1977 (42 FR 23216). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Excelsior Cloak & Suit Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment of production workers remained the same from 1974 to 1976 and ceased completely at the end of December 1976.

SALES OR PRODUCTION, OR BOTH HAVE DECREASED ABSOLUTELY

Company sales equaled production. Company sales of women's coats increased in value 15.9 percent in 1975 compared to 1974 and 21.6 percent in 1976 compared to 1975. Sales ceased in December 1976.

INCREASED IMPORTS

Imports of women's, misses', and children's coats and jackets were recorded at 1,769,000 dozen in 1972; 1,807,000 dozen in 1973; 1,478,000 dozen in 1974; and 1,517,000 dozen in 1975. In 1976 imports increased to 2,252,000 dozen or 48.5 percent compared to 1975. For the first quarter of 1977, imports increased to 590,000 dozen, representing an increase of 16.6 percent compared to 506,000 dozen in the first quarter of 1976. The ratio of imports to domestic production increased from 30.9 percent in 1974 to 35.4 percent in 1975 to 52.2 percent in 1976.

Imports of women's, misses', and children's raincoats declined each year, from 400,000 dozen in 1972 to 186,000 dozen in 1974, and increased to 191,000 dozen in 1975 and 261,000 dozen in 1976. Imports declined from 94,000 dozen in the first quarter of 1976 to 84,000 dozen in the same quarter in 1977. The ratio of imports to domestic production increased from 30.7 percent in 1974 to 36.8 percent in 1975 and 50.4 percent in 1976.

CONTRIBUTED IMPORTANTLY

A survey of Excelsior's customers indicated that most of them imported women's winter coats and raincoats. Due to increasing imports Excelsior could not increase prices of its coats to compensate for increases in costs. This fact is corroborated by Excelsior's decision to import coats on a trial basis in 1976. When an importing program proved not to be feasible for the firm all operations were terminated at the end of 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's coats produced at the New York, N.Y., plant of Excelsior Cloak & Suit Corp. contributed importantly to the total or partial separation of the workers and to the decrease in sales or production of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers at the New York, N.Y., plant of Excelsior Cloak & Suit Corp. who became totally or partially separated from employment on or after October 1, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

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

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc.77-31492 Filed 10-31-77;8:45 am]

[4510-28]

[TA-W-1907]

F & H MANUFACTURING CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1907: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 24, 1977, in response to a worker petition received on March 24, 1977, which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing women's dresses and skirts at the Larksville, Pa., plant of the F & H Manufacturing Co.

The notice of investigation was published in the FEDERAL REGISTER on April 12, 1977 (42 FR 19175). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of F & H Manufacturing Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any other criteria have been met, criterion (4) has not been met.

During the course of the investigation, manufacturers who contract work to the F & H Manufacturing Co. were surveyed regarding their contracts with F & H. These manufacturers indicated that they do not purchase imported dresses or skirts nor do they contract work to foreign firms. These manufacturers further indicated that they increased the amount of work contracted to F & H in 1976 and 1977 compared to previous years. These responses are supported by data obtained during the investigation which reveals that production in terms of quantity at F & H increased 13.2 percent in 1976 compared to 1975 and increased 5.1 percent in the period January–May 1977 compared to the same time period of 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with the women's dresses and skirts produced at the F & H Manufacturing Co., Larksville, Pa., did not contribute importantly to the total or partial separations of workers at that firm as required for certification under Section 222 of the Trade Act of 1974.

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

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc.77-31491 Filed 10-31-77;8:45 am]

[4510-28]

[TA-W-1855]

LESLIE FASHIONS, INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1855: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 22, 1977, in response to a worker petition received on March 22, 1977, which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing women's apparel at Leslie Fashions, Inc., Plains, Pa.

The Notice of Investigation was published in the FEDERAL REGISTER on April 5, 1977 (42 FR 18156). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Leslie Fay, Inc. and the International Ladies' Garment Workers' Union.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (2) has not been met.

Leslie Fashions is a subsidiary of Leslie Fay, Inc. Leslie Fashions has one plant located at Plains, Pa. The Leslie Fashions

plant produces women's apparel which is marketed under the Leslie Fay label.

Production of women's apparel at Leslie Fashions increased 6 percent in quantity in 1976 compared to 1975 and increased 28 percent in the first six months of 1977 compared to the like period in 1976. Production increased in each quarter of 1976 and in the first two quarters of 1977 compared to the like periods one year earlier. Since Leslie Fashions produces women's apparel only for sale by Leslie Fay, Inc., production equals sales at Leslie Fashions.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that neither sales nor production of women's apparel at Leslie Fashions, Inc. has decreased as required for certification under Section 222 of the Trade Act of 1974.

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

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc.77-31491 Filed 10-31-77;8:45 am]

[4510-28]

[TA-W-2233]

MURPHY DIESEL CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2233: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on July 29, 1977, in response to a worker petition received on July 28, 1977 which was filed by the International Association of Machinists and Aerospace Workers on behalf of workers and former workers producing diesel engines at Murphy Diesel Co., Milwaukee, Wis.

The Notice of Investigation was published in the Federal Register on August 9, 1977 (42 FR 40288). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Murphy Diesel Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separation, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment of production workers at Murphy Diesel declined 27.3 percent in the second half of 1976 compared to the like period of 1975 and declined 50.3 percent in the first half of 1977 compared to the like period of 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production in quantity of diesel engines by Murphy Diesel declined 35.2 percent in the second half of 1976 compared to the like period of 1975 and declined 46.9 percent in the first half of 1977 compared to the like period of 1976.

INCREASED IMPORTS

Imports of diesel engines increased from 59.5 thousand units in 1975 to 66.2 thousand units in 1976. Imports increased to 44.2 thousand units in the first half of 1977 compared to 30.2 thousand units in the like period of 1976.

CONTRIBUTED IMPORTANTLY

To remain competitive with increased imports, Murphy Diesel began purchasing imported diesel engines for resale during the third quarter of 1976. The company was able to purchase imported diesel engines at a price below its domestic cost of production. The ratio of diesel engines imported by Murphy to diesel engines produced domestically by Murphy was 16 percent in the second half of 1976. The ratio increased to 85 percent in the first half of 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with diesel engines produced at Murphy Diesel Co. in Milwaukee, Wis., contributed importantly to the total or partial separations of the workers of that plant. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

All workers at Murphy Diesel Co. in Milwaukee, Wis., who became totally or partially separated from employment on or after July 26, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

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

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc.77-31494 Filed 10-31-77;8:45 am]

[4510-28]

[TA-W-2176]

NORMEL KINTWEAR, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2176: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on June 27, 1977 in response to a worker petition received on June 24, 1977 which was filed on behalf of workers and former workers producing women's sweaters at the New York, N.Y. plant of Normel Knitwear, **Inc.**

The notice of investigation was published in the FEDERAL REGISTER on July 12, 1977 (42 FR 35904). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Normel Knitwear, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment at Normel Knitwear, Inc. decreased 25.0 percent from 1974 to 1975 and remained stable from 1975 to 1976. On December 30, 1976, Normel Knitwear,

Inc. closed permanently and all employment was terminated.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales in value, adjusted to 1974 dollars, decreased 7.7 percent in 1975 compared to 1974 and decreased 11.3 percent in 1976 compared to 1975. During the third and fourth quarters of 1976, sales in value (unadjusted) decreased 21.5 and 25.2 percent, respectively, compared to the same quarters of 1975.

Production in value, adjusted to 1974 dollars, decreased 15.6 percent in 1975 compared to 1974 and decreased 6.4 percent in 1976 compared to 1975. During the third and fourth quarters of 1976, production in value (unadjusted) decreased 2.3 and 52.2 percent, respectively, compared to the same quarters of 1975.

INCREASED IMPORTS

Imports of women's, misses' and children's sweaters decreased from 8,087,000 dozen in 1972 to 7,990,000 dozen in 1973 and then increased to 8,359,000 dozen in 1974 and 8,965,000 dozen in 1975. In 1976 imports were recorded at 9,613,000 dozen, representing an increase of 7.2 percent compared to 1975. Imports declined from 1,225,000 dozen in the first quarter of 1976 to 816,000 dozen in the first quarter of 1977, representing a decrease of 33.4 percent. The ratio of imports to domestic consumption of women's sweaters increased from 48.5 percent in 1973 to 55.0 percent in 1976.

CONTRIBUTED IMPORTANTLY

A survey of customers indicated that many customers increased imports of women's sweaters while decreasing purchases from Normel Knitwear, Inc. Quality, price, and styling were the factors that influenced customers to purchase women's sweaters from a supplier.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with women's sweaters produced at the New York, N.Y. plant of Normel Knitwear, Inc., contributed importantly to the decrease in sales or production and to the total or partial separations of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the New York, N.Y. plant of Normel Knitwear, Inc. who became totally or partially separated from employment on or after December 20, 1976 and before January 23, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974. All workers separated on or after January 23, 1977 are denied eligibility.

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

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc.77-31495 Filed 10-31-77;8:45 am]

[4510-28]

[TA-W-2121]

PORTEC, INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2121: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on June 8, 1977 in response to a worker petition received on June 3, 1977 which was filed by the International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers Union on behalf of workers and former workers producing forgings and rail anchors at the Canton, Ohio plant of Portec, Incorporated.

The notice of investigation was published in the FEDERAL REGISTER on June 17, 1977 (42 FR 30937). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Portec, Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necesarily more important than any other cause.

Without regard to whether the other criteria have been met, the investigation revealed that with respect to rail anchors the second criterion has not been met and with respect to forgings the fourth criterion has not been met.

The workers at Portec are seeking adjustment assistance benefits for unemployment experience beginning in March 1975. Portec ceased all production of rail anchors during the last nine months of 1975 and the first month of 1976. Section 223(b)(1) of the Trade Act of 1974 states that a certification shall not apply to workers separated more than one year before the date of the petition. The petition was dated June 1, 1977.

Production of rail anchors at the Canton, Ohio plant of Portec, Incorporated began again in February 1976. Production increased 325.0 percent from 1975 to 1976 and increased 27.7 percent in the first half of 1977 compared to the first half of 1976. Portec, Incorporated produces solely to order and therefore sales equal production.

CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that most customers that purchase forgings from the Canton, Ohio plant of Portec, Incorporated do not purchase imported forgings. The one customer that did purchase imported forgings decreased its purchases of imports by nearly 100 percent from 1975 to 1976 and did not purchase any imported forgings in the first half of 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that sales or production of rail anchors at the Canton, Ohio plant of Portec, Incorporated did not decrease absolutely as required in Section 222 of the Trade Act of 1974. I further conclude that increases of imports of articles like or directly competitive with forgings produced at the Canton, Ohio plant of Portec, Incorporated did not contribute importantly to the total or partial separation of workers and to the decrease in sales or production of such articles at that firm.

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

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc.77-31496 Filed 10-31-77;8:45 am]

[4510-22]

Office of the Secretary

[Secretary of Labor Order 11-77]

TRANSFER OF THE WOMEN'S BUREAU TO THE OFFICE OF THE SECRETARY

1. *Purpose.* To transfer the Women's Bureau from the Employment Standards Administration to the Office of the Secretary.

2. *Background.* Since the early 1960's, the Women's Bureau has been a component of the Employment Standards Administration (ESA), and its predecessor agencies. During this period, the Women's Bureau and ESA have made major contributions to improving the role of women in the work force. The 1920 legislation which established the Women's Bureau provides an extremely broad mandate "to promote the welfare of wage-earning women." As the Department's horizons have broadened in recent years to encompass more areas of worker protection, and as women represent an increasing proportion of the work force, the Department's concerns with the spe-

cific needs of women workers have expanded. The Women's Bureau, as the primary resource of the Department on policies and programs which affect women, has, as a matter of course, broadened its areas of responsibilities. As such, the scope of the Women's Bureau's responsibilities are now broader than the focus of the Employment Standards Administration, or any other single Administration in the Department. In recognition of the Women's Bureau's responsibilities on behalf of women in general and working women in particular, it is appropriate that the Director of the Women's Bureau report directly to the Secretary of Labor. This is consistent with the intent of Congress when it established the Women's Bureau.

3. *Transfer of functions and resources.*—a. *Functions.* The Director and staff of the Women's Bureau are hereby transferred to the Office of the Secretary with the Director reporting directly to the Secretary. The mission and functions of the Women's Bureau remain unchanged. The position of Assitant Regional Administrator, Women's Bureau/Employment Standards Administration, is retitled Regional Administrator, Women's Bureau, and the incumbent of that position, who will report to the Director of the Women's Bureau, becomes a member of the Regional Executive Committee.

b. *Resources.* Personnel, funds, equipment, supplies, and records of the Women's Bureau are hereby transferred from the Employment Standards Administration to the Office of the Secretary. The Assistant Secretary for Administration and Management is responsible for assuring an orderly transfer of resources.

4. *Directives affected.* Secretary's Order 16–75, except for paragraphs 4a(12) and 4a(17), and Secretary's Order 25–76 remain in effect. Secretary's Order 6–77 is modified to add the Regional Administrator, Women's Bureau as a member of the Regional Executive Committee (REC), and eligible for the role of REC Chairperson and Vice Chairperson. Secretary's Orders 21–73 and 3–76 are cancelled by this Order.

5. *Effective date.* This Order is effective immediately for planning purposes and for implementation no later than January 1, 1978.

Signed at Washington, D.C., on this 18th day of October 1977.

RAY MARSHALL,
Secretary of Labor.

[FR Doc.77-31599 Filed 10-31-77;8:45 am]

[4510–28]

HEADWARE

Industry Study Report

On August 18, 1977, the International Trade Commission determined that increased imports of "Certain Headwear" are not a substantial cause of serious injury to the domestic industry for purposes of the import relief provisions of the Trade Act of 1974 (42 FR 45967).

Section 224 of the Trade Act directs the Secretary of Labor to initiate an industry study whenever the ITC begins an investigation under the import relief provisions of the Act. The purpose of the study is to determine the number of workers in the domestic industry petitioning for relief who have been or are likely to be certified as eligible for adjustment assistance and the extent to which existing programs can facilitate the adjustment of such workers to import competition. The Secretary is required to make a report of this study to the President and also make the report public (with the exception of information which the Secretary determines to be confidential).

The Department of Labor has concluded its report on "Certain Headwear." The report found as follows:

1. Since April 3, 1975, the effective date of the adjustment assistance program, the Department of Labor has received five petitions for certification of eligibility for adjustment assistance from workers engaged in the production of casual and sport headwear as defined by this investigation. To date, the Department has certified three of these petitions and denied one of them. An investigation is in process in the remaining case. As of June 30, 1977, 199 workers in the industry had received $44,645 in the form of trade readjustment allowances supplemental to any unemployment insurance they may also have received. The Department expects another 30 workers to qualify for program benefits under these certifications.

2. Employment and sales at firms producing casual and sport headwear have increased steadily over the past five years. In view of these trends and the current strength of the general economy, the Department of Labor does not expect any layoffs from the industry over the coming year.

3. Most layoffs from plants producing casual and sport headwear have occurred in rural southeastern Missouri. Local unemployment rates in the affected counties are considerably below the national average, which would tend to improve the reemployment prospects of the displaced workers. Another group of unemployed workers in the industry is located in Philadelphia. The relatively high local unemployment rate would tend to limit the reemployment prospects of these individuals.

4. The Comprehensive Employment and Training Act (CETA) programs appear to be capable of meeting the program claims of the displaced workers. The Employment and Training Administration through the State Employment Service has the authority to purchase additional training when CETA funds are not available.

Copies of the Department report containing nonconfidential information developed in the course of the 6-month investigation may be purchased by contacting the Office of Trade Adjustment Assistance, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210, phone 202–523–7665.

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

HOWARD D. SAMUEL,
Deputy Under Secretary, International Affairs.

[FR Doc.77-31341 Filed 10-31-77;8:45 am]

[4510–28]

LIVE CATTLE AND CERTAIN EDIBLE MEAT PRODUCTS OF CATTLE

Industry Study Report

On September 17, 1977, the International Trade Commission determined that increased imports of "Live Cattle and Certain Edible Meat Products of Cattle" are not a substantial cause of serious injury to the domestic industry for purposes of the import relief provisions of the Trade Act of 1974 (42 FR 48409).

Section 224 of the Trade Act directs the Secretary of Labor to initiate an industry study whenever the ITC begins an investigation under the import relief provisions of the Act. The purpose of the study is to determine the number of workers in the domestic industry petitioning for relief who have been or are likely to be certified as eligible for adjustment assistance and the extent to which existing programs can facilitate the adjustment of such workers to import competition. The Secretary is required to make a report of this study to the President and also make the report public (with the exception of information which the Secretary determines to be confidential).

The Department of Labor has concluded its report on "Live Cattle and Certain Edible Meat Products". The report found as follows:

1. Since April 3, 1975, the effective date of the adjustment assistance program, the Department of Labor has received one petition for certification of eligibility for adjustment assistance from workers employed in the live beef cattle industry. Following its investigation, the Department issued a negative determination.

2. Overall employment in the beef cattle industry has remained relatively stable between 1972 and 1976. Following an employment slump in 1975, overall industry factors improved in 1976 and are expected to continue in 1977 at least at 1976 levels. Additionally, per capita consumption of beef has risen. Therefore, industry-wide employment prospects appear stable and generally favorable, and no significant layoffs are expected during 1977.

3. The beef cattle industry is concentrated in the South and Central United States. Local unadjusted unemployment rates for those regions are well below the national unadjusted unemployment rate of 6.4 percent as of May, 1977, making reemployment prospects for any separated workers favorable.

4. The Comprehensive Employment and Training Act (CETA) programs appear to be capable of meeting the needs of any displaced workers. On balance, the actual levels of enrollment in the majority of these programs are somewhat below the expected levels. The Employment and Training Administration through the State Employment Service has the authority to purchase adidtional training when CETA funds are not available.

Copies of the Department report containing nonconfidential information developed in the course of the 6-month investigation may be purchased by contacting the Office of Trade Adjustment Assistance, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210, phone 202–523–7665.

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

HOWARD D. SAMUEL,
Deputy Under Secretary,
International Affairs.

[FR Doc.77-31340 Filed 10-31-77;8:45 am]

[4510-26]

Occupational Safety and Health Administration

[V-77-15]

INTERPACE CORP.

Application for Variance and Interim Order

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

ACTIONS: (1) Notice of application for variance and interim order. (2) Grant of interim order.

SUMMARY: This notice announces the application of Interpace Corporation for a variance and interim order pending a decision on the application for a variance from the standard prescribed in 29 CFR 1910.180(h)(3)(v) concerning riding the hook or load of a crane. It also announces the granting of an interim order until a decision is rendered on the application for variance.

DATES: The effective date of the interim order is November 1, 1977. The last date for interested persons to submit comments is December 1, 1977. The last date for affected employers and employees to request a hearing on the application is December 1, 1977.

ADDRESSES: Send comments or requests for a hearing to: Office of Variance Determination, Occupational Safety and Health Administration, U.S. Department of Labor, 3rd Street and Constitution Avenue, NW., Room N-3668, Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT:

Mr. James J. Concannon, Director, Office of Variance Determination at the above address, telephone 202-523-7121, or the following Regional and Area Office:

U.S. Department of Labor, Occupational Safety and Health Administration, 1515 Broadway (1 Astor Plaza), Room 3445, New York, N.Y. 10036.

U.S. Department of Labor, Occupational Safety and Health Administration, Building T3, Belle Mead GSA Depot, Belle Mead, N.J. 08502.

I. NOTICE OF APPLICATION

Notice is hereby given that Interpace Corporation, 260 Cherry Hill Rd., Parsippany, N.J. 07054 has made application pursuant to section 6(d) of the Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for a variance and interim order pending a decision on the application for a variance, from the standards prescribed in 29 CFR 1910.180(h)(3)(v) Crawler, Locomotive, and Truck Cranes—Riding the Load.

The address of the place of employment that will be affected by the application is as follows:

Interpace Corporation, Valley Road, Hillsborough Township, N.J. 08876.

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is providing a place of employment as safe as that required by § 1910.180(h)(3)(v) which requires that no hoisting, lowering, swinging, or traveling shall be done while anyone is on the load or hook. The applicant states that it uses locomotive cranes to place and remove forms (casings) used in the vertical pouring of concrete pipe. The casings range from 8 to 24 feet in height. The applicant proposes to use safety cages as a component part of the casing handling bar.

The applicant states that it will use three cages—two circular and one oval configuration. These safety cages vary in size in order to accommodate the different diameter pipes manufactured by the company. The two circular cages are used for the smaller diameter pipes and the oval cage is used for large diameter pipes. Both the circular and oval cages will house one employee during the operation. The employees in the cages attach the chains from the casing handling bar to the casings, and then ride in the cage above the casings as they are lifted into position in order to be able to detach the chains. This process is repeated when the casings are stripped from the completed pipe.

The applicant states that the cages are constructed with guardrails and toeboards around the perimeter. On three quadrants, the perimeter is enclosed with heavy steel mesh. The fourth quadrant consists of four steps, approximately 10 inches apart, to provide the means of entering the cage. The cage, with the smallest diameter, will be equipped with heavy steel mesh to the height of the midrail of the guardrail (21 inches) to permit freedom of movement for the employee. The other two cages, having a larger diameter, will have the steel mesh to the height of the topmost rail of the guardrail (42 inches). The applicant further states that the floor of the cage is four-way safety plate (diamond plate to insure that it has a non-slip surface) and that the cage is equipped with a steel plate roof.

The casing handling bar is equipped with a safety lanyard secured by a safety anchor for each employee. All employees are equiped with a safety harness for attachment to the lanyard. While the cage is moving the employee, wearing safety harnesses, will stand and grasp the guardrail and vertical bars. The casing handling bar and cage are attached to the load block of the locomotive crane. There is a safety latch across the mouth of the crane hook. The casing carrier chains are equipped with spring loaded mechanisms. When the hooks of the casing handling chains are attached to the casing, the spring forces a sleeve over the mouth of the hooks.

The beam into which the crane hook is inserted to lift the casing handling bar and cage is equipped with a preformed wire rope as a back-up safety device. All components of this apparatus have a tensile safety factor in excess of 5 to 1. The crane is equipped with a load indicating device.

II. GRANT OF INTERIM ORDER

It appears from the application for a variance and interim order, that an interim order is necessary to prevent an undue hardship to the applicant and its employees pending a decision on the variance. Therefore, it is ordered, pursuant to authority in section 6(d) of the Occupational Safety and Health Act of 1970, and 29 CFR 1905.11(c) that Interpace Corporation be, and it is hereby, authorized to use the proposed safety cages as described in their application provided that:

1. The cages shall be constructed as described in the application with guardrails, toeboards, a steel plate roof, and a four-way safety plate floor;
2. All cages, regardless of size, shall be enclosed with steel mesh or expanded metal to the height of the top guardrail;
3. The safety latch across the crane hook shall be in place and bolted;
4. The cage may house only one employee during operation;
5. The employee in the cage shall wear the safety harness and lanyard attached to the proper location at all times when being moved in the cage or when hooking or unhooking the casings and must not allow any part of the body to extend beyond the exterior of the cage during movement;
6. Crane operators shall be experienced, and lifts shall be made in accordance with established methods;
7. The crane operator shall remain at the controls at all times when employees are in the cage;
8. The safety procedures submitted as part of the application shall be followed on all lifts involving employees;
9. A ladder shall be available at all times for emergency purposes;
10. If the load indicating device indicates that the stripping of the casings will exceed ½ the rated load of the crane, the lift shall be halted and the casing handling chains detached until the casing can be manually separated from the pipe to provide a normal lift;
11. During lifts involving an employee, the crane shall not travel at speeds that would allow excessive oscillation of the cage and/or load while moving along the tracks, and raising or lowering of employees shall not exceed that speed necessary for the immediate halting of the operation by the crane operator;
12. No lifts involving an employee shall be made in areas where there are no outrigger tracks;

13. Each hoisting unit shall have at least one holding brake mounted on the motor shaft or on a shaft in the hoist gear train. This brake shall apply automatically on power removal. The minimum torque rating of the holding brake in relation to motor torque at the point of application shall be:

125 percent when used with control braking means other than mechanical;

100 percent when used with a mechanical control braking means;

100 percent for each brake if two holding brakes are provided; and

14. Inspection and maintenance procedures as described in § 1910.180 and in the variance application shall be followed to assure that the cages and cranes are in good repair.

This interim order shall remain in effect until a decision is rendered on the application for a variance.

Signed at Washington, D.C., this 26th day of October, 1977.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc.77-31595 Filed 10-31-77;8:45 am]

[4510-26]

KENTUCKY STANDARDS

Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On July 31, 1973, notice was published in the FEDERAL REGISTER (38 FR 20322) of the approval of the Kentucky plan and the adoption of Subpart Q to Part 1952 containing the decision.

The Kentucky plan provides for the adoption of Federal standards as State standards after public hearing. Section 1953.20 of 29 CFR provides that "where any alteration in the Federal program could have an adverse impact on the 'at least as effective as' status of the State program, a program change supplement to a State plan shall be required."

The State has submitted by letter dated July 12, 1977, from James R. Yocom, Commissioner, Kentucky Department of Labor, to Donald E. MacKenzie, Regional Administrator, and incorporated as a part of the plan amended State standards comparable to amendments to Federal standards. The State submission in addition to updating State standards includes the repromulgation of all previously approved State standards. The updated standards covered by this notice are comparable to amended Federal standards are: Section 1910.1029 Exposure to Coke Oven Emissions, dated January 18, 1911; § 1910.309, Ground Fault Circuit Interrupters, dated December 21, 1976; § 1926.400 Ground Fault Circuit Interrupters, dated December 21, 1976.

These Standards were promulgated by Standards Board meetings on February 1, 1977, and filed with the Legislative Research Commission on March 1, 1977 for publication in the Kentucky Administrative Register on April 1, 1977; pursuant to the Kentucky Occupational Safety and Health Act and Chapter 13, Kentucky Revised Statutes.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards it has been determined that (1) those standards repromulgated by the State are identical to State standards previously approved on November 17, 1975 (41 FR 1980, January 13, 1976), October 21, 1976 (41 FR 51625, November 23, 1976) February 24, 1977 (42 FR 33814, July 1, 1977), April 20, 1977 (42 FR 33815, July 1, 1977), (2) updated standards are identical to the Federal standards.

The State standards are hereby approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Commissioner of Labor, Kentucky Deparment of Labor, Capital Plaza Towers, 12th Floor, Frankfort, Ky. 40601; Office of the Regional Administrator, Suite 587, 1375 Peachtree St., NE., Atlanta, Ga. 30309 and Office of the Director of Federal Compliance and State Programs, Room N3603, 200 Constitution Ave., NW., Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c) the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds good cause exists for not publishing the supplement to the Kentucky State Plan as a proposed change and in making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are essentially identical to the Federal standards and are deemed to be at least as effective.

2. The standards were adopted in accordance with procedural requirements of State law and further participation would be unnecessary.

The decision is effective November 1, 1977.

(Sec. 18, Pub. L. 91-596; 84 Stat. 1608 (29 U.S.C. 667).)

Signed at Atlanta, Georgia this 12th day of September, 1977.

ALAN C. MCMILLAN,
Acting Regional Administrator.

[FR Doc.77-31597 Filed 10-31-77;8:45 am]

[4510-26]

[V-77-14]

MINNESOTA MINING & MANUFACTURING CO.

Application for Variance and Interim Order

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

ACTIONS: (1) Notice of application for variance and interim-order. (2) Grant of interim-order.

SUMMARY: This notice announces the application of Minnesota Mining & Manufacturing Co., Decorative Products Division, P.O. Box 327, Nevada, Mo. 64772 and P.O. Box 1669, Brownwood, Tex. 76801 for a variance and interim order pending a decision on the application for a variance from the standard prescribed in 29 CFR 1910.106(d)(5)(vi)(b) concerning the storage of flammable and combustible liquids in warehouses.

It also announces the granting of an interim order until a decision is rendered on the application for variance.

DATES: The effective date of the interim order is November 1, 1977. The last date for interested persons to submit comments is December 1, 1977. The last date for affected employers and employees to request a hearing on the application is December 1, 1977.

ADDRESSES: Send comments or requests for a hearing to:

Office of Variance Determination, Occupational Safety and Health Administration, U.S. Department of Labor, 3rd and Constitution Ave NW., room N-3668, Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT:

Mr. James J. Concannon, Director, Office of Variance Determination at the above address, telephone: 202-523-7121; or the following Regional and Area Offices:

U.S. Department of Labor, Occupational Safety and Health Administration, 555 Griffin Square Building, room 602, Dallas, Tex. 75202.

U.S. Department of Labor, Occupational Safety and Health Administration, American Bank Tower, suite 310, 221 West 6th St., Austin, Tex. 78701.

U.S. Department of Labor, Occupational Safety and Health Administration, 911 Walnut Street, room 3000, Kansas City, Mo. 64106.

U.S. Department of Labor, Occupational Safety and Health Administration, 1150 Grand Ave., 6th floor, 12 Grand Bldg., Kansas City, Mo. 64106.

I. NOTICE OF APPLICATION

Notice is hereby given that Minnesota Mining & Manufacturing Co., Decorative Products Division, P.O. Box 327, Nevada, Mo. 64772 and P.O. Box 1669, Brown-

wood, Tex. 76801 has made application pursuant to section 6(d) of the Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for a variance, and interim order pending a decision on the application for a variance, from the standards prescribed in 29 CFR 1910.106(d)(5)(vi)(b) concerning the storage of flammable and combustible liquids in warehouses.

The addresses of the places of employment that will be affected by the application are as follows:

3M Co., Decorative Products Division, P.O. Box 327, Nevada, Mo. 64772.
3M Co., Decorative Products Division, P.O. Box 1669, Brownwood, Tex. 76801.

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is providing a place of employment as safe as that required by § 1910.106(d)(5)(vi)(b) which sets limits on the height and number of gallons of the various classes of flammable and combustible liquids which may be stored in each pile.

The applicant uses various flammable and combustible liquids in the manufacture of decorative products. These liquids consist of various types of flammable processed solvents and other liquids. The liquids are stored in 55 gallon drums or portable tanks in warehouse areas and are transported to the mixing or compounding area by forklift truck as needed.

Section 1910.106(d)(5)(vi)(b) sets maximum limits on the number of gallons stored per pile and the height of each pile. In addition, it requires that no container be more than 12 feet from an aisle, that main aisles be at least 8 ft. wide and that side aisles be 4 ft. wide. There shall also be at least 4 ft. between piles.

The applicant proposes to stack the pallets containing the drums or tanks on racks of shelves rather than directly on top of each other as is done in the piles. The applicant contends that this would provide greater stability and would eliminate the danger of piled drums falling. In addition it would, according to the applicant, provide greater safety because the weight of each pallet of drums rests on the rack rather than on the drums below it. Each pallet of drums would be adjacent to an aisle rather than up to 12 feet from the aisle as permitted by the standard.

Using rack storage, as described, the applicant proposes to stack its drums and portable tanks of flammable and combustible liquids with the following height limitations rather than those required by the standard:

*The total quantity of liquids within a building shall not be restricted but the arrangement of racked storage shall comply with the following table**

Class	Type rack	Storage level	Maximum storage height containers (feet)	Maximum storage height portable tanks (feet)
IA	Double or single	Ground upper	25	(1)
IB and IC	do	do	15 25	 15
II	do	Ground upper basement	15 25 25	15 15 15
III	Multidouble/single	do	15 40 20 20	15 15 15 15

*Aisles between racks shall be a minimum of 4 ft wide. Cross aisle requirements shall be in accordance with the Life Safety Code (NFPA 101-1976) for means of egress.
[1] Not permitted.

The applicant states that there is usually only one man-hour per shift spent in the warehouse. There is usually only one employee involved, although there may occasionally be two or three employees in the warehouse at one time. Employee evacuation time in the event of a fire would be from five to 20 seconds. The applicant further states that signs are posted and employees are instructed in procedures to follow in the event of a spill or rupture of a drum. In the event of a fire, employees are instructed to evacuate immediately, sounding the alarm to call the trained plant emergency squad and the local fire department.

II. GRANT OF INTERIM ORDER

It appears from the application for a variance and interim order that, as required by section 6(d) of the Act, the storage of flammable and combustible liquids on racks as specified in the application will provide to the affected employees a place of employment as safe as that which would be provided if the applicant complied with 29 CFR 1910.106(d)(5)(vi)(b). It further appears that an interim order is necessary to prevent undue hardship to the applicant and its employees pending a decision on the variance. Therefore it is ordered, pursuant to the authority in section 6(d) of the Occupational Safety and Health Act of 1970, in 29 CFR 1905.11(c), and in Secretary of Labor's Order No. 8-76 (41 FR 25059), that Minnesota Mining and Manufacturing Co., be, and it is hereby, authorized to store its flammable and combustible materials on racks to the height specified in the chart in the body of this notice in lieu of complying with the height restrictions in 29 CFR 1910.106(d)(5)(vi)(b) for flammable and combustible liquids stored in piles, under the following conditions:

(1) The number of employees and number of man-hours in the warehouse be kept to a minimum (approximately one man-hour per shift);

(2) Employees shall immediately evacuate the warehouse in the event of a fire;

(3) Any trained emergency squad shall be equipped with protective clothing and equipment proper to the type of fire fighting anticipated;

(4) Each pallet of drums shall be adjacent to an aisle;

(5) Aisles between racks shall be a minimum of four feet wide, and cross aisles shall be in accordance with the Life Safety Code (NFPA101-1976) requirements for means of egress;

(6) If the warehouse is adjacent to other buildings or areas where employees are located, storage shall be protected by an in-rack sprinkler system in compliance with NFPA No. 13-1974. The actuation of this system shall sound an alarm locally and at the local municipal fire department;

(7) When using an industrial Power truck to remove pallets of drums from the racks, the load shall not be raised or lowered en route;

(8) Special attention shall be given to compliance with appropriate regulations under § 1910.178.

Minnesota Mining & Manufacturing Co., shall give notice of this interim order to employees affected thereby by the same means required to be used to inform them of the application for a variance.

This interim order shall remain in effect until a decision is rendered on the application for a variance.

Signed at Washington, D.C., this 26th day of October 1977.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc.77-31596 Filed 10-31-77;8:45 am]

[4510-29]

Pension and Welfare Benefit Programs

SUBMISSION OF EXEMPTION APPLICATIONS

Revision of Address

On April 28, 1975, the Department of Labor published ERISA Procedure 75-1 in the FEDERAL REGISTER (40 FR 18471). The Procedure contained, among other things, the address to which exemption applications under section 408(a) of the Employee Retirement Income Security Act of 1974 should be submitted to the U.S. Department of Labor. The Procedure is hereby amended to change such address.

CHANGES

In FR Vol. 40, No. 82, appearing at page 18471 in the issue of April 28, 1975, make the following changes:

1. On page 18472, first column, the 5th line of Section 4.01 should read, "Exemption Application (Dual), Pension and Welfare Benefit Programs, Office of Regulatory Standards and Exceptions,

Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216."

2. On page 18472, first column, the 5th line of Section 4.02 should read, "Exemption Application, Pension and Welfare Benefit Programs, Office of Regulatory Standards and Exceptions, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216."

Dated October 6, 1977.

IAN D. LANOFF,
Administrator of Pension and Welfare Benefit Programs.

[FR Doc.77–31465 Filed 10–26–77;3:46 pm]

[4830–01]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

EMPLOYEE BENEFIT PLANS

Postponement of Effective Date of Certain Conditions Contained in Prohibited Transaction Exemption 77–9

AGENCIES: Department of Labor, Department of the Treasury/Internal Revenue Service.

ACTION: Delayed effectiveness of certain conditions to a class exemption.

SUMMARY: This document postpones from November 1, 1977, until May 1, 1978, the effective date of certain conditions contained in Prohibited Transaction Exemption 77–9 (the exemption), the class exemption relating to transactions commonly engaged in by insurance agents and brokers, pension consultants, insurance companies, investment companies, and investment company principal underwriters. All of the other conditions of the exemption will become effective as scheduled in the exemption. This action, which will affect participants and beneficiaries of employee benefit plans, sponsors of such plans and persons engaging in the transactions to which the exemption is applicable, is being taken by the Department of Labor and the Internal Revenue Service (the Agencies) to provide the Agencies with adequate time to determine whether these conditions will have effects unintended by the Agencies and, if so, to propose amendments to the exemption to rectify these effects.

DATE: The postponement is effective immediately and delays the effective date of the specified conditions until May 1, 1978.

FOR FURTHER INFORMATION:

Mr. Forrest Foss, Room C–4508, Office of the Solicitor, Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210, 202–523–6856. Mr. Charles Scalera, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224. Attention: E:EP:PT, 202–566–3089. (These are not toll free numbers.)

SUPPLEMENTARY INFORMATION: On June 24, 1977, a class exemption for transactions which otherwise might be prohibited by the Employee Retirement Income Security Act of 1974 (the Act), was published in the FEDERAL REGISTER (42 FR 32395, Prohibited Transaction Exemption 77–9), relating to the sale to employee benefit plans of insurance and annuity contracts and securities issued by investment companies by insurance agents and brokers, pension consultants, insurance companies, investment companies, and investment company principal underwriters. The exemption imposes conditions with staggered effective dates designed to allow affected persons sufficient time to make any necessary changes in their operations in order to comply with these conditions.

The conditions of the exemption set forth in section IV of the exemption are applicable to certain transactions (described in section III of the exemption) made before November 1, 1977. Section V of the exemption is effective November 1, 1977, and imposes additional conditions for transactions described in section III (a) through (d). These additional conditions limit the parties in interest and disqualified persons who may avail themselves of the exemption and require that the transaction be approved by an independent plan fiduciary, that various disclosures be made, and that records regarding the transaction be maintained. Finally, for transactions described in section III (a) through (d), section V(d) proposes that additional conditions become effective January 1, 1979.[1]

DELAYED EFFECTIVE DATE

Paragraph (a) of section V of the exemption limit the categories of parties in interest and disqualified persons for whom the exemption is available to persons who are parties in interest or disqualified persons solely because they are service providers or certain types of fiduciaries (or both). Specifically, section V(a) limits the availability of the exemption by stating:

> The insurance agent or broker, pension consultant, insurance company, or investment company principal underwriter is a party in interest or disqualified person solely by reason of being a service provider or fiduciary (or both) with respect to the plan, but is not a trustee of the plan, a plan administrator (within the meaning of section 3(16)(A) of the Act and section 414(g) of the Code), a named fiduciary of the plan (within the meaning of section 402(a)(2) of the Act) or a fiduciary who is expressly authorized in writing to manage, acquire or dispose of the assets of the plan on a discretionary basis.

Section VI(b) of the exemption provides that the terms insurance agent or broker, pension consultant, insurance company, investment company, and investment company principal underwriter include such persons and any affiliates thereof and section VI(c) defines the term affiliate to include a range of described persons.

The Agencies have received numerous inquiries concerning the applicability of certain portions of section V(a) of the exemption and the interaction of these provisions with the affiliation definitions of section VI. Specifically, many persons have indicated confusion as to the operation of that part of section V(a) which limits the availability of the exemption to an insurance agent or broker, pension consultant, insurance company, or investment company principal underwriter which is a party in interest or disqualified person solely by reason of being a service provider or fiduciary (or both) (the "solely" test). Other persons have questioned whether the interaction of the "solely" test and the affiliation rules of section VI of the exemption may preclude exemptive relief for many persons in situations in which there is little possibility for conflicts with the plan. These persons allege that, in any case, the November 1, 1977 effective date for the institution of the "solely" test provides insufficient time for agents, brokers, consultants, insurance companies, and principal underwriters conscientiously to discern which of their affiliates may be parties in interest or disqualified persons for reasons other than being service providers or certain types of fiduciaries to plans and to take remedial action.

Similarly, interested persons have alleged that the part of section V(a) which precludes exemptive relief to any insurance agent or broker, pension consultant, insurance company, or investment company principal underwriter which is a named fiduciary of the plan (within the meaning of section 402(a)(2) of the Act) could foreclose the availability of the exemption in many non-abusive situations. They assert, for example, that any insurance company which is a named fiduciary of a plan by reason of having the responsibility under section 503 of the Act for final review of a decision to deny a claim for benefits under the plan would not, as of November 1, 1977, secure the coverage provided by the exemption.

Upon consideration of these inquires and assertions, the Agencies have determined that it is appropriate to delay the effective date of these conditions because of the possibility the Agencies will propose substantive amendments to the exemption to deal specifically with the issues and problems raised under the cited provisions of section V(a), and because affected persons require additional time to comply with the conditions as adopted or as may be modified. Accordingly, the Agencies are, effective Novem-

[1] The comment period for the Proposal to Adopt Additional Conditions with respect to Prohibited Transaction Exemption 77–9, originally scheduled to expire on September 30, 1977, has been extended, by notice published in the FEDERAL REGISTER (42 FR 49530, September 27, 1977), through October 31, 1977.

ber 1, 1977, postponing until May 1, 1978, the November 1, 1977 effective date of those portions of section V(a) of the exemption that establish the "solely" test and bar the exemption to "a named fiduciary of the plan (within the meaning of section 402(a)(2) of the Act)."

This action is being taken by the Agencies on the basis of the entire record developed with respect to the exemption and without offering the opportunity for further public comment or another hearing, because of the immediate need for relief by affected persons and because the Agencies believe that imposition of certain conditions contained in section V(a) of the exemption without further consideration by the Agencies and affected persons would cause confusion and could result in unintended hardships and expense. In taking this action, the Agencies believe that the efficacy of the other conditions of the exemption will not be impaired.

While the effective date of certain specific provisions discussed above is being delayed, the Agencies emphasize that all other conditions, terms, and effective dates remain exactly as they are stated in the exemption. Accordingly, with the exception of the above discussed terms and conditions for which effectiveness is delayed, effective November 1, 1977, all insurance agents or brokers, pension consultants, insurance companies, investment companies, and investment company principal underwriters seeking to avail themselves of the relief provided by the exemption must comply with and shall be subject to all of the others terms and conditions set forth in sections IV, V, and VI of the exemption for all covered transactions described in section III (a) through (d) of the exemption.

The principal effect of the delay described herein is to permit, until May 1, 1978, an insurance agent or broker, pension consultant, insurance company, or investment company principal underwriter which is a named fiduciary of a plan (within the meaning of section 402(a)(2) of the Act) or a party in interest or disqualified person with respect to a plan for a reason other than, or in addition to, being a service provider or fiduciary (or both) of the plan to engage in the transactions described in section III (a) through (d) of the exemption. However, such persons would be fully subject to all of the other conditions and terms of sections IV, V, and VI, including those parts of section V(a) which preclude the insurance agent or broker, pension consultant, insurance company, or investment company principal underwriter from being a trustee of the plan, a plan administrator (within the meaning of section 3(16)(A) of the Act and section 414(g) of the Code) or a fiduciary who is expressly authorized in writing to manage, acquire or dispose of the assets of the plan on a discretionary basis.

EXPECTED PROPOSALS

The Agencies anticipate that they will propose for comment substantive amendments to the exemption relating to the terms and conditions discussed above. In this regard, the Agencies invite interested persons to submit, prior to December 1, 1977, applications for amendment pertaining to such terms and conditions.

For the reasons stated above, the Agencies have determined that, notwithstanding the requirements of section II of Prohibited Transaction Exemption 77-9, the provision "is a party in interest or disqualified person solely by reason of being a service provider or fiduciary (or both) with respect to the plan, but" and the term "a named fiduciary of the plan (within the meaning of section 402(a)(2) of the Act)," contained in section V(a) of the exemption, are omitted with respect to any transaction described in section III of the exemption entered into before May 1, 1978.

Signed at Washington, D.C., this 28th day of October 1977.

IAN D. LANOFF,
Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

ALVIN D. LURIE,
Assistant Commissioner (Employee Plans and Exempt Organizations), Internal Revenue Service.

[FR Doc.77-31699 Filed 10-28-77;2:01 pm]

[7590-01]

NUCLEAR REGULATORY COMMISSION

MIXED OXIDE FUEL

Order

By order dated May 3, 1977, the Commission announced that it intended to assess the impact of President Carter's April 7, 1977, "Statement on Nuclear Power Policy" on the Commission's November 11, 1975, policy statement on mixed oxide fuel, 40 FR 53056. Topics under Commission review include the future course and scope of the proceedings on the Generic Environmental Statement on Mixed Oxide Fuel (GESMO), the review of plutonium recycle-related license applications, including the use of mixed oxide fuel for other than experimental purposes, and the matter of interim licensing. The order requested the views of all GESMO participants and other interested persons on the impact of the President's policy on the November 11, 1975, policy statement. Twenty-seven comments were received. On May 5, 1977, the Chairman of the Commission wrote to the President inviting his views on the matters before the Commission. Mr. Stuart E. Eisenstat, Assistant to the President for Domestic Affairs and Policy, responded for the President on October 4, 1977. A copy of that letter is attached.

At a public meeting on October 20, 1977, the Commission was briefed by its staff on the history and status of GESMO and related proceedings. The Commission determined that its decision on these matters should be made only after a further opportunity for public comment. At a second public meeting on October 26, 1977, the Commission's staff and other Commission offices presented to the Commission their views on the alternative courses of action open to the Commission. Accordingly, the Commission invites all GESMO participants and other interested persons to submit their views on the following matters to be received by the Commission by November 16, 1977:[1]

(1) The relationships to and impacts on the Commission's decisions in the matters under review and to the Commission's responsibilities under the Atomic Energy Act, the Energy Reorganization Act, and the National Environmental Policy Act of the President's nonproliferation policy and the October 4, 1977, letter from Mr. Eizenstat.

(2) Whether the Commission should—

(a) Terminate GESMO and deny pending recycle-related license applications,

(b) Continue GESMO and proceedings on pending recycle-related license applications, or

(c) Take any other course of action intermediate between these two, such as to—

(i) Defer further consideration of GESMO and recycle-related license applications pending completion of ongoing national and international reviews of alternative fuel cycles and reactor systems (the Non-Proliferation Alternative System Assessment Program and the International Nuclear Fuel Cycle Evaluation), or to

(ii) Continue GESMO in some form but deny or defer pending license applications.

(d) Continue GESMO to some point, such as completion of the health, safety, and environmental hearings, if it were ultimately to be terminated.

(3) The comments received by the Commission in response to its May 3 order. Most comments of GESMO participants have been served on other GESMO participants; all comments are available in the Commission's Public Document Room.

The Commission is also requesting the views of the GESMO Hearing Board on these matters. The Commission anticipates a decision in these matters, taking into account the views of the President and all comments received in response to this order and the May 3 order, by the end of this year.

[1] On October 18, 1977, Westinghouse Electric Corp. requested that the Commission allow GESMO participants to file further comments. That request was opposed by the Natural Resources Defense Council and the Public Interest Research Group. In view of the Commission's decision to seek further comment, Westinghouse's request is hereby dismissed as moot.

Dated at Washington, D.C., this 28th day of October 1977.

For the Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

THE WHITE HOUSE,
Washington, D.C., October 4, 1977.

DR. JOSEPH M. HENDRIE,
Chairman,
U.S. Nuclear Regulatory Commission,
Washington, D.C.

DEAR CHAIRMAN HENDRIE: On May 5, 1977, your predecessor asked for the President's views on the relationship between the Administration's non-proliferation and nuclear energy policies and the issues now before the Nuclear Regulatory Commission. Of particular concern are the proceedings related to the Generic Environmental Statement on Mixed Oxide Fuel (GESMO), the review of plutonium recycle-related license applications, and interim licensing.

The President believes that our goal of stopping the spread of nuclear weapons capability among non-weapons states can be significantly improved by a halt in purex reprocessing. Last April 7, he stated that the United States should "defer indefinitely the commercial reprocessing and recycling of the plutonium produced in U.S. nuclear power programs". The Administration has proposed an accelerated research and development program to examine alternative fuel cycles not involving direct access to plutonium. The President has also asked other countries to join us in an International Nuclear Fuel Cycle Evaluation to examine alternative approaches to advanced nuclear technologies.

The GESMO proceedings and related licensing requests may impact these non-proliferation initiatives. While the studies and analyses done by thee Commission staff, if available in published form, may be of value to the International Nuclear Fuel Cycle Evaluation, the President believes that his non-proliferation initiatives would be assisted both domestically and internationally if the Commission were to terminate the GESMO proceedings.

Specifically, the President believes that the following actions would be helpful in achieving the Administration's goals:

Publication of the Commission's assessment of safeguards issues.

Termination of staff reviews and hearings relating to recycle activities. (Continuation of these activities could lead other nations to question the United States commitment to deter commercial reprocessing and plutonium recycle.)

Denial of interim licensing of fuel cycle facilities.

Denial of interim licensing for use of mixed oxide fuel in reactors, except in small quantities for experimental purposes.

If I can be of further help in clarifying the President's position on these matters please let me know.

Sincerely,

STUART E. EIZENSTAT,
Assistant to the President for Domestic Affairs and Policy.

[FR Doc.77-31769 Filed 10-31-77;9:48 am]

[7590-01]

[Docket No. 50-259]

TENNESSEE VALLEY AUTHORITY

Proposed Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-33 issued to Tennessee Valley Authority (the licensee) for operation of the Browns Ferry Nuclear Plant, Unit No. 1, located in Limestone County, Alabama.

In accordance with the licensee's request dated Septemebr 26, 1977, the amendment would consider a reevaluation of Emergency Core Cooling System (ECCS) cooling performance submitted in accordance with the Commission's Order for Modification of License dated March 11, 1977. This reevaluation not only corrected the errors noted in the March 11, 1977 Order but also included the effect of certain other recently approved model changes in the ECCS evaluation models. These changes would permit an increase in authorized Maximum Average Planar Linear Heat Generation Rates for 7 X 7 fuel and establish such limits for new 8 X 8 fuel, and are the aspects of the amendment covered by this notice.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By December 1, 1977, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to H. S. Sanger, Jr., Esquire, General Counsel, Tennessee Valley Authority, 400 Commerce Avenue, E 11B 33 C, Knoxville, Tenn., the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated September 26, 1977, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Athens Public Library, South and Forrest, Athens, Ala.

Dated at Bethesda, Md., this 27th day of October 1977.

For the Nuclear Regulatory Commission.

THOMAS V. WAMBACH,
Acting Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.77-31683 Filed 10-31-77;8:45 am]

[3110-01]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on October 25, 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 to 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

ACTION

National Survey of High School Student Community Service Programs, A-860, single time, random sample of U.S. high schools, Laverne V. Collins, 395-3214.

DEPARTMENT OF LABOR

Bureau of Labor Statistics, International price program disaggregation worksheet, BLS 2894D, single time, importers and exporters, Strasser, A., 395–6132.

DEPARTMENT OF THE TREASURY

Bureau of Customs, record of vessel/aircraft foreign repair or equipment purchase, 226, on occasion, vessels, Ellett, C. A., 395–6132.

REVISIONS

DEPARTMENT OF COMMERCE

Domestic and International Business Administration:
Annual Confectionery Survey, MA–20D, annually, candy manufacturers, Marsha Traynham, 395–4529.
Quarterly Report of Watch Assembly Operations of Forms, granted quota allocations, DIB 321P, quarterly, duty free watch quota firms, C. Louis Kincannon, 395–3211.

DEPARTMENT OF LABER

Employment and Training Administration:
WIN Reporting System, MA 5–95, 5–96, 5–97, monthly, WIN offices, Strasser, A., 395–6132.
Application Card; Applicant/Job Order Transactions, ES–511 (MA 7–40), ES–516, on occasion, job seekers applying at State ES offices, Strasser, A., 395–6132.

DEPARTMENT OF THE TREASURY

Bureau of Customs, Crew Member's Declaration, CF 5129, on occasion, vessel crew members and officers, Warren Topelius, 395–6132.

EXTENSIONS

GENERAL SERVICES ADMINISTRATION

Contractor's Report of Orders Received, GSA 72, 72–A, monthly, private business firms, Lowry, R. L., 395–3772.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration, Weather Modification Activities Reports, NOAA 17–4, 17–4A, on occasion, civil, State, and Federal weather modifiers, Ellett, C.A., 395–6132.
Domestic and International Business Administration:
Request for Foreign Excess Property Import Authority, DIB304P, on occasion, all persons who desire to import FEP into United States, C. Louis Kincannon, 395–3211.
Radial ball bearing 30 MM OD and under, DIB–985, quarterly, bearing manufacturers, Marsha Traynham, 395–4529.

DEPARTMENT OF LABOR

Employment and Training Administration, Employer Order Form (for placement procedures), MA 7–45, on occasion, employers using ES services, Strasser, A., 395–6132.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77–31668 Filed 10–31–77;8:45 am]

[8010–01]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–14088;
File No. SR–Amex–77–26]

AMERICAN STOCK EXCHANGE, INC.

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 September 19, 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. ("Amex") proposes to amend Exchange Rule 910 relating to restriction of out-of-the-money options. The Amendment to Rule 910 is set forth below. Italics indicate words to be added and brackets indicate material deleted.

Rule 910. Restriction of Out-of-the-Money Options.

Rule 910(a)—No change.

Rule 910(b)—The prohibition of paragraph (a) shall not apply to:

(1)—No change.

(2)—No change.

(3)—The entry of an order for any order for any opening transaction which would, upon execution, create a spread positon for the same number of option contracts of the same class;

(4)—The entry of an order for the purchase of a put against a long position in either the underlying stock or a security immediately exchangeable or convertible without restriction, other than the payment of money, into the underlying stock; or

[3] (5)—Any transaction of a specialist pursuant to the provisions of Rule 170 or any transaction of a registered trader pursuant to the provisions of Rule 958.

Rule 910(c)—No change.

Commentary—No change.

EXCHANGE'S STATEMENT OF TERMS OF SUBSTANCE

The purpose of proposed Rule 910(b)(3) is to permit investors to enter an order in a restricted options, the execution of which would result in a spread position. Under present Rule 910(b)(2), the entry of a spread order is exempt from the prohibition of the restricted options rule provided both sides of the order are executed simultaneously. That is, a spread order, by definition, requires the simultaneous purchase and sale of the same number of option contracts of the same class.

Under the proposed rule change, investors would be permitted to execute each side of a spread at different times, which might be advisable depending on market conditions. For example, an account which already has a long position in a particular option class would be able to sell (opening) a restricted option provided each such option sold is offset by a long option which results in a spread position. Similarly, if an account has an existing short position in a particular option class, it would be permitted to purchase (opening) a restricted option to offset the short postion provided the transaction results in a spread position.

The proposed rule change would not permit, however, a spread position to be established by initiating an opening purchase or sale in a restricted option and subsequently executing the other side of the spread.

With respect to proposed Rule 910(b)(4), the amendment would permit investors to purchase (opening) restricted puts provided they are offset in the account by long stock or convertible security positions.

The Exchange has been informed, by personnel of member firms, that with the commencement of put options trading, many option departments desire to recommend the purchase of out-of-the-money puts against long stock positions, particularly stock positions that have been utilized to write covered calls. In such situations, the purchase of out-of-the-money puts is viewed as an inexpensive yet effective means for investors to protect against a price decline n the underlying stock.

The amndement to Rule 910 is authorized by Section 6(b) of the Act and the Amex believes that such amendment will serve to promote just and equitable principles of trade and to protect investors.

The proposed amendment to Rule 910 was considered and approved by the Options Committee of the Amex which is composed of Amex members and representatives of Amex member organizations.

The Amex has determined that the proposed amendment will not impose any burden on competition.

By December 6, 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 change, or

(b) Institute proceedings to determine whether the proposed rule change 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 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 within 30 days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 21, 1977.

[FR Doc.77–31513 Filed 10–31–77;8:45 am]

[8010–01]

[Release No. 34–14087; File No. SR–BSECC–77–1]

BOSTON STOCK EXCHANGE CLEARING CORP.

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 7, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS AND SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change changes certain of the fees which the self-regulatory organization charges for its securities clearance service. The amended fee schedule is attached hereto as Exhibit No. 1.

STATEMENT OF BASIS AND PURPOSE

The purpose of the proposed rule change is to raise the fees for the securities clearance service in such a manner as to enable such service to be operated in a break-even or profitable manner.

The proposed rule change relates to the capacity of Boston Stock Exchange Clearing Corp. to facilitate the prompt and accurate clearance and settlement of securities transactions by enabling it to carry on its functions in a profitable manner.

No comments have been or are to be solicited from members or participants. Comments received from members and prospective members indicated that the raised fees are very competitive and necessary to enable Boston Stock Exchange Clearing Corp. to carry on its functions.

Boston Stock Exchange Clearing Corp. believes that no burden on competition will be imposed by the proposed rule change.

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 6 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 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 within 21 days of the date of this publication. For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 21, 1977.

EXHIBIT No. 1

SCHEDULE OF CHARGES

$3,000 Good Faith Deposit; $25 Month Membership Fee

New England OTC Member

Sells to:
- Boston member, $0.55 per item.
- New York members, member pick-up, $5 per day and $0.55 per item.*
- New York nonmember includes delivery, $5 per broker and $0.55 per item.
- Boston nonmember picks up, $2 per broker and $0.55 per item.
- Boston nonmember messenger required, $5 and $0.55 per item.
- Major nonmember Boston bank, $0.55 per item.

Buys from:
- Boston member, $0.[1]
- New York member, $0.[1]
- New York nonmember, $5 per broker and $2 per item.**
- Boston nonmember delivers, $2 per item.
- Boston nonmember messenger required, $5 and $2 per item.
- Incoming drafts for OTC members, $0.80 per item.[2]
- Major nonmember Boston bank, $0.80 per item.[2]

New York OTC member (through New York facility)

Sells to:
- Boston member, $5 per day and $0.55 per item.**
- Boston nonmember picks up, $2 per item and $5 per day.**
- Boston nonmember messenger required, $5 per item and $5 per day.**

Buys from:
- Boston member, $0.[1]
- Boston nonmember delivers, $2 per item and $5 per day.*
- Boston nonmember messenger required, $5 per item and $5 per day.*

Reclamation: $3 per reclamation.[4]
DTC: $2 per delivery.
Transfer: $2.50 per item transferred, $5 per legal item transferred.
Messenger service: $5 per delivery to members when required.
Miscellaneous: Charges at cost to members-drafts, interest, postage, etc.
Correction charge: Plus 25¢.[5]
Boston-New York sells payment, 2 day delay.
Member means member of the Boston Stock Exchange.

*Boston—New York Transportation additional 2½¢/$1,000 value+10¢/oz.[3]

**New York—Boston Transportation additional 2¢/$1,000 value+5¢/oz.

[1] Fees charged to an SCS participant on the buy side of a transaction is increased from no-charge to 55¢ per item.

[2] Fee charged to an SCS participant on the buy side of a transaction from a major nonmember Boston bank or received via security draft is increased from 80¢ per item to $1.60 per item. (Note: the fee for this service consists of a ticket preparation/correction charge (50¢) and both the buyer and seller transaction charges; (55¢+55¢)).

[3] Fee for Boston—New York transportation decreased from 2½¢ per thousand dollar value and 10¢/oz. to 2½¢ per thousand dollar value and 8¢/oz.

[4] Fee for reclamation is changed from $3.00 per reclamation to 80¢ for an equity reclamation, $1.50 for a registered bond reclamation and $2.00 for a coupon bond reclamation.

[5] Fee for a ticket preparation/correction to an SCS participant is increased from 25¢ to 50¢ per ticket prepared/corrected.

BSECC did not include fees for coupon and registered bond transactions on the fee schedule as clearance of these items is performed on a limited basis. The fee to an SCS participant on the sell side of registered and coupon bond transactions is $1.25 and $2.00 respectively. Under the proposed fee schedule the fee to an SCS participant on the buy side of registered and coupon bond transactions is $1.25 and $2.00 respectively.

[FR Doc.77–31515 Filed 10–31–77;8:45 am]

[8010–01]

[Release No. 34–14101; File No. SR–PSE–77–31]

PACIFIC STOCK EXCHANGE INC.

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 17, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

EXCHANGE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The Pacific Stock Exchange Incorporated ("PSE") hereby requests to amend Commentary .05 of Rule VI, Section 5 of the Rules of its Board of Governors as follows (italics indicate additions):

RULE VI—EXCHANGE OPTIONS TRADING

POSITION LIMITS

Sec. 5.
Commentary:

.05 The current position limits established pursuant to Section 5 follow: *(a) Subject to the provisions of paragraph* (b), aggregate positions shall be 1,000 contracts on the same side of the market in the same underlying stock. These position limits shall include 1,000 long call options, or 1,000 short put options, or any combination thereof not to exceed an aggregate of 1,000 contracts, and 1,000 short call options, or 1,000 long put options, or any combination thereof not to exceed an aggregate of 1,000 contracts. *(b) The 1,000 option contract position limit imposed by paragraph (a) of this Commentary may be increased by up to an additional 1,000 option contracts on either side of the market at any given time to the extent that each additional option contract is offset on the other side of the market, on a share-for-share basis, by any combination of*

(i) a position in the underlying security, (ii) positions in options relating to the same underlying security, or (iii) a position in a security immediately exchangeable or convertible into the underlying security without restriction other than the payment of money. (c) Where a position in excess of 1,000 contracts on the same side of the market is permitted to exist by virtue of paragraph (b) of this Commentary, no closing transaction or exercise transaction may be made if as a result there would remain outstanding any options in excess of 1,000 contracts on the same side of the market not offset on the other side as required by said paragraph (b). (d) In the event an exercise notice is assigned to an outstanding short position or an outstanding position expires through the passages of time, and if as a result there remain outstanding options in excess of 1,000 contracts on the same side of the market not offset on the other side as required by paragraph (b) of this Commentary, then all such excess unmatched options must be liquidated.

EXCHANGE'S STATEMENT OF BIAS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is to increase the size of permitted options position under certain defined circumstances, while at the same time retaining the essential protection heretofore provided by the position limit rule. This would be accomplished by permitting options positions as large as 2,000 contracts on the same side of the market so long as each contract in excess of the present 1,000 contract limit is either offset by a position in the underlying security (or a security exchangeable or convertible into the underlying security), or represents part of a share-for-share options spread.

The proposed modification to the position limit rule is limited to those circumstances where there is a need for a change in the present limit. Such a need has been identified in the case of market-makers, especially those having responsibilities in options where both puts and calls are traded, and in the case of institutional users and potential users of options who are constrained from full participation in the options market by the existing position limit.

In the former case, market-makers in puts and calls are confronted with more than double the market-making obligations of market-makers in calls only, but with the same 1,000 contract position limit that must be shared between the two classes on account of the aggregation requirements of the position limit rule. As put trading expands to all of the underlying securities on which calls are now available, the demands on market-makers will be even greater, reflecting not only the doubling of the number of series of options relating to each underlying security, but also the geometric increase in the number of spreads, straddles and other combinations among the different series. Since market-makers often hold options in spread positions, the additional 1,000 contracts permitted by the proposed rule change in the case of spreads would provide put and call market-makers with the flexibility needed to meet their additional responsibilities.

In the case of institutional investors and other investors whose interest in options generally relates to writing options against their large stock portfolios, many of these investors cannot today justify engaging in options transactions limited to writing options against a maximum of 100,000 shares of stock. Since the proposed rule change would only apply in respect of what are essentially spread or covered options, it should provide these investors with an opportunity to write against larger stock portfolios without increasing the likelihood that options may be used for manipulative purposes.

In drafting the proposed rule change, it has been recognized that for purposes of compliance and enforcement the position limit rule should not become so complex as to not be understandable by member firms and their customers. For this reason, the rule refers to offsetting positions in general terms, and does not attempt to confine the expanded limit to particular types of spreads or positions in related securities.

The PSE believes that the proposed amendment promotes cooperation and coordination with other self-regulatory organizations, facilitates transactions in securities, and continues the existing protection of investors and the public interest.

Comments have neither been solicited nor received from members on the proposed rule change.

The proposed rule change imposes no burden upon competition.

By December 6, 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 change, or

(B) institute proceedings to determine whether the proposed rule change 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 of all written submisions 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 within 30 days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 25, 1977.

[FR Doc.77-31514 Filed 10-31-77;8:45 am]

[8010-01]

[Release No. 9970]

MASSACHUSETTS MUTUAL LIFE INSURANCE CO. AND MASSMUTUAL CORPORATE INVESTORS, INC.

Filing of Application for Order

OCTOBER 25, 1977.

In the matter of Massachusetts Mutual Life Insurance Co. and MassMutual Corporate Investors, Inc., 1295 State Street, Springfield, Mass. 01111 (812-4168).

Notice is hereby given that Massachusetts Mutual Life Insurance Co. ("Insurance Company"), a mutual life insurance company organized under the laws of the Commonwealth of Massachusetts, and MassMutual Corporate Investors, Inc. ("Fund"), a non-diversified, closed-end management investment company registered under the Investment Company Act of 1940 ("Act") (hereinafter collectively referred to as "Applicants"), filed an application on August 4, 1977, and an amendment thereto on September 30, 1977, pursuant to Section 17(d) of the Act and Rule 17d-1 thereunder for an order of the Commission permitting the Insurance Company to purchase $8,000,000 in principal amount of a new issue of 8.90 percent Senior Notes of Viacom International, Inc. ("Viacom"). 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.

The application states that pursuant to an order of the Commission issued on August 19, 1971 (Investment Company Act Release No. 6690, referred to herein as the "Order"), the Insurance Company, which acts as investment adviser to the Fund, is permitted to invest concurrently for its general account in each issue of securities purchased by the Fund at direct placement, and to exercise warrants, conversion privileges and other rights at the same time as the Fund. The Order is subject to several conditions, one of which requires, generally, that purchases at direct placement of securities which would be consistent with the investment policies of the Fund be shared equally by the Insurance Company and the Fund. Another condition is that, once the Insurance Company and the Fund have acquired interests in an issuer, neither the Insurance Company nor the Fund, unless otherwise permitted by order of the Commission, may acquire any further interest in such issuer other than interests in all respects identical.

The application states that the Insurance Company has been offered for purchase at direct placement $8,000,000 in principal amount of a new issue of 8.90 percent 20-Year Senior Notes (the "Notes") of Viacom. The application further states that the proposed purchase is part of a proposed issue of notes by Viacom of $20,000,000 in principal amount, and that at the present time the other prospective purchasers of the Notes will include Connecticut Life Insurance Co., which will purchase $4,000,000 in principal amount, and The Travelers Insurance Co., which will purchase $8,000,000 in principal amount. Applicants state that Viacom has represented to the Insurance Company that it intends to apply the proceeds from the sale of the Notes in connection with Viacom's current plans to acquire certain broadcasting property. Applicants represent that the Insurance Company and the Fund each hold (1) $1,500,000 in principal amount of Viacom 8½ percent Senior Notes due 1992, and (2) $5,500,000 Viacom 6 percent Convertible Subordinated Notes due 1992, purchased in November 1972 (the "Outstanding Securities"). The 6 percent Convertible Subordinated Notes have a conversion price of $25 per share; the closing price for a share of Viacom common stock on October 19, 1977, was $15⅛.

Section 17(d) of the Act, and Rule 17d-1 thereunder, taken together, provide, in part, that it is unlawful for an affiliated person of a registered investment company, acting as principal, to effect any transaction in which such investment company is a joint participant, without the permission of the Commission. Rule 17d-1 provides, in part, that in passing upon applications for orders granting such permission, the Commission will consider (1) whether the participation of the investment company in such transaction on the basis proposed is consistent with the provisions, policies and purposes of the Act, and (2) the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Applicants submit that the Insurance Company's acquisition of the Notes is not disadvantageous to the Fund and is consistent with the provisions, policies and purposes of the Act. The application states (1) that the Fund is fully invested; (2) that the Fund's investment policy specifies that the principal investments of the Fund will be long-term obligations and, occasionally, preferred stocks, purchased directly from the issuers, if such obligations or preferred stocks have equity features such as accompanying shares of common stock or rights to acquire, or to convert such obligations or preferred stocks into, such shares; (3) that since the Notes do not have any accompanying equity features, they would not be an investment permitted by the investment policies of the Fund; and (4) that the absence of any equity features accompanying the Notes is attributable to Viacom's stronger financial condition as compared with such position in 1972 when the Outstanding Securities were acquired. Applicants state that at the time of purchase of the Outstanding Securities, the Insurance Company did not contemplate any investment in the Notes, nor was the purchase of the Outstanding Securities tied to or induced by any discussions with respect to the purchase and sale of the Notes or any similar securities. Applicants further state that there is no connection between the purchase of the Outstanding Securities and the proposed issuance and sale of the Notes to the Insurance Company other than the fact that the Insurance Company established a relationship with Viacom in 1972, at the time of the acquisition of the Outstanding Securities. Applicants assert that neither the Insurance Company (or any affiliated person of the Insurance Company), nor the Fund (or any affiliated person of the Fund) owns any securities of Viacom or any affiliated person of Viacom, other than the Outstanding Securities.

Applicants state that because one condition of the Order is that once Applicants have acquired interests in an issuer, neither Applicant, unless otherwise permitted by order of the Commission, may acquire any further interest in such issuer other than interests in all respects identical, conversion of the Outstanding Securities into common stock of Viacom, at a time when the Insurance Company otherwise holds securities of Viacom, would be prevented. Applicants assert that they are prepared to contemplate only sale of the Outstanding Securities, which they state would be permitted by the Order notwithstanding retention by the Insurance Company of securities of Viacom, and would not expect to convert any Outstanding Securities without further Commission action unless the Order can be complied with. Applicants state that if any future application to enable the Fund to convert any of its Outstanding Securities is made necessary by reason of the proposed purchase of the Notes by the Insurance Company, which application is filed or joined in by the Fund, the Insurance Company will pay any and all fees required thereby.

The application states that in the judgment of the Insurance Company, the Notes would be an attractive investment which it would like to acquire. The application states that the purpose of this application is to avoid disadvantage to the Insurance Company if it is not permitted to acquire the Notes.

Notice is further given that any interested person may, not later than November 18, 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.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-31512 Filed 10-31-77;8:45 am]

[8010-01]

NATIONAL MARKET ADVISORY BOARD

Meeting

This is to give notice, pursuant to Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. 1 10(a), that the National Market Advisory Board will conduct open meetings on November 14 and 15 and December 12 and 13, 1977, in Room 776, 500 North Capitol Street, Washington, D.C. Initial notice of the November meeting was published in the FEDERAL REGISTER on October 7, 1977.

The summarized agenda for the December meeting will be published in the FEDERAL REGISTER at a later date. The summarized agenda for the November meeting is as follows:

1. Discussion of a Board letter to the Commission regarding the next steps to be taken to facilitate the establishment of a national market system, including the characteristics of securities to be traded in such a system and the role of issuers of such securities in the system.
2. Discussion of gross versus net printing of reports of securities transactions.
3. Discussion of such other matters as may properly be brought before the Board.

Further information may be obtained by writing Martin L. Budd, Executive Director, National Market Advisory Board Staff, Securities and Exchange Commission, Washington, D.C. 20549.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 25, 1977.

[FR Doc.77-31511 Filed 10-31-77;8:45 am]

[8010-01]

[Rel. No. 20230; Admin. Proc. File No. 3-5309 (54-257)]

EASTERN UTILITIES ASSOCIATES ET AL.

Filing of and Order for Hearing on Plan; Request for Exception From Competitive Bidding

OCTOBER 26, 1977.

In the matter of Eastern Utilities Associates, P.O. Box 2333, Boston, Mass. 02107, Blackstone Valley Electric Company, P.O. Box 1111, Lincoln, R.I. 02865, Brockton Edison Company, 36 Main Street, Brockton, Mass. 02403, and Fall River Electric Light Company, 85 North Main Street, Fall River, Mass. 02722.

Notice is hereby given that Eastern Utilities Associates ("EUA"), a registered holding company and Blackstone Valley Electric Light Company ("Blackstone"), Brockton Edison Company ("Brockton"), and Fall River Electric Light Company ("Fall River"), electric utility subsidiaries of EUA, have filed a plan with this Commission pursuant to Section 11(e) of the Public Utility Holding Company Act of 1935 ("Act") providing for the merger of Fall River into Brockton and other matters. All interested persons are referred to the Plan, which is summarized below, for a complete description of the proposed transaction.

EUA, a Massachusetts voluntary association organized under a Declaration of Trust dated April 2, 1928, as amended, is a registered holding company under the Act. EUA owns directly all of the common stock of its three operating electric utility companies (the "Retail Subsidiaries"), namely, Blackstone, Brockton and Fall River. EUA also has an indirect subsidiary, Montaup Electric Company ("Montaup"), which is a generating and transmission company supplying virtually all of the electric power requirements of the Retail Subsidiaries. All of the outstanding securities of Montaup, other than short-term notes payable to banks, are held by Brockton and Fall River. EUA also owns directly all of the securities of EUA Service Corporation, which renders services to all of the above-mentioned companies. All of the foregoing companies, taken together, comprise the EUA System.

EUA, on behalf of itself and the EUA system, has filed an application and a Plan under Section 11(e) of the Act for the purposes of effecting compliance with the requirements of Section 11(b). In summary, the Plan calls for the reorganization of the EUA system through the merger of Fall River into Brockton; the discharge of the outstanding Fall River and Blackstone Indentures and substitution of additional Brockton First Mortgage and Collateral Trust Bonds for the outstanding Fall River and Blackstone Bonds. The application and Plan filed by EUA must be examined in light of the corporate structure and history of the EUA system.

The Plan is part of a long range program commenced by the EUA System in 1971 to improve the operational efficiency and financing capability of the System through consolidation of certain operations and physical facilities and elimination of undue complexities in its corporate and financial structures. At that time, each of the three Retail Subsidiaries was a holding company, although exempted as such, with respect to Montaup and, in each case, the investment of the Retail Subsidiary in Montaup was an important part of its capital structure.

Prior to 1974, the contract between Montaup and the Retail Subsidiaries contained provisions which required that the funds for Montaup's construction expenditures be raised through the issue of its permanent securities to the Retail Subsidiaries in proportion to their estimated demands on Montaup for power. This made it necessary for each of the Retail Subsidiaries, in turn, to issue stock and debt securities of its own. As Montaup's capital needs grew, these provisions became increasingly burdensome since existing loan agreements and indenture provisions restricted the amount of additional securities issuable by the Retail Subsidiaries. Moreover, the amount of common stock issuable by the Retail Subsidiaries was limited by EUA's ability to finance the purchase of such stock. Therefore, Montaup's capital needs had to be satisfied through multiple sales of relatively small issues of securities by each of the Retail Subsidiaries, augmented by issues of additional common shares of EUA. By 1974, Montaup's capital requirements had become so heavy that it was apparent that substantial savings in underwriting, printing, legal, accounting and related costs could be realized if the many small issues of securities were combined into larger issues by one of the Retail Subsidiaries. The ability to offer to the public larger issues of securities of a single issuer also afforded a greater opportunity for timing the offers to take advantage of market conditions. Larger issues might also attract a greater number of bidders and thereby more favorable terms. In addition, Blackstone's financial position precluded it from raising the needed capital to finance its share of Montaup's expenses.

In 1974, the contract was amended, eliminating those requirements and enabling Montaup to sell securities to any one or more of its stockholder companies. Brockton was selected to be the principal financing agent for Montaup. It was also decided at that time that Blackstone should sell its interest in Montaup to Brockton. As a preliminary step in this proposed transfer, Blackstone entered into an agreement with First National City Bank (now Citibank, N.A.) by which Blackstone borrowed $15,000,000 evidenced by a note (the "Citibank note") and secured by a lien on Blackstone's Montaup securities, Blackstone having first obtained the release of those securities from the lien of the Blackstone Indenture. The terms of the Citibank loan agreement included provisions whereby the loan could be assumed by Brockton with the simultaneous discharge of Blackstone's obligations thereunder. The $15,000,000 proceeds of the loan were used to reduce open account advances from EUA from $39,450,000 to $24,450,000. (HCAR No. 18606, October 16, 1974 and HCAR No. 19208, October 10, 1975). In order to permit a further reduction of those open account advances and other short-term borrowings and their eventual replacement by secured debt, Blackstone, in February 1975, made a $25,000,000 one-year second-mortgage borrowing from the Chase Manhattan Bank (N.A.) (the "Chase note"). This note, the maturity of which has twice been extended, is secured by a second mortgage on substantially all of Blackstone's tangible property, the lien of that mortgage being junior to the lien of Blackstone Indenture.

Between April 1, 1975 and September 1976, Brockton increased its ownership interest in Montaup securities through a series of transactions whereby it purchased a total of $17,200,000 of newly issued Montaup Common Stock (172,000 shares) and $26,000,000 principal amount of Debenture Bonds. (HCAR No.'s 18957, 19650 and 19173).

In October, 1976, Brockton purchased from Blackstone all of that company's interest in Montaup, comprised of $13,068,000 principal amount of Montaup Debenture Bonds, $500,000 of Montaup Preferred Stock (5,000 shares and $9,532,000 of Montaup Common Stock (95,320 shares) (subject to the pre-existing lien in favor of Citibank, N.A.) in exchange for cash and the assumption by Brockton of (a) Blackstone's obligations under the $15,000,000 Citibank loan agreement and note, and (b) Blackstone's obligations as to the payment of principal and interest with respect to the two outstanding series of the Blackstone Bonds in the aggregate principal amount of $9,196,000 (HCAR No. 19713, October 13, 1976). Brockton has thus assumed (as between Brockton and Blackstone) a long-term liability with respect to an obligation on which Blackstone remains ultimately liable and which is secured by a first mortgage, in the form of the Blackstone Indenture, on substantially all of Blackstone's property.

As a result of these transactions, all of Blackstone's interest in Montaup securities has been eliminated. At present, Brockton holds approximately 90.06 percent of Montaup's stock and approximately 88.53 percent of its long-term debt and Fall River holds the remainder. However, under Montaup's Articles of Organization, each share of Montaup Preferred Stock is entitled to one vote and each 1,000 shares of Montaup Common Stock are entitled to only one vote which results in giving Brockton only 67.54 percent of the voting power of the Montaup stock, as compared with Fall River, which owns approximately 10 percent of Montaup's stock and bonds but has 32.46 percent of the voting power. In addition, the By-Laws of Montaup provide that all action taken by the stockholders (except

as required by law) shall require the affirmative vote of at least 70 percent of the capital stock outstanding and entitled to vote. As a result of provisions relating to the pledge of Montaup's permanent securities under the Brockton Indenture and the Fall River Indenture and the pledge of the Retail Subsidiaries' interests in the Montaup Contract under the Blackstone, Brockton and Fall River Indentures, respectively, EUA is not free to amend these voting provisions through ordinary corporate action.

Under the terms of the Plan, Fall River will be merged into Brockton in a transaction by which all of Fall River's authorized and outstanding 244,021 shares of Common Stock, $25 par value, will be exchanged for 244,021 shares of newly authorized Brockton Common Stock, $25 par value. EUA is the sole owner of all of the outstanding shares of the Common Stock of Fall River and Brockton. Brockton will assume all of the assets and liabilities of Fall River including Fall River's obligations with respect to the Fall River Bonds, which are outstanding in the following amounts and maturities:

First Mortgage and Collateral Trust Bonds, 3¾ percent Series due January 1, 1983	$6,800,000
First Mortgage and Collateral Trust Bonds, 4⅜ percent Series due April 1, 1988	3,000,000
First Mortgage and Collateral Trust Bonds, 7⅜ percent Second Series due January 1, 1983	5,000,000
Total	14,800,000

Consistent with the requirements of the Fall River Indenture, all of the Fall River Bonds will become Brockton Bonds under an indenture supplemental to the Brockton Indenture. Furthermore, pursuant to the terms of the merger and the supplemental indenture, Brockton will assume all of the obligations of Fall River with respect to the former Fall River Bonds including the payment of principal and interest as if the former Fall River Bonds had been originally issued under the Brockton Indenture. The Fall River Indenture will be discharged and the former Fall River Bonds will become secured by the lien of the Brockton Indenture upon the combined physical properties of and permanent Montaup securities owned by the constituent companies.

Similarly, upon the consummation of the merger of Fall River into Brockton, all of the outstanding Blackstone Bonds will become Brockton Bonds under the proposed supplemental indenture mentioned above. Brockton will fully assume, and Blackstone will be discharged of, all obligations under and with respect to the Blackstone Bonds, the Blackstone Indenture will be discharged and the former Blackstone Bonds will become secured, along with the outstanding Brockton Bonds and the former Fall River Bonds, by the lien of the Brockton Indenture upon Brockton's physical properties and Montaup securities formerly owned by Fall River, but subject to the prior lien on the Montaup securities formerly owned by Blacktone securing the Citibank Note. The amounts and maturities of the Blackstone Bonds are as follows:

First Mortgage and Collateral Trust Bonds, 4⅛ percent Series due March 1, 1983	$2,196,000
First Mortgage and Collateral Trust Bonds, 6½ percent Series due June 1, 1997	7,000,000
Total	9,196,000

The proposed supplemental indenture to be executed by Brocton and State Street Bank and Trust Company, Trustee under the Brockton Indenture, provides that $9,196,000 of outstanding Blackstone Bonds and $14,800,000 of outstanding Fall River Bonds will in effect become additional series of first mortgage bonds of Brockton secured by the Brockton Indenture, pari-passu with the outstanding Brockton Bonds and having respectively the same maturities, interest rates, call provisions and redemption prices, and sinking and improvement fund provisions as now exist in the Blackstone Indenture and the Blackstone Bonds and the Fall River Indenture and Fall River Bonds, respectively. Amendments to the provisions as to bondable property and as to use of such property to satisfy sinking fund and improvement fund requirements are included to preserve to Brockton the rights which Brockton and Fall River had prior to the merger to issue additional bonds on the basis of the Montaup securities previously acquired from Blackstone and on the basis of property and Montaup securities acquired upon the merger from Fall River.

The Plan will be consummated on a date (the "Consummation Date") which shall be the date of the consummation of the merger of Fall River into Brockton and the substitution of additional Brockton Bonds for the outstanding Fall River Bonds and for the outstanding Blackstone Bonds and related discharge of the Fall River and Blackstone Indentures.

Applicants state that it will make a request to the Commission, pursuant to the provisions of Section 11(e), that the Commission apply to a court in accordance with Section 18(b), to enforce and carry out the provisions of the Plan.

The Consummation Date shall be as soon as practicable after the entry of an appropriate Order of the Massachusetts Department of Public Utilities with respect to matters over which the Department have jurisdiction and appropriate Orders by the Commission and the United States District Court finding that the Plan is fair and equitable and necessary or appropriate to effectuate the provisions of Section 11 of the Act and approving and requiring the action necessary to enforce and carry out the terms and provisions of the Plan. A statement of the fees and expenses to be incurred in connection with this Plan or any amendment thereof or the proceedings with respect thereto will be filed by amendment. The fees and expenses will be allocated to and paid by EUA, Blackston, Brockton and Fall River, subject to any necessary approvals by the Commission and any court of items subject to their jurisdiction. The applicants also request an exception from the competitive bidding requirements of Rule 50.

The Commission being required by the provisions of Section 11(e) of the Act, before approving any plan filed thereunder, to find, after notice and opportunity for hearing, that such plan, as submitted or as modified, is necessary to effectuate the provisions of Section 11(b) and is fair and equitable to the persons affected thereby:

It is hereby ordered, That a hearing on this matter be held, December 2, 1977, at the office of the Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549, in such room as may be designated on such date by the hearing room clerk. Any person desiring to be heard in connection with this proceeding or proposing to intervene therein shall file with the Secretary of the Commission, on or before November 25, 1977 a written request relative thereto as provided in Rule 9 of the Commission's Rules of Practice. Persons filing an application to participate or be heard will receive notice of any adjournment of the hearing as well as other actions of the Commission involving the subject matter of these proceedings.

It is further ordered, That an Administrative Law Judge, hereafter to be designated, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under Section 18(c) of the Act and to a hearing officer under the Commission's Rules of Practice.

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That jurisdiction be, and it hereby is, reserved to separate, in whole or in part, either for hearing or for disposition, any issues or questions which may arise in these proceedings and to take such other action as may appear conducive to an orderly, prompt, and economical disposition on of the matters involved.

It is further ordered, That the Secretary of the Commission shall serve notice of such hearing by mailing a copy of this notice and order by registered mail to Eastern Utilities Associates, Blackstone Valley Electric Company, Brockton Edison Company and Fall River Electric Light Company and to the Federal Power Commission and the Department of Public Utilities of the Commonwealth of Massachusetts; that EUA and Brockton mail a copy of this notice and order to all public holders of record of the bonds of Brockton, Blackstone & Fall River at least fifteen days prior to the date of hearing; and that notice of said hearing be given to all other interested persons by a general release of the Commission and by publication of his notice and order in the FEDERAL REGISTER.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 77-31558 Filed 10-31-77;8:45 am]

[8010-01]

[Rel. No. 9975 (812-4196)]

FLETCHER FUND, INC. AND COMSTOCK FUND, INC.

Notice of Filing of Application for an Order Exempting Proposed Transaction

OCTOBER 26, 1977.

Notice is hereby given that Fletcher Fund, Inc. ("Fletcher") and Comstock Fund, Inc. ("Comstock"), 2777 Allen Parkway, Houston, Tex. 77019 (hereinafter collectively referred to as "Applicants"), both registered under the Investment Company Act of 1940 (the "Act") as diversified, open-end management investment companies, filed an application on September 26, 1977, pursuant to Section 17(b) of the Act for an order of the Commission exempting from the provisions of Section 17(a) of the Act the proposed merger of Fletcher into Comstock through the exchange of shares of Comstock, at net asset value, for the assets of Fletcher. 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.

Fletcher, a Delaware Corporation, was organized in August 1966, and as of June 30, 1977, had 2,329,705 shares outstanding and net assets of $13,095,701. Comstock, also a Delaware Corporation, was organized in November 1967, and as of June 30, 1977, had 12,955,982 shares outstanding and net assets of $79,354,586. Each of the Applicants employs American General Capital Management, Inc. (the "Adviser"), a wholly owned subsidiary of American General Insurance Co., as its investment adviser. The boards of directors and officers of each of the Applicants are identical. The Applicants are parties to identical agreements for investment advisory, underwriting, and transfer agency services.

Fletcher and Comstock have entered into an Agreement of Merger, dated as of September 30, 1977 (the "Agreement"), under which Fletcher will be merged into Comstock and the separate existence of Fletcher will cease. The proposed transaction is contingent, among other things, upon the recipt of a ruling from the Internal Revenue Service or an opinion of legal counsel to the effect that the merger will constitute a taxfree reorganization, the issuance of the requested order pursuant to Section 17(b) of the Act, and the obtaining of all necessary approvals by the appropriate Federal and State regulatory authorities. Shortly before the effective date of the merger each of the Applicants intends to distribute to its shareholders substantially all of its net investment income for the fiscal year through the effective date of the merger. The Agreement is subject to approval by the affirmative vote of at least a majority of the outstanding voting securities of Fletcher. If the Agreement is so approved, it is anticipated that the proposed merger will take place at the close of business on December 31, 1977. The effective date of the merger can, however, be any other time that is agreed to in writing by the Applicants. At any time prior to consummation of the merger the Board of Directors or the President of either Applicant may waive any terms or conditions of the Agreement benefiting such Applicant, if in the opinion of the Board of Directors or President such waiver will not have a material adverse effect on the benefits to accrue under the Agreement to the shareholders af such Applicant.

At the effective time of the merger, all of the property and assets of Fletcher will be transferred to Comstock, which will assume all of the liabilities and obligations of Fletcher. Upon consummation of the merger, the outstanding shares of Fletcher will be converted into shares of Comstock. The number of shares of Comstock to be issued to shareholders of Fletcher will be determined on the basis of the relative net asset value per share of each of the Applicants computed as of the close of the New York Stock Exchange on the effective date, or if the Exchange is not open for trading on such date on the last preceding day on which the exchange was open. The effective time of the merger shall not, however, be more than twenty-four hours after the last close of trading on the New York Stock Exchange. The net asset value per share of each of the Applicants will be determined by dividing the total value of the investments and other assets of each of the Applicants less any liabilities by the total number of shares outstanding.

shares of Fletcher will be distributed by registering on the stock records of Comstock the number of shares (and fractional interests in shares) of common stock of Comstock owned by each Fletcher shareholder. Certificates for full shares will be issued only upon request. Fletcher shareholders who hold shares in certificate form will be required to surrender their Fletcher certificates before certificates for their Comstock shares will be distributed to them. The Comstock shares represented by outstanding stock certificates of Fletcher not yet surrendered may not be transferred or redeemed until surrender of the Fletcher stock certificates to the transfer agent. All dividends and distributions declared payable on the Comstock shares issued in the merger will paid in cash or reinvested in additional shares of Comstock at net asset value in accordance with the option previously in effect for the Fletcher shareholder, unless the shareholder furnishes different instructions to the transfer agent in writing.

As of June 30, 1977, Fletcher and Comstock had a capital loss carryforward of $7,483, 064, and $47,622,403, respectively. As of June 30, 1977, Fletcher and Comstock had net unrealized appreciation in investments of $1,963,147 and $10,131,-311, respectively. The capital loss carryforward as a percentage of net assets in the case of Fletcher and Comstock was 57 percent, and 60 percent, respectively. The net unrealized appreciation in investments as a percentage of net assets in the case of Fletcher and Comstock was 15 percent, and 13 percent, respectively. Since the shareholders of Fletcher will, after the merger, own less than 20 percent of the outstanding shares of Comstock, the amount of Fletcher's capital loss carryforward available to Comstock will be equal to the percentage of the outstanding shares of Comstock owned by Fletcher's former shareholders immediately after the merger multiplied by five.

If the proposed transaction had taken place on June 30, 1977, the shareholders of Fletcher would have received approximately 14 percent of the shares of Comstock outstanding immediately after the merger. On such basis, approximately 70 percent of Fletcher's capital loss carryforward would be available to Comstock after the merger. Applicants have agreed that no adjustment need be made in the computation of Applicants' respective net asset values under the Agreement to reflect any potential income tax impact on the shareholders of Applicants which might result from the differences in their proportionate amounts of capital loss carryforward and unrealized appreciation of investments in their respective portfolios. It is submitted that there is no assurance that sufficient capital gains will be realized to utilize the full amount of Fletcher's capital loss carryforward prior to its expiration, or that Fletcher's current unrealized appreciation will, in fact, be realized. It is also submitted that the actual impact of the above capital loss carryforward and current net unrealized appreciation of investments is not readily determinable, would be largely a matter of speculation, and would depend on many different factors, including each individual shareholder's personal tax status.

Applicants state that since the boards of directors and officers of the Applicants are identical and they have the same investment adviser, the Applicants might be deemed to be under "common control" and thus "affiliated persons" of each other within the meaning of Section 2(a)(3) of the Act. Section 17(a) of the Act provides, in pertinent part, that it shall be unlawful for any affiliated person of a registered investment company, or any affiliated person of such a person, acting as principal, knowingly to sell to or purchase from such registered investment company any security or other property except securities of which the investment company is the issuer. Section 17(b) of the Act provides that the Commission, upon application; may exempt a proposed transaction from the provisions of Section 17(a) of the Act if the evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are fair and reasonable and do not in-

volve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

Applicants submit that the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned, since the assets of Fletcher are being acquired by Comstock in exchange for shares of Comstock on the basis of their respective net asset values. Applicants represent that the shareholders of Fletcher as shareholders of Comstock are expected to benefit from a more favorable ratio of expenses to total net assets than would be experienced by Fletcher as a separate company in view of the fact that Comstock has experienced a lower expense ratio than Fletcher in recent years. It is further submitted that the shareholders of both Applicants will benefit from the proposed merger in that it will tend to reduce their ratio of operating expenses to total net assets on account of the elimination of certain duplication of expenses which they currently must separately pay.

Applicants also state that the proposed transaction is consistent with the investment policies of both Fletcher and Comstock, and the general purposes of the Act. Fletcher's primary investment objective is to seek long term capital appreciation. To the extent consistent with this objective income and preservation of capital are given secondary emphasis. Comstock's investment objective is to seek capital appreciation through investment in securities believed to have above average potential for such appreciation. Both Applicants invest principally in common stocks, many of which are traded in the over-the-counter market. Applicants finally submit that their investment restrictions are substantially similar.

The investment policies and restrictions of Comstock will continue in effect after the merger and become the investment policies and restrictions of the surviving corporation. The application states that there are a number of overlapping positions in the security portfolios of Fletcher and Comstock and that, in the opinion of the Adviser, the Applicants' portfolios are compatible and no sales of securities are expected to be required as a result of the proposed transaction.

The Adviser has agreed to pay all of the expenses of the proposed merger. The expenses to be paid on behalf of Fletcher include the cost of preparation, printing and mailing proxy material for the annual meeting of shareholders to the extent that such costs exceed those of the 1976 annual meeting. The expenses to be paid on behalf of Comstock include the cost of preparation, printing and mailing of a post-effective amendment to its registration statement and the prospectus included therein.

Notice is further given that any interested person may, not later than November 21, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons 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 O–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein 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.77-31559 Filed 10-31-77;8:45 am]

[8010–01]

[Rel. No. 9973 (812-4158)]

MASSACHUSETTS MUTUAL LIFE INSURANCE CO. AND MASSMUTUAL CORPORATE INVESTORS, INC.

Notice of Filing of Application

OCTOBER 25, 1977.

Notice is hereby given that Massachusetts Mutual Life Insurance Co. ("Insurance Company"), a mutual life insurance company organized under the laws of the Commonwealth of Massachusetts, and MassMutual Corporate Investors, Inc. ("Fund"), 1295 State Street, Springfield, Mass. 01111, a non-diversified, closed-end management investment company registered under the Investment company Act of 1940 ("Act") (hereinafter collectively referred to as "Applicants"), filed an application on July 18, 1977, and an amendment thereto on September 19, 1977, pursuant to Section 17 (d) of the Act and Rule 17d–1 thereunder for an order of the Commission permitting the Insurance Company to purchase at direct placement $10,000,000 in principal amount of a new issue of 9½ percent Senior Notes due 1992 to be issued by Combined Communications Corp. ("Combined"). 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.

The application states that pursuant to an order of the Commission issued on August 19, 1971 (Investment Company Act Release No. 6690, referred to herein as the "Order"), the Insurance Company, which acts as investment adviser to the Fund, is permitted to invest concurrently for its general account in each issue of securities purchased by the Fund at direct placement, and to exercise warrants, conversion privileges, and other rights at the same time as the Fund. Applicants state that among the conditions of the Order are (1) that purchases at direct placement of securities which would be consistent with the investment policies of the Fund be shared equally by the Insurance Company and the Fund, and (2) that, once the Insurance Company and the Fund have acquired interests in an issuer, neither the Insurance Company nor the Fund, unless otherwise permitted by order of the Commission, may acquire any further interest in such issuer other than interests in all respects identical.

The application states that the Insurance Company has been offered for purchase at direct placement $10,000,000 in principal amount of a new issue of 9½ percent Senior Notes due 1992 (the "Notes") of Combined. Applicants request an order of the Commission permitting the Insurance Company to acquire the Notes, since the Insurance Company and the Fund each hold the following Combined securities: (1) $2,000,000 in principal amount of 9 percent Senior Notes due 1987 together with warrants to purchase 23,190 shares of Combined common stock purchased in January 1972; and (2) $3,000,000 8 percent Senior Notes due 1987 ($1,000,000 of which are convertible into Combined common stock) purchased in December 1972 (hereinafter collectively referred to as the "Outstanding Securities"). Applicants represent that (1) the 9 percent Senior Notes have a warrant exercise price of $16 per share, and (2) the 8 percent Senior Notes have a conversion price of $24 per share; the closing price for a share of Combined common stock, according to the composite transactions in the New York Stock Exchange listed stocks, on October 19, 1977, was $23¾. Applicants state that Combined has represented to the Insurance Company that it intends to apply the proceeds from the sale of the Notes in connection with Combined's current plans to acquire certain radio and television stations and a newspaper.

Section 17(d) of the Act and Rule 17d–1 thereunder, taken together, provide, in part, that it is unlawful for an affiliated person of a registered investment company, acting as principal, to effect any transaction in which such investment company is a joint participant, without the permission of the Commission. Rule 17d–1 provides, in part, that in passing upon applications for orders granting such permission, the Commission will consider (1) whether the participation of the investment company in such transaction on the basis proposed is consistent with the provi-

sions, policies, and purposes of the Act, and (2) the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Applicants submit that the Insurance Company's acquisition of the Notes is not disadvantageous to the Fund and is consistent with the provisions, policies and purposes of the Act. The Fund's investment policy specifies that the principal investments of the Fund will be long-term obligations and occasionally, preferred stocks, purchased directly from the issuers, if such obligations or preferred stocks have equity features such as accompanying shares of common stock, securities convertible into such shares, or conversion rights or warrants to purchase such shares. In the opinion of the Insurance Company, while that policy would not preclude the purchase of short-term and readily marketable securities when the Fund is not fully invested (although Applicants state that the Fund is, in fact, fully invested), the purchase from an issuer of long-term securities without accompanying equity features would violate the Fund's investment policy; the application states that the absence of any equity features accompanying the Notes is attributable to Combined's stronger financial condition as compared with such position in 1972 when the Outstanding Securities were acquired, and that at the time of the purchase of the Outstanding Securities the Insurance Company did not contemplate any investment in the Notes, nor was the purchase of the Outstanding Securities tied to or induced by any discussions with respect to the purchase and sale of the Notes or any similar securities. Applicants state further that there is no connection between the purchase of the Outstanding Securities and the proposed issuance and sale of the Notes to the Insurance Company other than the fact that the Insurance Company established a relationship with Combined in 1972, at the time of the acquisition of the Outstanding Securities.

Applicants further state that neither the Insurance Company or any affiliated person of the Insurance Company, nor the Fund or any affiliated person of the Fund owns any securities of Combined or any affiliated person of Combined, other than the Outstanding Securities, except in the case of Robert H. Craft ("Craft"). Applicants represent that Craft, a director of Combined, owns less than 1 percent of its common stock, and is also a director and sits on the Executive Committees of the Insurance Company, the Fund and MassMutual Income Investors, Inc., another closed-end management investment company registered under the Act which is affiliated with the Insurance Company. Applicants further represent that Craft did not participate in the deliberations or votes of (1) the Board of Directors of the Fund, consenting to the purchase of the Notes by the Insurance Company, or (2) the Board of Directors of the Insurance Company, approving the investment in the Notes by the Insurance Company.

In view of the aforementioned condition of the Order that, once Applicants have acquired interests in an issuer, neither Applicant, unless otherwise permitted by order of the Commission, may acquire any further interests in such issuer other than interests in all respects identical, Applicants conclude that conversion of the Outstanding Securities into common stock of Combined at a time when the Insurance Company otherwise holds securities of Combined would be prevented. Applicants assert that they are prepared to contemplate only sale of the Outstanding Securities, which they state would be permitted by the Order notwithstanding retention by the Insurance Company of securities of Combined, and would not expect to convert any Outstanding Securities without further Commission action unless the Order can be complied with. Applicants state that if any future application to enable the Fund to convert any of its Outstanding Securities is made necessary by reason of the proposed purchase of the Notes by the Insurance Company, which application is filed or joined in by the Fund, the Insurance Company will pay any and all fees required thereby.

The application states that in the judgment of the Insurance Company, the Notes would be an attractive investment which it would like to acquire. Applicants state that the purpose of this application is to avoid disadvantage to the Insurance Company, which they assert will occur if the Insurance Company is not permitted to acquire the Notes.

Notice is further given that any interested person may, not later than November 16, 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.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77–31560 Filed 10–31–77;8:45 am]

[8010–01]

[Rel. No. 14104 (SR–PHLX–77–12)]

PHILADELPHIA STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

OCTOBER 26, 1977.

On August 18, 1977, the Philadelphia Stock Exchange, Inc., 17th Street and Stock Exchange Place, Philadelphia, Pennsylvania 19103, 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 which raises the original listing fee for stocks and warrants from $2,000 per issue to $5,000 per issue.

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. 13959, (September 15, 1977)) and by publication in the FEDERAL REGISTER (42 FR 47606 (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 registered national securities exchanges, and in particular, the requirements of Section 6(b)(4) and the rules and regulations thereunder. Section 6(b)(4) requires that the rules of a registered national securities exchange provide for the equitable allocation of reasonable dues, fees, and other charges among members, issuers and other persons using the exchange's facilities.

It is therefore ordered, Pursuant to Section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on August 18, 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.77–31561 Filed 10–31–77;8:45 am]

[8010–01]

[Rel. No. 9972 (811–2364)]

YOUNG FAMILIES LIFE SHARES, INC.

Proposal To Terminate Registration

OCTOBER 25, 1977.

Notice is hereby given that the Commission proposes, pursuant to Section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order on its own motion, that Young Families Life Shares, Inc. ("Fund"), c/o Charles L.

Jaffin, Esq., Battle, Fowler, Stokes & Kheel, 280 Park Avenue, New York, New York 20017, registered under the Act as an open-end, diversified management investment company, has ceased to be an investment company as defined in the Act.

The Fund registered under the Act on March 19, 1973. Information contained in the files of the Commission indicates that the Fund filed a registration statement under the Securities Act of 1933 (File No. 2-47303) on March 19, 1975. This registration statement did not become effective, and was ordered abandoned by the Commission on December 3, 1974. Thus, the Fund has never engaged in a public distribution of its securities. The Department of Corporations of the State of Rhode Island, the state under which the Fund was organized, has informed the staff of the Commission that the Fund was dissolved on February 21, 1974, by action of the incorporators. The Fund has never filed any of the periodic reports required by the Act. Thus, it appears that the Fund is not currently engaged in the business of an investment company, and that its corporate existence has terminated.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company it shall so declare by order, which may be made upon appropriate conditions if necessary for the protection of investors, and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than November 21, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reasons 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 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 the Fund 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 this matter 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.77-31562 Filed 10-31-77;8:45 am]

[8010-01]

[Release No. 34-14097; File No. 4-265]

PROGRAM FOR ALLOCATION OF REGULATORY RESPONSIBILITIES PURSUANT TO RULE 17d-2

Filing of AMEX/MSE Plans

The American Stock Exchange, Inc. (the "AMEX") and the Midwest Stock Exchange, Inc. (the "MSE") filed with the Commission a plan for allocation of regulatory responsibilities pursuant to Rule 17d-2 (17 CFR 240.17d-2) ("Section 240.17d-2") on May 11, 1977.

The proposal provides that AMEX would be responsible for processing and acting on certain applications submitted by members of AMEX and MSE ("dual members"). However, both AMEX and MSE would continue their separate responsibilities for those persons who are, or apply to become, equity or options members and who propose to join or become associated with a dual member.

AMEX would be responsible for reviewing advertisements, market letters, research reports, sales literature, radio, television and writing and speaking activities of dual members. All inquiries and complaints involving dual members received by MSE would be referred to AMEX who would be responsible for taking appropriate action. However, MSE would retain responsibility for those inquiries and complaints involving trades executed and other activities on the MSE.

AMEX would be responsible for conducting examinations for compliance with financial, operational and sales supervision by dual members. It would conduct all special examinations except that both AMEX and MSE reserve the right to participate in any special examinations.

AMEX would be responsible for review of and subsequent action on or in respect of dual members' Financial and Operational Combined Uniform Single (FOCUS) Report and any generally applicable financial reporting requirements. In addition AMEX would submit to the MSE, for all AMEX members who are participants of Midwest Clearing Corporation ("MCC"), a summary of certain predefined key data from the monthly FOCUS Report or a copy of such FOCUS Report. AMEX would also be responsible for review, approval and retention of all partnership agreements, corporate certificates, by-laws, subordinated loan agreements and related agreements and amendments including clearing agreements.

Further, the AMEX would be responsible for disciplinary investigations and proceedings involving dual members except insofar that the MSE may assume jurisdiction in investigations relating uniquely to the transaction of business on the MSE.

In order to assist the Commission in determining whether to approve this plan and relieve the party not designated to the specified responsibilities, interested persons are invited to submit written data, views and arguments concerning the submission on or before December 1, 1977. Persons wishing to comment should file six (6) copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. 4-265.

Copies of the submission and of all written comments will be available for inspection at the Securities and Exchange Commission's Public Reference Room, 1100 L Street NW., Washington, D.C. 20549.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 25, 1977.

[FR Doc.77-31563 Filed 10-31-77;8:45 am]

[8010-01]

[Release No. 34-14096; File No. 4-266]

PROGRAM FOR ALLOCATION OF REGULATORY RESPONSIBILITIES PURSUANT TO RULE 17d-2

Filing of AMEX/PHLX Plans

The American Stock Exchange, Inc. (the "AMEX") and the Philadelphia Stock Exchange, Inc. (the "PHLX") filed with the Commission a plan for allocation of regulatory responsibilities pursuant to Rule 17d-2 (17 CFR 240.17d-2) ("section 240.17d-2") on May 26, 1977.

The proposal provides that the self-regulatory organization designed to examine for compliance with applicable financial responsibility rules ("the designated examining authority" or "DEA") pursuant to Rule 17d-1 (17 CFR 240.17d-1) ("section 240.17d-1") would be responsible for processing and acting on certain applications submitted by members of AMEX and PHLX ("dual members"). The exchange that is not the DEA ("the other exchange") would, however, continue to be responsible, subject to further allocation pursuant to section 240.17d-2, for applications to become regular or associate members.

The DEA would be responsible for reviewing advertisements, market letters, research reports, sales literature, radio, television and writing and speaking activities of dual members. It would also be responsible for taking appropriate action on all inquiries and complaints involving dual members.

The DEA would be responsible for conducting examinations for compliance with financial, operational and sales supervision by dual members. It would conduct all special examinations except

that both the DEA and the other exchange reserve the right to participate in any special examinations.

The DEA would be responsible for review of and subsequent action on or in respect of dual members' Financial and Operational Combined Uniform Single (FOCUS) Report and any generally applicable financial reporting requirements. It would also be responsible for review, approval and retention of all partnership agreements, corporate certificates, by-laws, subordinated loan agreements and related agreements and amendments including clearing agreements.

Further, the DEA would be responsible for disciplinary investigations and proceedings involving dual members except insofar that the other exchange may assume jurisdiction in investigations relating uniquely to the transaction of business on the other exchange.

In order to assist the Commission in determining whether to approve this plan and relieve the party not designated to the specified responsibilities, interested persons are invited to submit written data, views and arguments concerning the submission on or before December 1, 1977. Persons wishing to comment should file six (6) copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. 4-266.

Copies of the submission and of all written comments will be available for inspection at the Securities and Exchange Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 25, 1977.

[FR Doc.77-31564 Filed 10-31-77;8:45 am]

[8010-01]

[Release No. 34-14091; File No. 4-196]

PROGRAM FOR ALLOCATION OF REGULATORY RESPONSIBILITIES PURSUANT TO RULE 17d-2

Filing of NASD/BSE Plans

The National Association of Securities Dealers, Inc. (the "NASD") and the Boston Stock Exchange, Inc. (the "BSE") filed with the Commission a plan for allocation of regulatory responsibilities pursuant to Rule 17d-2 (17 CFR 240.17d-2) ("section 240.17d-2") under the Securities Exchange Act of 1934, 15 U.S.C. § 78a et seq., as amended (the "Act"), on May 2, 1977. The major provisions of the proposal are as follows.

Subject to further allocation pursuant to section 240.17d-2 the NASD would be designated to examine for and enforce compliance with the Act, its rules and regulations and the rules of the BSE as well as its own rules for those members currently designated to the BSE pursuant to Rule 17d-1 (17 CFR 240.17d-1) which are also members of the NASD ("dual members").

The NASD would assume responsibility for inspection, examination, and surveillance of dual members and their associated persons for compliance with the Constitution and rules of the BSE. However, the BSE would retain full responsibility for surveillance and compliance with regard to trading activities and practices on its floor.

The NASD would be responsible for monitoring the activities of dual members and investigating any violations of the BSE's rules, the BSE would retain enforcement responsibility; the BSE may, however, authorize the NASD to conduct enforcement proceedings. With respect to any other apparent violations, the NASD would exercise enforcement responsibility except that the BSE may assume concurrent jurisdiction to enforce alleged violations relating to transactions on the BSE or requests for extensions of time pursuant to Regulation T. Any enforcement proceedings conducted by the NASD pursuant to the plan would be conducted in accordance with the NASD's Code of Procedure for Handling Trade Practice Complaints.

The NASD would be responsible for processing and acting upon all applications for all persons associated with these members who must be approved under rules of both the BSE and the NASD as well as upon certain matters relating to the administration of branch offices.

The NASD and the BSE would share pertinent information relating to the exercise of their regulatory responsibilities with respect to these matters.

In order to assist the Commission in determining whether to approve this plan and relieve the party not designated to the specific responsibilities, interested persons are invited to submit written data, views, and arguments concerning the submission on or before December 1, 1977. Persons wishing to comment should file six (6) copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. 4-196.

Copies of the submission and of all written comments will be available for inspection at the Securities and Exchange Commission's Public Reference Room, 1100 L Street NW., Washington, D.C.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 25, 1977.

[FR Doc.77-31565 Filed 10-31-77;8:45 am]

[8010-01]

[Release No. 34-14094; File No. 4-273]

PROGRAM FOR ALLOCATION OF REGULATORY RESPONSIBILITIES PURSUANT TO RULE 17d-2

Filing of NASD/CSE Plans

The National Association of Securities Dealers, Inc. (the "NASD") and the Cincinnati Stock Exchange (the "CSE") filed with the Commission a plan for the allocation of regulatory responsibilities pursuant to Rule 17d-2 (17 CFR 240.17d-2) ("Section 240.17d-2") under the Securities Exchange Act of 1934, 15 U.S.C. § 78a et seq., as amended (the "Act"), on June 25, 1977. The major provisions of the proposal are as follows:

Subject to further allocation pursuant to Section 240.17d-2, the NASD would be designated to examine for and enforce compliance with the Act, its rules and regulations, and the rules of the CSE as well as its own rules for those members currently designated to the CSE pursuant to Rule 17d-1 (17 CFR 240.17d-1) which are also members of the NASD ("dual members"). In addition, the parties agree that any major restructuring of regulatory responsibilities between self-regulators related to the establishment of a central market system would take precedence over any inconsistent provisions of the present agreement.

The NASD would assume responsibility for inspection, examination and surveillance of dual members and their associated persons for compliance with the Constitution and the rules of the CSE. However, the CSE would retain full responsibility for surveillance and compliance with regard to trading activities and practices on its floor.

The NASD would be responsible for monitoring the activities of dual members and investigating any violations of pertinent laws, rules, or regulations. With respect to apparent violations, the NASD would exercise enforcement responsibility except that the CSE may assume concurrent jurisdiction to enforce alleged violations relating to transactions on the CSE.

The NASD would be responsible for processing and acting upon all applications for all persons associated with these members who must be approved under rules of both the CSE and NASD as well as upon certain matters relating to the administration of branch offices.

The NASD and the CSE would share pertinent information relating to the exercise of their regulatory responsibilities with respect to these members.

In order to assist the Commission in determining whether to approve this plan and relieve the party not designated to the specified responsibilities, interested persons are invited to submit written data, views and arguments concerning the submission on or before December 1, 1977. Persons wishing to comment should file six (6) copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. 4-273.

Copies of the submission and of all written comments will be available for inspection at the Securities and Exchange Commission's Public Reference Room, 1100 L Street NW., Washington, D.C.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 25, 1977.

[FR Doc.77-31566 Filed 10-31-77;8:45 am]

[8010–01]

[Release No. 34–14098; File No. 4–274]

PROGRAM FOR ALLOCATION OF REGULATORY RESPONSIBILITIES PURSUANT TO RULE 17d–2

Filing of NASD/MSE Plans

The National Association of Securities Dealers, Inc. (the "NASD") and the Midwest Stock Exchange Inc. (the "MSE") filed with the Commission a plan for the allocation of regulatory responsibilities pursuant to Rule 17d–2 (17 CFR 240.17d–2) ("Section 240.17d–2") under the Securities Exchange Act of 1934, 15 U.S.C. § 78a et seq., as amended (the "Act"), on September 19, 1977. The major provisions of the proposal are as follows.

Subject to further allocation pursuant to Section 240.17d–2, the NASD would be designated to examine for and enforce compliance with the Act, its rules and regulations, and the rules of the MSE as well as its own rules for those members currently designated to the MSE pursuant to Rule 17d–1 (17 CFR 240.17d–1) which are also members of the NASD ("dual members"), except for certain dual members engaged in significant floor functions on the MSE. The proposed plan specifically provides that the NASD would assume these responsibilities for MSE/NASD members whom the MSE currently examines for compliance with respect to rules relating to transactions in options.

The NASD would assume responsibility for inspection, examination, and surveillance of dual members and their associated persons for compliance with the Constitution and the rules of the MSE. However, the MSE would retain full responsibility for surveillance and compliance with regard to trading activities and practices on its floor.

The NASD would be responsible for monitoring the activities of dual members and investigating any violations of pertinent laws, rules, or regulations. However, with respect to apparent violations of the MSE's rules, the MSE will retain enforcement responsibility; the MSE may, however, authorize the NASD to conduct enforcement proceedings. With respect to any other apparent violations, the NASD would exercise enforcement responsibility except that the MSE may assume concurrent jurisdiction to enforce alleged violations relating to transactions on the PSE or requests for extensions of time pursuant to Regulation T and Rule 15c3–3. Any enforcement proceedings conducted by the NASD pursuant to the plan would be conducted in accordance with the NASD's Code of Procedures for Handling Trade Practice Complaints.

The NASD would be responsible for processing and acting upon all applications for all persons associated with these members who must be approved under rules of both the MSE and NASD as well as upon certain matters relating to the administration of branch offices.

The NASD and the MSE would share pertinent information relating to the exercise of their regulatory responsibilities with respect to these members.

In order to assist the Commission in determining whether to approve this plan and relieve the party not designated to the specific responsibilities, interested persons are invited to submit written data, views, and arguments concerning the submission on or before December 1, 1977. Persons wishing to comment should file six (6) copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. 4–274.

Copies of the submission and of all written comments will be available for inspection at the Securities and Exchange Commission's Public Reference Room, 1100 L Street NW., Washington, D.C.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 25, 1977.

[FR Doc.77–31567 Filed 10–31–77;8:45 am]

[8010–01]

[Release No. 34–14095; File No. 4–267]

PROGRAM FOR ALLOCATION OF REGULATORY RESPONSIBILITIES PURSUANT TO RULE 17d–2

Notice of Filing of NASD/PSE Plans

The National Association of Securities Dealers, Inc. (the "NASD") and the Pacific Stock Exchange Inc. (the "PSE") filed with the Commission a plan for the allocation of regulatory responsibilities pursuant to Rule 17d–2 (17 CFR 240.17d–2) ("Section 240.17d–2") under the Securities Exchange Act of 1934, 15 U.S.C. § 78a et seq., as amended (the "Act"), on June 6, 1977. The major provisions of the proposal are as follows:

Subject to further allocation pursuant to Section 240.17d–2, the NASD would be designated to examine for and enforce compliance with the Act, its rules and regulations, and the rules of the PSE as well as its own rules for those members currently designated to the PSE pursuant to Rule 17d–1 (17 CFR 240.17d–1) which are also members of the NASD ("dual members"). The proposed plan specifically provides that the NASD would assume these responsibilities for PSE/NASD members whom the PSE currently examines for compliance with respect to rules relating to transactions in options.

The NASD would assume responsibility for inspection, examination, and surveillance of dual members and their associated persons for compliance with the Constitution and the rules of the PSE. However, the PSE would retain full responsibility for surveillance and compliance with regard to trading activities and practices on its floor.

The NASD would be responsible for monitoring the activities of dual members and investigating any violations of pertinent laws, rules, or regulations. However, with respect to apparent violations of the PSE's rules, the PSE will retain enforcement responsibility; the PSE may, however, authorize the NASD to conduct enforcement proceedings. With respect to any other apparent violations, the NASD would exercise enforcement responsibility except that the PSE may assume concurrent jurisdiction to enforce alleged violations relating to transactions on the PSE or requests for extensions of time pursuant to Regulation T. Any enforcement proceedings conducted by the NASD pursuant to the plan would be conducted in accordance with the NASD's Code of Procedure for Handling Trade Practice Complaints.

The NASD would be responsible for processing and acting upon all applications for all persons associated with these members who must be approved under rules of both the PSE and NASD as well as upon certain matters relating to the administration of branch offices.

The NASD and the PSE would share pertinent information relating to the exercise of their regulatory responsibilities with respect to these members.

In order to assist the Commission in determining whether to approve this plan and relieve the party not designated to the specified responsibilities, interested persons are invited to submit written data, views, and arguments concerning the submission on or before December 1, 1977. Persons wishing to comment should file six (6) copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. 4–267.

Copies of the submission and of all written comments will be available for inspection at the Securities and Exchange Commission's Public Reference Room, 1100 L Street NW., Washington, D.C.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 25, 1977.

[FR Doc.77–31568 Filed 10–31–77;8:45 am]

[8010–01]

[Release No. 34–14090; File No. 4–198]

PROGRAM FOR ALLOCATION OF REGULATORY RESPONSIBILITIES PURSUANT TO RULE 17d–2

Filing of BSE/PHLX Plans

The Boston Stock Exchange, Inc. (the "BSE") and the Philadelphia Stock Exchange, Inc. (the "PHLX") filed with the Commission a plan for allocation of regulatory responsibilities pursuant to Rule 17d–2 (17 CFR 240.17d–2) ("section 240.17d–2") on May 9, 1977.

The proposal provides that the self-regulatory organization designated to

examine for compliance with applicable financial responsibility rules ("the designated examining authority" or "DEA") pursuant to Rule 17d–1 (17 CFR 240.17 d–1) ("section 240.17d–1") would be responsible for processing and acting on certain applications submitted by members of BSE and PHLX ("dual members"). The exchange that is not the DEA ("the other exchange") would, however, continue to be responsible, subject to further allocation pursuant to section 240.17 d–2, for application for PHLX associate memberships, registered options principals, and notification of registered representatives certified as qualified to handle accounts involving options transactions.

The DEA would be responsible for reviewing advertisements, market letters, research reports, sales literature, radio, television and writing and speaking activities of dual members except in relation to PHLX listed options. It would also be responsible for taking appropriate action on all inquiries and complaints involving dual members.

The DEA would be responsible for conducting examinations for compliance with financial, operational and sales supervision by dual members, except that PHLX would continue its responsibilities in the area of options sales practices. It would conduct all special examinations except that both the DEA and the other exchange reserve the right to participate in any special examinations.

The DEA would be responsible for review of and subsequent action on or in respect of dual members' Financial and Operational Combined Uniform Single (FOCUS) Report and any generally applicable financial reporting requirements. It would also be responsible for review, approval and retention of all partnership agreements, corporate certificates, by-laws, subordinated loan agreements and related agreements and amendments including clearing agreements.

Further, the DEA would be responsible for disciplinary investigations and proceedings involving dual members except insofar that the other exchange may assume jurisdiction in investigations relating uniquely to the transactions of business on the other exchange.

In order to assist the Commission in determining whether to approve this plan and relieve the party not designated to the specified responsibilities, interested persons are invited to submit written data, views and arguments concerning the submission on or before December 1, 1977. Persons wishing to comment should file six (6) copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. 4–198.

Copies of the submission and of all written comments will be available for inspection at the Securities and Exchange Commission's Public Reference Room, 1100 L, Street, NW.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 25, 1977.

[FR Doc.77–31569 Filed 10–31–77;8:45 am]

[8010–01]

[Release No. 34–14089, File No. 4–199]

PROGRAM FOR ALLOCATION OF REGULATORY RESPONSIBILITIES PURSUANT TO RULE 17d–2

Filing of PHLX/MSE Plans

The Philadelphia Stock Exchange, Inc. (the "PHLX"), and the Midwest Stock Exchange, Inc. (the "MSE") filed with the Commission a plan for allocation of regulatory responsibilities pursuant to Rule 17d–2 (17 CFR 240.17d–2) ("section 240.17d–2") on May 9, 1977.

The proposed plan provides that the self-regulatory organization designated to examine for compliance with applicable financial responsibility rules (the "designated examining authority" or "DEA") pursuant to Rule 17d–1 (17 CFR 240.17d–1) ("section 240.17d–1") would be responsible for processing and acting on certain applications submitted by dual members. The exchange that is not the DEA ("the other exchange") would, however, continue to be responsible, subject to further allocation pursuant to section 240.17d–2, for applications to become regular or associate members.

In addition, under the proposed plan, the DEA would be responsible for reviewing advertisements, market letters, research reports, sales literature, radio, television and writing and speaking activities of dual members. The DEA would also be responsible for taking appropriate action on all inquiries and complaints involving dual members.

The DEA would be responsible for conducting examinations for compliance with financial, operational and sales supervision by dual members, as well as all special examinations except that both PHLX and MSE reserve the right to participate in any special examination. The DEA would be responsible for review of and subsequent action on or in respect of dual members' Financial and Operational Combined Uniformed Single (FOCUS) Report and any generally applicable financial reporting requirements. PHLX will submit to MSE, for all PHLX members who are participants of Midwest Clearing Corporation ("MCC") for which PHLX is the DEA, and the MSE will submit to the PHLX, for all MSE members who are participants of the Stock Pacific Clearing Corporation of Philadelphia ("SCCP") for which MSE is the DEA, a summary of certain predefined key data from the monthly FOCUS Reports or a copy of such FOCUS Reports. The DEA would also be responsible for review, approval and retention of all partnership agreements, corporate certificates, by-laws, subordinated loan agreements and related agreements and amendments including clearing agreements. PHLX and MSE have agreed to assist each other in the conduct of examinations where requested to do so for geographical or other considerations.

Further, the DEA would be responsible for disciplinary investigations and proceedings involving dual members except insofar that the other exchange may assume jurisdiction in investigations relating to a transaction on the other exchange affecting securities listed on the other exchange or any other activity having a unique reference to the other exchange.

In order to assist the the Commission in determining whether to approve this plan and relieve the party not designated to the specific responsibilities, interested persons are invited to submit written data, views and arguments concerning the submission on or before December 1, 1977. Persons wishing to comment should file six (6) copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. 4–199.

Copies of the submission and of all written coments will be available for inspection at the Securities and Exchange Commission's Public Reference Room, 1100 L Street NW., Washington, D.C.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 25, 1977.

[FR Doc.77–31570 Filed 10–31–77;8:45 am]

[8010–01]

[Release No. 34–14093; File No. 4–264]

PROGRAM FOR ALLOCATION OF REGULATORY RESPONSIBILITIES PURSUANT TO RULE 17d–2

Filing of NYSE/PHLX Plans

The New York Stock Exchange, Inc. (the "NYSE") and the Philadelphia Stock Exchange, Inc. (the "PHLX") filed with the Commission a plan for allocation of regulatory responsibilities pursuant to Rule 17d–2 (17 CFR 240.17d–2) ("section 240.17d–2") on May 9, 1977.

The proposal provides that the self-regulatory organization designated to examine for compliance with applicable financial responsibility rules ("the designated examining authority" or "DEA") pursuant to Rule 17d–1 (17 CFR 240.17d–1) ("section 240.17d–1") would be responsible for processing and acting on certain applications submitted by members of NYSE and PHLX ("dual members"). The exchange that is not the

DEA ("the other exchange") would, however, continue to be responsible, subject to further allocation pursuant to section 240.17d–2, for applications for PHLX associate memberships, registered options principals, and notification of registered representatives certified as qualified to handle accounts involving options transactions.

The DEA would be responsible for reviewing advertisements, market letters, research reports, sales literature, radio, television and writing and speaking activities of dual members except in relation to PHLX listed options. It would also be responsible for taking appropriate action on all inquiries and complaints involving dual members.

The DEA would be responsible for conducting examinations for compliance with financial, operational and sales supervision by dual members, except that PHLX would continue its responsibilities in the area of options sales practices. It would conduct all special examinations except that both the DEA and the other exchange reserve the right to participate in any special examinations.

The DEA would be responsible for review of and subsequent action on or in respect of dual members' Financial and Operation Combined Uniform Single (FOCUS) Report and any generally applicable financial reporting requirements. It would also be responsible for review, approval and retention of all partnership agreements, corporate certificates, by-laws, subordinated loan agreements and related agreements and amendments including clearing agreements.

Further, the DEA would be responsible for disciplinary investigations and proceedings involving dual members except insofar that the other exchange may assume jurisdiction in investigations relating uniquely to the transaction of business on the other exchange.

In order to assist the Commission in determining whether to approve this plan and relieve the party not designated to the specified responsibilities, interested persons are invited to submit written data, views and arguments concerning the submission on or before December 1, 1977. Persons wishing to comment should file six (6) copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. 4–264.

Copies of the submission and of all written comments will be available for inspection at the Securities and Exchange Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 25, 1977.

[FR Doc.77–31571 Filed 10–31–77;8:45 am]

[8010–01]

[Release No. 34–14092; File No. 4–197]

PROGRAM FOR ALLOCATION OF REGULATORY RESPONSIBILITIES PURSUANT TO RULE 17d–2

Filing of PHLX/PSE Plans

The Philadelphia Stock Exchange, Inc. (the "PHLX"), and the Pacific Stock Exchange, Inc. (the "PSE") filed with the Commission a plan for allocation of regulatory responsibilities pursuant to Rule 17–d2 (17 CFR 240.17–d2) ("section 240.17d–2") on May 9, 1977.

The proposed plan provides that the self-regulatory organization designated to examine for compliance with applicable financial responsibility rules (the "designated examining authority" or "DEA") pursuant to Rule 17d–1 (17 CFR 240.17d–1) ("section 240.17d–1") would be responsible for processing and acting on certain applications submitted by dual members. The exchange that is not the DEA ("the other exchange") would, however, continue to be responsible, subject to further allocation pursuant to section 240.17d–2, for applications to become regular or associate members.

In addition, under the proposed plan, the DEA would be responsible for reviewing advertisements, market letters, research reports, sales literature, radio, television and writing and speaking activities of dual members. The DEA would also be responsible for taking appropriate action on all inquiries and complaints involving dual members.

The DEA would be responsible for conducting examinations for compliance with financial operational and sales supervision by dual members, as well as all special examinations except that both PHLX and PSE reserve the right to participate in any special examination. The DEA would be responsible for review of and subsequent action on or in respect of dual members' Financial and Operational Combined Uniform Single (FOCUS) Report and any generally applicable financial reporting requirements. PHLX will submit to PSE, for all PHLX members who are participants of Pacific Clearing Corporation ("PCC") for which PHLX is the DEA, and the PSE will submit to the PHLX, for all PSE members who are participants of the Stock Pacific Clearing Corporation of Philadelphia ("SCCP") for which PSE is the DEA, a summary of certain predefined key data from the monthly FOCUS Reports or a copy of such FOCUS Reports. The DEA would also be responsible for review, approval and retention of all partnership agreements, corporate certificates, by laws, subordinated loan agreements and related agreements and amendments including clearing agreements. PHLX and PSE have agreed to assist each other in the conduct of examinations where requested to do so for geographical or other considerations.

Further, the DEA would be responsible for disciplinary investigations and proceedings involving dual members except insofar that the other exchange may assume jurisdiction in investigations relating to a transaction on the other exchange, affecting securities listed on the other exchange or any other activity having a unique reference to the other exchange.

In order to assist the Commission in determining whether to approve this plan and relieve the party not designated to the specific responsibilities, interested persons are invited to submit written data, views and arguments concerning the submission on or before December 1, 1977. Persons wishing to comment should file six (6) copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. 4–197.

Copies of the submission and of all written comments will be available for inspection at the Securities and Exchange Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 25, 1977.

[FR Doc.77–31572 Filed 10–31–77;8:45 am]

[8025–01]

SMALL BUSINESS ADMINISTRATION

[License No. 02/02–0333]

BBS EQUITIES LTD.

Issuance of License To Operate as a Small Business Investment Company

On August 2, 1977, a notice was published in the FEDERAL REGISTER (42 FR 39172) stating that BBS Equities Ltd., Gateway One, Suite 2400, Newark, New Jersey 07102, had filed an application with the Small Business Administration (SBA), pursuant to § 107.102 of the Rules and Regulations governing small business investment companies (13 CFR 107.102 (1977)) for a license to operate as a small business investment company (SBIC).

The public was given to the close of business August 17, 1977, to submit their written comments to SBA. No comments were received.

Notice is hereby given that, having considered the application and all other information, SBA has issued License No. 02/02–0333 to BBS Equities Ltd. pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended.

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

Dated: October 20, 1977.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.77–31525 Filed 10–31–77;8:45 am]

[8025-01]

[License No. 03/02-0273]

INVERNESS CAPITAL CORPORATION

Application for Approval of Conflict of Interest Transaction

Notice is hereby given that Inverness Capital Corporation (ICC), 424 N. Washington Street, Alexandria, Va. 22314, a Federal Licensee under the Small Business Investment Act of 1958 (Act), as amended, (15 U.S.C. 661 et seq.), has filed an application with the Small Business Administration (SBA) pursuant to Section 312 of the Act and covered by § 107.1004(b)(1) of the SBA Rules and Regulations governing Small Business Investment Companies (SBIC) (13 CFR 107.1004 (1977)) for approval of a conflict of interest transaction falling within the scope of the above Section of the Act and Regulations.

Subject to such approval, ICC proposes to provide additional financing to Soundstream, Inc., 375 Chipeta Way, Salt Lake City, Utah 84108.

The proposed financing is brought within the purview of § 107.1004(b)(1) of the SBA Regulations since Old Port Company (OPC), a limited partnership located at 424 N. Washington Street, Alexandria, Va. 22314, consisting of: Messrs. Flemming and Hanes as general partners and Llennoco Corporation as the limited partner, has also provided financing to Soundstream, Inc. Old Port Company is an Associate of ICC as defined by § 107.3 of the SBA Regulations since the partnership owns 70 percent of the issued and outstanding (class A) stock of ICC, which in turn is a major stockholder in the small business concern.

Notice is hereby given that any interested person may, not later than November 11, 1977, submit written comments on the proposed transaction to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

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

Dated: October 20, 1977.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.77-31524 Filed 10-31-77;8:45 am]

[4810-22]

DEPARTMENT OF THE TREASURY

Customs Service

LEATHER HANDBAGS FROM COLOMBIA

Preliminary Countervailing Duty Determination

AGENCY: United States Customs Service, Treasury Department.

ACTION: Preliminary countervailing duty determination.

SUMMARY: This notice is to inform the public that a countervailing duty investigation has resulted in a preliminary determination that the Government of Colombia has given benefits which are considered to be bounties or grants on the manufacture or exportation of leather handbags. A final determination will be made by April 22, 1978. Interested persons are invited to comment on this action.

EFFECTIVE DATE: November 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Vincent P. Kane, Operations Officer, Technical Branch, Duty Assessment Division, U.S. Customs Service, Washington, D.C. 20229; telephone 202-566-5492.

SUPPLEMENTARY INFORMATION: On June 21, 1977, a notice of "Receipt of Countervailing Duty Petition and Initiation of Investigation" was published in the FEDERAL REGISTER (42 FR 31514). The notice stated that a petition had been received alleging that payments or bestowals conferred by the Government of Colombia upon the manufacture, production, or exportation of leather handbags constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as "the Act").

On the basis of an investigation conducted pursuant to § 159.47(c) of the Customs Regulations (19 CFR 159.47 (c)), it tentatively has been determined that benefits have been received by the Colombian manufacturers and exporters of leather handbags which may constitute bounties or grants within the meaning of the Act. These benefits include the granting to manufacturers and exporters tax certificates upon export, and preferential financing for export:

Programs tentatively determined not to be applicable include transportation subsidies, reduced credit insurance costs, freedom from taxes for firms located in designated free trade zones, and import duty exemptions for capital goods used in the production of exports.

A program tentatively determined not to be a bounty or grant within the meaning of the Act includes the import duty exemptions on raw materials used in the production of handbags for export.

Before a final determination is made, consideration will be given to any relevant data, views, or arguments submitted in writing with respect to this preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue NW., Washington, D.C. 20229, in time to be received by his office not later than December 1, 1977.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

G. R. DICKERSON,
Acting Commissioner of Customs.

Approved: October 27, 1977.

HENRY C. STOCKELL, Jr.,
Acting General Counsel.

[FR Doc.77-31619 Filed 10-31-77;8:45 am]

[4810-22]

METHYL ALCOHOL FROM BRAZIL

Termination of Investigation Based on No Likelihood of Injury

AGENCY: United States Treasury Department.

ACTION: Termination of antidumping investigation.

SUMMARY: This notice is to advise the public that an antidumping investigation involving methyl alcohol from Brazil has been terminated. The investigation is being terminated as the result of a finding by the United States International Trade Commission that there is "no reasonable indication of injury or likelihood of injury" to the domestic industry caused by imports of the subject merchandise from Brazil.

EFFECTIVE DATE: November 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Donald W. Eiss, Economist, Office of Tariff Affairs, Office of the Secretary, U.S. Treasury Department, 15th and Pennsylvania Avenue NW., Washington, D.C. 20220, 202-566-8256.

SUUPLEMENTARY INFORMATION: On September 16, 1977, an "Antidumping Proceeding Notice" was published in the FEDERAL REGISTER with respect to methyl alcohol from Brazil.

The notice stated that information available to the Treasury Department indicate that there had been no imports of methyl alcohol in two years. Furthermore, the allegation of a likelihood of injury related to the sale and future delivery of methyl alcohol from Brazil which represented less than 0.5 percent of 1976 U.S. production and 1.0 percent of 1976 U.S. sales. On the basis of this information, the Secretary concluded that there was substantial doubt of injury to, likelihood of injury to, or prevention of establishment of an industry in the United States by reason of such importations from Brazil. Accordingly, the United States International Trade Commission was advised of such doubt pursuant to section 201(c)(2) of the Antidumping Act of 1921, as amended (19 U.S.C. 160(c)(2)).

The United States International Trade Commission has determined, and on October 14, 1977, it advised the Secretary of the Treasury, that there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of methyl alcohol from Brazil into the United States. (Published in the FEDERAL REGISTER of September 26, 1977 (42 FR 48942).)

Accordingly, the antidumping investigation with respect to methyl alcohol from Brazil is hereby terminated, as provided for in section 201(c)(2) of the Antidumping Act of 1921, as amended (19 U.S.C. 160(c)(2)).

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

OCTOBER 26, 1977.

[FR Doc.77-31617 Filed 10-31-77;8:45 am]

[4810-22]

STEEL WIRE ROPE FROM THE REPUBLIC OF KOREA

Antidumping Proceeding Notice

AGENCY: United States Treasury Department.

ACTION: Initiation of antidumping investigation.

SUMMARY: This notice is to advise the public that a petition in proper form has been received and an antidumping investigation is being initiated for the purpose of determining whether imports of steel wire rope from the Republic of Korea are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. Sales at less than fair value generally means that the prices of the merchandis sold for exportation to the United States are less than the prices of such or similar merchandise sold in the home market.

EFFECTIVE DATE: November 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Richard Rimlinger, Operations Officer, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229; telephone 202-566-5492.

SUPPLEMENTARY INFORMATION: On September 27, 1977, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from counsel acting on behalf of Broderick & Bascom Rope Co. of St. Louis, Mo., indicating a possibility that steel wire rope from the Republic of Korea is being, or is likely to be sold at less than the fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

For purposes of this notice the term "steel wire rope" means ropes, cables, and cordage other than wire strand, of steel, other than brass plated, not fitted with fittings, not made up into articles, and not covered with textiles or other nonmetallic materials.

Price information in the petition, based upon sales during 1977, indicate margins on sales at less than fair value ranging from 17 to 74 percent. Because petitioner claimed that home market and third-country prices were not obtainable, the petition employed the constructed value of the merchandise as the proper basis for fair value.

There is evidence on record concerning injury to, or the likelihood of injury to, or prevention of establishment of an industry in the United States. This evidence indicates that imports of the subject merchandise from the Republic of Korea have increased sharply since 1973, both in absolute terms and in terms of market share, and that such increase has been due in part to significant underselling by those imports. Available information further indicates that sales, capacity utilization, and employment within the domestic industry have all declined in recent years as a result, in part, of possible less than fair value imports from the Republic of Korea. In addition, it appears that the alleged less than fair value prices have contributed to some suppression of prices of the domestic product, which in turn has led to low profit levels in the United States industry.

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the U.S. Customs Service is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of price information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the constructed value of such merchandise.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

HENRY C. STOCKELL, Jr.,
Acting General Counsel of the Treasury.

OCTOBER 27, 1977.

[FR Doc.77-31618 Filed 10-31-77;8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[No. 516]

ASSIGNMENT OF HEARINGS

OCTOBER 27, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 129455 Sub-No. 18, Carretta Trucking Inc., now assigned November 14, 1977, at New York, N.Y., will be held in Room No. 2, Bldg. No. 2, 24th Floor, Two World Trade Center.

MC 134323 Sub-No. 97, Jay Lines, Inc., now assigned November 15, 1977, at New York, N.Y., will be held in Room No. 2, Bldg. No. 2, 24th Floor, Two World Trade Center.

MC 30844 Sub-No. 588, Kroblin Refrigerated Xpress, Inc., now assigned November 16, 1977, at New York, N.Y., will be held in Room No. 2, Bldg. No. 2, 24th Floor, Two World Trade Center.

MC 128273 Sub-No. 260, Midwestern Distribution, Inc., now assigned November 17, 1977, at New York, N.Y., will be held in Room No. 2, Bldg. No. 2, 24th Floor, Two World Trade Center.

MC 135684 Sub-No. 37, Bass Transportation Co., Inc., now assigned November 18, 1977, at New York, N.Y., will be held in Room No. 2, Bldg. No. 2, 24th Floor, Two World Trade Center.

No. 36613, Bob E. Courtney, et al., V. Ringsby Truck Lines, Inc., and No. 36500, Burt M. Gifford, et al., V. Rinsby Truck Lines, Inc., now assigned November 2, 1977, at Boise, Idaho, will be held in Room 214, Bankruptcy Courtroom, U.S. Post Office, North 8th Bannock Street.

No. MC 134022 (Sub-No. 25), Richard A. Zima, d.b.a. Zipco and MC 134022 (Sub-No. 26)), Richard A. Zima, d.b.a. Zipco, now being assigned December 12, 1977 (2 days), at Chicago, Ill., in a hearing room to be later designated.

No. MC 142945 (Sub-No. 1), Glenn Brothers Meat Co., Inc., now assigned November 1, 1977, at Chicago, Ill., will be held in Room 350, John C. Kluczynski New Federal Building, 230 South Dearborn Street.

MC 135539 (Sub-No. 6), Farm Service & Supplies, Inc., now assigned November 2, 1977, at Chicago, Ill., is canceled and application dismissed.

MC 93840 (Sub-No. 26), W. W. Gless, d.b.a. Gless Bros., MC 115651 (Sub-No. 27), Kaney Transportation, Inc., MC 119702 (Sub-No. 49), Stahly Cartage Co., MC 126539 (Sub-No. 26), Katuin Bros., Inc., MC124411 (Sub-No. 11), Sully Transport, Inc., and MC 142716, C & L Trucking, Inc., now assigned November 3, 1977, at Chicago, Ill., will be held in Room 350, John C. Kluczynski New Federal Building, 230 South Dearborn Street.

MC 103993 (Sub-No. 879), Morgan Drive Away, Inc., now assigned November 7, 1977, at Chicago, Ill., will be held in Room 834, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 128270 (Sub-No. 22), Rediehs Interstate Inc., now assigned November 9, 1977, at Chicago, Ill., will be held in Room 834, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 83539 (Sub-No. 456), C & H Transportation Co., Inc., now assigned November 8, 1977, at Salt Lake City, Utah, is canceled and application dismissed.

MC 133689 (Sub-No. 120), Overland Express, Inc., now assigned November 3, 1977, at St. Paul, Minn., and will be held at the St. Paul Hotel, Queen's Room, 363 St. Peter Street.

MC 134477 (Sub-No. 144), Schanno Transportation, Inc., now assigned November 10, 1977, at St. Paul, Minn., and will be held in Room 584 Federal Building, 316 North Robert Street.

MC 112805 (Sub-No. 3), St. Cloud Charter Service, Inc., now assigned November 8, 1977, at St. Paul, Minn., and will be held in Room 584, Federal Building, 316 North Robert Street.

MC 129631 (Sub-No. 54), Pack Transport, Inc., now assigned November 3, 1977, at Salt Lake City, Utah, will be held in Howard Johnson Motor Lodge, Uinta Room, 122 West South Temple Street.

MC 142236 (Sub-No. 1), Atkinson Wrecker & Supply Corp., now assigned November 7, 1977, at Salt Lake City, Utah, will be held in Howard Johnson Motor Lodge, Uinta Room, 122 West South Temple Street.

MC 142895 (Sub-No. 2), Eighty Eight Enterprises, Inc., now assigned November 10, 1977, at Salt Lake City, Utah, will be held in Howard Johnson Motor Lodge, Uinta Room, 122 West South Temple Street.

MC 121630 (Sub-No. 5), Lemore Transportation, Inc., d.b.a. Royal Trucking Co., now assigned November 21, 1977, at San Francisco, Calif., will be held in Room 510, 211 Main Street.

MC 140942 (Sub-No. 1), Cloverdale Transportation Co., now assigned November 7, 1977, at St. Paul, Minn., and will be held in Room 584, Federal Building, 316 North Robert Street.

MC 133689 (Sub-No. 104), Overland Express, Inc., and MC 134477 (Sub-No. 172), Schanno Transportation, Inc., now assigned November 1, 1977, at St. Paul, Minn., and will be held at the St. Paul Hotel, Queen's Room, 363 St. Peter Street.

MC 135684 (Sub-No. 37), Bass Transportation Co., Inc., now assigned November 18, 1977, at New York, N.Y., is canceled, application dismissed.

MC 112822 (Sub-No. 426), Bray Lines, Inc., now being assigned November 14, 1977 (1 week) at Denver, Colo., and will be held in the Occupational Safety and Health Review Commission Court Room, 1718 Prudential Plaza, 1050 17th Street.

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

[FR Doc.77-31605 Filed 10-31-77;8:45 am]

[7035-01]

[Notice No. 141TA]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 27, 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 2368 (Sub-No. 68 TA), filed October 17, 1977. Applicant: BRALLEY-WILLETT TANK LINES, INC., 2212 Deepwater Terminal Road, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: William T. Marshburn, P.O. Box 495, Richmond, Va. 23204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Exxon, U.S.A., Terminal, Wilmington, N.C., to points in Virginia, for 180 days. Supporting shipper(s): (1) Deshazo Oil Co., P.O. Box 389, Martinsville, Va. 24112; (2) Exxon Co., U.S.A., P.O. Box 2180, Houston, Tex. 77001; Wiseman Oil Co., 202 Franklin Street, Martinsville, Va. 24112; (4) Tappahannock Air Service, Inc., Route 1, Box 1B, Tappahannock, Va. 22560; (5) Willis Oil Co., P.O. Box 1161, Danville, Va. 24541. Send protests to: Paul D. Collins District Supervisor, Bureau of Operations, Room 10-502 Federal Building, 400 North Eighth Street, Richmond, Va. 23240.

No. MC 26396 (Sub-No. 156 TA), filed October 12, 1977. Applicant: POPELKA TRUCKING CO., d.b.a. THE WAGGONERS, P.O. Box 990, Livingston, Mont. 59047. Applicant's representative: Jacob P. Billig, 2033 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from ports of entry on the international boundary line, between the United States and Canada located in Minnesota and North Dakota, to points in the States of North Dakota, South Dakota, Nebraska, Colorado, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Michigan, and Kentucky, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): H. A. Schon Corporate Traffic Manager, Manitoba Forestry Resources, Ltd., Room 902, 213 Notre Dame Avenue, Winnepeg, Manitoba, Canada. Send protests to: Paul J. Labane District Supervisor, Interstate Commerce Commission, 2602 First Avenue North, Billings, Mont. 59101.

No. MC 37896 (Sub-No. 25 TA), filed October 12, 1977. Applicant: YOUNGBLOOD TRUCK LINES, INC., U.S. Highway 25, P.O. Drawer 38, Fletcher, N.C. 28732. Applicant's representative: H. Charles Ephraim, 1250 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stove and stove parts*, from points in Buncombe County, N.C., to points in the United States, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Smoky Mountain Enterprises, Inc., 116 Woodfin Avenue, Asheville, N.C. 28804. Send protests to: Terrell Price District Supervisor, Interstate Commerce Commission, 800 Briar Creek Road, Mart Office Building, CC516, Charlotte, N.C. 28205.

No. MC 51146 (Sub-No. 520TA) (Correction), filed August 17, 1977, published in the FEDERAL REGISTER issue of September 8, 1977, and republished as corrected this issue. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, Wis. 54306. Applicant's representative: Niel A. DuJardin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cellulose wood fiber insulation, materials, equipment, supplies, machinery parts and accessories* thereto utilized in the manufacture, production, packaging, installation, and distribution of cellulose wood fiber insulation. Between Delphos, Ohio on the one hand and, on the other, points in Arkansas, Delaware, Florida, Georgia, Kansas, Louisiana, Maryland, Mississippi, Missouri, Nebraska, North Carolina, Oklahoma, South Carolina, Texas, Virginia, the District of Columbia; points in the East St. Louis and Illinois Commercial Zone; points in Illinois on and south of U.S. Highway 460; points in New York on and north of Interstate Highway 84; and points in Alabama on and north of U.S. Highway 78. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: U.S. Fiber Corp., 101 S. Main, Delphos, Ohio 45833 (Lowell R. Weaner). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building, & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202. The purpose of this republication is to add the territorial description to this proceeding.

No. MC 61231 (Sub-No. 107TA), filed October 12, 1977. Applicant: ACE LINES, INC., 4143 East 43rd Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Perlite products, vermiculite products, and insulation*, from the plantsite of W. R. Grace & Co., at Milwaukee, Wis., to points in Indiana, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): W. R. Grace & Co., 62 Whittemore Avenue, Cambridge, Mass. 02140. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 103066 (Sub-No. 63TA), filed October 13, 1977. Applicant: STONE TRUCKING CO., 4927 S. Tacoma, P.O. Box 2014, Tulsa, Okla. 74101. Applicant's representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, Okla. 73106. Authority

sought to operate as a *common carrier*, by motor verhicle, over irregular routes, transporting: *Meat, meat products, and meat by-products*, as defined by the Commission, from Omaha, Nebr. to points in Ga., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers(s): Armour Food Co., 111 W. Clarendon, Greyhound Tower, Phoenix, Ariz. 85077. Send protests to: Joe Green, District Supervisor, Room 240, Old Post Office & Court House Building, 215 Northwest 3rd, Oklahoma City, Okla. 73102.

No. MC 103066 (Sub-No. 64TA), filed October 13, 1977. Applicant: STONE TRUCKING CO., 4927 S. Tacoma, P.O. Box 2014, Tulsa, Okla. 74101. Applicant's representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, Okla. 83106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Starch and dextrine*, in bags, boxes and drums, from the plant-site or warehouse facilities of A. E. Staley Manufacturing Co. at or near Houlton, Maine, to points in Arkansas, California, Florida, Georgia, Illinois, Indiana, Michigan, Missouri, North Carolina, Ohio, Texas, Virginia, West Virginia, and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): A. E. Staley Manufacturing Co., 2200 East Eldorado Street, Decatur, Ill. 62525. Send protests to: Joe Green, District Supervisor, Room 240, Old Post Office & Court House Building, 215 Northwest 3rd, Oklahoma City, Okla. 73102.

No. MC 108393 (Sub-No. 127TA), filed October 12, 1977. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 E. Ogden Avenue, Hinsdale, Ill. 60521. Applicant's representative: Thomas B. Hill (Same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical and gas appliances, parts of electrical and gas appliances, and equipment, materials and supplies* used in the manufacture, distribution and repair of electrical and gas appliances, except commodities in bulk, in tank vehicles, between Livonia, Mich. and points in Hancock and Seneca Counties, Ohio, under a continuing contract, or contracts, with Whirlpool Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Whirlpool Corp., Carl R. Anderson, Director of Transportation, Administrative Center, Benton Harbor, Mich. 49022. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 113678 (Sub-No. 704TA), filed October 12, 1977. Applicant: CURTIS, INC., P.O. Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representative: Roger M. Shaner, P.O. Box 16004 Stockyards Station, Denver, Colo. 80016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from Industry, (City of Industry), Calif., to points in Idaho, Oregon, and Washington, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Double-D Foods, 14970 E. Don Julian Road, Industry, Calif. 91746. Send protests to: Herbert C. Ruoff, District Supervisor, 492 U.S. Customs House, 721 19th Street, Denver, Colo. 80202.

No. MC 113678 (Sub-No. 705TA), filed October 12, 1977. Applicant: CURTIS, INC., P.O. Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representative: Roger M. Shaner, P.O. Box 16004, Stockyards Station, Denver, Colo. 80216. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products*, from Seattle, Wash., to Boise, Idaho; LaGrande, Ontario, Portland and Salem, Oreg.; San Francisco, Calif., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): General Meats Inc., Tukwila, Wash. Send protests to: Herbert C. Ruoff, District Supervisor, 492 U.S. Customs House, 721 19th St., Denver, Colo. 80202.

No. MC 114045 (Sub-No. 482TA), filed October 13, 1977. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, D/FW Airport, Tex. 75261. Applicant's representative: J. B. Stuart, P.O. Box 61228, D/FW Airport, Tex. 75261. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery*, in vehicles, equipped with mechanical refrigeration, from Reno, Nev. to points in Arizona, restricted to the transportation of shipments having a prior movement from the facilities of E. J. Brach and Sons at Chicago and Carol Stream, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): E. J. Brach & Sons, 205 Parr Boulevard, Reno, Nev. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75242.

No. MC 117119 (Sub-No. 658TA), filed October 14, 1977. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: Martin M. Geffon, P.O. Box 338, Willingboro, N.J. 08046. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral fibre roofings and sidings* (except commodities requiring special equipment), from Windgap, Pa., to points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, for 180 days. Supporting shipper(s): Supradur Manufacturing Corp., 122 East 42nd Street, New York, N.Y. 10017. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 118811 (Sub-No. 8TA), filed October 13, 1977. Applicant: LAWRENCE McKENZIE, d.b.a. McKENZIE TRUCKING SERVICE, Route 5, Box 111, Winchester, Ky. 40391. Applicant's representative: William L. Willis, 708 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, in dump vehicles, from Lexington, Ky. to Ironton, Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Baker Iron and Metal Co., Inc., 717 N. Limestone Street, P.O. Box 11040, Lexington, Ky. 40511. Send protests to: Linda H. Sypher, District Supervisor, Interstate Commerce Commission, 1500 West Main Street, 216 Bakhaus Building, Lexington, Ky. 40505.

No. MC 120646 (Sub-No. 21TA) (correction), filed August 11, 1977, published in the FEDERAL REGISTER issue of September 19, 1977, and republished as corrected this issue. Applicant: BRADLEY FREIGHT LINES, INC., 35 Carfield Street, Asheville, N.C. 28803. Applicant's representative: Henry E. Seaton, 913 Pennsylvania Bldg., Pennsylvania Avenue and 13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* used in the manufacture of new furniture, from points in Pennsylvania, Ohio, West Virginia, Kentucky, New York, Indiana, Illinois, Michigan, Missouri, and Wisconsin, to the facilities of Drexel-Heritage Furnishings located at or near Kingstree, S.C., and Drexel, Marion, Morganton, Hildebran, Shelby, Mocksville, High Point, Black Mountain, and Whittier, N.C., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Drexel Heritage Furnishings, Huffman Road, Drexel, N.C. 28619. Send protests to: Terrell Price, District Supervisor, Interstate Commerce Commission, Mart Office Building, Room CC-516, 800 Briar Creek Road, Charlotte, N.C. 28205. The purpose of this republication is to correct the territorial description.

No. MC 124117 (Sub-No. 23TA), filed October 14, 1977. Applicant: EARL FREEMAN, d.b.a. Mid-Tenn Express, P.O. Box 101, Eagleville, Tenn. 37060. Applicant's representative: Roland M. Lowell, 618 United American Bank Building, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, related advertising materials, related packing and insulating materials, containers, and pallets*, from the facilities of Falls City Brewing Co., at Louisville, Ky., to

points in Georgia (except Atlanta and Gainesville, Ga.), and South Carolina, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Falls City Brewing Company, P.O. 32790, Louisville, Ky. 40232. 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 126276 (Sub-No. 183TA) (Partial correction), filed August 4, 1977, published in the FEDERAL REGISTER issue of September 15, 1977, and republished as corrected this issue. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: James C. Hardman, 33 N. LaSalle Street, Chicago, Ill. 60602.

NOTE.—The purpose of this partial correction is to indicate applicant's correct name Fast Motor Service, Inc., in lieu of East Motor Service, Inc., which was previously published in error before. The rest of the publication remains the same.

No. MC 133928 (Sub-No. 14TA), filed October 13, 1977. Applicant: OSTERKAMP TRUCKING, INC., 1049 North Glassell Street, Orange, Calif. 92667. Applicant's representative: Michael Eggleton, 67 Larkstone Court, Danville, Calif. 94526. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood fibreboard, and accessories and supplies* used in the installation thereof, from the plantsite of the Masonite Corp., located at Ukiah, Calif., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, under a continuing contract, or contracts, with Masonite Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Masonite Corp., 300 Ford Road, Ukiah, Calif. Send protests to: Edward P. Henry, District Supervisor, Interstate Commerce Commission, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 134484 (Sub-No. 13TA), filed October 3, 1977. Applicant: EDWARDS BROS., INC., P.O. Box 1864, Idaho Falls, Idaho 83401. Applicant's representative: Timothy R. Stivers, P.O. Box 162, Boise, Idaho 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat-by-products, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of Columbia Foods, Inc., a subsidiary of Iowa Beef Processors, Inc., at or near Boise, Idaho, to points in Calif., for 180 days. Carrier does not intend to tack or interline authority. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Iowa Beef Processors, Inc., Dakota City, Nebr. 68731. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, 550 West Fort Street, Box 07, Boise, Idaho 83724.

No. MC 135684 (Sub-No. 56TA), filed October 12, 1977. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Old Croton Road, Flemington, N.J. 08822. Applicant's representative: Ronald L. Knorowski, P.O. Box 391, Old Croton Road, Flemington, N.J. 08822. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh or frozen meat*, from Creston, Ohio, to points in the New York, N.Y., commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Country Pride, Inc., P.O. Box 397, Creston, Ohio 44217. Send protests to: District Supervisor, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 136318 (Sub-No. 50TA), filed October 12, 1977. Applicant: COYOTE TRUCK LINE, INC., 5867 West 86th Street, Indianapolis, Ind. 46268. Applicant's representative: David R. Parker, 1600 Broadway, 2310 Colorado State Bank Bldg., Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in North Carolina, to the facilities of the Wickes Corp., located in Livonia, Riverview, and Warren, Mich., and Coraopolis and Monroeville, Pa., restricted to transportation under a continuing contract, or contracts, with the Wickes Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The Wickes Corp., 515 N. Washington Avenue, Saginaw, Mich. 48607. Send protests to: Terrell Price, District Supervisor, Interstate Commerce Commission, 800 Briar Creek Road, Mart Office Building, CC516, Charlotte, N.C. 28205.

No. MC 136786 (Sub-No. 121TA), filed October 11, 1977. Applicant: ROBCO TRANSPORTATION, INC., 4333 Park Avenue, Des Moines, Iowa 50321. Applicant's representative: Stanley C. Olsen, Jr., 7525 Mitchell Road, Eden Prairie, Minn. 55343. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products*, from Downers Grove, Ill., to Salisbury, Md., for 180 days Grove, Ill., to Salisbury, Md., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Pepperidge Farm, Inc., 542 Westport Avenue, Norwalk, Conn. 06856. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 138279 (Sub-No. 5TA), filed October 13, 1977. Applicant: CONALCO CONTRACT CARRIER, INC., P.O. Box 968, Conalco Drive, Jackson, Tenn. 38301. Applicant's representative: Robert L. Baker, 618 United American Bank Building, Nashville, Tenn. 37219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products, products containing aluminum, and equipment, materials, and supplies* used in the production of the above commodities (except commodities in bulk), between Reed City, Mich., and Gulfport, Miss., on the one hand, and, on the other, all points in the United States (except Alaska and Hawaii), under a continuing contract, or contracts, with Consolidated Aluminum Corp., for 180 days. Supporting shipper(s): Consolidated Aluminum Corp., 11960 Westline Industrial Drive, St. Louis, Mo. 63178. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, 100 North Main Building, Suite 2006, 100 North Main Street, Memphis, Tenn. 38103.

No. MC 138329 (Sub-No. 3TA), filed October 17, 1977. Applicant: HICKMAN BROTHERS TRUCKING, INC., Route 2, Box 322, Monroe, N.C. 28110. Applicant's representative: George W. Clapp, 1?9 Hartsville Street, P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Riprap stone*, in bulk, in dump vehicles, from the site of the Pineville Quarry at or near Charlotte, N.C., to the site of Catawba Nuclear Station, Duke Power Co., in York County S.C., to 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Blythe Industries, Inc., P.O. Box 989, Charlotte, N.C. 28231. Send protests to: Terrell Price, District Supervisor, Interstate Commerce Commission, 800 Briar Creek Road, Mart Office Building, Room CC516, Charlotte, N.C. 28205.

No. MC 141097 (Sub-No. 10TA), filed October 13, 1977. Applicant: CAL-TEX, INC., 3051 Capri Lane, Costa Mesa, Calif. 92626. Applicant's representative: Kellner & Steffire, Per Greg P. Steffire, 700 S. Flower, suite 1724, Los Angeles, Calif. 90017. Authority sought to operate at a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic yarn, synthetic fiber and the materials and supplies* used in connection with the manufacturing thereof, from the facilities, production and plant sites of E. I. du Pont, located at or near Pontiac, S.C., to the facilities and sites of Pharr Yarns, Inc., located at or near McAdenville, Gastonia, Belmont, Spencer Mountain, N.C., and Rome, Ga., and restricted to the operations authorized hereunder are to be limited to a continuing transportation service to be performed, under a continuing contract, or contracts, with Pharr Yarns, Inc., of McAdenville, N.C., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Pharr Yarns, Inc., McAdenville, N.C. Send pro-

tests to: Edward P. Henry, District Supervisor, Interstate Commerce Commission, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 141124 (Sub-No. 11TA), filed October 14, 1977. Applicant: EVANGELIST COMMERCIAL CORP., P.O. Box 1790, Wilmington, Del. 19899. Applicant's representative: Boyd B. Ferris, Muldoon, Pemberton & Ferris, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plantsite and warehouse facilities of the International Paper Co. at or near Jay and Livermore Falls, Maine, to points in Indiana, Illinois, Kentucky, Ohio, points in New York on and west of Interstate Highway 81, and Harrisburg, Pa., and points in Pennsylvania on and west of U.S. Highway 15, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): International Paper Co., 220 E. 42d Street, Room 300, New York, N.Y. 10017. Send protests to: Monica A. Blodgett Transportation Assistant, Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 141914 (Sub-No. 15TA) (Correction) filed August 9, 1977, published in the FEDERAL REGISTER issue of September 15, 1977, and republished as corrected this issue. Applicant: FRANK & SONS, INC., Route 1, Box 108–A, Big Cabin, Okla. 74332. Applicant's representative: E. Stephen Heisley, 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: *Rubber piping, tubing and hose, including rubber hose, reinforced with fabric or steel*, from the port of entry on the International Boundary line between the United States and Canada located at or near Stanhope, Vt., to points in Alabama, Arizona, California, Colorado, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nevada, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Tennessee, Texas, Utah, Virginia, Washington, and New Jersey, restricted to transportation originating at the plantsite of I V G Rubber Canada Ltd., at or near St. Alphonse de Granby, Quebec, Canada for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): I V G Rubber Canada Ltd., Deregibus Blvd., St. Alphonse de Granby, Quebec, Canada. M. Waddington Ltd., 2121 Trans-Canada Highway North, No. 408, Dorval, Quebec, Canada. Send protests to: Joe Green District Supervisor, room 240 Old Post Office Building, 215 NW. Third Street, Oklahoma City. Okla. 73102. The purpose of this republication is to add the rest of the territorial description.

No. MC 141914 (Sub-No. 23TA), filed October 13, 1977. Applicant: FRANKS AND SON, INC., Route 1, Box 108A, Big Cabin, Okla. 74332. Applicant's representative: Kathrena J. Franks, Route 1, Box 108A, Big Cabin, Okla. 74332. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candies and confectionaries* in temperature controlled vehicles, from Salt Lake City, Utah, to points in Alabama, Arkansas, California, Florida, Georgia, Kansas, Mississippi, Missouri, North Carolina, Oregon, South Carolina, Tennessee, Texas, Oklahoma and Washington, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Mrs. J. G. McDonald Chocolate Co., 2250 South Third East, Salt Lake City, Utah. 84115. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office & Court House Building, 215 Northwest 3rd, Oklahoma City, Okla. 73102.

No. MC 142332 (Sub–No. 2 TA), filed October 14, 1977. Applicant: MEAT HANDLERS' EXPRESS, INC., 5403 42nd Avenue West, Seattle, Wash. 98199. Applicant's representative: Michael D. Duppenthaler, 515 Lyon Building, 607 Third Avenue, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Horsemeat*, fresh or frozen, in vehicles equipped with mechanical refrigeration, from Stanwood and Chehalis, Wash., to Newark, N.J., New York, N.Y., and Houston, Tex., under a continuing contract, or contracts, with Florence Packing Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Florence Packing Co., 24711 Florence Road, Stanwood, Wash. Send protests to: Hugh H. Chaffee District Supervisor, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, Seattle, Wash. 98174.

PASSENGER APPLICATION

No. MC 143515 (Sub-No. 3TA), filed October 18, 1977. Applicant: P & W CHARTER SERVICE, INC., 2710 South 34th Corp., Yakima, Wash. 98902. Applicant's representative: George R. LaBissoniere, 1100 Norton Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in charter operations, from points in Benton, Chelan, Kittitas and Yakima, Wash., to California, Idaho, Nevada, Oregon, Utah and ports of entry on the U.S.-Canada border in Idaho and Wash., restricted to traffic moving to British Columbia and Alberta, Canada for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Yakima, Valley Visitors and Convention Bureau, 10 N. 8th Street, Yakima, Wash. Deluxe Travel Club, 200 South 3d Avenue, Yakima, Wash. Senior Citizens of Washington. Send protests to: R. V. Dubay, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

By the Commission.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc.77–31609 Filed 10–31–77;8:45 am]

[7035–01]

PIPELINE COMPANIES

Transfer of Tariffs

OCTOBER 26, 1977.

All tariffs filed by pipeline companies with the Interstate Commerce Commission (ICC) will be physically transferred October 28, 1977, to the Federal Energy Regulatory Commission (FERC). Future tariffs and tariff amendments of these companies should be filed with the Secretary of the FERC at the following address:

Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

The rules, until modified, in Parts 1300 and 1305 of Chapter X of Title 49 of the Code of Federal Regulations will continue to govern the construction, filing and posting of these publications.

The Federal Energy Regulatory Commission was established by the Department of Energy Organization Act (Act), which was enacted on August 4, 1977 (Pub. L. No. 95–91, 91 Stat. 565). The effective date of the Act was prescribed as October 1, 1977, by Executive Order No. 12009, signed by the President September 13, 1977 (42 FR 46267, September 15, 1977). The Act created the Federal Energy Regulatory Commission as a five-member independent regulatory commission with the Department of Energy.

All jurisdiction, authority, and functions pertaining to the establishment of rates and charges for the transportation of oil by pipeline were transferred to the FERC October 1, 1977, under Section 402(a)(2)(b) of the Act and the Joint Rule adopted by the Secretary of Energy and FERC (10 CFR____). The ICC maintained custody of the tariffs until October 28.

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

[FR Doc.77–31606 Filed 10–31–77;8:45 am]

[7035–01]

[AB 18 (Sub-No. 25); AB 19 (Sub-No. 37)]

BALTIMORE AND OHIO RAILROAD COMPANY, BALTIMORE AND OHIO CHICAGO TERMINAL RAILROAD COMPANY AND CHESAPEAKE AND OHIO RAILWAY COMPANY

Abandonment in Vicinity of Indiana Harbor, Lake County, Ind.

OCTOBER 19, 1977.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has prepared an environmental threshold assessment survey (TAS) in the above entitled pro-

ceedings in which it was concluded that the proceedings do not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA). A notice setting forth this conclusion was served September 2, 1977.

The only comments on the TAS were filed by the railroad's applicants. The comments were in reference to a change in Amtrak's operations between Chicago and Cincinnati caused by the highway construction project in Indiana which was mentioned in the TAS. This rerouting is temporary, and should not adversely affect Amtrak's current operations.

This additional information will not change the environmental conclusions found in the threshold assessment survey. Accordingly, these proceedings are now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

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

[FR Doc.77-31608 Filed 10-31-77;8:45 am]

[7035-01]

TRANSFER OF PENDING PIPELINE PROCEEDINGS

OCTOBER 26, 1977.

The Department of Energy Organization Act (Pub. L. 95-91) transferred jurisdiction over the transportation of petroleum and petroleum by-products by pipeline from this Commission to the Department of Energy (DOE). Section 705(b)(2) of that Act authorized the Secretary of DOE and the Federal Energy Regulatory Commission to promulgate regulations to provide for the orderly transfer of proceedings pending before the Commission. Such an action was taken on October 17, 1977 (42 FR 5334).

Henceforth, any correspondence, including petitions, pleadings, and motions, concerning the disposition of the following cases should be addressed to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

Ex Parte No. 308—Valuation of Common Carrier Pipelines.
I. & S. 9164—Trans Alaska Pipeline System (including embraced proceedings).
I. & S. 9089—General Increase, December 1975, Williams Pipeline Co.
I. & S. 9128—Anhydrous Ammonia, Gulf Central Pipeline Co.
NOR 35533 (Sub-No. 3)—Petroleum Products, Southwest & Midwest, Williams Pipeline (including Sub-No. 4, FSA Nos. 42681 and 42952).
NOR 35794—Northville Dock Pipeline Corp., et al.
NOR 35895—Inexco Oil Co. v. Belle Fourche Pipeline Co., et al.
NOR 36217—Department of Defense v. Inter-State Storage & Pipeline Corp.
NOR 36423—Petroleum Products, Southwest to Midwest Points.
NOR 36520—Williams Pipeline Co.—Petroleum Products Midwest.
NOR 36553—Kerr-McGee Refining Corporation v. Texoma Pipeline Co.
Suspension Docket No. 67214—Williams Pipeline Company—General Increase.
Valuation Docket No. 1423—Williams Pipeline Co. (1971-1974 inclusive).

Relevant correspondence concerning Ex Parte No. 308 (Sub-No. 1), Investigation of Common Carrier Pipelines, should be addressed to David J. Bardin, Administrator, Economic Regulatory Administration, Room 6001, 2000 M Street NW., Washington, D.C. 20037.

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

[FR Doc.77-31607 Filed 10-31-77;8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409), 5 U.S.C. 552b(e)(3).

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[6320–01]

1

CIVIL AERONAUTICS BOARD.

[M–73 amdt 3; 10/26/77]

DELETION OF ITEM ON THE OCTOBER 27, 1977 AGENDA

TIME AND DATE: 10:00 a.m.—October 27, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 31. Docket 31415, Applications of WITS, Inc. for exemption for charging general commodity rates on certain shipments from Miami, Florida (BFR).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary, 202–673–5068.

SUPPLEMENTARY INFORMATION: Item 31 concerns the application of WITS, Inc. for an exemption for charging general commodity rates on certain shipments from Miami, Florida, Docket 31415. Because of a misdirection in assignment of processing this matter, the staff memorandum on this subject is not ready for discussion. Accordingly, the following Members have voted that agency business requires the deletion of item 31 from the October 27, 1977 agenda and that no earlier announcement of this deletion was possible: Chairman, Alfred E. Kahn; Vice Chairman, Richard J. O'Melia; Member, G. Joseph Minetti; Member, Lee R. West; Member, Elizabeth E. Bailey.

[S–1715–77 Filed 10–28–77;9:51 am]

2

CIVIL AERONAUTICS BOARD

[6320–01]

[M–73 amdt 2; 10/26/77]

DELETION OF ITEM ON THE OCTOBER 27, 1977 AGENDA

TIME AND DATE: 10:00 A.M.—October 27, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT: 1a. Docket 29926, Notice of Proposed Rulemaking SPDR–56, to modify or eliminate the advance purchase requirement for OTC's; and Docket 31208, Petition of United Air Lines for rulemaking to retain the 15-day advance purchase requirement for North American OTC's beyond October 1, 1978 (Memo No. 6814–A, OGC, BOE, BFR, BOR, BIA).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary, 202–673–5068.

SUPPLEMENTARY INFORMATION: [1] Accordingly, the following Members have voted that agency business requires that this item be deleted from the October 27, 1977 agenda and that no earlier announcement of this deletion was possible: Chairman, Alfred E. Kahn; Vice Chairman, Richard J. O'Melia; Member, G. Joseph Minetti; Member, Lee R. West; Member, Elizabeth E. Bailey.

[S–1716–77 Filed 10–28–77;9:51 am]

[6750–01]

3

FEDERAL TRADE COMMISSION

TIME AND DATE: 2:00 p.m., Thursday, November 3, 1977.

PLACE: Room 532 (open); Room 540 (closed), Federal Trade Commission Building, 6th Street and Pennsylvania Avenue, N.W. Washington, D.C. 20580.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions open to Public:

(1) Oral Argument in Brunswick Corporation Docket 9028.

Portions closed to the Public:

(2) Executive Session for Consideration of Disposition in Brunswick Corporation, Docket No. 9028, Immediately Following Oral Argument.

CONTACT PERSON FOR MORE INFORMATION:

Wilbur T. Weaver, Office of Public Information, 202–523–3830; Recorded Message: 202–523–3806.

[S–1714–77 Filed 10–28–77;9:51 am]

[1] The Board has determined that public disclosure at this time of the reason agency business requires the deletion of this item would be likely to significantly frustrate implementation of proposed agency action. Accordingly, the following Members have voted that this information may be deleted from this amended meeting announcement pursuant to Exemption 9(B) of the Sunshine Act, 5 U.S.C. 552b(c)(9)(B) and section 310b.5(9)(B) of the Board's regulations: Chairman, Alfred E. Kahn; Vice Chairman, Richard J. O'Melia; Member, G. Joseph Minetti; Member, Lee R. West; Member, Elizabeth E. Bailey.

[4110–39]

4

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH

DATE AND TIME: November 4, 1977—9:00 a.m. to 3:30 p.m.

PLACE: National Institute of Education, Room 823, 1200 19th Street, N.W., Washington, D.C.

"FEDERAL REGISTER" CITATIONS OF PREVIOUS ANNOUNCEMENTS: 42 FR 6002 (2/1/77) and 42 FR 56839 (10/28/77).

CHANGE IN THE MEETING: A portion of this meeting will be closed to the public in accordance with Section 552b(c)(9)(B), Title 5 U.S.C. and 45 CFR 1440.2(a)(9). Closing is pursuant to certification by the General Counsel of HEW for the review and discussion of the preliminary Executive Budget for Fiscal 1979, agenda item 6 in NCER notice, 42 FR 56839. The rest of the agenda remains open to the public.

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 (CLOSED TO THE PUBLIC FROM 1:30 p.m. UNTIL ADJOURNMENT).

CONTACT PERSON FOR MORE INFORMATION:

Mrs. Ella L. Jones, Administrative Coordinator, Telephone: 202–254–7900.

PETER H. GERBER,
Chief, Policy & Administrative Coordination, National Council on Educational Research.

[S–1718–77 Filed 10–28–77;11:33 am]

[7590–01]

5

NUCLEAR REGULATORY COMMISSION

TIME AND DATE: Week of October 31 (Changes).

PLACE: Commissioner's Conference Room, 1717 H St. N.W., Washington, D.C.

STATUS: Open/Closed.

MATTERS TO BE CONSIDERED:

Tuesday, November 1

11:00 a.m. Discussion of Seabrook (CLOSED—Exemption 10).

1:30 p.m. Discussion of Response to Rep. Udall Letter on North Anna (PUBLIC MEETING) (The two briefings previously announced are CANCELLED).

Wednesday, November 2 (As announced).

Thursday, November 3 (As announced).

Friday, November 4

9:30 a.m. 1. Discussion of EBTF Cost Estimates (Approx 1 hr) (PUBLIC MEETING) (As Announced). 2. Discussion of Personnel Matter (CLOSED—Exemption 10) (As Announced).

(Briefing on Petition is CANCELLED.)

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee 202–634–1410.

October 28, 1977.

WALTER MAGEE,
Office of the Secretary.

[S–1721–77 Filed 10–28–77;1:33 pm]

[7905–01]

6

RAILROAD RETIREMENT BOARD.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10:00 a.m., November 3, 1977.

CHANGES IN THE MEETING: Additional item to be considered at the portion of the meeting closed to the public:

(12) Appeal from referee's denial of child's insurance annuity application, Daniel H. Stewart.

Additional items to be considered at the portion of the meeting open to the public:

(13) Proposal to increase the Chief Executive Officer's authority to approve recommendations for external training.

(14) Certificate of annuity.

[S–1719–77 Filed 10–28–77;10:20 am]

[7910–01]

7

RENEGOTIATION BOARD.

DATE AND TIME: Tuesday, November 8, 1977; 10:00 a.m.

PLACE: Conference Room, 4th Floor. 2000 M St., NW., Washington, D.C. 20446.

STATUS: Matters 1 through 4 are open to public observation. Status is not applicable to Matters 5 and 6.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of meeting held November 2, 1977, and other Board meetings, if any.

2. Recommended Clearances Without Assignment (List #1887).

A. Tech Systems, Corp. Fiscal year and December 31, 1975.

A–1 Datron Systems Inc. Fiscal year ended December 31, 1975.

B. Intercontinental Manufacturing Co., Inc. Fiscal year ended December 31, 1975.

B–1 All American Engineering Co. Fiscal year ended December 31, 1975.

B–2 Bergman Mfg. Co., Inc. Fiscal year ended December 31, 1975.

C. Minnesota Mining and Manufacturing Co. Fiscal year ended December 31, 1975.

C–1 Riker Laboratories Inc. Fiscal year ended December 31, 1975.

C–2 Linolex Systems Inc. Fiscal year ended December 31, 1975.

D. 3M Business Products Sales. Fiscal year ended December 31, 1975.

E. Plastoid Corp. Fiscal years ended December 31, 1971, 1972, 1973, 1974 and 1975.

3. Partial Mandatory Exemption of New Durable Productive Equipment: Ingersoll-Rand Co. Fiscal year ended December 31, 1975.

4. Recommended Clearance: The Lionel Corp. Consolidated with: Dale Electronics, Inc., Sterling Power Systems, Inc., Western Hydraulics, Inc. Fiscal year ended December 31, 1972.

5. Approval of agenda for meeting to be held November 22, 1977.

6. 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 28, 1977.

GOODWIN CHASE,
Chairman.

[S–1722–77 Filed 10–28–77;2:29 pm]

[7910–01]

8

RENEGOTIATION BOARD.

DATE AND TIME: Wednesday, November 9, 1977; 9:30 a.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: Contract Machining Corp. Fiscal years ended December 31, 1972 & 1973.

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 28, 1977.

GOODWIN CHASE,
Chairman.

[S–1723–77 Filed 10–28–77;2:28 pm]

[8010–01]

9

SECURITIES AND EXCHANGE COMMISSION:

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: (To be printed October 27, 1977).

PREVIOUS ANNOUNCED TIME AND DATE OF MEETING: Thursday, November 3, 1977, 11 a.m.

STATUS: Open Meeting.

PLACE: 500 North Capitol Street, Washington, D.C., Room 825.

CHANGES IN THE MEETING:

The open meeting previously scheduled for Thursday, November 3, 1977, at 11 a.m., will be held instead at 10 a.m.

The following additional item will be considered by the Commission at that time: Consideration of amendments proposed by the New York Stock Exchange, Inc. to Rule 405, its "Know Your Customer Rule". The proposals would generally alter the phrasing of the broker's or dealer's duty to know its customers.

Chairman Williams, Commissioners Loomis, Evans, and Karmel determined that Commission business required consideration of this matter and that no earlier notice thereof was possible.

OCTOBER 27, 1977.

[S–1717–77 Filed 10–28–77;11:33 am]

[3810–70]

10

UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

TIME AND DATE: November 7, 1977, 8:00 a.m.

PLACE: Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, Maryland 20014 (Rooms 264 and 126).

STATUS: Open.

MATTERS TO BE CONSIDERED:

8:00: Meeting—Educational Affairs Committee.

(1) Graduate Education Program; (2) Faculty Appointments: Distinguished Professor, Proposed New Faculty; (3) Collaborative Fellowship Programs.

8:00: Meeting—Administrative Affairs Committee.

(1) 1977–1978 Fund Report; (2) Construction Costs and Changes; (3) Change in Retirement Plan.

10:00: Meeting—Board of Regents.

(1) Report: Educational Affairs Committee; (2) Report: Administrative Affairs Committee; (3) Report: Dean, School of Medicine; (4) Fact Sheet, Class of 1981—Summary of Admissions Process; (5) General Procedures and Delegations; (6) Final Report—Nurse Feasibility Study; (7) Discussion of Cooperative Arrangements with other Universities; (8) Presentation—Letter of Appreciation and Scroll to Director, Armed Forces Institute of Pathology; (9) Acceptance—Wood Carving Mural of Alexis Saint-Martin.

New Business.

SCHEDULED MEETINGS: January 16, 1978.

CONTACT PERSON FOR MORE INFORMATION:

Tor Richter, Capt., MC USN, Executive Secretary of the Board, AC 202–295–2106.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

OCTOBER 28, 1977.

[S–1720–77 Filed 10–28–77;11:53 am]

[7600–01]

11

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 2:00 p.m., November 2, 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 28, 1977.

[S–1724–77 Filed 10–28–77;3:36 pm

[6320–01]

12

[M–75; 10/27/77]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m.–October 28, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: Dockets 31534, 31538, 31555, Non-affinity/incentive fares for groups of 20 proposed by Iberia.

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary, 202–673–5068.

SUPPLEMENTARY INFORMATION: The tariffs in question were posted on October 11, 1977 for effectiveness November 10, 1977. Complaints were received on October 18, 1977. The Board's staff analyzed these documents and all other relevant matters and submitted its recommendations to the Board on October 27. If the Board desires to suspend the tariff filing pending investigation, it must submit its order of suspension and investigation to the President by October 28, 1977 or the proposed rate would go into effect. Accordingly the following Members have voted that agency business requires that the Board meet on this item on less than seven days' notice and that no earlier announcement of the meeting was possible:

Chairman Alfred E. Kahn
Member G. Joseph Minetti
Member Lee R. West
Member Elizabeth E. Bailey

[S–1727–77 Filed 10–28–77;3:56 pm]

[6320–01]

13

[M–76;10/27/77]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m.–November 3, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 1. Ratification of items adopted by notation [1]

2. Docket 30555, Motion of Texas International to relieve its DFW-LAX economy fare from being investigated in the Peanuts Fare Investigation (Memo No. 7100–A, BLJ, OGC)

3. Application of United Air Lines, Inc. for waiver of sections 371.41 and 378a.41 to allow it to use charter boarding passes on the return leg of certain ABC and OTC flights (Memo No. 7528, BOR, BOE)

4. Docket 29238, Dan-Air Services Ltd. and British Airtours Limited—applications waiver of uplift ration restriction (Memo No. 6066-D, BOR, BIA, OGC)

5. Docket 30792, Airlift International Inc. Request for extension of permission to serve Indianapolis thru Chicago Airport (O'Hare) (BOR)

6. Docket 24283, Braniff Airways' Transaction Agreement, BN–1103–A–2 (No. 18B2, filed October 7, 1977) (Memo 7543, BOR, BAS, OGC)

7. Dockets 29952, 30067, and 30068, Pan America's, Northwest's, and Braniff's Applications for Fill-up Authority (Memo No. 6980–D, BOR, BIA, OGC)

8. Docket 28315, Joint request of PSA and USPS to renew exemption to transport mail between Sacramento, Los Angeles, and San Diego (Memo No. 7530, BOR)

9. Docket 31119, Red Carpet's request to operate large aircraft between St. Petersburg and various points in the Caribbean and Mexico (Mem. No. 7518, BOR, BAS)

10. Application of Iran Air for authority to operate an on-route charter flight filed in accordance with Order 75–9–83 (BOR, BIA)

11. Dockets 25022, 19570, and 19745, Martin's Luchtvervoer Maatschappij N.V. foreign air carrier permit renewal and motion to modify conditions (Memo 334–E, BOR, BIA)

12. Docket 28898, Applicant of Trans-Provincial Airlines, Ltd to renew its foreign air carrier permit (Memo No. 4231–B, BOR, BIA, OGC)

13. Docket 29606, Petition for discretionary review of recommended decision in the *Transportes Aereos Portugueses S.A.R.L. (TAP) Proposed U.S.-Portugal Nonaffinity Group Fares* (Memo No. 7533, OGC)

14. Docket 26354, North Central Certificate Application, Notice of Target Date (Memo No. 7534, OGC)

15. Docket 28778; 29186; *Additional Dallas/Fort Worth Kansas City Nonstop Service Case; Memphis-Twin Cities/Milwaukee Case*, Notice of Target Date (Memo No. 7538, OGC)

16. Docket 28961, 28800, 24778, and 28308, *Sacramento-Denver Nonstop Case, Phoenix-Des Moines/Milwaukee Route Proceeding;* and *Greenville/Spartanburg-Washington New York Subpart M Case*, Notice of Target Date (Memo No. 7535, OGC)

17. Docket 28848, *Improved Authority to Wichita Case* Notice of Target Date (Memo No. 7536, OGC)

18. Proposed Amendment of Separation of Functions Rule (Memo No. 7473, OGC)

19. Procedures for Board Review of BOE Dismissals of Third-Party Complaints (Memo No. 7496, BOE)

[1] The ratification process provides an entry in the Board's Minutes of items already adopted by the Board through the written Notation process (memoranda circulated to the Members sequentially). A list of items ratified at this meeting will be avaiable in the Board's Public Reference Room (Room 710, 1825 Connecticut Avenue NW., Washington, D.C. 20428) following the meeting.

20. Consumer Abuses by Tour Operators (Memo No. 7497, BOE, BOR, OGC, OCA, OEA)

21. Docket 29926, Notice of Proposed Rulemaking SPDR–56, to modify or eliminate the advance purchase requirement for OTCs; and Docket 31208, Petition of United Air Lines, Inc., for rulemaking to retain the 15-day advance purchase requirement for North American OTCs beyond October 1, 1978 (Memo No. 6814–A, OGC, BOE, BFR, BOR, BIA)

22. Overseas National Airways, Inc. petition for review of staff action denying a request by Pan American World Airways, Inc. to transport CNA charter passengers on PAA's scheduled service at ONA's charter rate (Memo No. 7436, BFR)

23. Docket 30332, IATA agreement proposing new 1977–79 TC1 (U.S.-Mexico/Caribbean/South and Central America) and Mid Atlantic cargo rate structures (Memo No. 7532, BFR, BIA)

24. Docket 29387, Parts 243, 288 and 399, Rules Establishing Revised Minimum Rates for MAC Foreign and Overseas Service (BFR)

STATUS: Open

PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary, 202–673–5068.

[S–1728–77 filed 10–28–77:3:56 pm]

[6712–01]

14

FEDERAL COMMUNICATIONS COMMISSION.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: October 27, 1977; 9:30 a.m.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 56696, October 27, 1977.

PLACE: Room 856, 1919 M Street, NW., Washington, D.C.

STATUS: Open Commission Meeting.

MATTER TO BE CONSIDERED:

Agenda, Item No., and Subject

* * * * *

Complaints and Compliance—2—Applications for review, filed by the New Jersey Public Broadcasting Authority (NJPBA) and jointly by the Public Broadcasting Service (PBS), Radio Televisions News Directors Association (RTNDA) and the National Association of Broadcasters (NAB), of the Broadcast Bureau's September 9, 1977 ruling on the complaint of John F. Donato.

The prompt and orderly conduct of Commission business requires that less than 7-days notice be given of this additional agenda item.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone number 202–632–7260.

Issued: October 27, 1977.

[S–1725–77 Filed 10–28–77;3:56 pm]

[6210–01]

15

BOARD OF GOVFRNORS OF THE FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10:00 a.m., Monday, November 7, 1977.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed salary structure adjustment at the Federal Reserve Bank of Philadelphia.

2. Proposed supplement to the Federal Reserve Banks' retirement plan pensions.

3. 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.

Date: October 28, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[S–1726–77 Filed 10–28–77;3:56 pm]

federal register

TUESDAY, NOVEMBER 1, 1977

PART II

DEPARTMENT OF LABOR

Employment and Training Administration

■

INTERSTATE ARRANGEMENT FOR COMBINING EMPLOYMENT AND WAGES

Proposed Rulemaking

[4510-30]

DEPARTMENT OF LABOR

Employment and Training Administration

[20 CFR Part 616]

INTERSTATE ARRANGEMENT FOR COMBINING EMPLOYMENT AND WAGES

Amendments to Regulations

AGENCY: Employment and Training Administration, Labor.

ACTION: Proposed rule.

SUMMARY: This is a proposal to amend several sections of the Department of Labor's regulations in order to make changes in the Interstate Arrangement for Combining Employment and Wages so as to implement recent statutory amendments affecting the Interstate Arrangement. The amendments require the Virgin Islands to participate in the Interstate Arrangement when it becomes a cooperating State in the Federal-State Unemployment Compensation Program, and change the rules for determining the Federal share of the costs of benefits on claims filed jointly under Federal and State unemployment compensation laws.

The proposed changes will conform the regulations to the statutory amendments, as they affect the Interstate Arrangement.

DATES: Comments: All comments on the changes in this proposal must be received on or before December 1, 1977. Proposed effective date: Thirty days after publication of the final rule in the FEDERAL REGISTER.

ADDRESSES: Send comments on this proposal to the U.S. Department of Labor, Employment and Training Administration, Room 7000, Patrick Henry Building, 601 D Street, NW., Washington, D.C. 20213. All comments received will be available for public inspection during normal business hours, in Room 7000 at the above address.

FOR FURTHER INFORMATION CONTACT:

Lawrence E. Weatherford, Jr., Administrator, Unemployment Insurance Service, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213, telephone 202-376-7032.

SUPPLEMENTARY INFORMATION: The Interstate Arrangement for Combining Employment and Wages is a permanent unemployment compensation program, adopted pursuant to section 3304(a)(9)(B) of the Internal Revenue Code of 1954 (26 U.S.C. 3304(a)(9)(B)). It is designed to pay unemployment compensation to those individuals whose base period employment was performed and wages were earned in two or more States. As a result, these individuals may not be eligible for unemployment compensation against a single State by reason of failing to meet its monetary qualifying requirement, or having met the requirement, may not be eligible for as large a benefit award as they would be if all their employment was performed and wages were earned in a single State. Wage combining, with respect to qualified individuals, has remedied both situations.

The revisions below have been developed in consultation with the duly designated representatives of the Interstate Conference of Employment Security Agencies, who, pursuant to § 616.2 of Part 616, are recognized by the Secretary of Labor as agents of the State unemployment compensation agencies for the purposes of the consultation required by section 3304(a)(9)(B) of the Internal Revenue Code of 1954 (26 U.S.C. 3304(a)(9)(B)).

It is proposed that Part 616 be revised to implement statutory changes in the Unemployment Compensation Amendments of 1976, Pub. L. 94-566 (90 Stat. 2667). The changes in the law affecting Part 616 are those amendments concerning the inclusion of the Virgin Islands as a State in the Federal-State Unemployment Compensation Program, and the sharing of costs on a joint Federal-State claim.

The changes in Part 616 proposed in this document are:

1. Amend the definition of "State" in § 616.6(a), so as to include the Virgin Islands among the States participating in the Interstate Arrangement for Combining Employment and Wages. The Virgin Islands is not included in the arrangement now because it is not a cooperating State in the Federal-State Unemployment Compensation Program. It will become a cooperating State, under the provisions of section 116 of Public Law 94-566 (90 Stat. 2667, 2672) which extend the relevant Federal laws to the Virgin Islands, on the day after the day the Secretary of Labor approves the Virgin Islands unemployment compensation law pursuant to section 3304(a) of the Internal Revenue Code of 1954 (26 U.S.C. 3304(a)). On that same date Part 616 will take effect with respect to the Virgin Islands, as a part of the Federal-State program in accordance with section 3304(a)(9)(B) of the Internal Revenue Code of 1954 (26 U.S.C. 3304(a)(9)(B)). The amendment to § 616.6(a) reflects the inclusion of the Virgin Islands in the Federal-State program on that date, and assures that the necessary change in the regulation will be in effect on that date. A conforming change is made in § 616.6(e)(2).

2. Amend the provisions on the charging of benefit costs among combining States, in § 616.8(f), so as to prescribe how such benefit costs shall be charged to the United States when the wage credits in a combined-wage claim include wage credits under the Unemployment Compensation Program for Federal Civilian Employees (20 CFR Part 609) or the Unemployment Compensation Program for Ex-Servicemen (20 CFR Part 614). In accordance with an amendment of the law in section 214 of Public Law 94-566 (90 Stat. 2667, 2678), benefit costs based on wage credits under those Federal programs will be charged to the United States on a pro-rata basis after July 1, 1977. The amendment to § 616.8(f) reflects the amendment of the law and states how the United States shall be charged.

The Department has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and applicable authority.

This document was prepared under the direction and control of Lawrence E. Weatherford, Jr., Administrator, Unemployment Insurance Service, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213, telephone 202-376-7032.

Accordingly, amendments to 20 CFR Part 616 are proposed as follows:

1. In § 616.6, paragraphs (a) and (e)(2) are amended to read as follows:

§ 616.6 Definitions.

(a) *"State"*. "State" includes the States of the United States, the District of Columbia and the Commonwealth of Puerto Rico, and includes the Virgin Islands effective on the day after the day on which the Secretary approves under section 3304(a) of the Internal Revenue Code of 1954 (26 U.S.C. 3304(a)), an unemployment compensation law submitted to the Secretary by the Virgin Islands for approval.

* * * * *

(e) *Paying State.*

* * * * *

(2) If the State in which a Combined-Wage Claimant files a Combined-Wage Claim is not the Paying State under the criterion set forth in paragraph (e)(1) of this section, or if the Combined-Wage Claim is filed in Canada or the Virgin Islands, then the Paying State shall be that State where the Combined-Wage Claimant was last employed in covered employment among the States in which the claimant qualifies for unemployment benefits on the basis of combined employment and wages: *Provided*, That, this paragraph (2) shall read as if the Virgin Islands was not referred to therein, effective on the day after the day on which the Secretary approves under section 3304(a) of the Internal Revenue Code of 1954 (26 U.S.C. 3304(a)), an unemployment compensation law submitted to the Secretary by the Virgin Islands for approval.

* * * * *

2. In § 616.8 paragraph (f) is amended by adding thereto a new subparagraph (3) to read as follows:

§ 616.8 Responsibilities of the paying State.

* * * * *

(f) *Statement of benefit charges.*

* * * * *

(3) With respect to new claims establishing a benefit year effective on and after July 1, 1977, the United States shall be charged directly by the Paying State, in the same manner as is provided in paragraphs (f)(1) and (f)(2) of this section, in regard to Federal civilian service and wages and Federal military service and wages assigned or transferred to the

Paying State and included in Combined-Wage Claims in accordance with this Part and Parts 609 and 614 of this chapter. With respect to new claims effective before July 1, 1977, prior law shall apply.

Signed at Washington, D.C., on October 21, 1977.

ERNEST G. GREEN,
Assistant Secretary
for Employment and Training.

[FR Doc.77-31338 Filed 10-31-77;8:45 am]

federal register

TUESDAY, NOVEMBER 1, 1977

PART III

DEPARTMENT OF LABOR

Employment and Training Administration

■

FEDERAL SUPPLEMENTAL BENEFITS (EMERGENCY UNEMPLOYMENT COMPENSATION)

[4510-30]

DEPARTMENT OF LABOR

Employment and Training Administration

[20 CFR Part 618]

FEDERAL SUPPLEMENTAL BENEFITS (EMERGENCY UNEMPLOYMENT COMPENSATION)

Proposed Revision of Regulations

AGENCY: Employment and Training Administration, Labor.

ACTION: Proposed rule.

SUMMARY: This is a proposal to amend several sections of the Department of Labor's regulations in order to implement changes in the Federal Supplemental Benefits Program made by recent amendments to the Emergency Unemployment Compensation Act of 1974. The principal amendments extend the program for nine months, reduce the duration of benefits payable, provide for a special work test for claimants, and allow for the Virgin Islands to participate in the program when it becomes a cooperating State in the Federal-State Unemployment Compensation Program.

The proposed changes will conform the regulations to the amended law, and make other changes.

DATES: Comments.—All comments on the changes in this proposal must be received on or before December 1, 1977.

Proposed effective date.—Thirty days after publication of the final rule in the FEDERAL REGISTER.

ADDRESS: Send comments on this proposal to the U.S. Department of Labor, Employment and Training Administration, Room 7000, Patrick Henry Building, 601 D Street NW., Washington, D.C. 20213.

All comments received will be available for public inspection during normal business hours, in Room 7000 at the above address.

FOR FURTHER INFORMATION CONTACT:

Lawrence E. Weatherford, Jr., Administrator, Unemployment Insurance Service, Employment and Training Administration, U.S. Department of Labor, 601 D Street NW., Washington, D.C. 20213; telephone: 202-376-7032.

SUPPLEMENTARY INFORMATION: The Federal Supplemental Benefits Program is a temporary unemployment compensation program, financed by Federal funds, to furnish additional weeks of Federal Supplemental Benefits to individuals covered by established unemployment compensation programs, who are unemployed and unable to obtain work.

Part 618, Chapter V of Title 20 of the Code of Federal Regulations implements the Federal Supplemental Benefits Program, established by the Emergency Unemployment Compensation Act of 1974 (Pub. L. 93-572, 88 Stat. 1869). This Act has been amended by Pub. L. 94-12 (89 Stat. 26, 65), Pub. L. 94-45 (89 Stat. 236), and by Pub. L. 95-19 (91 Stat. 39). On March 23, 1976, a revision to Part 618 was published in the FEDERAL REGISTER (41 FR 12151) implementing the 1975 amendments to the Act. A further revision of Part 618 is proposed in this document, to implement the changes in the Emergency Unemployment Compensation Extension Act of 1977, Pub. L. 95-19 (91 Stat. 39). The substantive changes in Part 618 are described below.

Sections 618.2(o), 618.5(a)(4), and 618.13(b) refer to the inclusion of the Virgin Islands as an integral part of the Federal-State unemployment insurance system, to take effect on the day following the day on which the Secretary of Labor approves the Virgin Islands unemployment compensation law, in accordance with section 3304(a) of the Internal Revenue Code of 1954. Until such approval is provided, the Virgin Islands will continue to administer its unemployment compensation law independent of the Federal-State unemployment insurance system.

Section 618.2(r) redefines the term "week of unemployment" in specific detail to take account of its threefold ramifications. Previously this term was too loosely defined. This led to a variety of interpretations by the several State agencies. It is expected that the new definition will eliminate this ambiguity.

Section 613.3 extends the Federal Supplemental Benefits Program until January 31, 1978. Prior to this extension this program was scheduled to expire on March 31, 1977.

Section 618.15 spells out in considerable detail the new requirements for individuals filing claims for Federal Supplemental Benefits, to make a systematic and sustained effort to seek work each week they claim such benefits and to provide tangible proof of these efforts to the applicable State agency each week. It also requires these individuals to accept any work they are capable of performing, if the State agency determines that their prospects of obtaining suitable work in their customary occupations are not good. Finally, it specifies disqualifications to be applied against any individual who fails to meet the requirements of this section.

Section 618.16 addresses itself to the receipt of Federal Supplemental Benefits by individuals who would otherwise not be entitled to them. It differentiates between those individuals who willfully and deliberately obtain these benefits by misrepresentation or omission of facts, and those who, through no fault of their own, have received benefits to which they were not entitled. For the latter group, the agency is authorized to require recoupment of these overpaid benefits, or grant a waiver on the repayment of these benefits, on the basis of equity and good conscience. For the former group, the State agency is authorized to terminate their entitlement to any more Federal Supplemental Benefits, and to refer them to a U.S. district attorney, for prosecution under Federal law pertaining to fraud.

Section 618.19(c) provides that, after April 30, 1977, the minimum duration of any Federal Supplemental Benefit Period shall be 13 weeks. Prior to May 1, 1977, the minimum duration period was 26 weeks.

Other changes in the revised regulation are technical and editorial and are self explanatory.

The Department of Labor has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and applicable authority.

This document was prepared under the direction and control of Lawrence E. Weatherford, Jr., Administrator, Unemployment Insurance Service, Employment and Training Administration, U.S. Department of Labor, 601 D Street NW., Washington, D.C. 20213; telephone: 202-376-7032.

Accordingly, 20 CFR Part 618 is proposed to be revised as set forth below.

Signed at Washington, D.C., October 25, 1977.

ERNEST G. GREEN,
Assistant Secretary For Employment and Training.

PART 618—FEDERAL SUPPLEMENTAL BENEFITS (EMERGENCY UNEMPLOYMENT COMPENSATION)

Sec.

618.1 Purpose; rules of construction.
618.2 Definitions.
618.3 Effective period of the program.
618.4 Eligibility requirements for Federal Supplemental Benefits.
618.5 Definition of "exhaustee."
618.6 Federal Supplemental Benefits: Weekly amount.
618.7 Federal Supplemental Benefits: maximum amount.
618.8 Claims for Federal Supplemental Benefits.
618.9 Determinations of entitlement; notices to individual.
618.10 Appeal and hearing.
618.11 Provisions of State law applicable to claims.
618.12 The applicable State for an individual.
618.13 Restrictions on entitlement.
618.14 Required training for FSB claimants.
618.15 Required acceptance of work by FSB claimants.
618.16 Overpayments; penalties for fraud.
618.17 Inviolate rights to FSB.
618.18 Record keeping; disclosure of information.
618.19 Federal Supplemental Benefit Period.
618.20 Determination of "on" and "off" indicators.
618.21 Per centum periods in a Federal Supplemental Benefit Period.
618.22 Announcement of the beginning and ending of Federal Supplemental Benefit Periods and per centum periods.
618.23 Payments to States.
618.24 Public access to Agreements.
618.25 Information, reports, and studies.

AUTHORITY: Pub. L. 93-572 (88 Stat. 1869); sec. 701(a), Pub. L. 94-12 (89 Stat. 26, 65); part A, title I, Pub. L. 94-45 (89 Stat. 236); title II, Pub. L. 91-373 (84 Stat. 695, 708); sec. 116(d), Pub. L. 94-566 (90 Stat. 2667, 2772); title I, Pub. L. 95-19 (91 Stat. 39) (5 U.S.C. 553), Secretary's Order No. 4-75 (40 FR 18515).

§ 618.1 Purpose; rules of construction

(a) *Purpose.* The "Emergency Unemployment Compensation Act of 1974" created a program of further extended unemployment compensation for individuals who have exhausted their rights to regular, additional, and extended unemployment compensation under permanent unemployment compensation programs. The benefits provided under the Act are hereafter referred to as Federal Supplemental Benefits, or FSB. The regulations in this Part are issued to implement the Act as it has been amended.

(b) *First rule of construction.* The Act and the implementing regulations in this part shall be construed liberally so as to carry out the purposes of the Act.

(c) *Second rule of construction.* The Act and the implementing regulations in this part shall be construed so as to assure insofar as possible the uniform interpretation and application of the Act throughout the United States.

(d) *Effectuating purpose and rules of construction.* (1) In order to effectuate the provisions of this section each State agency shall forward to the United States Department of Labor, not later than 10 days after issuance, a copy of each judicial or administrative decision ruling on an individual's entitlement to FSB. On request of the Department, a State agency shall forward to the Department a copy of any determination or redetermination ruling on an individual's entitlement to FSB.

(2) If the Department believes a determination, redetermination, or decision is inconsistent with the Secretary's interpretation of the Act, the Department may at any time notify the State agency of the Department's view. Thereafter the State agency shall appeal if possible, and shall not follow such determination, redetermination, or decision as a precedent; and in any subsequent proceedings which involve such determination, redetermination, or decision, or wherein such determination, redetermination, or decision is cited as precedent or otherwise relied upon, the State agency shall inform the hearing officer or court of the Department's view and shall make all reasonable efforts, including appeal or other proceedings in any appropriate forum, to obtain modification, limitation, or overruling of the determination, redetermination, or decision.

(3) A State agency may request reconsideration of a notice that a determination, redetermination, or decision is inconsistent with the Act, and shall be given an opportunity to present views and argument if desired. If a determination, redetermination, or decision setting a precedent becomes final, which the Department believes to be inconsistent with the Act, the Secretary will decide whether the Agreement with the State shall be terminated.

(4) Concurrence of the Department in a determination, redetermination, or decision shall not be presumed from the absence of a notice pursuant to this paragraph.

§ 618.2 Definitions.

For the purposes of the Act and this part: (a) "Act" means the "Emergency Unemployment Compensation Act of 1974" (Pub. L. 93–572; 88 Stat. 1869, approved December 31, 1974), as amended by section 701(a) of the Tax Reduction Act of 1975 (Pub. L. 94–12; 89 Stat. 26, 65), part A of title I of the Emergency Compensation and Special Unemployment Assistance Extension Act of 1975 (Pub. L. 94–45; 89 Stat. 236), section 116(d) of the Unemployment Compensation Amendments of 1976 (Pub. L. 94–566; 90 Stat. 2667, 2772); and title I of the Emergency Unemployment Compensation Extension Act of 1977 (Pub. L. 95–19; 91 Stat. 39).

(b) "Agreement" means the agreement entered into pursuant to the Act between a State and the Secretary of Labor of the United States, under which the State agency of the State agrees to make payments of Federal Supplemental Benefits in accordance with the Act and the regulations and procedures thereunder prescribed by the Secretary.

(c) "Applicable State law" means the State law of the State which is the applicable State for an individual.

(d) "Base period" means, with respect to an individual, the base period as determined under the applicable State law for the individual's benefit year.

(e) "Benefit year" means the benefit year as defined in the applicable State law.

(f) "Extended benefit period" shall have the meaning assigned to the term by section 203 of the Federal-State Extended Unemployment Compensation Act of 1970, as amended (title II, Pub. L. 91–373; 84 Stat. 695, 708).

(g) "Compensation" means cash benefits (including dependents' allowances) payable to individuals with respect to their unemployment, and includes regular, additional, and extended compensation, as defined in this section.

(h) "Regular compensation" means compensation payable to an individual under any State law, and, when so payable, includes compensation payable pursuant to 5 U.S.C. chapter 85, but not including extended compensation or additional compensation.

(i) "Additional compensation" means compensation totally financed by a State and payable under a State law by reason of condtions of high unemployment or by reason of other special factors, and, when so payable, includes compensation payable pursuant to 5 U.S.C. chapter 85.

(j) "Extended compensation" means compensation payable to an individual for weeks of unemployment in an extended benefit period, under those provisions of a State law which satisfy the requirements of the Federal-State Extended Unemployment Compensation Act of 1970, as amended (title II, Pub. L. 91–373; 84 Stat. 695, 708), with respect to the payment of extended compensation, and, when so payable, includes compensation payable pursuant to 5 U.S.C. chapter 85.

(k) "Federal Supplemental Benefits" means the compensation payable under the Act to individuals eligible thereunder for the payments, and which is referred to as FSB.

(l) (1) "Period of eligibility" means, in the case of any individual, the weeks in the individual's benefit year which begin in an extended benefit period, a Federal Supplemental Benefit Period, or an additional eligibility period, and, if the benefit year ends within the extended benefit period, any weeks thereafter which begin in the extended benefit period, the Federal Supplemental Benefit Period, or the additional eligibility period.

(2) "Additional eligibility period" means, with respect to an individual, the thirteen-week period following the week in which a Federal Supplemental Benefit Period ends in a State, or such shorter period of weeks as exist between the end of the Federal Supplemental Benefit Period and the beginning of a new Federal Supplemental Benefit Period in the State, if either FSB or extended compensation was payable to the individual in the State for the week in which the Federal Supplemental Benefit Period ended. FSB or extended compensation shall be deemed to be payable to an individual for the week in which the Federal Supplemental Benefit Period ended if FSB or extended compensation is paid to the individual with respect to that week or if, as of the beginning of that week, there is any amount of a balance in the Federal Supplemental Benefit Account established for the individual pursuant to § 618.7 or in the Extended Compensation Account established for the individual pursuant to any State law in accord with section 202(b)(1) of the Federal-State Extended Unemployment Compensation Act of 1970 and § 615.5(b) of this chapter.

(m) "Secretary" means the Secretary of Labor of the United States.

(n) "State" means the States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico, and includes the Virgin Islands effective on the day after the day on which the Secretary approves under section 3304(a) of the Internal Revenue Code of 1954 (26 U.S.C. 3304(a)), an unemployment compensation law submitted to the Secretary by the Virgin Islands for approval.

(o) "State agency" means the agency of the State which administers the applicable State law.

(p) "State law" means the unemployment compensation law of a State, approved by the Secretary under section 3304 of the Internal Revenue Code of 1954 (26 U.S.C. 3304).

(q) "Week" means, for purposes of eligibility for and payment of FSB, a week as defined in the applicable State law, and, for purposes of computations of Federal Supplemental Benefit "on" and "off" indicators, the beginning and ending of a Federal Supplemental Benefit Period and additional eligibility periods, and the beginning and ending of 5-per centum and 6-per centum periods, a calendar week, except as provided in § 618.19(d) and § 618.19(e)(3).

(r) "Week of unemployment" means a week of total, part-total, or partial unemployment as defined in the applicable State law, which shall be applied in the same manner and to the same extent to the FSB program as if the individual filing a claim for FSB were filing a claim for regular compensation.

§ 618.3 Effective period of the program.

(a) *Beginning date.* FSB shall first become payable under the Act and this Part with respect to the first week which begins after whichever of the following is the latest:

(1) December 31, 1974, or

(2) The week in which the State enters into an Agreement under the Act, or

(3) The date of enactment of the Act.

(b) FSB shall not be payable to any individual with respect to any week of unemployment ending after January 31, 1978; and no individual will be entitled to a payment of FSB with respect to any week of unemployment that ends on or after October 31, 1977, unless the individual has a week ending before October 31, 1977, and after the beginning of the individual's most recent benefit year, with respect to which FSB was payable to the individual.

(c) *Agreement as precondition.* Notwithstanding any other provision of the Act or this part, FSB shall be payable solely through a State agency and only pursuant to an Agreement, and with respect to weeks in which an Agreement is in effect.

§ 618.4 Eligibility requirements for Federal Supplemental Benefits.

(a) *In a period of eligibility.* An individual is entitled to FSB for a week of unemployment which begins in the individual's period of eligibility, if, with respect to such week, the individual is an exhaustee as defined in § 618.5, files a timely claim for FSB, and satisfies the pertinent requirements of the Act and the applicable State law as provided in the Act and this part.

(b) *Benefit period limitation.* Notwithstanding paragraph (a), no payment of FSB shall be made to any individual for a week of unemployment which begins more than two years after the end of the benefit year for which the individual exhausted all rights to regular compensation.

§ 618.5 Definitions of "exhaustee."

(a) *Definition.* An individual is an exhaustee with respect to a week of unemployment if the individual:

(1) Has exhausted all rights to regular compensation, as prescribed in § 615.4(b) and (c) of this chapter, under the applicable State law; and

(2) Has exhausted all rights to extended compensation; that is, the individual has received; prior to that week, all the extended compensation available under the applicable State law in the individual's most recent eligibility period, or the individual is not entitled to extended compensation because of the ending of the individual's eligibility period for extended compensation under the applicable State law prior to the beginning of that week; and

(3) Has no right to compensation, including regular, additional, and extended compensation, with respect to that week, under the applicable State law or the State law of any other State; and has no right to unemployment compensation under 5 U.S.C. chapter 85 or the Railroad Unemployment Insurance Act or any other Federal unemployment compensation law; and

(4) Is not receiving compensation with respect to that week under the unemployment compensation law of the Virgin Islands or Canada, except that this paragraph (a)(4) will no longer include the Virgin Islands effective on the day after the day on which the Secretary approves under section 3304(a) of the Internal Revenue Code of 1954 (26 U.S.C. 3304 (a)), an unemployment compensation law submitted to the Secretary by the Virgin Islands for approval.

(b) *Adjustment of week.* If it is subsequently determined as the result of a redetermination or appeal that an individual is an exhaustee as of a different week than was previously determined, the individual's rights to FSB shall be adjusted so as to accord with such redetermination or decision.

§ 618.6 Federal Supplemental Benefits: Weekly amount.

(a) *Total unemployment.* The weekly amount of FSB payable to an individual for a week of total unemployment shall be equal to the amount of regular compensation payable to the individual for a week of total unemployment during the individual's current benefit year, or if the individual has no current benefit year, during the most recent benefit year. If the individual had more than one weekly amount of regular compensation for total unemployment during the benefit year, the weekly amount of FSB for total unemployment shall be the weekly amount payable under the applicable State law with respect to extended compensation in accordance with the Federal-State Extended Unemployment Compensation Act of 1970, as amended.

(b) *Partial and part-total unemployment.* The weekly amount of FSB payable for a week of partial or part-total unemployment shall be determined under the provisions of the applicable State law which apply to regular compensation, computed on the basis of the weekly amount of FSB payable for a week of total unemployment as determined pursuant to paragraph (a) of this section.

§ 618.7 Federal Supplemental Benefits: Maximum amount.

(a) *Individual account.* A Federal Supplemental Benefit Account shall be established for each individual determined to be eligible for FSB, in the sum of the maximum amount potentially payable to the individual as computed in accordance with paragraph (b) of this section. The amount established in the Federal Supplemental Benefit Amount of any individual shall be subject to the limitations on the maximum amount payable to the individual as provided in paragraph (c) of this section, and for any individual who has any balance remaining in the individual's account at the close of the last week which ends on or before April 30, 1977, the amount in the individual's account shall be redetermined in accordance with paragraphs (b)(1)(ii) and (c)(3) of this section.

(b) *Computation of maximum amount potentially payable.* (1) The amount established in the Federal Supplemental Benefit Account of an individual, as the maximum amount potentially payable to the individual during the individual's period of eligibility shall: (i) If effective with respect to any week that ends on or before April 30, 1977, be equal to the lesser of:

(A) 100 per centum of the total amount of regular compensation payable to the individual during the individual's applicable benefit year; or

(B) Twenty-six times the individual's weekly amount of FSB payable for a week of total unemployment, as determined pursuant to § 618.6(a); and

(ii) If effective with respect to any week that ends after April 30, 1977, shall be equal to the lesser of:

(A) 50 per centum of the total amount of regular compensation payable to the individual during the individual's applicable benefit year; or

(B) Thirteen times the individual's weekly amount of FSB payable for a week of unemployment, as determined pursuant to § 618.6(a); and, in either case (1) or case (2), minus the sum of any reduction under paragraph (b)(2) of this section.

(2) The reduction referred to in paragraph (b)(1) of this section shall be the sum of the amounts of Special Unemployment Assistance paid to the individual pursuant to title II of the Emergency Jobs and Unemployment Assistance Act of 1974 and Part 619 of this chapter for any week of unemployment which begins in the 65-week period preceding the first week of unemployment with respect to which FSB is payable to the individual under the Act and this part. The reduction made in accordance with this paragraph shall not operate to reduce to less than zero the maximum amount potentially payable as computed in accordance with paragraph (b)(1) of this section or so as to affect any amount of FSB paid or payable to the individual for any week of unemployment which began prior to July 1, 1975.

(c) *Maximum amount payable.* Notwithstanding the maximum amount potentially payable to an individual as established in the individual's Federal Supplemental Benefit Account, the maximum amount of FSB payable to the individual:

(1) With respect to weeks of unemployment in the individual's period of eligibility (as defined in § 618.2(1)) that end on or before April 30, 1977, shall be the maximum amount potentially

payable to the individual as computed under paragraph (b)(1)(i) of this section; and

(2) With respect to weeks of unemployment in the individual's period of eligibility (as defined in § 618.2(1)) that begin during a 6-per centum period which begins on or after January 4, 1976, and ends on or before April 30, 1977, shall not exceed the lesser of

(i) The maximum amount computed under paragraph (b)(1)(i) of this section; or

(ii) The amount of the balance in the individual's Federal Supplemental Benefit Account, as of the beginning of the 6-per centum period; and

(3) With respect to weeks of unemployment in the individual's period of eligibility (as defined in § 618.2(1)) that begin during a 5-per centum period which begins on or after January 4, 1976, and ends on or before April 30, 1977, and for all weeks of unemployment in the individual's period of eligibility that end after April 30, 1977, shall not exceed the lesser of—

(i) 50 per centum of the maximum amount computed under paragraph (b)(1)(i) of this section with respect to weeks of unemployment that end on or before April 30, 1977, and the maximum amount computed under paragraph (b)(1)(ii) of this section (or recomputed under this paragraph (c)(3)) with respect to weeks of unemployment that end after April 30, 1977; or

(ii) The amount of the balance in the individual's Federal Supplemental Benefit Account, as of the beginning of the 5-per centum period. For purposes of determining the maximum amount of FSB payable to an individual for all weeks ending after April 30, 1977, there shall be taken into account any FSB paid to the individual for weeks which end after the beginning of the individual's most recent benefit year and before May 1, 1977.

(4) Any amount in an individual's Federal Supplemental Benefit Account which is not paid to the individual with respect to weeks of unemployment which begin during a Federal Supplemental Benefit Period, shall remain available and payable to the individual with respect to weeks of unemployment that begin in the same or a subsequent Federal Supplemental Benefit Period, or any applicable additional eligibility period within the individual's period of eligibility (as defined in § 618.2(1)), subject to the limitations on the maximum amount payable to the individual as provided in this paragraph (c).

(d) *Adjustment of Account.* If it is subsequently determined as the result of a redetermination or appeal that an individual was entitled to more or less of regular, additional, or extended compensation under the State law of any State, or to more or less of unemployment compensation under 5 U.S.C. chapter 85, the individual's status as an exhaustee shall be redetermined as of the new date of the individual's exhaustion, and an appropriate change shall be made in the individual's Federal Supplemental Benefit Account. The appropriate change in the individual's account shall be computed in accordance with this section and, insofar as applicable, § 618.6.

§ 618.8 Claims for Federal Supplemental Benefits.

(a) *Initial claims.* An initial claim for FSB shall be filed by an individual with respect to the individual's applicable State and according to the applicable State law on a form prescribed by the Secretary, which shall be furnished to the individual by the State agency.

(b) *Weekly claims.* Claims for payments of FSB for weeks of unemployment shall be filed with respect to the individual's applicable State at the times and in the manner as claims for regular compensation are filed under the applicable State law, and on forms prescribed by the Secretary which shall be furnished to the individual by the State agency.

(c) *Secretary's standard.* The procedures for reporting and filing claims for FSB shall be consistent with this part and the Secretary's "Standard for Claim Filing, Claimant Reporting, Job Finding and Employment Services" ("Employment Security Manual", Part V, sections 5000 et seq.).

§ 618.9 Determinations of entitlement; notices to individual.

(a) *Determination of initial claim.* The State agency shall promptly, upon the filing of an initial claim for FSB, determine whether the individual is eligible and whether a disqualification applies, and, if the individual is found to be eligible, the weekly and maximum amounts of FSB payable to the individual.

(b) *Determinations of weekly claims.* The State agency shall promptly, upon the filing of a claim for a payment of FSB with respect to a week of unemployment, determine whether the individual is entitled to a payment of FSB with respect to such week, and, if entitled, the amount of FSB to which the individual is entitled.

(c) *Redetermination.* The provisions of the applicable State law concerning the right to request, or authority to undertake, reconsideration of a determination pertaining to regular compensation under the applicable State law shall apply to determinations pertaining to FSB: *Provided,* That redeterminations shall be made in accordance with § 618.7(a) without regard to any State law.

(d) *Notices to individual.* The State agency shall give notice in writing to the individual of any determination or redetermination of an initial claim and determinations and redeterminations of all weekly claims with respect to weeks of unemployment, and each notice of determination or redetermination shall include such information regarding the determination or redetermination and notice of right to reconsideration or appeal, or both, as is furnished with written notices of determinations and written notices of redeterminations with respect to claims for regular compensation.

(e) *Secretary's standard.* The procedures for making determinations and redeterminations and furnishing written notices of determinations, redeterminations, and rights of appeal to individuals claiming FSB shall be consistent with the Secretary's "Standard for Claim Determinations—Separation Information" ("Employment Security Manual," Part V, sections 6010 et seq.

(f) *Promptness.* Full payment of FSB when due shall be made with the greatest promptness that is administratively feasible.

§ 618.10 Appeal and hearing.

(a) *Applicable State law.* The provisions of the applicable State law concerning the right of appeal and fair hearing from a determination or redetermination of entitlement to regular compensation shall apply to determinations and redeterminations of eligibility for or entitlement to FSB.

(b) *Rights of appeal and fair hearing.* The provisions on right of appeal and opportunity for a fair hearing with respect to claims for FSB shall be consistent with this part and with sections 303(a)(1) and 303(a)(3) of the Social Security Act (42 U.S.C. 503(a)(1) and 503(a)(3)).

(c) *Promptness on appeals.* (1) Decisions on appeals under the FSB program shall accord with the Secretary's "Standard for Appeals Promptness—Unemployment Compensation" in Part 650 of this chapter.

(2) Any provision of an applicable State law for advancement or priority of unemployment compensation cases on judicial calendars, or otherwise intended to provide for the prompt payment of unemployment compensation when due, shall apply to proceedings involving entitlement to FSB.

§ 618.11 Provisions of State law applicable to claims.

(a) *Particular provisions applicable.* Except where the result would be inconsistent with the provisions of the Act or this part and the procedures thereunder prescribed by the Secretary, the terms and conditions of the applicable State law which apply to claims for, and the payment of, regular compensation shall apply to claims for, and the payment of, FSB. The provisions of the applicable State law which shall apply to claims for, and the payment of, FSB include, but are not limited to:

(1) Claim filing and reporting;

(2) Information to individuals, as appropriate;

(3) Notices to individuals and employers, as appropriate, including notice to each individual of each determination and redetermination of eligibility for or entitlement to FSB;

(4) Determinations and redeterminations;

(5) Ability to work, availability for work, and search for work, except to the extent that § 618.14 or § 618.15 is applicable; and

(6) Disqualifications, including disqualifying income provisions, except to the extent that § 618.14 or § 618.15 is applicable.

(b) *IBPP.* The "Interstate Benefit Payment Plan" shall apply, where appropriate, to individuals filing claims for FSB.

(c) *Wage combining.* The "Interstate Arrangement for Combining Employment and Wages" (20 CFR Part 616) shall apply, where appropriate, to individuals filing claims for FSB: *Provided,* That, the "Paying State" shall be the applicable State as prescribed in § 618.12.

(d) *Procedural requirements.* The provisions of the applicable State law which apply hereunder to claims for, and the payment of FSB shall be applied consistently with the requirements of Title III of the Social Security Act and the Federal Unemployment Tax Act which are pertinent in the case of regular and extended compensation, including but not limited to those standards and requirements specifically referred to in the provisions of this Part, except that the Secretary's "Standard for Benefit Payment Promptness—Unemployment Compensation" in Part 640 of this Chapter (published at 41 FR 30463, July 23, 1976) shall not apply to the Federal Supplemental Benefits Program.

§ 618.12 The applicable State for an individual.

(a) *Applicable State.* The applicable State for an individual is the State with respect to which the individual is an "exhaustee" as defined in § 618.5(a) and (b).

(b) *Limitation.* FSB is payable to an individual only by an applicable State as determined pursuant to paragraph (a) of this section.

§ 618.13 Restrictions on entitlement.

(a) *Hawaiian law or RRUI.* (1) An individual who is entitled with respect to a week to both FSB and unemployment compensation under the Hawaii Agricultural Unemployment Compensation Law, shall be entitled to a payment of FSB in the amount, if any, by which the FSB amount exceeds the amount to which the individual is entitled under the Hawaii Agricultural Unemployment Compensation Law.

(2) An individual who is entitled with respect to a week to unemployment compensation under the Railroad Unemployment Insurance Act shall not be entitled to a payment of FSB with respect to that week.

(b) *Virgin Islands or Canadian Law.* An individual who receives compensation with respect to a week of unemployment under the unemployment compensation law of the Virgin Islands or Canada shall not be entitled to a payment of FSB with respect to that week, except that this restriction shall no longer apply to the Virgin Islands effective on the day after the day on which the Secretary approves under section 3304(a) of the Internal Revenue Code of 1954 (26 U.S.C. 3304(a)), an unemployment compensation law submitted to the Secretary by the Virgin Islands for approval.

(c) *MDTA allowance.* An individual who is entitled with respect to a week to both FSB and a training allowance under section 203 of the Manpower Development and Training Act of 1962, as amended (42 U.S.C. 2583), shall be treated the same as the individual would be treated if entitled to both regular compensation and such an allowance.

(d) *CETA allowance.* An individual entitled to the payment with respect to a week of unemployment of a basic weekly allowance under section 111(a) of the Comprehensive Employment and Training Act of 1973 (29 U.S.C. 821(a)) shall not, by reason of entitlement to a payment under that Act, be ineligible for a payment of FSB to which the individual otherwise is entitled.

(e) *Trade readjustment allowance.* (1) An individual who is entitled, with respect to a week of unemployment which begins before April 3, 1975, to both FSB and a trade readjustment allowance under Chapter 3 of Title III of the Trade Expansion Act of 1962 shall be treated the same as the individual would be treated if entitled to both regular compensation and such an allowance.

(2) An individual who is entitled, with respect to a week of unemployment which begins on or after April 3, 1975, to a trade readjustment allowance under Chapter 2 of Title II of the Trade Act of 1974 (19 U.S.C. 2271-2322 and 29 CFR Part 91) shall not, by reason of entitlement to a trade readjustment allowance, be ineligible for a payment of FSB to which the individual otherwise is entitled with respect to that week.

(f) *Disaster Unemployment Assistance.* An individual who is entitled to a payment of Disaster Unemployment Assistance with respect to a week of unemployment under section 407 of the Disaster Relief Act of 1974 (42 U.S.C. 5177 and Part 625 of this chapter) shall not, by reason of entitlement to Disaster Unemployment Assistance, be ineligible for a payment of FSB to which the individual otherwise is entitled with respect to that week.

(g) *PWEDA assistance.* An individual who is entitled to a payment of assistance with respect to a week of unemployment under section 903(d) of the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3242(d)), shall not, by reason of entitlement to assistance under that Act, be ineligible for a payment of FSB to which the individual otherwise is entitled with respect to that week.

(h) *Disqualification.* If the week of unemployment for which an individual claims FSB is a week to which a disqualification for compensation applies under the applicable State law, or would apply but for the fact that the individual has no right to compensation, or is a week to which a disqualification is applicable in accordance with § 618.14 or § 618.15, the individual shall not be entitled to a payment of FSB for that week.

§ 618.14 Required training for FSB claimants.

(a) *Statutory provision.* Section 102 (g) of the Act provides that FSB shall not be payable for any week to an individual who is not a participant in a training program approved by the Secretary if—

(1) The State determines that there is a need for upgrading or broadening the individual's occupational skills, and a program which is approved by the Secretary for such upgrading or broadening is available within a reasonable distance and without charge to the individual for tuition or fees; and

(2) The individual is not an applicant to participate in such a program.

(b) *Training programs.* For purposes of section 102(g) of the Act a training program is a program of instruction in vocational skills and related subjects to improve an individual's employability.

(c) *Approval of training.* For purposes of section 102(g) of the Act a training program shall be deemed approved by the Secretary if (1) such program is established pursuant to the Comprehensive Employment and Training Act of 1973, as amended (29 U.S.C. 801 et seq.), or (2) it is determined by the head of a State agency that such program meets each of the following criteria:

(i) The training program is reasonably calculated to improve the employability of individuals participating in such training program;

(ii) The training institution has suitable facilities, equipment, and qualified personnel; and

(iii) The training program is, with respect to an individual claiming FSB, appropriate training within the meaning of paragraph (d) of this section. The head of a State agency shall not disapprove training which otherwise meets the criteria stated in this paragraph solely because the training institution is located outside the State or because all or some portion of the training program is conducted outside the State.

(d) *Appropriate training.* Training which is appropriate for an individual determined to be in need of training is training conducted in a training program described in paragraph (b) of this section which:

(1) Will provide the individual with additional occupational skills and knowledge, or upgrade or broaden the individual's existing skills, relevant to employment opportunities which reasonably may be expected to be or to become available in the area in which the individual resides;

(2) Is available without cost to the individual for tuition or fees; and

(3) Is conducted at a facility located within reasonable commuting distance from the individual's residence.

(e) *Determination of need for training.* The determination of whether there is a need for upgrading or broadening an individual's skills shall be made promptly following the filing of an initial claim for FSB by the individual. In making such

determination a State agency shall consider whether the individual's prospects for obtaining suitable employment will be improved, with respect to employment opportunities which are or reasonably may be expected to become available in the area in which the individual resides, if the individual is provided with additional occupational skills or knowledge or if the individual's existing skills are upgraded or broadened. The State agency also shall consider the following factors:

(1) The length of the individual's unemployment;

(2) The length of the individual's immediate past employment in a regular occupation;

(3) The individual's skill level;

(4) The individual's attachment to an employer or industry;

(5) The anticipated duration of the individual's unemployment;

(6) The individual's education and prior training; and

(7) Special skills possessed by the individual.

(f) *Application for training.* An individual determined to be in need of training under paragraph (e) of this section shall file with the State agency of the State in which the individual is filing claims for FSB an application for participation in a training program approved pursuant to paragraph (c) of this section.

(g) *Participation in training.* (1) An individual determined to be in need of training under paragraph (e) of this section shall enroll in and participate in a training program which has been approved under paragraph (c) of this section, if such program is available, as soon as reasonably practicable.

(2) Participation in a training program requires that the individual be in full attendance in the training program except for excused absences for good cause, and that the individual make satisfactory progress throughout the training program.

(h) *Disqualification.* (1) An individual shall be disqualified to receive payments of FSB commencing with the week in which the individual:

(i) Fails or refuses without good cause to file an application for training pursuant to paragraph (f) of this section, or to accept a suitable training opportunity, or refuses to apply for training to which the individual is referred by the Employment Service, or

(ii) Fails or refuses without good cause to report for or to participate in a training program pursuant to paragraph (g) of this section after having been accepted by a training institution, as manifested by failure or refusal to attend the training program, absenteeism without good cause which jeopardizes the individual's ability to successfully complete the training program, failure without good cause to make satisfactory progress during any portion of the training program, discontinuance of training before completion, or any other action or omission found inconsistent with diligent participation in the training program.

(2) A disqualification imposed under paragraph (h)(1) of this section shall end with the week in which the individual:

(i) If disqualified under paragraph (h)(1)(i) of this section, commences participation in a training program approved under paragraph (c) of this section; or

(ii) If disqualified under paragraph (h)(1)(ii) of this section, commences or resumes participation in the training program under conditions affording a reasonable prospect of successfully completing the training program, or applies for and commences participation in a different or subsequent training program which has been approved under paragraph (c) of this section; or

(iii) Obtains employment reasonably expected to be of indefinite duration.

(i) *Determinations.* Determinations under paragraphs (b), (c), (d), (e), and (h), of this section shall be made by the State agency of the applicable State for the individual.

(j) *Procedural requirements.* (1) The provisions of paragraphs (c), (d), and (f) of § 618.9 shall apply to determinations and redeterminations made pursuant to this section.

(2) The provisions of § 618.10 shall apply to appeals and hearings with respect to determinations and redeterminations made pursuant to this section.

(k) *Construction.* The provisions of paragraphs (a) through (h) of this section shall be interpreted and applied consistently with General Administration Letter No. 9–75 (U.S. Department of Labor, Manpower Administration (now Employment and Training Administration), October 19, 1975; 40 FR 49541).

§ 618.15 Required acceptance of work by FSB claimants.

(a) *Disqualification.* Except as provided in paragraph (c) of this section, FSB shall not be payable for any week which begins after April 12, 1977, to any individual otherwise eligible to receive such compensation, if during such week the individual—

(1) Fails to accept any offer of suitable work or to apply for any suitable work to which the individual was referred by the State agency, or

(2) Fails to actively engage in seeking suitable work.

(b) *Period of disqualification.* If any individual is ineligible for FSB for any week by reason of a failure described in paragraph (a) of this section, the individual shall be further ineligible to receive FSB for any week which begins during a period which—

(1) Begins with the week following the week in which such failure occurs, and

(2) Does not end until the individual has been employed during at least four weeks which begin after such failure and the total of the remuneration earned by the individual for being so employed is not less than the product of 4 times the individual's weekly amount of FSB as determined under § 618.6(a).

(c) *Limits on disqualification.* FSB shall not be denied under paragraph (a) or paragraph (b) of this section to any individual for any week by reason of a failure to accept an offer of, or apply for, suitable work if:

(1) The gross average weekly remuneration payable to the individual for the position does not exceed the sum of—

(i) The individual's weekly amount of FSB as determined under § 618.6(a), plus

(ii) The amount (if any) of supplemental unemployment compensation benefits, as defined in section 501(c)(17)(D) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)(17)(D)), payable to the individual for such week; or

(2) The position was not offered to the individual in writing or was not listed with the State employment service; or

(3) Such failure would not result in a denial of compensation under the provisions of the applicable State law to the extent that such provisions are not inconsistent with the provisions of paragraph (d) of this section; or

(4) The position pays wages less than the higher of—

(i) The minimum wage provided by section 6(a)(1) of the Fair Labor Standards Act of 1938, without regard to any exemption; or

(ii) Any applicable State or local minimum wage.

(d) *Referrals by State agencies.* In the administration of the Act and this Part, State agencies shall actively refer individuals, who file claims for FSB, to any suitable work to which subparagraphs (1), (2), (3), and (4) of paragraph (c) of this section do not apply. This requirement includes referral to Public Service Employment jobs in accordance with the provisions specified in the Comprehensive Employment and Training Act of 1973, as amended (29 U.S.C. 801 et seq.).

(e) *Meaning of terms used.* (1) The term "suitable work" means, with respect to any individual, any work which is within the individual's capabilities; except that, if the individual furnishes evidence satisfactory to the State agency that the individual's prospects for obtaining work in the individual's customary occupation within a period not to exceed thirteen weeks are good, the determination of whether any work is suitable work for the individual shall be made in accordance with the applicable State law. No work shall be deemed to be suitable work for an individual which does not accord with the labor standards provisions required by section 3304(a)(5) of the Internal Revenue Code of 1954 (26 U.S.C. 3304(a)(5)).

(2) An individual shall be treated as "actively engaged in seeking work" during any week if—

(i) The individual has engaged in a systematic and sustained effort to obtain work during such week, and

(ii) The individual provides tangible evidence to the State agency that the individual has engaged in such an effort during such week.

(f) *Procedural requirements.* (1) The provisions of paragraphs (c), (d), and (f) of § 618.9 shall apply to determinations and redeterminations made pursuant to this section.

(2) The provisions of § 618.10 shall apply to appeals and hearings with respect to determinations and redeterminations made pursuant to this section.

§ 618.16 Overpayments; penalty for fraud.

(a) *Statutory provisions.* (1) The penalty for making a false statement, misrepresentation, or nondisclosure to obtain a payment of FSB is prescribed in section 105(b)(1) of the Act. Provisions concerning the recovery of fraudulent and nonfraudulent overpayments, and authorizing waiver of recovery of nonfraudulent overpayments under certain conditions, are prescribed in section 105(b)(2) of the Act.

(2) Subsection (b)(1) of section 105 of the Act provides that:

(i) If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure the individual has received an amount of FSB under the Act to which the individual was not entitled, the individual—

(A) Shall be ineligible for further FSB under the Act in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(B) Shall be subject to prosecution under section 1001 of title 18, United States Code.

(3) Subsection (b)(2) of section 105 of the Act provides that:

(i) In the case of any individual who has received an amount of FSB under the Act to which the individual was not entitled, the State is authorized to require the individual to repay the amount of such FSB to the State agency, except that the State agency may waive such repayment if it determines that the payment of such FSB was without fault on the part of the individual, and that such repayment would be contrary to equity and good conscience;

(ii) The State agency may recover the amount to be repaid, or any part thereof, by deductions from any FSB payable under the Act or from any compensation payable to the individual under any Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the three-year period after the date the individual received the payment of FSB to which the individual was not entitled, except that no single deduction may exceed 50 per centum of the amount of the payment from which such deduction is made; and

(iii) No repayment shall be required, and no deduction shall be made until a determination of overpayment has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(b) *Application of statutory provisions.* (1) Subsection (b)(1) of section 105 of the Act, as set out in paragraph (a)(2) of this section, shall apply to statements and representations made on and after April 12, 1977, and nondisclosures on and after that date. The provisions of this section as in effective prior to April 12, 1977, shall remain applicable prior to April 12, 1977.

(2) Subsection (b)(2)(A) of section 105 of the Act, as set out in paragraph (a)(3)(i) of this section, shall apply to all overpayments of FSB, made from and after the effective date of the Act on December 31, 1974, which have not been recovered prior to April 12, 1977. As to any amount of an overpayment of FSB which has not been recovered prior to April 12, 1977, a determination shall be made as to whether recovery of the overpayment is waived pursuant to subsection (b)(2)(A) of section 105. Each determination or redetermination that an individual has received any amount of FSB to which the individual was not entitled, which is made on or after April 12, 1977, shall include a determination as to whether recovery of the overpayment is waived pursuant to subsection (b)(2)(A) of section 105 of the Act, unless it is determined that the overpayment was the result of a false statement, representation, or nondisclosure in violation of subsection (b)(1) of section 105 of the Act.

(3) Subsection (b)(2)(B) of section 105 of the Act, as set out in paragraph (a)(3)(ii) of this section, which concerns recoupment of overpayments from sums payable to an individual under the Act and other specified Federal statutes, shall apply to all such sums otherwise payable to the individual on and after April 12, 1977.

(4) Subsection (b)(2)(C) of section 105 of the Act, as set out in paragraph (a)(3)(iii) of this section, is applicable to every determination and redetermination concluding that an overpayment has been made, which is made on or after April 12, 1977. Paragraph (g) of this section, as in effect prior to April 12, 1977, shall remain applicable to every determination and redetermination, concluding that an overpayment has been made, which is made prior to April 12, 1977.

(c) *Enforcement of repayment.* Repayment of any overpayment of FSB shall be enforced by an action or proceeding which may be brought under State or Federal law, unless recovery of the overpayment is waived in accordance with the Act and this section.

(d) *Recovered overpayments.* Overpayments of FSB recovered in any manner shall be credited or returned to the appropriate account of the United States.

(e) *Debts due the United States.* FSB payable to an individual shall be applied by the State agency for the recovery by offset of any debt due to the United States from the individual, but shall not be applied or used by the State agency in any manner for the payment of any debt of the individual to any State or any other entity or person.

(f) *State law inapplicable.* The provisions in this section concerning overpayments, penalty for fraud, repayment and recoupment of overpayments, and waiver of overpayments, shall apply to the Federal Supplemental Benefits Program in lieu of the provisions of the applicable State law except:

(1) As provided in subsections (b)(1) and (b)(2) of section 105 of the Act;

(2) As provided in paragraphs (c), (g), and (h) of this section: and

(3) With regard to disqualification for fraudulently claiming or receiving a payment of compensation.

(g) *Procedural requirements.* (1) The provisions of paragraphs (c), (d), and (f) of § 618.9 shall apply to determinations and redeterminations made pursuant to this section.

(2) The provisions of § 618.10 shall apply to appeals and hearings with respect to determinations and redeterminations made pursuant to this section.

(h) *Fraud detection and prevention.* Provisions in the procedures of each State with respect to detection and prevention of fraudulent overpayments of FSB shall be, as a minimum, commensurate with the procedures adopted by the State with respect to regular compensation which are consistent with this part and Overpayment Detection" (Employment Security Manual, Part V, sections 7510 et seq.).

§ 618.17 Inviolate rights to FSB.

Except as specifically provided in this part, the rights of individuals to FSB shall be protected in the same manner and to the same extent as the rights of persons to regular compensation are protected under the applicable State law. Such measures shall include protection of claimants for FSB from waiver, release, assignment, pledge, encumbrance, levy, execution, attachment, and garnishment, of their rights to FSB. In the same manner and to the same extent, individuals shall be protected from discrimination and obstruction in regard to seeking, applying for, and receiving any right to FSB.

§ 618.18 Record keeping; disclosure of information.

(a) *Record keeping.* Each State agency will make and maintain records pertaining to the administration of the Act as the Secretary requires, and will make all such records available for inspection, examination, and audit by such Federal officials or employees as the Secretary may designate or as may be required by law.

(b) *Disclosure of information.* Information in records made and maintained by a State agency in administering the Act shall be kept confidential, and information in such records may be disclosed only in the same manner and to the same extent as information with respect to regular compensation and the entitlement of individuals thereto may be disclosed under the applicable State law. This provision on the confi-

dentiality of information obtained in the administration of the Act shall not apply, however, to the U.S. Department of Labor, or in the case of information, reports and studies requested pursuant § 618.25, or where the result would be inconsistent with the Freedom of Information Act, the Privacy Act of 1974, or regulations of the U.S. Department of Labor promulgated thereunder.

§ 618.19 Federal Supplemental Benefit Period.

(a) *Beginning date.* A Federal Supplemental Benefit Period shall begin in a State on the first day of the third calendar week following the first week for which there is a Federal Supplemental Benefit "on" indicator in the State, but in no event shall a Federal Supplemental Benefit Period commence in a State with a week beginning before January 5, 1975.

(b) *Ending date.* Except as provided in paragraphs (c) and (d) of this section, a Federal Supplemental Benefit Period in a State shall end on the last day of the third calendar week after the first week for which there is a Federal Supplemental Benefit "off" indicator in that State.

(c) *Duration.* (1) A Federal Supplemental Benefit Period which becomes effective in any State shall continue for not less than 13 consecutive weeks, but in no event shall FSB be paid for any week which is not within the effective period of the Federal Supplemental Program as specified in § 618.3. This provision shall take effect on May 1, 1977, and paragraph (c) of § 618.18 as in effect on that date shall remain applicable prior to that date.

(2) In determining, for the purpose of this paragraph, whether a Federal Supplemental Benefit Period has been in effect in a State for the minimum period of 13 consecutive weeks, the number of continuous weeks preceding May 1, 1977, during which the Federal Supplemental Benefit Period has been in effect in the State, shall be taken into account.

(d) *Final termination of Federal Supplemental Benefit Periods.* No Federal Supplemental Benefit Period shall continue in effect in any State beyond January 31, 1978, notwithstanding any other provision of this part. Any Federal Supplemental Benefit Period which is in effect in any State in the last week of unemployment for any individual that ends on or before January 31, 1978, shall terminate at the end of that week.

(e) *Additional eligibility periods for individuals.* (1) There shall be an additional eligibility period (as defined in § 618.2(l)(2)) for any individual who qualifies, following the week in which a Federal Supplemental Benefit Period ends in a State.

(2) An additional eligibility period which is in effect in the last week immediately preceding the beginning of a subsequent Federal Supplemental Benefit Period in the State shall terminate at the end of that last week, even though the additional eligibility period has not been in effect for thirteen weeks.

(3) No additional eligibility period shall begin or continue in effect for any individual in any State with respect to any week of unemployment that ends after January 31, 1978, notwithstanding any other provision of this part. Any additional eligibility period which is in effect for any individual in any State in the last week of unemployment that ends on or before January 31, 1978, shall terminate at the end of that week.

§ 618.20 Determination of "on" and "off" indicators.

(a) *"On" indicator.* There is a Federal Supplemental Benefit "on" indicator in a State for any week which begins after January 3, 1976, and before January 2, 1978, if the Secretary determines with respect to that State that:

(1) There is a State or National "on" indicator for the week as determined under subsection (d) or (e) of section 203 of the Federal-State Extened Unemployment Compensation Act of 1970, as amended; and

(2) In the case of a week applicable to the beginning of a Federal Supplemental Benefit Period as of any week which begins on or after January 1, 1976, the rate of insured unemployment in the State for the period consisting of such week and the immediately preceding twelve weeks equalled or exceeded 5 per centum, as determined by the State agency of the State in accordance with the Act and this part.

(b) *"Off" Indicator.* With respect to the ending of a Federal Supplemental Benefit Period as of the end of any week which begins after January 3, 1976, there is a Federal Supplemental Benefit "off" indicator in a State for a week if the Secretary determines with respect to that State that the rate of insured unemployment in the State (as determined by the State agency in accordance with the Act and this part) for the period consisting of such week and the immediately preceding twelve weeks is less than 5 per centum.

(c) *Computation of rate of insured unemployment.* The rate of insured unemployment for the purpose of the "on" and "off" indicators shall be computed in accordance with § 615.14 of this chapter.

§ 618.21 Per centum periods in Federal Supplemental Benefit Periods and additional eligibility periods.

(a) *Per centum periods.* (1) Commencing with weeks beginning on and after January 4, 1976, a Federal Supplemental Benefit Period in a State shall consist of either a "5-per centum period" or a "6-per centum period" or of 5-per centum and 6-per centum periods in alternating order.

(2) The provisions of this section which apply to the beginning, ending, and continuation of per centum periods in a Federal Supplemental Benefit Period, shall apply to the additional eligibility periods of individuals which immediately succeed a Federal Supplemental Benefit Period, as if the additional eligibility periods were within the Federal Supplemental Benefit Period, except that no per centum period applicable to an additional eligibility period shall remain in effect beyond the end of the additional eligibility period.

(3) Any 5-per centum period or 6-per centum period in effect in the week ending on April 30, 1977, shall terminate on that date. After April 30, 1977, there shall not be a 5-per centum period or a 6-per centum period in any Federal Supplemental Benefit Period or additional eligibility period.

(b) *5-per centum period.* (1) A 5-per centum period shall begin in a Federal Supplemental Benefit Period in a State on the first day of the third calendar week immediately following a period of thirteen consecutive calendar weeks, during which the rate of insured unemployment in the State averaged less than 6 per centum.

(2) A 5-per centum period shall not begin prior to (i) January 4, 1976, or (ii) the first day of the fourteenth consecutive calendar week after the last week in a preceding 5-per centum period in the same Federal Supplemental Benefit Period in the State.

(3) A 5-per centum period shall end on the last day of the second calendar week immediately following a period of thirteen consecutive calendar weeks, during which the rate of insured unemployment in the State averaged not less than 6 per centum: *Provided,* That, a 5-per centum period which begins in a Federal Supplemental Benefit Period in a State shall remain in effect until a 6-per centum period begins in the same Federal Supplemental Benefit Period; and, in the absence of a subsequent 6-per centum period in the same Federal Supplemental Benefit Period, the 5-per centum period shall remain in effect until the end of the Federal Supplemental Benefit Period even though a decrease in the rate of insured unemployment might otherwise trigger an earlier end to the 5-per centum period.

(c) *6-per centum period.* (1) A 6-per centum period shall begin in a Federal Supplemental Benefit Period in a State on the first day of the third calendar week immediately following a period of thirteen consecutive calendar weeks, during which the rate of insured unemployment in the State averaged not less than 6 per centum.

(2) A 6-per centum period shall not begin prior to January 4, 1976.

(3) A 6-per centum period shall end on the last day of the second calendar week immediately following a period of thirteen consecutive calendar weeks, during which the rate of insured unemployment in the State averaged less than 6 per centum: *Provided,* That, a 6-per centum period which begins immediately following a 5-per centum period in the same Federal Supplemental Benefit Period shall continue in effect for not less than thirteen consecutive calendar weeks, even though a decrease in the rate of insured unemployment might otherwise trigger an earlier end to the 6-per centum period, but a 6-per centum

period shall not remain in effect beyond the end of the Federal Supplemental Benefit Period in the State.

(d) *Determinations of per centum periods.* Determinations of the beginning and ending of 5-per centum and 6-per centum periods in a State shall be made by the head of the State agency in accordance with this part.

§ 618.22 Announcement of the beginning and ending of Federal Supplemental Benefit Periods and per centum periods.

(a) *Publication in* FEDERAL REGISTER. (1) Whenever a determination is made that there is an "on" indicator in any State, the Secretary shall cause to be published in the FEDERAL REGISTER notice of the determination, and shall include in such notice the week for which there was an "on" indicator, the week when a Federal Supplemental Benefit Period will commence and information regarding the scope of the Federal Supplemental Benefit Program.

(2) Whenever a determination is made that there is an "off" indicator in any State, the Secretary shall cause to be published in the FEDERAL REGISTER a notice of the determination, and shall include in such notice the week for which there was an "off" indicator, and the week when the Federal Supplemental Benefit Period will end.

(b) *Notifications.* The Secretary shall also cause to be notified the appropriate news media, the head of the State agency concerned, and the Regional Administrators of the Employment and Training Administration, of the determination of an "on" or "off" indicator and of its effect.

(c) *Publicity in State.* Whenever a determination is made that a Federal Supplemental Benefit "on" or "off" indicator will begin or end a Federal Supplemental Benefit Period in the State, the head of the State agency shall promptly announce the determination and the beginning or ending date of the Federal Supplemental Benefit Period through appropriate news media in the State. In the case of a Federal Supplemental Benefit Period that is about to begin, the announcement shall also describe clearly the unemployed individuals who may be eligible for FSB during the period; and in the case of a Federal Supplemental Benefit Period that is about to end, the announcement shall also describe clearly the individuals whose entitlement to FSB will be terminated, and the individuals whose entitlement to FSB will continue during their additional eligibility periods.

(d) *Notices to claimants.* (1) Whenever there has been a determination that a Federal Supplemental Benefit Period will begin in a State, the State agency shall provide prompt written notice of potential entitlement to FSB to each individual who is an exhaustee as prescribed in § 618.5.

(2) The State agency shall provide the same notice promptly to each individual who becomes an exhaustee, as prescribed in § 618.5, during a Federal Supplemental Benefit Period.

(3) Whenever there has been a determination that a Federal Supplemental Benefit Period will end in a State, the State agency shall provide written notice to each individual who is currently filing claims for FSB of the forthcoming end of the Federal Supplemental Benefit Period and its effect on the individual's entitlement to FSB. Notices to individuals who will have an additional eligibility period following the Federal Supplemental Benefit Period shall include notice of their potential entitlement to FSB during the additional eligibility period.

(e) *Publicity and notices of per centum periods.* (1) Whenever a State agency determines, pursuant to § 618.21, that a 6-per centum period will begin or end in the State, the head of the State agency shall promptly announce that determination through appropriate news media in the State, and shall promptly notify the Secretary of such determination. Such announcement shall also describe clearly the effect on the entitlement of individuals to FSB during the ensuing 6-per centum or 5-per centum period.

(2) Whenever there has been a determination that a 6-per centum period will begin or end in a State, the State agency shall provide prompt written notice to each individual for whom there has been established a Federal Supplemental Benefit Account in that State of the beginning or ending of such period and its effect on the individual's entitlement to FSB.

§ 618.23 Payments to States.

(a) *Federal Supplemental Benefits.* (1) The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State which has entered into an Agreement, either in advance or by way of reimbursement as the Secretary decides in each instance, such amounts as are deemed necessary by the Secretary to make payments of FSB in accordance with the Act and this Part and the procedures thereunder prescribed by the Secretary; except that the amounts certified shall not include sums for which the State is entitled to reimbursement under the provisions of any Federal law other than the Act.

(2) The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payments to the State in accordance with the certifications.

(b) *Costs of administration.* With the amount certified by the Secretary for payment to each State, pursuant to title III of the Social Security Act, for the purpose of assisting the State in the administration of the State law, there shall be included such amount as the Secretary determines to be necessary for the proper and efficient administration of the Act by the State. Sections 303(a)(8) and 303(a)(9) of the Social Security Act (42 U.S.C. 503(a)(8), 503(a)(9)) shall apply to amounts paid to a State for costs of administration of the Act.

§ 618.24 Public access to Agreements.

The State agency will make available to any individual or organization a true copy of the Agreement with that agency for inspection and copying. Copies of an Agreement may be furnished on request to any individual or organization upon payment of the same charges, if any, as apply to the furnishing of copies of other records of the State agency.

§ 618.25 Information, reports and studies.

State agencies shall furnish to the Secretary such information and reports and make such studies as the Secretary decides are necessary or appropriate for carrying out the purposes of the Act.

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federal register

TUESDAY, NOVEMBER 1, 1977

PART IV

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

■

OCCUPATIONAL EXPOSURE TO 1,2-DIBROMO-3-CHLOROPROPANE (DBCP)

Proposed Standard, Hearing

[4510-26]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

[Docket No. H-61]

OCCUPATIONAL EXPOSURE TO 1,2-DIBROMO-3-CHLOROPROPANE (DBCP)

Proposed Standard, Hearing

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

ACTION: Proposed standard, notice of hearing.

SUMMARY: This proposed permanent standard on occupational exposure to DBCP is based largely on the evidence that led to the issuance of an Emergency Temporary Standard (ETS) on September 9, 1977, (42 FR 45586). That evidence established that occupational exposure to DBCP presents grave danger from hazards of cancer and sterility as well as other toxic effects. The proposal revises the existing 29 CFR 1910.1044 as established by the ETS by reducing the permissible exposure limits from 10 parts per billion (ppb) time-weighted average (TWA) and 50 ppb as averaged over any 15 minutes during the working day (ceiling) to a TWA of 1 ppb and a ceiling of 10 ppb. In addition, the proposed standard requires employee exposure measurements, engineering controls, personal protective equipment and clothing, employee training, medical surveillance, work practices, regulated areas, change rooms, and recordkeeping. A public hearing on the proposed permanent standard will commence on December 13, 1977. The permanent standard will supersede the existing ETS at the conclusion of the rulemaking.

DATES: Comments and notices of appearance concerning the proposed rule must be received by December 2, 1977; all materials which will be introduced into the hearing record must also be received by December 2, 1977; an informal hearing is scheduled to begin on December 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Ms. Flo Ryer, Director of the Office of Special Standards Programs, Directorate of Health Standards Programs, OSHA, Third Street and Constitution Avenue NW., Room N3663, Washington, D.C. 20210, 202-523-7174.

SUPPLEMENTARY INFORMATION: This is a proposed standard on occupational exposure to DBCP which is issued pursuant to sections 6(b), 6(c), 8(c), and 8(g) of the Occupational Safety and Health Act of 1970 (The Act) (84 Stat. 1593, 1596, 1599, 1600; 29 U.S.C. 655, 657), Secretary of Labor's Order No. 8-76 (41 FR 25059) and Title 29, Code of Federal Regulations (CFR) Part 1911. It proposes to amend Part 1910 of 29 CFR by revising 29 CFR 1910.1044, to provide a permanent standard for the regulation of occupational exposure to DBCP. This standard would apply to all employments in all industries covered by the Act, including "general industry", construction, and maritime, excluding only agriculture. The development of a permanent standard will be conducted under the rulemaking procedures of section 6 (b) of the Act. The agency requests the submission of written comments, data, and arguments from interested persons on all the issues raised in the ETS and proposal, and has scheduled an informal public hearing for the presentation of oral testimony. After the hearing, the Occupational Safety and Health Administration (OSHA) will issue a final standard or decision based on the entire record developed, including written comments and the informal rulemaking hearing.

OSHA seeks public comments, information, and evidence on all the issues raised in the ETS and the proposal, including the following:

1. Whether the proposed provisions would provide adequate worker protection from all health hazards associated with DBCP exposure.

2. Whether DBCP should be considered as posing a carcinogenic risk to humans.

3. Whether the proposed permissible exposure limit of 1 ppb (TWA) and the ceiling level of 10 ppb are sufficiently low to protect workers from any adverse health effects.

4. Whether compliance with the proposed exposure limits would be technologically and economically feasible for all affected industries.

5. Whether the provisions for recordkeeping, methods of compliance, medical surveillance, regulated areas, personal protective equipment, protective clothing, hygiene facilities and practices are appropriate and feasible.

6. Whether there are alternative medical procedures to sperm count and measurement of hormone levels which are equally effective in the detection of sterility and other reproductive effects in male and female workers.

7. What medical procedures, effective in the detection of cancer in its early stages, should be a part of a medical surveillance program.

8. Whether medical removal protection should be provided where, as a result of the medical surveillance program, it is determined that an employee is at an increased risk of material impairment of health from further exposure to DBCP.

9. Whether the provisions for training, posting and labeling are appropriate and fully apprise employees of the hazards of DBCP exposure.

10. What are the environmental and economic impacts of the proposal.

I. Background

DBCP has been used as an agricultural nematocide since 1955. It is a dense yellow or amber liquid with a pungent odor at high temperatures. It has a low vapor pressure (0.8 mm Hg at 20° C) and is slightly soluble in water (1,000 ppm).

DBCP is produced primarily by the bromination of allyl chloride at room temperature, usually a vigorus reaction which requires cooling. DBCP is produced in the United States by Dow Chemical Co. and Shell Chemical Co. The Federal Republic of Germany, Mexico, and Israel also export DBCP to this country. About 12 million pounds of DBCP were consumed in 1972.

DBCP is shipped to formulators who reprocess the chemical into products for consumer use. Formulators may vary the concentration of the chemical in an end product or change its physical state by simple blending and mixing operations. DBCP is formulated into emulsifiable concentrates, liquid concentrates, powder, granules, and solid material. Formulating granular DBCP involves spraying liquid DBCP onto inert granules. The formulation of liquid and emulsified DBCP concentrates can involve the following operations: transferring technical grade DBCP from railroad tank cars to storage tanks, and from the storage tanks to a mixing tank; adding an emulsifier or solvent to the mixing tank; transferring the blended material to a holding tank and then to drums; and also other transferring operations taking place during the packaging of the DBCP materials. About 80 formulators have labels registered with EPA for the approximately 160 products containing DBCP although it is not known how many of the firms are presently engaged in the formulation of DBCP pesticides. The complete distribution chain generally includes the manufacture of technical grade DBCP, transportation to formulator, formulation of DBCP pesticides, distribution of DBCP pesticide and the agricultural consumption of DBCP pesticide.

In 1961, the authors of a research paper, Torkelson et al. recommended that occupational exposure to DBCP be controlled to less than 1 ppm in air. No voluntary Threshold Limit Value or federal regulatory limit was established for occupational exposure to DBCP until the ETS, setting a level of 10 ppb, TWA, was promulgated by OSHA on September 9, 1977. About 2,000 to 3,000 production employees in facilities manufacturing and formulating DBCP have been or may be exposed.

On August 5, 1977, the Oil, Chemical and Atomic Workers (OCAW) union requested that the National Institute for Occupational Safety and Health (NIOSH) conduct a health hazard evaluation at the Occidental Chemical Co. plant.

In a statement to OSHA, Dr. Donald Whorton, University of California at Berkeley, said:

> There were some of the men from the Ag-Chem area at Oxy Chem who had volunteered for sperm analysis. Now the reason that they had done this is that for several years around the lunch table the men noted that they had not been having children since working in that area. Now since a large number of the men are in the child bearing age and have been wanting to have children, this was striking. It remained at the level of an unconfirmed rumor for several years. In the last eight to twelve months there have been two people to file worker's compensation com-

plaints for pesticide poisoning. Among other things they also cited sterility. Now as far as I know, these are isolated cases and no one has ever put it together. The union finally talked some men into volunteering for sperm analysis. Seven of the men went and volunteered. (August 31, 1977, Statement of Dr. Whorton.)

Dr. Whorton had consulted prior to August 5, 1977, with the company and the union and had conducted medical examinations of the affected employees. Medical examinations of a number of additional employees have subsequently been conducted by NIOSH staff in conjunction with Dr. Whorton.

On August 12, 1977, the Occupational Safety and Health Administration in a telegram alerted approximately 80 manufacturers and formulators to the potential hazard of worker exposure to DBCP. On August 23, a guideline document detailing suggested work practices was forwarded to these same affected companies. Although Shell and Dow have temporarily suspended production of DBCP and requested the return of outstanding stocks of the substance, its use in formulating pesticides may still be occurring.

On August 19, 1977, the Director of NIOSH wrote to the major manufacturers of DBCP requesting information to fully evaluate the extent of the hazard posed by exposure to DBCP.

On August 23, 1977, the Oil, Chemical and Atomic Workers International Union President A. F. Grospiron formally requested that the Secretary of Labor take immediate steps to prevent worker exposure to DBCP. Specifically, OCAW requested that worker exposure be limited to one part DBCP per billion parts of air and that a broad testing program to locate incidents of cancer and sterility among workers be established.

In the September 9, 1977 issue of the FEDERAL REGISTER (42 FR 45536), OSHA published an Emergency Temporary Standard (ETS) regulating DBCP exposure in the workplace (29 CFR 1910.-1044). A correction document was published on September 16, 1977 (42 FR 46540).

II. PERTINENT LEGAL AUTHORITY

The primary purpose of the Act is to assure, so far as possible, safe and healthful working conditions for every working man and woman. One means prescribed by Congress to achieve this goal is the authority vested in the Secretary of Labor to set mandatory safety and health standards.

Occupational safety and health standards provide notice of the requisite conduct or exposure level and provide a basis for assuring the existence of safe and healthful workplaces. The Act provides that:

> The Secretary, in promulgating standards dealing with toxic materials or harmful physical agents under this subsection, shall set the standard which most adequately assures, to the extent feasible, on the basis of the best available evidence, that no employee will suffer material impairment of health or functional capacity even if such employee has regular exposure to the hazard dealt with by such standard for the period of his working life. Development of standards under this subsection shall be based upon research, demonstrations, experiments, and such other information as may be appropriate. In addition to the attainment of the highest degree of health and safety protection for the employee, other considerations shall be the latest available scientific data in the field, the feasibility of the standards, and experience gained under this and other health and safety laws. (Section 6(b)(5).)

Sections 2(b) (5) and (6), 20, 21, 22, and 24 of the Act reflects Congress recognition that conclusive medical or scientific evidence including causative factors, epidemiological studies or dose-response data may not exist for many toxic materials or harmful physical agents. Nevertheless, standards cannot be postponed because definitive medical or scientific evidence is not currently available. Indeed, standards need only be supported by the best available evidence. The legislative history makes it clear that "it is not intended that the Secretary be paralyzed by debate surrounding diverse medical opinion." House Committee on Education and Labor, Report No. 91–1291, 91st Cong., 2d sess., p. 18 (1970). This Congressional judgment is supported by the courts which have reviewed sandards promulgated under the Act. In sustaining the standard for occupational exposure to vinyl chloride (29 CFR 1910.1017), the U.S. Court of Appeals for the Second Circuit stated that "it remains the duty of the Secretary to act even in circumstances where existing methodology or research is deficient." *Society of the Plastics Industry Inc.* v. *Occupational Safety and Health Administration*, 509 F. 2d 1301 (C.A. 2 1975), cert den sub nom, *Firestone Plastic Co.* v. *United States Department of Labor*, 95 S.Ct. 1998, 4 L. Ed. 2d 482 (1975).

A similar rationale was applied by the U.S. Court of Appeals for the District of Columbia Circuit in reviewing the standard for occupational exposure to asbestos (29 CFR 1910.1001). The Court stated that:

> Some of the questions involved in the promulgation of these standards are on the frontiers of scientific knowledge, and consequently as to them insufficient data is presently available to make a fully informed factual determination. Decision-making must in that circumstance depend to a greater extent upon policy judgments and less upon purely factual judgments.

Industrial Union Department, AFL–CIO v. *Hodgson*, 499 F. 2d 467, 474 (C.A.-D.C. 1974).

In setting standards, the Secretary is expressly required to consider the feasibility of the proposed standards Senate Committee on Labor and Public Welfare, S. Rept. No. 91–1282, 91st Cong., 2d sess., p. 58 (1970). Nevertheless, considerations of technological feasibility are not limited to devices already developed and in use. Standards may require improvements in existing technologies or require the development of new technology. *Society of the Plastic Industry, Inc.* v. *Occupational Safety and Health Administration, supra* at 1309.

Where appropriate, the standards are required to include provisions for labels or other forms of warning to apprise employees of hazards, suitable protective equipment, control procedures, monitoring and measuring of employee exposure, employee access to the results of monitoring, and appropriate medical examinations. Moreover, where a standard prescribes medical examinations or other tests, they must be made available at no cost to the employees (section 6(b)(7)). Standards may also prescribe recordkeeping requirements where necessary or appropriate for enforcement of the Act or for developing information regarding occupational accidents and illnesses (section 8(c)).

III. EFFECTS OF EXPOSURE TO DBCP

The possible health effects of exposure to DBCP are illustrated by the results of acute and chronic toxicity studies in several animal species, and the recent discovery of sterility in a large number of male employees exposed to DBCP in the manufacture and formulation of pesticides. These effects may include, in addition to cancer and sterility, diminished renal function, and degeneration and cirrhosis of the liver.

A. STERILITY

Evidence in Animals

In 1961, Torkelson, *et al.* conducted experiments in which four animal species (male and female rats, guinea pigs, rabbits and monkeys) were exposed to DBCP by inhalation. The test animals were subjected to 50–66 exposures of 12 ppm DBCP over 70 to 92 days. A 40 to 50% mortality was observed in the rat study groups which, in most cases, was attributed to lung infections. Examination at autopsy showed damage to the lungs, kidneys, digestive system, and "severe atrophy and degeneration of the testes of all species." This effect was accompanied by a reduced sperm count, abnormal sperm cell development and degeneration of the seminiferous tubules. A 1970 subacute study by Faydysh *et al.* showed that a 70 mg/kg/day dose of DBCP, administered orally in oil solution for 45 days, produced a necrotic action on the testicles of white rats.

A more recent report in 1971 by Rakmatullaev disclosed that chronic (8 months) feeding exposures (5mg/kg/day) using DBCP produced a distinct decrease in sperm motility for male rats and a decrease in overall female fertility.

Further, a report on DBCP by Reznik and Sprinchan (1975) specifically identifies gonadotoxic effects in male and female rats. After a series of both acute (single dose, 100 mg/kg) and chronic (multiple dose, 10 mg/kg for 4–5 months) experiments it was concluded that DBCP not only severely affected spermatogenesis, but also had a profound effect on the estrous cycle of the female rats.

Evidence in humans

Concern for possible sterility effects resulting from exposure to DBCP first developed among employees of the Agricultural Chemical (Ag Chem) Division of Occidental Chemical Co. in Lathrop, Calif. For several years, the lack of children being born to families of men work-

ing in the Ag-Chem Plant was a topic of casual discussion among these employees. Within the last several months, there developed an increasing concern that the low birth rate among these families might be related to pesticide poisoning. Finally, at the suggestion of the employee union, the Oil, Chemical and Atomic Workers (OCAW), seven employees from the Ag Chem Plant volunteered for sperm counts to be taken.

Early in July 1977, laboratory reports of abnormal sperm counts taken from these seven men were sent to Dr. Donald Whorton, a physician at the University of California at Berkeley, who specializes in internal medicine and occupational diseases.

On the 22nd of July, Dr. Whorton performed sperm counts on five of the seven men. Again their sperm counts showed either oligospermia (low sperm count) or aspermia (no sperm). Arrangements were made with management for Dr. Whorton to see the remaining employees who worked in the Ag-Chem area or in the adjacent laboratory that did the quality control work. Twenty-six were production workers, 3 were supervisors, 4 were maintenance mechanics, 2 were clerical, and 6 were laboratory personnel. This made a total of 41 employees of which three were women.

The examination consisted of: (1) a complete medical history with emphasis on the reproductive tract as well as diseases and conditions that may cause sterility; (2) a work history; and (3) a thorough physical examination, including laboratory tests of a comprehensive nature.

The results of the physical exams were essentially normal, other than anticipated conditions based on medical history non-related to occupational exposure. The results of the blood analysis, kidney and renal functions, cholesterol, glucose, calcium and phosphorus determinations revealed no unexpected results.

As stated earlier, three of the 41 employees examined were women. Eleven of the 38 men had had previous vasectomies. The remaining 27 men had complete sperm analysis. A complete sperm analysis includes a sperm counts (sperms per cubic milliliter of seminal fluid), sperm motility (movement), and morphology (size and shape). Of these 27 men, 14 had sperm counts less than 40 million—considered abrnomally low by Dr. Whorton's criterion. Nine of the 14 were completely aspermic, having sperm counts of zero. Two had counts in the range of 1 million, one had a count in the range of 10 to 20 million, and two had counts in the range of 20 to 30 million. Dr. Whorton described sperm count as a relatively standard examination performed in most clinical laboratories and by a large number of urologists, primarily in evaluating male infertility.

Samples of sperm from all workers, except 4, examined by Dr. Whorton, were analyzed immediately upon collection, and the remaining ones were done within 12 hours or less. Sperm samples can be used up to 24 hours after the time they have been collected.

In all the men the testes were or normal size, and the serium testosterones of workers who had normal sperm counts were essentially normal. There was a marked difference in the FSH (follicle-stimulating hormone) levels and the LH (luteinizing hormone) levels in the eleven employees most severely affected (sperm count of 1 million or less) as compared to the 13 who had sperm counts of more than 40 million.

Ten of the 41 men were selected for open bilateral testicular biopsy on the basis of clinical findings and in order to learn all that could be learned of what was happening histologically to these testes. Also through a contract with NIOSH the rest of the employees in the Occidental plant are to be examined on a volunteer basis for sperm counts, FSH, LH, and serum testosterone. Examining a larger population may more clearly indicate the value of these tests in determining the adverse health effects.

Under a NIOSH contract, Dr. Whorton is engaged in a medical examination of some pesticide applicators and set-up men employed by Occidental Chemical to demonstrate the proper application and use of DBCP to farmers. At present, there is only limited data regarding these men, but already Dr. Whorton has observed abnormal sperm counts in approximately five out of nine workers.

Evidence of effects similar to those observed by Dr. Whorton have been reported to OSHA by the Dow Chemical Co. and Shell Chemical Co., the only two known U.S. producers of DBCP (both of these companies reported that they have recently suspended all operations involving manufacture and formulation of DBCP pesticides and have requested the return of all outstanding stocks).

In a letter dated September 1, 1977, the Medical Director of Dow Chemical Company reported that in their plant in Magnolia, Arkansas, DBCP production and formulation began in January 1976 and was discontinued in August 1977. To date 86 employees have been examined out of the total of approximately 150 who may have been exposed to DBCP. Among the 86 examined, aspermia has been found in 24 percent and 46 percent have oligospermia.

On September 28, 1977, telegrams were sent by the Assistant Secretary to Dow Chemical and Shell Chemical requesting any additional information on the health effects among employees exposed to DBCP.

In a reply telegram dated September 30, 1977, the Corporate Medical Director of Shell Chemical Co. reported additional data on employees exposed to DBCP who have abnormally low sperm counts. Seven of eleven employees from one plant had sperm counts of 40 million or less. Twenty-nine out of thirty-nine employees in a second plant had sperm counts less than 40 million. In the second plant, production of DBCP was discontinued in 1975. Shell estimates that employee exposures to DBCP have ranged from less than 100 ppb to 600 ppb for the past three years.

To date, no reply has been received from Dow.

In summary, sterility has been consistently found in employees in several plants whose exposure to DBCP was in some cases quite brief and in most cases at levels which have generally been regarded as low.

The possibility of other health effects cannot be dismissed as the examination of large numbers of exposed workers continues.

In 1961 Torkelson et al. two human volunteers exposed to concentrations of 1.7 ppm DBCP in chambers long enough to test the atmosphere for odors of the chemical. On the basis of this study he suggested precautions for safe handling to prevent ill effects from inhalation of DBCP. His summary and conclusions are as follows:

> 1,2-Dibromo-3-chloropropane was found to be but slightly irritating to the skin upon short single exposure. However, repeated applications caused necrosis of the dermis, the epidermis remaining fairly well preserved. The compound can be absorbed through the skin in toxic amounts. It is not likely to cause permanent injury to the eyes on single application but probably will be painful and cause transient irritation. The compound was found to be moderate to high in toxicity from single respiratory exposure and highly toxic on repeated exposure, producing damage even at 5 ppm, the lowest level studied. Excessive exposure to the vapors resulted in damage to the liver, kidneys, and various tissues including sperm cells and siminiferous tubules, dermis, bronchioles, renal collecting tubules, lens and cornea, and alimentary canal. Injury caused by this compound was noted to be particularly slow in healing. Precautions for safe handling of this compound are discussed.

B. CARCINOGENICITY

The National Cancer Institute undertook in 1972 studies of the possible carcinogenicity of DBCP, as one of a group of halogenated compounds. As early as 14 weeks after the initiation of administration by stomach tube of daily doses of 24 milligrams/kilogram (mg/kg) of DBCP dissolved in corn oil, 5 times per week, several female rats were found to have palpable mammary tumors. Female rats given daily doses of 12 mg/kg of DBCP had not developed mammary tumors. After the fourteenth week, the doses were increased to 30 and 15mg/kg/day. These doses were continued up to a total duration of the experiment of 52 weeks. During this period, 7 males and 11 females of the 50 rats of each sex given each dose of DBCP used in the experiment died without tumors. Seventeen of the male rats and 33 of the females given the high dose developed squamous carcinomas of the forestomach and 12 of the females had adenocarcinomas of the breast. Five female rats given the low dose of DBCP developed mammary carcinomas and 4 males and 14 females developed gastric carcinomas. One male among 20 rats of each sex used as vehicle controls developed a tumor that was not described more specifically. Groups of 50 male mice were given 160 or 80 mk/kg/day of DBCP for 14 weeks, 200 or 100 mg/kg/day for the next 13 weeks, and

260 or 130 mg/kg/day for 25 weeks. Numerically similar groups of female mice were given 120 or 60/mg/kg/day for the first 14 weeks and thereafter given the same doses as the males. Fourteen gastric carcinomas were observed in males and 9 in females on the high dose, and 3 in each sex on the low dose of DBCP. No mammary carcinomas developed in the female mice and no tumors of any sort developed in the vehicle controls (20 of each sex or each species).

A report in abstract form (Powers et al., 1975) at a later stage of the same study (after 78 weeks) changed the results in a quantitative way only, the incidence of mammary adenocarcinoma in female rats increasing to 54 percent and that of squamous cell carcinoma of the stomach exceeding 60 percent in the rats and 90 percent in the mice.

A draft of the final report of the contractor (Hazleton Laboratories America, 1977) to the National Cancer Institute reveals that male B6C3F1 mice received 160 or 80 mg/kg/day of DBCP by gavage for 11 weeks, 200 or 100 mg/kg/day for 14 weeks and 260 or 130 mg/kg/day for 22 or 33 weeks, respectively. The time weighted average daily doses were 219 mg/kg for the high-dose group and 113 mg/kg for the low-dose group. The female mice of the same strain received 120 or 60 mg/kg/day during the first 11 weeks and thereafter received the same doses as the males. The time-weighted average doses for the females were 209 mg/kg and 109 mg/kg. Osborne-Mendel rats of the two sexes were given identical doses: 24 or 12 mg/kg for the first 9 weeks, 15 mg/kg for 60 weeks (males) or 64 weeks (females) followed by a 5 week observation period for the males, for the low-dose group, and 30 mg/kg for 55 weeks for the high-dose group. For both male and female rats, the time-weighted average daily doses, 5 days/week, were 15 mg/kg for the low-dose group and 29 mg/kg for the high dose one.

The preliminary results are that the growth of male mice decreased slightly after the first 8 weeks on the high dose and after 22 weeks on the low dose. The growth of the females may have decreased after 32 weeks on the high dose. Mortality among the male mice increased after 36 weeks on the high dose and after 38 weeks on the low dose; that among the females increased after 36 weeks on the high dose and after 43 weeks on the low dose. The incidences of gastric cancer in male mice were 93.5 percent on the low dose and 97.9 percent on the high dose. No other tumors were reported in the mice but toxic nephropathy was found in 23.8 percent and 93.8 percent of male mice on the low and high doses, respectively.

The similar preliminary results for rats are that the growth of the females decreased slightly after 9 weeks on either the low or the high dose. Mortality among the male rats increased after 47 weeks on the high dose and after 60 weeks on the low dose; that among female rats increased after 28 weeks on the high dose and after 31 weeks on the low dose. The incidences of gastric cancer were 76 percent on the low dose and 59 percent on the high dose. In the females, adenocarcinoma of the breast appeared in 48 percent of the rats on the low dose and 62 percent of those on the high dose. In both sexes of this species, there were appreciable occurrences of other malignant and benign tumors (50 percent and 18 percent in males on the low and high doses, respectively, and 14 percent and 20 percent in the females on the low and high doses). The most common of these tumors were hemangiomas and hemangiosarcomas.

Among the control rats, mammary carcinoma occurred in 10 percent of the female colony controls and in none of the vehicle controls. Hemangiomas or hemangiosarcomas occurred in about 5.3 percent of male colony control rats and 15 percent of the females; they appeared in 5.0 percent of female vehicle control rats and in none of the male ones. Cancer of the forestomach was not found in control rats or mice.

Ward and Habermann (1974) reported that the squamous cell carcinomas of the forestomach induced in mice and rats by gavage of DBCP directly into the stomach invaded the wall of the stomach and metastasized to peritoneal surfaces, especially in rats. The metastatic tumors frequently were associated with peritonitis and abscesses.

An increased risk of cancer has not been seen with inhalation studies in rats; however, OSHA believes these results must be viewed as inconclusive due to the relatively brief duration of the studies.

There are indications from in vitro experiments that DBCP may cause mutagenic effects. Rosenkranz (1975) examined the effects of DBCP on two strains of *E. coli* and on two of the tester strains of *Salmonella typhimurium;* TA 1530 and TA 1538. DBCP was mutagenic for the first of these tester strains but not for the second, indicating that it induces mutations of the base substitution but not of the frame-shift type. While these results are not conclusive in themselves, they are not inconsistent with the animal carcinogenicity data. In general, a high correlation has been found between the results of in vitro mutagenicity tests and long term animal carcinogenicity studies.

For all practical purposes, the detection of carcinogenic activity of chemicals is based on animal experimentation. All chemical substances or mixtures that have been proven carcinogenic by direct observation in man have also been shown to be carcinogenic in experimental animals (with the possible exception of arsenic and benzene, still under experimental study). Because of the difficulties of epidemiological studies on humans exposed to potential carcinogens, there are usually no data which provide us with any evidence—one way or another—whether cancer is caused in man by a chemical that has been shown to be carcinogenic in animal studies. However, not to at least qualitatively assume that such a chemical does pose a carcinogenic threat to man seems imprudent and could lead to disaster.

In the preamble to the standards for the 14 carcinogens, OSHA stated:

> A major question of occupational carcinogensis relates to the extrapolation of results of animal experimentation to humans. The basis of numerous objections to the proposals is that, even assuming the validity of animal experiments, such do not furnish sufficient evidence that the substances involved are carcinogenic to humans. Extrapolation of results obtained by animal experimentation is alleged to be vitiated by several considerations: (a) that certain cancers are specific only to some species; (b) that the conditions of animal experiments are out of proportion to, and not consistent with conditions prevailing in industrial exposure; and (c) that no cancers have yet been detected in humans exposed to the substances. For those substances whose metabolism is understood, and is similar in both animals and man, the fact that they induce cancers in animals warrants the expectation that they will induce cancers in men. This applies to the substances which cause urinary bladder cancers in animals acting, not directly, but indirectly through the mediation of metabolites formed both in experimental animals and in exposed workers. This is also true of those substances which apparently require no metabolic alteration but attack a particular biologic system (e.g., respiratory tract, alimentary canal) which is similar in both animals and humans.
>
> The objections raise the much broader issue of human exposure to a chemical which is only known to have caused cancers in experimental animals. It is important to note that some opponents of the regulation of such chemicals do not advocate treating them as if they were harmless with respect to carcinogenic potential. Several employers, for instance insist that such substances must be treated with "care" or "respect," while also insisting that they call for significantly less protection than those substances known to be human carcinogens.
>
> We think it improper to afford less protection to workers when exposed to substances found to be carcinogenic only in experimental animals. Once the carcinogencity of a substance has been demonstrated in animal experiments, the practical regulatory alternatives are to consider them either non-carcinogenic or carcinogenic to humans, until evidence to the contrary is produced. The first alternative would logically require, not relaxed controls on exposure, but exclusion from regulation. The other alternative logically leads to the treatment of a substance as if it was known to be carcinogenic to man.
>
> We agree with the Director of NIOSH, and the report of the Ad Hoc Committee on the Evaluation of Low Levels of Environmental Chemical Carcinogens to the Surgeon General, U.S. Public Health Service, April 22, 1970, that the second alternative is the responsible and correct one. This decision accords with the work practices of some who object to the proposed regulation. (39 FR 3756 at 3757–58.)

In view of the demonstration of carcinogenicity in two mammalian species, both sexes, at multiple dose levels, in well-designed studies, OSHA believes it is necessary, as a prudent policy matter, to treat DBCP as posing a potential carcinogenic risk to workers.

C. *Other toxic effects.* While sterility and a potential carcinogenic risk appear

to be the most important health effects associated with exposure to DBCP, animal studies and human experience have revealed a variety of other acute and chronic toxic effects of skin contact (percutaneous absorption), inhalation, and ingestion (Torkelson et al.; Rakhamatulaev, N. N.). Exposure to DBCP results in irritation of the eyes and respiratory passages. The central nervous system is depressed and may cause apathy, sluggishness, and ataxia.

The skin is slightly irritated upon short exposure. Repeated exposure causes necrosis of the dermis. Toxic amounts can be absorbed through the skin. Excessive exposure to the vapors results in damage to the liver, kidneys, and various tissues including dermic, bronchioles, renal collecting tubules, lens and cornea and alimentary canal. Injury caused by DBCP is particularly slow in healing.

These aspects of DBCP toxicity further indicate the necessity of limiting employee exposure by any route of entry.

IV. Summary and Explanation of the Proposal

In the development of this proposal, consideration has been given to all information and data available to OSHA at this time. OSHA has utilized reference works, studies, case histories, journal articles, testimony, recommendations by the staffs of NIOSH and OSHA, as well as widely accepted industrial hygiene practices.

The following section discusses some of the significant provisions of the proposed standard. The principal substantive changes in the proposal from the ETS are found in the following paragraphs:

(1) The permissible exposure limit—paragraph (c).
(2) Regulated areas—parargaph (e).
(3) Methods of compliance—paragraph (g).
(4) Respirators—paragraph (h).
(5) Emergencies—paragraph (i).
(6) Protective clothing and equipment—paragraph (j).
(7) Hygiene facilities and practices—paragraph (l).
(8) Medical surveillance—paragraph (m).
(9) Recordkeeping—paragraph (p).

Minor changes in language have been made in other provisions in recognition of "start-up" actions which would occur only under the ETS, and would not have to be repeated under a permanent standard.

1. Paragraph (a).—*Scope and application.* The proposed standard would apply to all employment where DBCP is present with the limited exception provided below. The principal activities that would be covered include the manufacture of DBCP, the formulation of pesticides containing DBCP, and related activities of packaging, repackaging, storage, transportation, and disposal of DBCP.

The proposed standard does not apply to exposures which result solely from the application and use of DBCP as a pesticide. In proposing this standard, OSHA is continuing a course of action, begun with the issuance of the ETS, to assure protection of workers exposed in manufacturing and formulation operations.

On September 8, 1977, concurrent with OSHA's issuance of the ETS, the Administrator of the Environmental Protection Agency announced his intention to take two suspension actions with respect to pesticide products containing DBCP, pursuant to his authority under Section 6(c) of the Federal Insecticide, Fungicide, and Rodenticide Act as amended (FIFRA), to suspend the registrations of a pesticide product whenever he determines that such action is necessary to prevent an "imminent hazard" during the time required for cancellation or change in classification proceedings.

The suspension notice (42 FR 48915) initiates two distinct suspension actions: A suspension of all pesticide products registered for food crop uses with respect to which residues of DBCP have been found or are anticipated on the edible portions of the food crops; and a conditional suspension with respect to all uses, based upon the Administrator's finding that an imminent hazard exists for pesticide applicators if DBCP products are used in accordance with current label restrictions.

The regulatory actions announced by EPA will have two important effects leading to increased protection of workers engaged in the application and use of DBCP as a pesticide. First, the suspension of use of DBCP pesticides for certain food crops will substantially reduce the number of applicator personnel and field workers who would otherwise have been exposed to DBCP under any circumstances.

Second, under the conditional suspension announced for all other uses, persons using DBCP for other uses will have to be certified applicators (and in some instances certified commercial applicators), or be working under the direct supervision of a certified applicator. Additionally, persons using DBCP for conditionally suspended uses will be required to wear protective clothing and respirators.

OSHA believes that this strategy of combined and cooperative regulatory actions by both EPA and OSHA is an effective approach to protecting all workers against the hazards of exposure to DBCP.

2. Paragraph (b).—*Definitions.* A definition has been added for "Emergency".

3. Paragraph (c).—*Permissible exposure limits.* The proposal would establish a permissible exposure limit of 1 part DBCP per billion parts of air (1 ppb) as an 8-hour time-weighted average. The ceiling permissible exposure limit for a 15 minute-maximum sample would be established as 10 ppb.

We cannot determine the exact mechanism of the toxic effects of DBCP, especially cancer, and cannot determine whether there is a safe level or threshold level below which reproductive effects and other effects would not occur.

Thus, while DBCP has not yet been conclusively demonstrated to be a carcinogen in humans, the evidence from several animal tests in mammalian species clearly indicates that, for the protection of the worker, we must regard DBCP as posing a potential carcinogenic risk. OSHA policy, which is based on the best available scientific evidence, and which is consistent with the policies and recommendations of nearly all public bodies which have addressed the problem of exposure to cancer-causing substances, has been and is that a substance which causes cancer in animals must be regulated as a human carcinogen. In the absence of a demonstrated "safe" or "no effect" level for human exposure to a carcinogen, it must be assumed, as a prudent policy matter, that no safe level exists. (See OSHA Cancer Policy Proposal, 42 FR 54148, October 4, 1977.)

Accordingly, the setting of an exposure level for DBCP cannot be based on a determination of a "safe" level which will eliminate the cancer and sterility hazard, but rather on a determination of a level which will minimize the hazard to the greatest extent possible, within the confines of feasibility.

In addition to limiting the 8-hour time weighted average exposure to 1 ppb, the proposal would require that no employee be exposed to DBCP in excess of 10 ppb averaged over any 15-minute period. An employee may be exposed to varying concentrations of DBCP during the course of the work day with some periods of exposure above 1 ppb and corresponding periods below 1 ppb. OSHA believes that the uncertainty regarding the concentrations and duration of exposure that may cause sterility or increase carcinogenic risk requires that the magnitude of brief excursions be limited. Consequently, a ceiling limit of 10 ppb averaged over any 15 minute period is proposed to be established.

An assessment of technological feasibility by an OSHA contractor (JRB Associates) indicates that an exposure limit of 1 ppb is technically possible for both DBCP manufacturing and formulation operations. The contractor did not find any present DBCP operations that meet this criteria, but did suggest the kinds of changes and processes that they believe necessary to attain such a limit. The contractor reports that one industrial operation does control exposures to 1 ppb (for bis-chloromethyl ether).

The contractor suggests that isolation of workers from the process equipment is necessary, and that this be accomplished by totally enclosing the equipment in a building or in a separate room within a building. Automatic or remote control of the different loading, process, and packaging operations would be necessary, since it is not contemplated that workers could enter the enclosure during the operation. In addition, the contractor believes that the enclosure would have to be maintained under negative

pressure with respect to the surroundings to prevent escape of process emissions. The effluent from the air-control system would have to be decontaminated to avoid exposures from unintended recirculation. Some work operations, such as tank car charging and discharging, would probably require the wearing of positive pressure atmosphere supplying respirators in addition to appropriate protective clothing.

OSHA recognizes that this projected technology is substantially different from the physical handling, blending and packaging processes which have characterized the DBCP operations, particularly formulation operations. OSHA requests further information as to the feasibility of reaching the permissible exposure limit solely through the use of engineering controls and supplementary work practices. In addition, information is sought as to any specific difficulties associated with the supplementary work practices and personal protective controls which might affect the feasibility of reducing exposure to the permissible exposure limit.

4. Paragraph (d).—*Notification of use.* The ETS required employers to notify the OSHA Area Director of the location of workplaces where DBCP is present, and to describe the conditions of use and exposures and the protective measures in effect. The proposal would not require the employers to report the same information again. However, any employer subsequently introducing DBCP into a workplace would be required to report.

5. Paragraph (e).—*Regulated areas.* The proposal would require the establishment of regulated areas where there is exposure to DBCP. OSHA believes that control of employee exposures, appropriate exposure monitoring, medical surveillance, and limitation of potential exposure to the smallest possible population all require regulated areas. The employer would be able to designate as "authorized" any person whose duties require his or her presence in the area.

6. Paragraph (f).—*Exposure monitoring.* The exposure monitoring provisions intend that the employer determine the exposure for each employee exposed to DBCP. This does not require separate measurements for each employee. If a number of employees perform essentially the same job under the same conditions, it may be sufficient to monitor a significant fraction of such employees and obtain results that are representative of the remaining employees.

Where exposures are determined to be above the permissible exposure limit, the employer would be required to monitor monthly. Otherwise the employer could monitor quarterly. "Exposure" in this connection means the airborne concentrations in the workers' breathing zone, without regard to the use of respirators.

The employer would also be required to monitor again if any changes in production, processes, control measures, or personnel make it likely that new or additional exposures to DBCP will result.

An assessment of available methodology for sampling and analysis of airborne concentrations of DBCP indicates that it is possible to monitor employee exposures of 1 part per billion and below. In particular, the samples may be collected by absorption of DBCP on charcoal contained in a suitable holder such as glass tubing through which a reasonable volume of air is drawn. Analysis is then performed by gas chromatography, probably using electron-capture detection. These techniques, although they require care, are readily available and should pose no insurmountable difficulties for the employers covered by this standard.

7. Paragraph (g).—*Methods of compliance.* This proposed standard would require the employer to institute engineering and work practice controls to reduce employee exposures to or below the permissible limits. In situations where engineering and work practice controls that can be instituted immediately will not reduce exposures to the permissible exposure limit, these controls must nonetheless be used to reduce exposures to the lowest feasible level and be supplemented by respirators. In addition, a compliance program to reduce exposures to within the permissible exposure limits solely by means of engineering and work practice controls must be developed and implemented. Written plans for this program must be developed and be furnished upon request for examination and copying to representatives of the Secretary, representatives of the Director or affected employees. These plans must be reviewed and updated periodically to reflect the current status of the program.

Engineering controls are the preferred means of compliance because they reduce exposure hazards in the workplace environment by removing the airborne contaminant. Engineering controls may include the installation of local exhaust ventilation, modification of a process so as to reduce emission of the contaminant into the workplace or substitution of another substance for DBCP. Work practices often are necessary for the effective operation of engineering controls, and they therefore are also preferred as a means of control.

Respirators are the least satisfactory means of control because of certain difficulties inherent in their use. Respirators are capable of providing good protection only if they are properly selected for the concentrations of airborne contaminants present, properly fitted to the employee, worn by the employee, and replaced when they have ceased to provide protection. While it is theoretically possible for all of these conditions to be met, it is more often the case that they are not. As a consequence, the protection of employees by respirators is not always effective.

8. Paragraph (h).—*Respirators.* The provisions of the proposal dealing with respirators differ from the ETS in three ways. First, the limits for the use of respirator types are adjusted to the proposed exposure limit of 1 ppb, with a ceiling of 10 ppb. Second, a specific limitation on the use of respirators would be established. This is consistent with the proposed hierarchy of controls provided under methods of compliance. Third, the use of air-purifying respirators would be prohibited. DBCP does not have any useful warning properties at concentrations where negative-pressure mode air-purifying respirators may be safely used. Consequently, there is no warning of respirator leakage or breakthrough. The odor threshold is estimated to be at least 300 times the possible limit for half-face chemical cartridge respirators, and 20 times the possible limit for gas masks. Because of the extremely serious consequences which have been found in human exposures at 100 to 600 ppb, we believe it imperative to prevent any risk of long-term undetected exposure. Consequently, the proposal would restrict the selection of respirators to atmosphere-supplying respirators. Malfunction of an atmosphere-supplying respirator is self-evident, and would cause the user to leave the work area to effect repairs.

The proposal would require that the employee be properly trained to wear the respirator, to know why the respirator is needed and to understand the limitations of the respirator. An understanding of the hazards involved is necessary to enable the employee to take steps for his or her own protection. The respiratory protection program implemented by the employer must conform with 29 CFR 1910.134. This section contains the basic requirements for use, cleaning, and maintenance of respirators.

To prevent skin irritation and to minimize the discomfort of respirator use, the proposal would require that employees must be allowed to periodically wash their faces and respirator facepieces in order to remove any accumulation of the DBCP or to reduce the chance of irritation from the wearing of the facepiece itself, such as a heat rash.

9. Paragraph (i).—*Emergencies.* The proposal would add a provision to assure employee evacuation and cleanup where spills occur or the concentration of DBCP may exceed the ceiling permissible exposure limit. Only employees with appropriate respirators and impermeable protective clothing would be allowed in the area until the situation were restored to normal.

10. Paragraph (j).—*Protective clothing and equipment.* The proposal would continue unchanged the requirement that the employer provide and assure that employees who are subject to skin or any eye contact use impermeable protective clothing or equipment in order to minimize these habards. OSHA is aware that since many formulating and producing facilities are located in warm climates, as a practical matter the impermeable protective clothing might require full body air conditioned suits.

The proposal would also require that the employer clean, launder, or dispose

of the required protective clothing to eliminate any potential exposure that might result were the clothing to be laundered by the employee at home, or in a commercial laundry.

The proposal would require that protective clothing be provided in a clean and dry condition daily. Since skin contact with DBCP creates a potenial for skin absorption, OSHA believes that the regular cleaning of contaminated work clothing plays an important role in the prevention of this hazard. The proposal would also require that protective clothing and equipment be maintained and replaced as needed in order to ensure effectiveness.

The proposal provides that the employer assure that all protective clothing is removed at the end of each work shift, and that the clothing that is to be laundered, cleaned, or disposed of be placed in a closable container. The purpose in requiring such a container is to prevent the contaminants on the clothing from being released into the ambient air or from being contacted by an individual handling the container.

Finally, the proposal would require employers to inform those who handle the contaminated protective clothing of the potentially harmful effects of exposure to DBCP. This provision is designed to make clear the need to use proper care in handling of the contaminated protective clothing.

11. Paragraph (k).—*Housekeeping.* Removal and prevention of accumulations of liquid deposits of DBCP or dusts containing DBCP, on all surfaces are important aspects in minimizing employee exposure. To assure that DBCP is not reintroduced into the workplace air, the standard would prohibit dry sweeping or the use of compressed air for cleaning floors and other surfaces where DBCP is found. The standard would also require that when DBCP is present in liquid form, or as a resultant vapor, that all containers or vessels be enclosed to the maximum extent feasible and tightly covered when not in use.

For disposal of waste scrap, equipment or debris containing DBCP, the standard would require that this material be collected and disposed of in sealed or closed containers which prevent the dispersion of DBCP outside the containers. State environmental protection agencies designate appropriate landfills for the disposal of such waste.

12. Paragraph (l).—*Hygiene facilities and practices.* The proposal would specify what hygiene facilities and practices are required for employee protection.

Change rooms would be required with separate storage for street and work clothing. OSHA believes that these facilities are necessary to minimize the duration of possible contacts with contaminated clothing, since DBCP is skin absorbable, and an irritant as well.

The proposal would require the provision of showers, and that employees be required to take showers at the end of the workshift to remove any DBCP from their bodies. Section 1910.141(d)(3), which would be implemented by the proposal, specifies requirements for adequate showers.

The proposal would also require that lavatory facilities be provided in accordance with § 1910.141(d) (1) and (2) to assure that sufficient facilities are available for employees to wash when leaving the regulated area to eat or use toilet facilities.

Provisions in the ETS prohibiting eating, smoking, drinking, or the keeping of food or smoking materials in regulated areas would be retained in the standard. Additionally, the proposal would prohibit the keeping of cosmetics in regulated areas to avoid the possibility that contamination would be inadvertently applied to the body.

The proposal requires employers to provide lunchrooms free of DBCP contamination readily accessible to employees working in a regulated area. The purpose of this requirement is to minimize the risk of employee exposure to DBCP by ingestion or inhalation during eating.

Employees would be able to eat, drink, smoke or apply cosmetics in lunchrooms, change rooms or other nonregulated areas.

13. Paragraph (m).—*Medical Surveillance.* The proposal would require that each employer institute a medical surveillance program for all employees who are, or will be, exposed to DBCP. OSHA believes that a medical surveillance program is necessary in dealing with the problem of employee exposure to DBCP.

The proposal would require a medical examination opportunity for each employee before the first assignment to work with DBCP and annually thereafter.

All examinations and procedures would be required to be performed by or under the supervision of a licensed physician and provided without cost to the employee. While the physician will usually be selected by the employer, the standard does not so mandate, leaving the employer free to institute alternative procedures such as joint selection with the employee or selection by the employee. Clearly, a licensed physician is the appropriate person to be conducting a medical examination. However, certain parts of the required examination (e.g. taking of a history) do not necessarily require a physician's expertise and may be conducted by another person under the supervision of the physician. As noted above, section 6(b)(7) of the Act mandates that medical examinations and procedures required by OSHA standards be provided at no cost to the employee.

The proposal provides that a work history, medical history and medical examination be performed. The content of the examination is consistent with identification of the adverse health effects that have been associated with exposure to DBCP and which OSHA therefore believes is appropriate for this proposal.

The required content of the medical examination in this proposal differs only slightly from the requirements of the ETS. In particular, the requirements for certain tests have been deleted based on consultation with Dr. Whorton and other physicians who indicated that based on their experience in examining the DBCP exposed workers, the deleted tests appear to have little or no relevance to diagnosing effects of exposure to DBCP. These tests include a complete urinalysis, a complete blood count, a thyroid profile, and the serum multiphasic analysis (SMA 12).

The standard would require that the employer provide the physician with certain information. This includes: (1) A copy of the regulation; (2) a description of the affected employee's duties as they relate to the employee's exposure; (3) the results of the employee's exposure monitoring; (4) if any personal protective equipment is used or is to be used; and (5) information from previous medical examinations of the affected employee to the extent that they are not readily available to the physician. The purpose of making this information available to the physician is to aid in evaluation of the employee's health in relation to his assigned duties and fitness to wear personal protective equipment when required.

The employer would be required to obtain a written opinion from the examining physician containing: (1) The results of the medical tests; (2) the physician's opinion as to whether the employee has any detected medical conditions which would place the employee at increased risk of material impairment of health from exposure to DBCP; (3) any recommended limitations upon the employee's exposure to DBCP and upon the use of protective clothing and equipment such as respirators; and (4) a statement that the employee has been informed by the physician in writing of the test results, and of any medical conditions which require further examination or treatment. This written opinion must not reveal specific findings or diagnoses unrelated to occupational exposure. A copy of the opinion must be provided to the affected employee by the employer.

The requirement that the employee be provided with a copy of the physician's written opinion will assure that the employee is informed of the results of the medical examination and may take any appropriate action. The purpose in requiring that specific findings or diagnoses unrelated to occupational exposure not be included in the written opinion is to encourage employees to submit to medical examinations by removing the fear that employers may find out information about their physical condition that has no relation to occupational exposures.

OSHA is seeking public input regarding the appropriateness of including a provision in the final DBCP standard which would protect employee participation in the medical surveillance program. This provision would extend economic protection to employees who participate in the medical surveillance program and

are removed or transferred from their job to protect them from material impairment of health. The purpose of this provision would be to encourage employees to participate in the medical surveillance program, which is an important part of OSHA's multifaceted prophylactic approach to occupational health.

The medical surveillance provision of the proposed standard contemplates that employers will limit the exposure of employees who are at increased risk of material impairment of health. Improved engineering controls, work practices, hygiene practices, respirators must be utilized to reduce employee exposures so that the employee is no longer at increased risk of material impairment of his or her health.

OSHA's primary goal is to assure that no employee suffers material impairment of health or functional capacity. The Agency does not favor transfer or removal as an alternative to controlling the level of a toxic substance in the workplace environment. Moreover, once full compliance with the permissible exposure limit is achieved by engineering controls and work practices, the need to transfer or remove employees from exposure to DBCP should arise infrequently.

However, it appears that limitation of exposure by transfer or removal of the employee from occupational exposure may, on occasion, be necessary to effectively protect employees from material impairment of health.

Therefore, OSHA is seeking public input as to whether the medical surveillance provisions of the DBCP standard should include a requirement for medical removal protection and the nature of such protection. This requirement could maintain the rate of pay, seniority and other rights of an employee for the time period, or a portion thereof, that the employee is transferred or removed from his or her job as a result of an increased health risk from exposure to DBCP.

A more complete discussion of the various issues and options available in this proceeding regarding medical removal protection may be found in the OSHA proposed standard on occupational exposure to lead published at 42 FR 46547 (September 16, 1977).

14. Paragraph (n).—*Employee information and training.* The proposal would require the employer to provide a training program for employees exposed to DBCP. OSHA believes that an information and training program is essential for the protection of employees, because an employee can do much to protect himself if informed of the nature of the hazards in the workplace. To be effective, an employee education system must, at the minimum, apprise the employee of the specific hazards associated with his work environment. For this reason, the employer would be required to inform each employee exposed to DBCP of the nature of the related health problems, the necessity for exposure control and the medical and industrial hygiene monitoring programs.

The content of the training program is intended to apprise the employees of: (1) The hazards to which they are exposed; (2) the necessary steps to protect themselves, including avoiding exposures, using respiratory protection and availing themselves of the opportunity for medical examinations; (3) their role in reducing exposures; and (4) the contents of the standard. Section 6(b)(7) of the Act makes it clear that these are appropriate goals of an employee training program, and the standard, therefore, includes them.

The employer would also be required to provide, upon request, all materials relating to the training program to the Secretary and the Director. This is intended to provide an objective check of compliance with the requirements of the standard.

15. Paragraph (o).—*Signs and labels.* OSHA believes that it is important, and section 6(b)(7) of the Act provides, that appropriate forms of warning, as necessary, be used to apprise employees of the hazards to which they are exposed in the course of their employment. OSHA believes, as a matter of policy, that employees should be given the opportunity to make informed decisions as whether to work at a job under the particular working conditions. Furthermore, OSHA believes that since control of safety and health problems involves the cooperation of employees, success of a program is highly dependent upon the employee's understanding of the hazards involved in the job.

In light of the serious nature of the hazard of exposure to DBCP, OSHA does not believe that periodic training alone will adequately apprise employees of the health hazards of DBCP. However, coupled with the training requirements, OSHA believes that the requirement to post signs and labels will adequately do so.

The standard would require that no statement which contradicts or detracts from the effect of any sign required by this paragraph shall appear on or near any such required sign.

Due to the hazardous nature of exposure to DBCP, OSHA believes that emphasis should be placed on warning employees and other persons about the danger of exposure. For this reason, the standard would include a requirement that caution labels be affixed to all containers containing DBCP and of the products containing it. The labeling provisions of the standard would also require the employer to assure that caution labels are affixed to any product containing the DBCP when such product leaves the employer's workplace. This requirement is designed to protect any other employees who will be handling, transporting, or using this product. The manufacturers and suppliers would be required to affix caution labels. The reason for this requirement is that the manufacturer or supplier is the employer creating the hazard and is in the best position to know whether the product does contain DBCP and therefore to warn other employers and their employees. However, where DBCP or products containing DBCP are sold, distributed or otherwise leave the employer's workplace bearing appropriate labels required by EPA under the regulations in 40 CFR Part 162, the labels required by this paragraph for products leaving the workplace need not be affixed.

16. Paragraph (p).—*Recordkeeping.* Section 8(c)(3) of the Act provides for the promulgation of regulations requiring employers to maintain accurate records of employee exposure to potentially toxic or harmful physical agents which are required to be monitored or measured.

The required retention time for medical surveillance records and exposure monitoring records would be extended to 40 years or the duration of exposure plus 20 years, whichever is longer. Carcinogenic induction, if it occurs in an exposed human population, has usually been found by medical surveillance 20 to 40 years after initial exposure. While present medical knowledge does not permit the establishment of exposure limits for carcinogens based on scientific information of the mechanism of carcinogenic induction, it is quite possible that such fundamental scientific knowledge will be developed within the next decade or two. At that point, knowledge of exposure levels of employees will be significant for both developing scientifically valid exposure limits, and for more precisely determining whether exposures may be safely continued for such employees.

The proposed standard provides that records must be kept to identify the employee and to accurately reflect the employee's exposure. Specifically, it must include: (a) The names, social security numbers and job classifications of the employees monitored, (b) the dates, number, duration and results of each of the samples taken, including a description of the representative sampling procedure used to determine employee exposure where applicable, (c) the type of respiratory protective devices worn by the employee, if any, and (d) a description of the sampling and analytical methods used, and evidence of their accuracy.

The proposal also requires that the employer keep an accurate medical record for each employee who is subject to medical surveillance. Section 8(c)(1) of the Act authorizes the promulgation of regulations requiring an employer to keep such records regarding the employer's activities relating to the Act as are necessary or appropriate for the enforcement of the Act or for developing information regarding the causes and prevention of occupational illnesses. OSHA believes that medical records (like exposure monitoring records) are both necessary and appropriate to both the enforcement of the standards and the development of information regarding the causes and prevention of illness.

As explained above, it is necessary to relate employees' medical conditions to their exposure in order to develop information regarding cause and prevention. Medical records are necessary and appropriate for this purpose. In addition,

medical records are necessary for the proper evaluation of an individual employee's health. For all of these reasons, medical records would be required.

The proposal requires that employees or their designated representatives be provided access to examine and copy records of required monitoring. The purpose of this provision is to assure current employees that their exposure is being properly monitored and recorded, and that they are working in a safe and healthful environment. Section 8(c)(3) of the Act explicitly provides "employees or their representatives with an opportunity to observe * * * monitoring or measuring * * * and to have access to the records thereof."

The proposal would require that employee medical records be made available upon request for examination and copying to the affected employee or former employee or to a physician designated by the affected employee or former employee. The purpose of this provision is to protect the employee's health by authorizing his designated physician to have access to medical records useful in the diagnosis of illness.

17. Paragraph (g).—*Observation of monitoring.* Section 8(c)(3) of the Act requires that employers provide employees or their representatives with the opportunity to observe monitoring of employee exposure to toxic substances or harmful physical agents. In accordance with this section, the proposal contains provisions for such observation of DBCP monitoring. To assure that the right to observe is meaningful, observers are entitled to receive an explanation of the measurement procedure, to observe all steps related to the measurement procedure, and record the results obtained.

The observer, whether an employee or designated representative, must be provided with, and is required to use, any personal protective devices required to be worn by employees working in the area that is being monitored, and must comply with all other applicable safety and health procedures.

18. Paragraph(s).—*Appendices.* The proposal includes three appendices: Appendix A titled "Substance Safety Data Sheet," Appendix B titled "Substance Technical Guidelines," and Appendix C titled "Medical Surveillance Guidelines." It should be noted that appendices are for informational purposes only. None of the statements contained therein should be construed as imposing a mandatory requirement fiot in the proposal, or negating any requirement which is imposed by the standard.

The information in Appendix A is specifically written for the employee. Appendix B contains additional scientific and technical information to aid the employer in complying with requirements of the standard. Appendix C gives the employer a means of providing the examining physician with an explanation of the potential health effects of exposure to DBCP and provides information needed by the physician to evaluate the results of the medical examination. Appendix C also lists other types of examinations, not required by the individual standard, which may help the physician in making an accurate determination of whether an employee should be exposed or should continue to be exposed to DBCP.

V. Environmental Impact

This section discusses the potential environmental impacts which the proposed standard for occupational exposure to DBCP may have on the workplace and external-to-workplace environments. This statement has been prepared in accordance with the provisions of the National Environmental Policy Act (42 U.S.C. 4321 et seq.) as well as the Guidelines of the Council on Environmental Quality (40 CFR Part 1500) and OSHA regulations (29 CFR Part 1999). Written comments and information on the projected impacts of this proposed standard for exposure to DBCP are solicited from all interested parties. In addition to this general request for comments, copies of this proposal and environmental impact statement will be sent to numerous Federal and State agencies, industry representatives, employee unions, and public interest groups with requests for their comments. The final date for receipt of written comments on environmental issues is December 28, 1977. All written comments on environmental issues should be addressed to: OSHA Office of Environmental and Economic Impact, Room N–3673, U.S. Department of Labor, 3rd and Constitution Avenues, N.W., Washington, D.C. 20210.

Testimony, data, arguments and related submissions on environmental issues associated with the proposed standard for DBCP will also be received at a public hearing on the proposal to be held on December 13, 1977, provided prehearing submission requirements, outlined in Section VII below, are complied with.

Additional copies of this proposed standard and draft environmental impact statement are available for review and copying in the OSHA Technical Data Center, Room S–6212, Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Projected Environmental Impacts

The proposed standard for employee exposure to DBCP is expected to have a beneficial impact on the health of workers engaged in the manufacture, formulation and distribution of DBCP-containing pesticides. Incidences of aspermia, oligospermia and other adverse health effects, such as cancer and liver and kidney damage, may be reduced among these workers as a result of the proposal.

Because this proposed standard is designed to control worker exposures to DBCP in the manufacture and formulation of pesticides, minimal, if any, impact on the general human environment external to the workplace is anticipated with respect to air and water quality, solid waste disposal, land use or long-term productivity. Economic impacts due to proposed requirements for engineering, work practice and respiratory protective controls will occur in the DBCP pesticide manufacturing and formulating industries which will probably be passed on to the agricultural industry in the form of higher costs for DBCP-containing pesticides. Resultant increases in per acre crop production costs may be passed on as higher food costs to consumers.

The only major impacts which could occur as a result of the proposed standard would relate to land use and long-term productivity in the agricultural sector. Such impacts could occur if DBCP pesticide producers decide, as a result of the proposed standards, to discontinue DBCP production and the substance becomes unavailable to farmers. Declines in per acre crop yields would be expected for those crops for which no equally effective substitutes for DBCP exist, especially citrus, stone fruit crops and grapes. More acreage, requiring more land use, would have to be planted if overall production were to continue at the present rate in these sectors. Economic costs due to increased labor, land and planting costs would probably be reflected in consumer prices for these crops.

In addition to the above-mentioned crops, there are also no substitutes for DBCP nematocides for use in roses and other ornamental plants grown under glasshouse conditions. Loss of DBCP could have large impacts on this industry as well as impacts on consumer prices for floral products.

A. Air and Water Pollution Impact

The proposal specifies that occupational exposure to DBCP be reduced to a PEL of 1 part per billion (ppb) through the use of engineering controls, work practice controls and respiratory protective equipment. These controls are not anticipated to have an adverse impact on water or ambient air quality because the engineering equipment to be used for exposure reduction should result in a lower level of DBCP emission to the environment than in the past. (It is anticipated that closed systems, such as an exhaust ventilation coupled with air cleaning equipment will be used to control employee exposures.) The use of work practice controls may result in fewer releases of DBCP to the environment, but the use of respiratory protective equipment will have no impact on ambient air or water quality. Although there has been no indication that airborne DBCP or water pollution by DBCP have been public health problems, control of the pesticide's emissions in the workplace should result in cleaner air and water. At present, however, there is no evidence of a significant benefit to air and water quality, external to the workplace, as a result of this proposed standard.

B. Solid Waste Disposal

The proposal requires that DBCP waste, scrap, debris, bags, containers and equipment be disposed of in sealed bags or other closed containers which prevent dispersion of DBCP outside the containers. Disposal of DBCP waste may be accomplished within the plant by debromination or incineration of the chemical,

or by disposal in a secured land fill. However, as the OSHA proposal does not mandate a specific method of final waste disposal, the proposal should not result in any significant change in the methods currently used and, ultimately, should result in no significant environmental change in this area.

C. LAND USE IMPACT

If pesticide manufacturers and formulators are able to continue DBCP production while controlling employee exposures as mandated by the proposed standard, there should be no impact on land use. However, if DBCP operations are discontinued as a result of the proposed standard's economic costs, crops for which no equally effective substitute nematocides exist will be affected in the form of reduced yields. To counter this, and keep crop production at current levels, farmers will have to plant more acreage.

There is little data presently available concerning the amount of increased acreage which will be needed if DBCP becomes unavailable, and if no effective substitutes can be found. A California Department of Food and Agriculture subcommittee report noted that fruit tree loss without the pesticide could be as high as 60 percent. Dow Chemical Company has requested information on decreases in yield and additional acreage from its customers in a questionnaire distributed in March 1977. If any results from the Dow questionnaire become available they will be included in the final environmental impact statement to be issued prior to promulgation of the final occupational exposure standard for DBCP.

D. HUMAN RESOURCES IMPACT

The purpose of OSHA's proposed DBCP standard is to protect workers from the health hazards associated with exposures to DBCP in the manufacture and formulation of pesticides. DBCP exposure has been shown to cause oligospermia and aspermia in employees who handle the substance, and animal studies have strongly suggested the that compound can cause cancer in humans. In addition to these concerns, DCBP is known to cause other serious health effects in both humans and animals as detailed in section II. C of this notice.

Health benefits expected to result from the control and monitoring of employee exposure to DBCP include the prevention of future damage to employees' reproductive systems and resultant infertility, as well as reduction of the potential carcinogenic risk to employees. (There is, at present, no data on any benefits exposure control will have on those who have already suffered damage from occupational exposure.) Finally, the provisions of the proposal will probably cause a reduction in the incidence of the other toxic effects of DBCP exposure among employees.

A further impact of the proposed standard may be to increase the demand for medical services. This will not be of major significance for the major pesticide producers which already maintain medical surveillance programs. However, smaller facilities will probably have to acquire the services of additional medical personnel to comply with the provisions of the proposal. Due to the relatively small number of employees potentially involved, these additional medical requirements are not expected to have a significant environmental impact.

E. ENERGY IMPACT

The method of engineering control used to prevent employee exposure to DBCP above the proposed permissible exposure limit (PEL) will determine the amount of energy that will be needed as a result of the proposal. Presently, two methods are considered technologically feasible for the control of DBCP at the parts per billion level, according to a report prepared for OSHA by JRB Associates, Inc. The first is ventilation of workroom and process air with incineration of the exhaust stream to remove DBCP. For the two primary manufacturers of DBCP (Dow and Shell), this control method should result in annual increased energy consumption of approximately 604,000 gallons of fuel oil and 259,000 KWH of electricity. For the 80 formulators involved in the DBCP pesticide industry, annual increased energy needs are estimated to be 7,560,000 gallons of fuel oil and 2,419,000 KWH of electricity as a maximum based on an assumption that the present level of production would continue involving all 80 current registrants.

The other control method would involve ventilation of work-place and process air into activated charcoal filters. It appears that this method would be less energy intensive than the incineration method in that it would not involve any fuel oil costs, although additional electrical energy (330,000 KWH/yr/plant) will be needed to power the ventilation equipment.

Whichever of these control methods is chosen, the impacts of the increased energy consumption are not considered to be environmentally significant.

F. ECONOMIC IMPACT

OSHA has contracted with JRB Associates, Inc. to prepare an Economic Impact Assessment of the proposed standard for DBCP. Detailed costs of compliance with the proposal will be discussed in this document. See Section V of this notice for more detail.

ALTERNATIVES

There are two major areas of regulatory decision making which will affect the impact of the DBCP standard on the external environment. These are (1) permissible exposure limit (PEL) and (2) the methods by which compliance is mandated. The purpose of this section is to present the available alternatives and their probable environmental impacts.

A. PERMISSIBLE EXPOSURE LIMIT

Prior to the September 9, 1977, emergency temporary standard, there was no set exposure limit for DBCP. The decision to propose an eight-hour time-weighted average (TWA) exposure limit of 1 ppb, and a ceiling limit of 10 ppb averaged over any 15 minutes during the working day was based on data demonstrating the adverse health effects of exposure to DBCP. The proposed PEL for DBCP was chosen not as a "safe" or "no effect" level, but was based on OSHA's view that 1 ppb is the lowest feasible level achievable by engineering controls, as well as the lowest feasible detection level for industrial sampling and analysis. The level chosen for the final standard will depend on evidence submitted into the public record of this rulemaking proceeding.

Alternatives available to OSHA in setting a PEL for DBCP are discussed below. The magnitude of environmental impact resulting from the institution of any of these alternatives is dependent upon whether they result in a decrease in the availability of DBCP-containing pesticides.

Alternative One: Establish a PEL Between 1 and 10 ppb

The alternative of establishing a PEL at some level between 1 and 10 ppb may be preferable for pesticide manufacturers and formulators in that control to such levels may require the installation of less costly engineering controls. This alternative is not recommended for health reasons, however, as DBCP is a sterilant and a suspected carcinogen for which no safe exposure level has been demonstrated.

Alternative Two: Establish a PEL Between 0.0 and 1 ppb

Although a PEL at a level less than 1 ppb may be more desirable than the proposed PEL based on health considerations, environmental sampling and monitoring systems for detecting such low levels may be economically and technically infeasible for industrial uses.

Alternative Three: Zero Employee Exposure

If OSHA's final regulation for DBCP states that employers may not allow employees any detectable exposure to DBCP, production and formulation of DBCP pesticides would probably be either discontinued or greatly decreased. This would affect not only the pesticide industry, but the agricultural industry and consumer prices as well.

B. METHODS OF COMPLIANCE

The proposed standard requires that compliance be achieved through the use of engineering controls, work practice controls and personal protective equipment. Personal protective equipment is to be used, however, only when engineering and work practice controls are insufficient to reduce employee exposures to within the PEL.

Engineering controls may include enclosed processing, remote control operations, and exhaust ventilation coupled with air scrubbing equipment. These controls should not have significant bene-

ficial or adverse impacts upon the general human environment external to the workplace, although their use could have great impacts on the future health and fertility of DBCP production employees.

Work practice controls and personal protective equipment should have little if any impact on the environment. However, the difference in cost between engineering and these other types of controls may be the deciding factor as to whether financially marginal plants continue DBCP operations. As shown in the preceding section, the impact of an occupational standard for DBCP on the environment is contingent on the production of the compound. If OSHA's regulation is deemed to be too costly to attain, thereby eliminating domestic production of DBCP (and assuming no importation of DBCP-containing pesticides), there may be significant reductions in domestic crop production.

Alternatives involved in the methods of compliance section are primarily concerned with establishing a particular priority among the types of controls (engineering, work practice, and respiratory protective equipment). While sole reliance on the use of engineering and work practice controls is now proposed, an alternative would be to allow the employer complete freedom in choosing the method of control without any required priority systems.

C. OTHER ALTERNATIVES

Alternatives to the establishment of an occupational health standard for DBCP would include discontinuing use of DBCP-containing pesticides and instituting other pest control methods such as biological and cultural controls, sanitation practices (especially for glasshouse and nursery growers), the use of other existing nematocides and the development of new ones.

Alternative One: Biological and Cultural Controls

Biological and cultural techniques such as following, flooding crop rotation and the use of resistant or immune varieties have been used before the development of DBCP and the other chemical nematocides, however, they have been shown to be costly and relatively ineffective under field conditions.

Alternative Two: Sanitation Practices

By breaking the disease triangle (pathogen, susceptible host, favorable environment) it is theoretically possible to eliminate the presence of a virulent pathogen in nursery stock. However, to achieve a commercially clean (pest-free) nursery stock, a complicated procedure of planting and analysis of the stock plants is necessary to assure the elimination of parasitic nematodes. To date, DBCP is the best post-planting prophylactic nematocide for perennials.

Alternative Three: Alternative Chemicals

There are several existing chemical alternatives to DBCP, such as 1,3-dichloropropene (Telone II, DD), ethylene dibromide, SMDC (Vapam), MIT (Vorlex) and methyl bromide. These are required in much greater quantities than DBCP and their costs are also significantly higher. Developing new chemical compounds as DBCP substitutes has several implications. Under the present state of research and federal and state regulations, two to three years of testing will be required to determine their effectiveness and residues on a wide variety of crops. New or modified application techniques and machinery may be needed to accurately deliver small volumes of granular and liquid formulations. Finally, additional problems resulting from the use of present and future nematocides include high mammalian toxicity, safe handling and delivery, possible development of resistance and associated economic costs.

It should be noted that the development of these other alternatives, while possible, is not under the jurisdiction of OSHA. Under the Occupational Safety and Health Act of 1970, OSHA can only concern itself with regulating employee exposure.

In compliance with the Federal Food, Drug and Cosmetic Act (Sec. 402, 702), the Food and Drug Administration (FDA) is monitoring DBCP food residues in eight of its 22 districts located in California, the South and southeastern portions of the United States. FDA will furnish the information it gathers on DBCP residues to EPA, for use in EPA's suspension and cancellation proceedings. In addition, FDA may ask EPA to recommend "action levels" for DBCP residues in certain commodities. Action levels are set by FDA in the exercise of its prosecutional discretion under Section 307 of the Food, Drug and Cosmetic Act. An action level represents a level of illegal residue above which the FDA generally will take enforcement action.

RELATIONSHIP WITH OTHER FEDERAL ACTIONS

On September 8, 1977, the Environmental Protection Agency (EPA) initiated two suspension actions against DBCP under Section 6(c) of the Federal Insecticide, Fungicide and Rodenticide Act, as amended (FIFRA).[1] The first suspension action sought to prohibit the sale and distribution of DBCP for use on 19 food crops on which EPA anticipated that residues of DBCP were likely to occur, and the use of DBCP on these crops.[2] The second suspension action sought to mitigate the hazard to DBCP applicators, by conditionally prohibiting the sale, distribution and use of all DBCP products. Pesticide manufacturers could get relief from the prohibition, however, by agreeing on an interim basis to restrict the use of the product to certified applicators (and in some cases certified professional applicators), and by requiring the use of protective clothing and respirators. Pursuant to the statutory procedure, EPA extended an opportunity to manufacturers of DBCP products to request an expedited administrative hearing on whether the statutory standard for suspension was met or exceeded. Three manufacturers filed requests for hearings, which were later withdrawn. Since no hearing requests remain outstanding, it is anticipated that EPA very soon will proceed to implement the two suspension actions it set in motion on September 8, 1977, by issuing suspension orders.

Suspension is a form of interim relief under FIFRA; it is a way of prohibiting the sale, distribution and use of a pesticide product during the course of the more time-consuming cancellation procedures which are required under FIFRA to ban a pesticide permanently.

In order to implement a suspension by issuing a suspension order, the statute requires EPA to have already issued, or to issue at the same time as the suspension order, a notice of intent to cancel the registrations of the pesticide. [See FIFRA Section 6(c).] In order to facilitate a rapid decision on DBCP cancellation, EPA issued a Rebuttable Presumption Against Registration (RPAR) against all DBCP pesticides on the same day that it announced its intention to suspend and conditionally suspend DBCP pesticide. [42 FR 48026 (September 22, 1977).][3]

VI. ECONOMIC IMPACT

In accordance with Executive Order 11821 (39 CFR 41501, November 29, 1974), Executive Order 11949 (42 FR 1017, January 5, 1977), OMB Circular No. A-107 (January 28, 1975), and Secretary's Order No. 15–75 (40 FR 54484, November 24, 1975), and administrative instructions thereto (U.S. Department of Labor Temporary Directive No. 1, November 17, 1975), OSHA has assessed the potential economic impact of this proposal. Based on the economic identification criteria specified in section 5(c) of Secretary's Order No. 15–75, OSHA has

[1] See EPA's "Notice of Intent to Suspend and Conditionally Suspend Registrations of Pesticide Products Containing Dibromochloropropane," 42 FR 48915 (September 26, 1977).

[2] Broccoli, brussels sprouts, cabbage, carrots, cauliflower, celery, cucumbers, eggplant, endive, lettuce, melons, parsnips, peanuts, peppers, radishes, squash, strawberries, tomatoes and turnips.

[3] The RPAR process is set out in 40 CFR Section 162.11 of EPA's regulations. In broad summary, these regulations provide that a Rebuttable Presumption Against Registration (RPAR) shall arise if the Agency determines that a pesticide meets or exceeds any of the risk criteria set forth in 40 CFR Section 162.11(a)(3). If it is determined that such a presumption has arisen, registrants, pesticide users and interested persons are afforded an opportunity to submit evidence in rebuttal of the presumption. Those persons may also submit evidence as to whether the economic, social, and environmental benefits of the use of the pesticide outweigh the risks of use. If the risk presumptions are not rebutted, the benefits evidence submitted will be considered by the Agency in determining whether the risks of the uses of the pesticide exceed the benefits of the uses, and, if so, what regulatory action should be taken.

concluded that the subject matter of this proposal is not a "major" action which would necessitate further economic impact evaluation or the preparation of an Economic Impact Statement, and so certifies pursuant to section 4(a) of the Secretary's Order.

JRB Associates, Inc. has prepared for OSHA an economic assessment entitled, "Economic Impact Assessment of the Occupational Safety and Health Administration's Standard on Occupational Exposure to 1,2 Dibromo-3-chloropropane (DBCP)".

The study includes assessment of the technological feasibility of compliance as well as an estimate of compliance costs. The effects on other variables, such as employment, prices, productivity, market structure, exports, and imports; and the consumption of energy and critical materials, are also considered.

Notice is being given of the availability of this assessment to afford interested parties the earliest possible opportunity to contribute comments, information and data. Evaluation of the economic and technological feasibility of the final standard will be based on the entire record of the rulemaking proceeding, including all oral and written comments made part of the record, as well as the economic assessment.

The economic assessment of the proposed DBCP standard is now available for public inspection and copying at the following address: Technical Data Center, Occupational Safety and Health Administration, U.S. Department of Labor, Room S-6212, Third and Constitution Avenue, N.W., Washington, D.C. 20210. (Telephone: 202-523-7894)

VII. References

The studies and other data listed below, as well as the additional material referred to in this document, represent the principal sources upon which the proposal is based. A complete set of the references is available for examination and copying at the OSHA Technical Data Center, Docket Office, Room S6212, U.S. Department of Labor, 2nd Street and Constitution Avenue NW., Washington, D.C., between 8:30 a.m. and 4:30 p.m. Monday through Friday, legal holidays excepted.

1. Faydysh, E. V., N. N. Rakhmatullaev and V. A. Varshavskii: The cytotoxic action of Nemagon in a subacute experiment. *Med. Zh. Uzbekistana*, 1:64–5, 1970 (Russian).

2. Olsen, W. A., R. T. Habermann, E. K. Weisburger, J. M. Ward and J. H. Weisburger: Induction of stomach cancer in rats and mice by halogenated aliphatic fumigants. *Journal of the National Cancer Institute*, 51(6):1993–1995, 1973.

3. Powers, M. B., R. W. Voelker, N. P. Page, E. K. Weisburger and H. F. Kraybill: Carcinogenicity of Ethylene Dibromide (EDB) and 1,2-Dibromo-3-chloropropane (DBCP) after oral administration in rats and mice.

4. Rakhmatullaev, N. N.: Hygienic characteristics of the nematocide Nemagon in relation to water pollution control. *Hyg. Sanit.*, 36(3):344–348, 1971 (Russian).

5. Reznik, Ya. B., and G. K. Sprinchan: Experimental data on the gonadotoxic effect of Nemagon. *Gig. Sanit.*, 6:101–102, 1975 (Russian).

6. Rosencranz, H. S.: Genetic activity of 1, 2-Dibromo-3-choloropropane, a widely used fumigant. *Bulletin of Environmental Contamination and Toxicology*, 14:1, 1975.

7. Torkelson, T. R, S. E. Sadek, V. K. Rowe, J. K. Kodama, H. H. Anderson, G. S. Loquvam, and C. H. Hine: Toxicologic investigations of 1.2-Dibromo-3-choloropropane. *Toxicology and Applied Pharmacology*, 3:545–559, 1961.

8. Ward, J., and R. T. Habermann: Pathology of stomach cancer in rats and mice induced with the agricultural chemicals Ethylene dibromide and Dibromochloropropane. *The Bulletin of the Society of Pharmacological and Environmental Pathologists*. Vol. II, No. 2, June 1974.

9. Weisburger, E. K.: Carcinogenicity studies on halogenated hydrocarbons. *Environmental Health Perspectives*, In press.

10. Whorton, Donald, M.D. OSHA interview with Dr. Whorton on August 31, 1977 concerning the sterility of workers exposed to 1,2-Dibromo-3-chloropropane at Occidental Chemical Company's Lathrop, Calif. plant.

11. Telegram, Dr. Eula Bingham, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, Washington, D.C. to Dr. V. K. Rowe, Dow Chemical USA, 1803 Building, Midland, Mich. requesting information on employee exposure to 1,2-Dibromo-3-chloropropane and Ethylene dibromide; dated August 30, 1977.

12. Letter from Dow Chemical USA, Dr. Benjamin B. Holder responding for Dr. Rowe to Dr. Eula Bingham, Assistant Secretary for Occupational Safety and Health, U.S. Department of Labor, dated September 1, 1977.

13. Telegram, Dr. Eula Bingham, Assistant Secretary of Labor for Occupational Safety and Health, Occupational Safety and Health Administration, U.S. Department of Labor, Washington, D.C. to Dr. R. E. Joyner, Corporate Medical Director, Shell Oil Co. P.O. Box 2463, Houston, Tex. 77001 requesting information on employee exposure to 1,2-Dibromo-3-chloropropane and Ethylene dibromide; dated August 30, 1977.

14. Telegram from Shell Oil Co., Dr. R. E. Joyner MD, Corporate Medical Director to Dr. Eula Bingham, Assistant Secretary for Occupational Safety and Health, U.S. Department of Labor, dated August 31, 1977.

15. Telegram, U.S. Department of Labor, Occupational Safety and Health Administration, Office of Field Coordination, to all producers and users of 1,2-Dibromo-3-chloropropane, dated August 12, 1977.

16. Letter, Occupational Health Guideline for 1,2-Dibromo-3-chloropropane (DBCP), U.S. Department of Labor, Occupational Safety and Health Administration, sent to all producers and users of DBCP, dated August 25, 1977.

17. Joint NIOSH-OSHA Standards Completion Program, Respirator Decision Logic, August 2, 1976. Occupational Safety and Health Administration, Washington, D.C. 20210.

18. Proposal for 29 CFR Part 1990 published October 4, 1977, 42 FR 541488. Identification classification, and regulation of certain toxic substances. Identification, classification, and regulation of toxic substances posing a potential occupational carcinogenic risk. Occupational Safety and Health Administration, Directorate of Health Standards, Washington, D.C. 20210 (January 1977).

19. California Department of Food and Agriculture, Subcommittee — Alternative Methods and Chemicals to Use for DBCP, September 8, 1977.

20. Economic Impact Assessment of the Occupational Safety and Health Administration's Standard on Occupational Exposure to 1,2-Dibromo-3-Chloropropane (DBCP)," prepared by JRB Associates, Inc., October, 1977.

21. Telegram, Dr. R. E. Joyner, Corporate Medical Medical Director, Shell Oil Co., Houston, Tex., to Dr. Eula Bingham, Assistant Secretary of Labor, U.S. Department of Labor, Washington, D.C., transmitting revised counts of employees with below-normal sperm counts. September 30, 1977.

VIII. Public Participation—Notice of Hearing

NOTE.—The following instructions for public participation in the rulemaking proceeding on the proposed permanent standard for DBCP are different in several respects and supersede those of the ETS, especially as to the dates for required submissions of notices of appearances, witness statements, etc.

Interested persons are invited to submit written data, views and arguments with respect to the ETS and this proposal. These comments must be received on or before December 2, 1977, and submitted in quadruplicate to the Docket Officer, Docket No. H-061, Room S6212, U.S. Department of Labor, 3rd Street and Constitution Avenue, NW., Washington, D.C. 20210. Written submissions must clearly identify the provisions of the ETS or this proposal which are addressed and the position taken with respect to each issue.

The data, views and arguments that are submitted will be available for public inspection and copying at the above address. All timely written submissions will be made a part of the record of this proceeding.

Pursuant to section 6(b)(3) of the Act, an opportunity to submit oral testimony concerning the issues raised by the ETS and the proposed standard, including the economic and environmental impacts, will be provided at an informal public hearing scheduled to begin at 9:30 a.m. on December 13, 1977, in the Department of Labor Auditorium, New Department of Labor Building, 3rd Street and Constitution Avenue, NW., Washington, D.C. 20210.

Notices of Intention to Appear, Filing of Testimony and Evidence

All persons desiring to participate at the hearing, must file in quadruplicate a notice of intention to appear, received on or before December 2, 1977, addressed to Mr. Kevin Conlon, OSHA Division of Consumer Affairs, Docket No. H-061, Room N-3635, U.S. Department of Labor, 3rd Street and Constitution Avenue NW., Washington, D.C. 20210, telephone: 202-523-8024.

The notices of intention to appear, which will be available for inspection and copying at the OSHA Technical Data Center—Docket Office (Room S6212), telephone 202-523-7895, 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 presentation;

(4) The specific issues that will be addressed;

(5) A statement of the position that will be taken with respect to each issue addressed; and

(6) In addition, for any party requesting more than 15 minutes for a presentation at the hearing, or who will submit documentary evidence, must provide in quadruplicate the complete text of the testimony including any documentary evidence to be presented at the hearing. This material must also be received by December 2, 1977, and will be available for inspection and copying at the Technical Data Center—Docket Office. Each submission will be reviewed in light of the amount of time requested in the notice of intention to appear. In those instances where the information contained in the submission does not justify the amount of time requested, a more appropriate amount of time will be allocated and the participant will be notified of that fact.

Any party who has not substantially complied with the requirement to provide the complete test of testimony and documentary evidence may be limited to a 15 minute presentation, and to provide the complete text of testimony and documentary evidence may be requested to return for questioning at a later time.

CONDUCT OF HEARINGS

The hearing will commence at 9:30 a.m. on December 13, 1977, with resolution of any procedural matters relating to the proceeding. The hearing will be conducted in accordance with 29 CFR Part 1911. The hearing will be conducted in as expedited a manner as possible consistent with a full development of the record and the rights of the parties.

The hearing will be presided over by an Administrative Law Judge who will have all the powers necessary or appropriate to conduct a full and fair informal hearing as provided in 29 CFR Part 1911. Following the close of the hearing or of any posthearing comment period, the presiding Administrative Law Judge will certify the record to the Assistant Secretary of Labor for Occupational Safety and Health. The proposal will be reviewed in light of all oral and written submissions received as part of the record, and a standard will be issued based on the entire record in this proceeding.

AUTHORITY

This document was prepared under the direction of Eula Bingham, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, Third Street and Constitution Avenue NW., Washington, D.C. 20210.

Accordingly, pursuant to sections 6(b), 6(c), 8(c) and 8(g) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1596, 1599, 1600; 29 U.S.C. 655, 657), the Secretary of Labor's Order No. 8–76 (41 FR 25059), and 29 CFR Part 1911, it is hereby proposed to amend Part 1910 of Title 29, Code of Federal Regulations by revising § 1910.1044 as set forth below. In addition, appropriate amendments would be made to Parts 1915–1918 and 1926 to clarify the applicability of this § 1910.1044 to the maritime and construction industries.

NOTE.—It is hereby certified that the economic and inflationary impact of this proposed regulation has been evaluated in accordance with Executive Orders 11821 and 11949.

Signed at Washington, D.C., this 26th day of October 1977.

EULA BINGHAM,
Assistant Secretary of Labor.

Part 1910 of Title 29 of the Code of Federal Regulations is proposed to be amended by revising § 1910.1044 to read as follows:

§ 1910.1044 1,2 - dibromo-3-chloropropane.

(a) *Scope and application.* This section applies to the production, reaction, release, packaging, repackaging, storage, transportation, handling, or use of 1,2-dibromo-3-chloropropane (DBCP), Chemical Abstracts Service Registry No. 96–12–8, except that this section does not apply to exposure to DBCP which results solely from the application and use of DBCP as a pesticide.

(b) *Definitions.* "Authorized person" means any person specifically authorized by the employer and whose duties require the person to be present in regulated areas; and any person entering such areas as a designated representative of employees exercising an opportunity to observe employee exposure monitoring.

"DBCP" means 1,2-dibromo-3-chloropropane.

"Director" means the Director, National Institute for Occupational Safety and Health, U.S. Department of Health, Education, and Welfare, or designee.

"Emergency" means any occurrence such as, but not limited to equipment failure, rupture of containers, or failure of control equipment which does, or is likely to, result in any massive release of DBCP.

"OSHA Area Office" means the Area Office of the Occupational Safety and Health Administration having jurisdiction over the geographic area where the affected workplace is located.

"Assistant Secretary" means the Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, or designee.

(c) *Permissible exposure limits.* (1) *Inhalation.* (i) *Time-weighted average limit (TWA).* The employer shall assure that no employee is exposed to an airborne concentration in excess of 1 part DBCP per billion parts of air (ppb) as an 8-hour time-weighted average.

(ii) *Ceiling limit.* The employer shall assure that no employee is exposed to an airborne concentration in excess of 10 parts DBCP per billion parts of air (ppb) as averaged over any 15 minutes during the working day.

(2) *Dermal and eye exposure.* The employer shall assure that no employee is exposed to eye or skin contact with DBCP.

(d) *Notification of use.* Within ten (10) days following the introduction of DBCP into the workplace, every employer who has a workplace where DBCP is present shall report the following information to the nearest OSHA Area Office for each such workplace:

(1) The address and location of each workplace in which DBCP is present;

(2) A brief description of each process or operation which may result in employee exposure to DBCP;

(3) The number of employees engaged in each process or operation who may be exposed to DBCP and an estimate of the frequency and degree of exposure that occurs;

(4) A brief description of the employer's safety and health program as it relates to limitation of employee exposure to DBCP.

(e) *Regulated areas.* (1) The employer shall establish regulated areas where there is any exposure to DBCP.

(2) The employer shall limit access to regulated areas to authorized persons.

(f) *Exposure monitoring.* (1) *General.* Determinations of airborne exposure levels shall be made from air samples that are representative of each employee's exposure to DBCP over an 8-hour period. (For the purposes of this paragraph, employee exposure is that exposure which would occur if the employee were not using a respirator.)

(2) *Initial.* Each employer who has a place of employment in which DBCP is present shall monitor each workplace and work operation to accurately determine the airborne concentrations of DBCP to which employees may be exposed.

(3) *Frequency.* (i) If the monitoring required by this section reveals employee exposures to be below the permissible exposure limit, the employer shall repeat these determinations at least quarterly.

(ii) If the monitoring required by this section reveals employee exposure to be in excess of any of the permissible exposure limit, the employer shall repeat these determinations for each such employee at least monthly. The employer shall continue these monthly determinations until at least two consecutive measurements, taken at least seven (7) days apart, are below the permissible exposure limit. Thereafter the employer shall monitor at least quarterly.

(4) *Additional.* Whenever there has been a production, process, control or personnel change which may result in any new or additional exposure to DBCP, or whenever the employer has any other reason to suspect a change which may result in new or additional exposures to DBCP, additional monitoring which complies with this paragraph (f) shall be conducted.

(5) *Employee notification.* (i) Within five (5) working days after the receipt of monitoring results, the employer shall notify each employee in writing of results which represent the employee's exposure.

(ii) Whenever the results indicate that employee exposure exceeds the permissible exposure limit the employer shall include in the written notice a statement that the permissible exposure limit was exceeded and a description of the correc-

tive action being taken to reduce exposure to or below the permissible exposure limit.

(6) *Accuracy of measurement.* The method of measurement shall be accurate, to a confidence level of 95 percent, to within plus or minus 25 percent for concentrations of DBCP at or above the permissible exposure limit.

(g) *Methods of compliance.* The employer shall control employee exposures to airborne concentrations of DBCP to within the permissible exposure limit, and shall protect against employee exposure to eye or skin contact with DBCP by engineering controls, work practices, and personal protective equipment as follows:

(1) *Priority of compliance methods.* (i) *Engineering and work practice controls.* The employer shall institute engineering or work practice controls to reduce and maintain employee exposures to DBCP to within the permissible exposure limit, except to the extent that the employer establishes that such controls are not feasible.

(ii) *Respiratory protection.* Whenever the engineering and work practice controls which can be instituted are not sufficient to reduce employee exposures to within the permissible exposure limit, the employer shall nonetheless use them to reduce exposures to the lowest level achievable by these controls and shall supplement them by use of respiratory protection which complies with the requirements of paragraph (h) of this section.

(2) *Compliance program.* (i) The employer shall establish and implement a written program to reduce employee exposures to DBCP to or below the permissible exposure limit lowest feasible level solely by means of engineering and work practice controls as required by paragraph (g) (1) of this section.

(ii) Written plans for these compliance programs shall include at least the following:

(*a*) A description of each operation or process resulting in employee exposure to DBCP;

(*b*) Engineering plans and other studies used to determine the controls for each process;

(*c*) A report of the technology considered in meeting the permissible exposure limit;

(*d*) A detailed schedule for the implementation of engineering or work practice controls; and

(*e*) Other relevant information.

(iii) Written programs required under this paragraph (g) (2) shall be submitted upon request to the Assistant Secretary and the Director, and shall be available at the worksite for examination and copying by the Assistant Secretary, the Director, and any affected employee or designated representative of employees.

(h) *Respirators.* (1) *General.* Where respiratory protection is required under this section, the employer shall select, provide and assure the use of respirators. Respirators shall be used in the following circumstances:

(i) During the period necessary to install or implement feasible engineering and work practice controls; or

(ii) In work operations such as maintenance and repair activities in which engineering and work practice controls are not feasible; or

(iii) In work situations where feasible engineering and work practice controls are not yet sufficient to reduce exposure within the permissible exposure limit; or

(iv) In emergencies.

(2) *Respirator selection.* (i) Where respirators are required under this section, the employer shall select and provide, at no cost to the employee, the appropriate respirator from Table 1 below and shall assure that the employee wears the respirator provided.

(ii) The employer shall select respirators from among those approved by the National Institute for Occupational Safety and Health (NIOSH) under the provisions of 30 CFR Part 11.

TABLE 1.—*Respiratory protection for DBCP*

Concentration not greater than:	*Respiratory protection*
10 p/b	(1) Any supplied-air respirator. (2) Any self-contained breathing apparatus.
50 p/b	(1) Any supplied-air respirator with full facepiece, helmet, or hood. (2) Any self-contained breathing apparatus with full facepiece.
1,000 p/b	(1) A Type C supplied-air respirator operated in pressure-demand or other positive pressure or continuous flow mode.
2,000 p/b	(1) A Type C supplied-air respirator with full facepiece operated in pressure-demand or other positive pressure mode, or with full facepiece, helmet, or hood operated in continuous flow mode.
Greater than 2,000 p/b or entry and escape from unknown concentrations.	(1) A combination respirator which includes a Type C supplied-air respirator with full facepiece operated in pressure-demand or other positive pressure or continuous flow mode and an auxiliary self-contained breathing apparatus operated in pressure-demand or positive pressure mode. (2) A self-contained breathing apparatus with full facepiece operated in pressure-demand or other positive pressure mode.
Fire-fighting	(1) A self-contained breathing apparatus with full facepiece operated in pressure-demand or other positive pressure mode.

(3) *Respirator program.* (i) The employer shall institute a respiratory protection program in accordance with 29 CFR 1910.134 (b, (d), (e), and (f).

(ii) Employees who wear respirators shall be allowed to wash their faces and respirator facepieces to prevent potential skin irritation associated with respirator use.

(i) *Emergency situations.* (1) *Written plans.* (i) A written plan for emergency situations shall be developed for each workplace in which DBCP is present and in which there is a possibility of an emergency. Appropriate portions of the plan shall be implemented in the event of an emergency.

(ii) The plan shall specifically provide that employees engaged in correcting emergency conditions be equipped as required in paragraphs (h) and (j) of this section until the emergency is abated.

(iii) Employees not engaged in correcting the emergency shall be removed and restricted from the area and normal operations in the affected area shall not be resumed until the emergency is abated.

(2) *Alerting employees.* Where there is a possibility of employee exposure to DBCP in excess of the ceiling limit due to the occurrence of an emergency, a general alarm shall be installed and maintained to promptly alert employees of such occurrences.

(j) *Protective clothing and equipment.* (1) *Provision and use.* Where eye or skin contact with liquid or solid DBCP may occur, employers shall provide at no cost to the employee, and assure that employees wear impermeable protective clothing and equipment in accordance with § 1910.132 and § 1910.133 to protect the area of the body which may come in contact with DBCP.

(2) *Removal and storage.* (i) The employer shall assure that employees remove DBCP contaminated work clothing only in change rooms provided in accordance with (l) (1) of this section.

(ii) The employer shall assure that no employee takes DBCP contaminated protective devices and work clothing out of the change room, except those employees authorized to do so for the purpose of laundering, maintenance, or disposal.

(iii) DBCP-contaminated protective devices and work clothing shall be placed and stored in closed containers which prevent dispersion of the DBCP outside the container.

(iv) Containers of DBCP contaminated protective devices or work clothing which are to be taken out of change rooms or the workplace for laundering or disposal, or for any other reason, shall bear labels in accordance with paragraph (o) (3) of this section.

(3) *Cleaning and replacement.* (i) The employer shall clean, launder, repair, or replace protective clothing and equipment required by this paragraph to maintain their effectiveness. In addition, the employer shall provide clean protective clothing and equipment at least daily to each affected employee.

(ii) The employer shall inform any person who launders or cleans DBCP-contaminated protective clothing or equipment of the potentially harmful effects of exposure to DBCP.

(iii) The employer shall prohibit the removal of DBCP from protective clothing and equipment by blowing or shaking.

(k) *Housekeeping.* (1) *Surfaces.* (i) All surfaces shall be maintained free of accumulations of DBCP.

(ii) Dry sweeping and the use of air for the cleaning of floors and other surfaces where DBCP dust or liquids are found is prohibited.

(iii) Where vacuuming methods are selected, either portable units or a permanent system may be used.

(*a*) If a portable unit is selected, the exhaust shall be attached to the general workplace exhaust ventilation system or collected within the vacuum unit, equipped with high efficiency filters or other appropriate means of contaminant removal, so that DBCP is not reintroduced into the workplace air; and

(*b*) Portable vacuum units used to collect DBCP may not be used for other cleaning purposes and shall be labeled as prescribed by paragraph (o) (3) of this section.

(iv) Cleaning of floors and other contaminated surfaces may not be performed by washing down with a hose, unless a fine spray has first been laid down.

(2) *Liquids.* Where DBCP is present in a liquid form, or as a resultant vapor, all containers or vessels containing DBCP shall be enclosed to the maximum extent feasible and tightly covered when not in use.

(3) *Waste disposal.* DBCP waste, scrap, debris, bags, containers, or equipment shall be disposed of in sealed bags or other closed containers which prevent dispersion of DBCP outside the container.

(l) *Hygiene facilities and practices.* (1) *Change rooms.* The employer shall provide clean change rooms equipped with storage facilities for street clothes and separate storage facilities for protective clothing and equipment whenever employees are required to wear protective clothing and equipment in accordance with paragraph (j) of this section.

(2) *Showers.* (i) The employer shall assure that employees working in the regulated area shower at the end of the work shift.

(ii) The employer shall provide shower facilities in accordance with 29 CFR 1910.141(d)(3).

(3) *Lunchrooms.* The employer shall provide lunchroom facilities which have a temperature controlled, positive pressure, filtered air supply, and which are readily accessible to employees working in regulated areas.

(4) *Lavatories.* (i) The employer shall assure that employees working in the regulated area wash their hands and face prior to eating.

(ii) The employer shall provide a sufficient number of lavatory facilities which comply with 29 CFR 1910.141(d) (1) and (2).

(5) *Prohibition of activities in regulated areas.* The employer shall assure that, in regulated areas, food or beverages are not present or consumed, smoking products and implements are not present or used, and cosmetics are not present or applied. (These items may be kept, and these activities may be conducted in lunchrooms, change rooms and showers required under paragraphs (l) (1)–(4) of this section.)

(m) *Medical surveillance.* (1) *General.* The employer shall institute a program of medical surveillance for each employee who is or will be exposed, without regard to the use of respirators, to DBCP. The employer shall provide each such employee with an opportunity for medical examinations and tests in accordance with this paragraph. All medical examinations and procedures shall be performed by or under the supervision of a licensed physician, and shall be provided without cost to the employee.

(2) *Frequency and content.* At the time of initial assignment, and annually thereafter, the employer shall provide a medical examination including at least the following:

(i) A medical and occupational history with emphasis on reproductive history.

(ii) A physical examination with emphasis on the genitourinary tract, testicle size (males), and body habitus including a determination of sperm count of nonvasectomized males.

(iii) A serum specimen shall be obtained and the following determinations made by radioimmunoassay techniques utilizing NIH specific antigen or one of equivalent sensitivity:

(*a*) Serum follicle stimulating hormone (FSH);

(*b*) Serum luteinizing hormone (LH); and

(*c*) Serum testosterone (males) or serum total estorgen (females).

(iv) Any other tests deemed appropriate by the examining physician.

(3) *Additional examinations.* If the employee for any reason develops signs or symptoms commonly associated with exposure to DBCP, the employer shall provide appropriate examination and emergency medical treatment.

(4) *Information provided to the physician.* The employer shall provide the following information to the examining physician:

(i) A copy of this regulation and its appendices;

(ii) A description of the affected employee's duties as they relate to the employee's exposure;

(iii) The level of DBCP to which the employee is exposed; and

(iv) A description of any personal protective equipment used or to be used.

(5) *Physician's written opinion.* (i) The employer shall obtain a written opinion from the examining physician which shall include:

(*a*) The results of the medical tests performed;

(*b*) The physician's opinion as to whether the employee has any detected medical condition which would place the employee at an increased risk of material impairment of health from exposure to DBCP;

(*c*) Any recommended limitations upon the employee's exposure to DBCP or upon the use of protective clothing and equipment such as respirators; and

(*d*) A statement that the employee was informed by the physician of the results of the medical examination, and any medical conditions which require further examination or treatment.

(ii) The employer shall instruct the physician not to reveal in the written opinion specific findings or diagnoses unrelated to occupational exposure to DBCP.

(iii) The employer shall provide a copy of the written opinion to the affected employee.

(n) *Employee information and training.* (1) *Training program.* (i) The employer shall institute a training program for all employees who may be exposed to DBCP and shall assure their participation in such training program.

(ii) The employer shall assure that each employee is informed of the following:

(*a*) The information contained in Appendices A, B, and C;

(*b*) The quantity, location, manner of use, release, or storage of DBCP and the specific nature of operations which could result in exposure to DBCP as well as any necessary protective steps;

(*c*) The purpose, proper use, and limitations of respirators;

(*d*) The purpose and description of the medical surveillance program required by paragraph (m) of this section; and

(*e*) A review of this standard.

(2) *Access to training materials.* (i) The employer shall make a copy of this standard and its appendices readily available to all affected employees.

(ii) The employer shall provide, upon request, all materials relating to the employee information and training program to the Assistant Secretary and the Director.

(o) *Signs and labels.*—(1) *General.* (i) The employer may use labels or signs required by other statutes, regulations, or ordinances in addition to or in combination with, signs and labels required by this paragraph.

(ii) The employer shall assure that no statement appears on or near any sign or label required by this paragraph which contradicts or detracts from the required sign or label.

(2) *Signs.* (i) The employer shall post signs to clearly indicate all work areas where DBCP may be present. These signs shall bear the legend:

DANGER

1,2-Dibromo-3-chloropropane
(*Insert appropriate trade or common names*)

CANCER HAZARD
AUTHORIZED PERSONNEL ONLY

(ii) Where airborne concentrations of DBCP exceed the permissible exposure limit, the signs shall bear the additional legend:

RESPIRATOR REQUIRED

(3) *Labels.* (i) The employer shall assure that precautionary labels are affixed to all containers of DBCP and of products containing DBCP, and that the labels remain affixed when the DBCP or products containing DBCP are sold, distributed, or otherwise leave the employer's workplace. Where DBCP or products containing DBCP are sold, distributed or otherwise leave the employer's workplace bearing appropriate labels required by EPA under the regulations in 40 CFR Part 162, the labels required by this paragraph need not be affixed.

(ii) The employer shall assure that the precautionary labels required by this paragraph are readily visible and legible. The labels shall bear the following legend:

DANGER

1,2-Dibromo-3-chloropropane

CANCER HAZARD

(p) *Recordkeeping.*—(1) *Exposure monitoring.* (i) The employer shall establish and maintain an accurate record of all monitoring required by paragraph (f) of this section.

(ii) This record shall include:

(*a*) The dates, number, duration and results of each of the samples taken, including a description of the sampling procedure used to determine representative employee exposure;

(*b*) A description of the sampling and analytical methods used;

(*c*) Type of respiratory protective devices worn, if any; and

(*d*) Name, social security number, and job classification of the employee monitored and of all other employees whose exposure the measurement is intended to represent.

(iii) The employer shall maintain this record for at least 40 years or the duration of employment plus 20 years, whichever is longer.

(2) *Medical surveillance.* (i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance required by paragraph (m) of this section.

(ii) This record shall include:

(*a*) A copy of the physician's written opinion.

(*b*) Any employee medical complaints related to exposure to DBCP;

(*c*) A copy of the information provided the physician as required by paragraph (m)(3) of this section; and

(*d*) A copy of the employee's work history.

(iii) The employer shall maintain this record for at least 40 years or the duration of employment plus 20 years, whichever is longer.

(3) *Availability.* (i) The employer shall assure that all records required to be maintained by this section be made available upon request to the Assistant Secretary and the Director for examination and copying.

(ii) The employer shall assure that employee exposure monitoring records required by this section be made available, upon request, for examination and copying to the affected employee or former employee, and their designated representatives.

(iii) The employer shall assure that employee medical records required to be maintained by this section be made available, upon request, for examination and copying to the affected employee or former employee, or to a physician designated by the affected employee or former employee or designated representative.

(q) *Observation of monitoring.*—(1) *Employee observation.* The employer shall provide affected employees, or their designated representatives, an opportunity to observe any monitoring of employee exposure to DBCP conducted under paragraph (f) of this section.

(2) *Observation procedures.* (i) Whenever observation of the measuring or monitoring of employee exposure to DBCP requires entry into an area where the use of protective clothing or equipment is required, the employer shall provide the observer with personal protective clothing or equipment required to be worn by employees working in the area, assure the use of such clothing and equipment, and require the observer to comply with all other applicable safety and health procedures.

(ii) Without interfering with the monitoring or measurement, observers shall be entitled to:

(a) Receive an explanation of the measurement procedures;

(b) Observe all steps related to the measurement of airborne concentrations of DBCP performed at the place of exposure; and

(c) Record the results obtained.

(r) *Effective date.* This section shall become effective thirty days following publication in the FEDERAL REGISTER.

(s) *Appendices.* The information contained in the appendices is not intended, by itself, to create any additional obligations not otherwise imposed or to detract from any existing obligation.

APPENDIX A—SUBSTANCE SAFETY DATA SHEET FOR DBCP

I. SUBSTANCE IDENTIFICATION

A. Synonyms and trades names: DBCP; Dibromochloropropane; Fumazone (Dow Chemical Company TM); Nemafume; Nemagon (Shell Chemical Co. TM); Nemaset; BBC 12; and OS 1879.

B. DBCP can be found as a: concentrate; liquid; solution; and granules;

C. DBCP is used on crops including: cotton; soybeans; fruits; nuts; vegetables; and ornamentals.

D. DBCP can be applied to crops: before planting; during planting; and after planting.

II. HEALTH HAZARD DATA

E. Permissible exposure: Exposure may not exceed either:

1. 1 part DBCP per billion parts of air (1 ppb) averaged over the eight-hour work day; or

2. 10 parts DBCP per billion parts of air (10 ppb) averaged over any 15 minute period in the workday.

II. HEALTH HAZARD DATA

A. Routes of entry: Employees may be exposed:

1. Through inhalation (breathing);
2. Through ingestion (swallowing);
3. Skin contact; and
4. Eye contact.

B. Effects of overexposure:

1. Acute exposure: DBCP may cause drowsiness, irritation of the eyes, nose, throat and skin, nausea and vomiting. In addition, overexposure may cause damage to the lungs, liver or kidneys.

2. Chronic exposure: Prolonged or repeated exposure to DBCP may cause injury to the lungs, liver or kidneys. DBCP has been associated with sterility in humans and laboratory animals. It also has been shown to produce cancer in laboratory animals and has been determined to constitute an increased risk of cancer in man.

3. Reporting Signs and Symptoms: If you develop any of the above signs or symptoms that you think are caused by exposure to DBCP, you should inform your employer.

III. EMERGENCY FIRST AID PROCEDURES

A. Eye exposure: If DBCP liquid or dust containing DBCP gets into your eyes, wash your eyes immediately with large amounts of water, lifting the lower and upper lids occasionally. Get medical attention immediately. Contact lenses should not be worn when working with DBCP.

B. Skin exposure: If DBCP liquids or dusts containing DBCP get on your skin, immediately wash using soap or mild detergent and water. If DBCP liquids or dusts containing DBCP penetrate through your clothing, remove the clothing immediately and wash. If irritation is present after washing get medical attention.

C. Breathing: If you or any person breathe in large amounts of DBCP, move the exposed person to fresh air at once. If breathing has stopped, perform artificial respiration. Do not use mouth-to-mouth. Keep the affected person warm and at rest. Get medical attention as soon as possible.

D. Swallowing: When DBCP has been swallowed and the person is conscious, give the person large amounts of water immediately. After the water has been swallowed, try to get the person to vomit by having him touch the back of his throat with his finger. Do not make an unconscious person vomit. Get medical attention immediately.

E. Rescue: Notify someone. Put into effect the established emergency rescue procedures. Know the locations of the emergency rescue equipment before the need arises.

IV. RESPIRATORS AND PROTECTIVE CLOTHING

A. Respirators: You may be required to wear a respirator for non-routine activities or in emergencies and while your employer is in the process of reducing DBCP exposures through engineering controls. If respirators are worn, they must have a National Institute for Occupational Safety and Health (NIOSH) approval label (Older respirators may have a Bureau of Mines Approval label). For effective protection, a respirator must fit your face and head snugly. The respirator should not be loosened or removed in work situations where its use is required. DBCP does not have a detectable odor except at 1,000 times or more above the permissible exposure limit. If you can smell DBCP while wearing a respirator, the respirator is not working correctly; go immediately to fresh air. If you experience difficulty breathing while wearing a respirator, tell your employer.

B. Protective Clothing: You must wear for your protection impermeable work clothing provided by your employer. (Standard rubber and neoprene protective clothing do not offer adequate protection).

DBCP must never be allowed to remain on the skin. Clothing and shoes should not be

allowed to become contaminated with the material, and if they do, they should be promptly removed and not worn again until completely free of the material. Turn in impermeable clothing that has developed leaks for repear or replacement.

C. Eye protection: You must wear splash-proof safety goggles where there is any possibility of DBCP liquid or dust contacting your eyes.

V. PRECAUTIONS FOR SAFE USE, HANDLING, AND STORAGE

A. DBCP must be stored in tightly closed containers in a cool, well-ventilated area.

B. If your work clothing may have become contaminated with DBCP, or liquids or dusts containing DBCP, you must change into uncontaminated clothing before leaving the work premises.

C. You must promptly remove any non-impermeable clothing that becomes contaminated with DBCP. This clothing must not be reworn until the DBCP is removed from the clothing.

D. If your skin becomes contaminated with DBCP, you must promptly and thoroughly wash or shower with soap or mild detergent and water to remove any DBCP from your skin.

E. You must not keep food, beverages, cosmetics, or smoking materials, nor eat or smoke, in areas where DBCP is handled, processed or stored.

F. If you handle DBCP, you must wash your hands thoroughly with soap or mild detergent and water, before eating, smoking or using toilet facilities.

G. Ask your supervisor where DBCP is used in your work area and for any additional safety and health rules.

VI. ACCESS TO INFORMATION

A. Each year, your employer is required to inform you of the information contained in this Substance Safety Data Sheet for DBCP. In addition, your employer must instruct you in the safe use of DBCP, emergency procedures, and the correct use of protective equipment.

B. Your employer is required to determine whether you are being exposed to DBCP. You or your representative have the right to observe employee exposure measurements and to record the result obtained. Your employer is required to inform you of your exposure. If your employer determines that you are being overexposed, he is required to inform you of the actions which are being taken to reduce your exposure.

C. Your employer is required to keep records of your exposure and medical examinations. Your employer is required to keep exposure and medical data for at least 40 years or the duration of your employment plus 20 years, whichever is longer.

D. Your employer is required to release exposure and medical records to your physician upon your written request.

APPENDIX B—SUBSTANCE TECHNICAL GUIDELINES FOR DBCP

I. PHYSICAL AND CHEMICAL DATA

A. Substance Identification: 1. Synonyms: 1,2-dibromo-3-chloropropane; DBCP, Fumazone; Nemafume; Nemagon; Nemaset; BBC 12; OS 1879. DBCP is also included in agricultural pesticides and fumigants which include the phrase "Nema * * *" in their name.

2. Formula: C3H5Br2 C1.

3. Molecular Weight: 236.

B. Physical Data: 1. Boiling point (760 mm HG): 195C (383F).

2. Specific gravity (water=1): 2.093.

3. Vapor density (air=1 at boiling point of DBCP): Data not available.

4. Melting point: 6C (43F).

5. Vapor pressure at 20C (68F): 0.8 mm Hg.

6. Solubility in water: 1000 ppm.

7. Evaporation rate (Butyl Acetate=1): very much less than 1.

8. Appearance and odor: Dense yellow or amber liquid with a pungent odor at high concentrations. Any detectable odor of DBCP indicates overexposure.

II. FIRE EXPLOSION AND REACTIVITY HAZARD DATA

A. Fire: 1. Flash point: 170F TOC.

2. Autoignition temperature: Data not available.

3. Flammable limits in air, percent by volume: Data not available.

4. Extinguishing media: Carbon dioxide, dry chemical.

5. Special fire-fighting procedures: Do not use a solid stream of water since a stream will scatter and spread the fire. Use water spray to cool containers exposed to a fire.

6. Unusual fire and explosion hazards: None known.

7. For purposes of complying with the requirements of 1910-106, liquid DBCP is classified as a class III A combustible liquid.

8. For the purpose of complying with § 1910.309, the classification of hazardous locations as described in article 500 of the National Electrical Code for DBCP shall be Class I Group D.

9. For the purpose of compliance with § 1910.157, DBCP is classified as a Class B fire hazard.

10. For the purpose of compliance with § 1910.178, locations classified as hazardous locations due to the presence of DBCP shall be Class I, Group D.

11. Sources of ignition such as smoking or open flames are prohibited where DBCP presents a fire or explosion hazard.

B. Reactivity: 1. Conditions contributing to instability: None known.

2. Incompatibilities: Reacts with chemically active metals, such as aluminum, magnesium and tin alloys.

3. Hazardous decomposition products: Toxic gases and vapors (such as HBr, HCl and carbon monoxide) may be released in a fire involving DBCP.

4. Special precautions: DBCP will attack some rubber materials and coatings.

III. SPILL, LEAK AND DISPOSAL PROCEDURES

A. If DBCP is spilled or leaked, the following steps should be taken:

1. The area should be evacuated at once and re-entered only after thorough ventilation.

2. Ventilate area of spill or leak.

3. If in liquid form, collect for reclamation or absorb in paper, vermiculate, dry sand, earth or similar material.

4. If in solid form, collect spilled material in the most convenient and safe manner for reclamation or for disposal.

B. Persons not wearing protective equipment must be restricted from areas of spills or leaks until cleanup has been completed.

C. Waste Disposal Methods: 1. For small quantities of liquid DBCP, absorb on paper towels, remove to a safe place (such as a fume hood) and burn the paper. Large quantities can be reclaimed or collected and atomized in a suitable combustion chamber equipped with an appropriate effluent gas cleaning device. If liquid DBCP is absorbed in vermiculite, dry sand, earth or similar material and placed in sealed containers it may be disposed of in a state-approved sanitary landfill.

2. If in solid form, for small quantities, place on paper towels, remove to a safe place (such as a fume hood) and burn. Large quantities may be reclaimed. However, if this is not practical, dissolve in a flammable solvent (such as alcohol) and atomize in a suitable combustion chamber equipped with an appropriate effluent gas cleaning device. DBCP in solid form may also be disposed in a State-approved sanitary landfill.

IV. MONITORING AND MEASUREMENT PROCEDURES

A. Exposure above the permissible exposure limit.

1. *Eight-hour exposure evaluation.* Measurements taken for the purpose of determining employee exposure under this section are best taken so that the average eight-hour exposure may be determined from a single 8-hour sample or two (2) four-hour samples. Air samples should be taken in the employee's breathing zone (air that would most nearly represent that inhaled by the employee).

2. *Ceiling evaluation.* Measurements taken for the purpose of determining employee exposure under this section must be taken during periods of maximum expected airborne concentrations of DBCP in the employee's breathing zone. A minimum of three measurements should be taken in one work shift. The highest of all measurements taken is an estimate of the employee's exposure.

3. *Monitoring techniques.* The sampling and analysis under this section may be performed by collecting the DBCP vapor on charcoal adsorption tubes with subsequent chemical analyses. The method of measurement chosen should determine the concentration of airborne DBCP to an accuracy of plus or minus 25 percent. If charcoal tubes are used, a total volume of 10 liters should be collected at a flow rate of 50 cc. per minute for each tube. Analyze the resultant samples as you would samples of halogenated solvent.

B. Since many of the duties relating to employee protection are dependent on the results of monitoring and measuring procedures, employers should assure that the evaluation of employee exposures is performed by a competent industrial hygienist or other technically qualified person.

V. PROTECTIVE CLOTHING

Employees should be required to wear appropriate protective clothing to prevent any possibility of skin contact with DBCP. Because DBCP is absorbed through the skin, it is important to prevent skin contact with both liquid and solid forms of DBCP. Protective clothing should include impermeable coveralls or similar fullbody work clothing, gloves, headcoverings, and workshoes or shoe coverings. Standard rubber and neoprene gloves do not offer adequate protection and should not be relied upon to keep DBCP off the skin. DBCP should never be allowed to remain on the skin. Clothing and shoes should not be allowed to become contaminated with the material, and if they do, they should be promptly removed and not worn again until completely free of the material. Any protective clothing which has developed leaks or is otherwise found to be defective should be repaired or replaced. Employees should also be required to wear splash-proof safety goggles where there is any possibility of DBCP contacting the eyes.

VI. HOUSEKEEPING AND HYGIENE FACILITIES

1. The workplace must be kept clean, orderly, and in a sanitary condition;

2. Dry sweeping and the use of compressed air is unsafe for the cleaning of floors and other surfaces where DBCP dust or liquids are found. To minimize the contamination of air with dust, vacuuming with either portable or permanent systems must be used. If a portable unit is selected, the exhaust must be attached to the general workplace exhaust ventilation system, or collected within the vacuum unit equipped with high efficiency

filters or other appropriate means of contamination removal and not used for other purposes. Units used to collect DBCP must be labeled as prescribed in § 1910.1044(o) (DBCP standard).

3. Adequate washing facilities with hot and cold water must be provided, and maintained in a sanitary condition. Suitable cleansing agents should also be provided to assure the effective removal of DBCP from the skin.

4. Change or dressing rooms with individual clothes storage facilities must be provided to prevent the contamination of street clothes with DBCP. Because of the hazardous nature of DBCP, contaminated protective clothing must be stored in closed containers for cleaning or disposal.

VII. MISCELLANEOUS PRECAUTIONS

A. Store DBCP in tightly closed containers in a cool, well ventilated area.

B. Use of supplied-air suits or other impervious clothing (such as acid suits) may be necessary to prevent skin contact with DBCP. Supplied-air suits should be selected, used, and maintained under the supervision of persons knowledgeable in the limitations and potential life-endangering characteristics of supplied-air suits.

C. Advise employees of all areas and operations where exposure to DBCP could occur.

VIII. COMMON OPERATIONS

Common operations in which exposure to DBCP is likely to occur are: during its production; formulation into pesticides and fumigants; application of such pesticides and fumigants; and work in areas where such pesticides and fumigants have been applied, and processing of agricultural products containing residues of DBCP.

APPENDIX C—MEDICAL SURVEILLANCE GUIDELINES FOR DBCP

I. ROUTE OF ENTRY

Inhalation; skin absorption.

II. TOXICOLOGY

Recent data collected on workers involved in the manufacture and formulation of DBCP has shown that exposures to DBCP can cause sterility. This finding is supported by studies showing that DBCP causes sterility in animals. Chronic exposure to DBCP resulted in pronounced necrotic action on the parenchymatous organs (i.e., liver, kidney, spleen) and on the testicles of rats. Rats that were chronically exposed to DBCP also showed changes in the composition of the blood, showing low RBC, hemoglobin, and WBC, and high reticulocyte levels as well as functional hepatic disturbance, manifesting itself in a long prothrombin time. Reznik et al. noted a single dose of 100 mg produced profound depression of the nervous system of rats. Their condition gradually improved. Acute exposure also resulted in the destruction of the sex gland activity of male rats as well as causing changes in the estrous cycle in female rats. Animal studies have also associated DBCP with an increased incidence of carcinoma. Olson, et al. orally administered DBCP to rats and mice 5 times per week at experimentally predetermined maximally tolerated doses and at half those doses. As early as ten weeks after initiation of treatment, DBCP induced a high incidence of squamous cell carcinomas of the stomach with metastases in both species. DBCP also induced mammary adenocarcinomas in the female rats at both dose levels.

III. SIGNS AND SYMPTOMS

A. Inhalation: nausea, eye irritation, conjunctivitis, respiratory irritation, pulmonary congestion or edema, CNS depression with apathy, sluggishness, and ataxia.

B. Dermal: erythema or inflammation and dermatitis on repeated exposure.

IV. SPECIAL TESTS

1. Sperm count;

2. Serum Follicle Stimulating Hormone (FSH);

3. Serum Luteinizing Hormone (LH); and

4. Serum testosterone (males) or serum total estrogen (females).

NOTE.—The serum determinations in items 2, 3, and 4 should be performed by radioimmuno-assay techniques using NIH specific antigen or antigen preparations of equivalent sensitivity.

V. TREATMENT

Remove from exposure immediately, give oxygen or artificial resuscitation if indicated. Contaminated clothing and shoes should be removed immediately. Flush eyes and wash contaminated skin. If swallowed and the person is conscious, induce vomiting. Recovery from mild exposures is usually rapid and complete.

VI. SURVEILLANCE AND PREVENTIVE CONSIDERATIONS

A. Other considerations. DBCP can cause both acute and chronic effects. It is important that the physician become familiar with the operating conditions in which exposure to DBCP occurs. Those with respiratory disorders may not tolerate the wearing of negative pressure respirators.

B. Surveillance and screening. Medical histories and laboratory examinations are required for each employee subject to exposure to DBCP. The employer should screen employees for history of certain medical conditions (listed below) which might place the employee at increased risk from exposure.

1. Liver disease. The primary site of biotransformation and detoxification of DBCP is the liver. Liver dysfunctions likely to inhibit the conjugation reactions will tend to promote the toxic actions of DBCP. These precautions should be considered before exposing persons with impaired liver function to DBCP.

2. Renal disease. Because DBCP has been associated with injury to the kidney it is important that special consideration be given to those with possible impairment of renal function.

3. Skin disease. DBCP can penetrate the skin and can cause erythema on prolonged exposure. Persons with pre-existing skin disorders may be more susceptible to the effects of DBCP.

4. Blood dyscrasias. DBCP has been shown to decrease the content of erythrocytes, hemoglobin, and leukocytes in the blood, as well as increase the prothrombin time. Persons with existing blood disorders may be more susceptible to the effects of DBCP.

5. Reproductive disorders. Animal studies have associated DBCP with various effects on the reproductive organs. Among these effects are atrophy of the testicles and changes in the estrous cycle. Persons with pre-existing reproductive disorders may be at increased risk to these effects of DBCP.

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federal register

TUESDAY, NOVEMBER 1, 1977
PART V

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

NONCOMMERCIAL EDUCATIONAL BROADCASTING FACILITIES PROGRAM

[4110-02]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 153—NONCOMMERCIAL EDUCATIONAL BROADCASTING FACILITIES PROGRAM

AGENCY: Office of Education, HEW.

ACTION: Final regulation.

SUMMARY: This document is a final regulation for the Educational Broadcasting Facilities Program authorized by Part IV of Title III of the Communications Act of 1934, as amended. The final regulation implements revisions to the statute enacted by the Educational Broadcasting Facilities and Telecommunications Demonstration Act of 1976 and makes other clarification changes in the program regulation. The intended effect of the regulation is to provide financial assistance in the acquisition of transmission equipment for public broadcast stations and to assure accountability for the use of the equipment during the ten year period of Federal interest.

EFFECTIVE DATE: Pursuant to section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232 (d)), this regulation has been transmitted to the Congress concurrently with this publication in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment.

FOR FURTHER INFORMATION CONTACT:

Dr. John Cameron, Educational Broadcasting Facilities Program, 202-245-9225.

SUPPLEMENTARY INFORMATION: The rules continued in this document were published in proposed form in the FEDERAL REGISTER on January 19, 1977 (42 FR 3792). The provisions of Section 392A of the statute, as enacted by Section 8 of the 1976 Act, authorizing telecommunications demonstration grants, are being implemented through separate regulations in Part 63 of Title 45 of the Code of Federal Regulations. The preponderance of provisions in this regulation are unchanged from the regulation which it supersedes. The whole regulation was published in proposed form so that it would be more understandable to the public and would permit comments on all aspects of the program regulation.

1. *Program Purpose.* The Educational Broadcasting Facilities Program assists, through matching grants, in the development of public broadcast facilities for noncommercial educational radio and television broadcasting stations capable of serving local, State, and national needs. Grants are made on a competitive basis to eligible applicants for the acquisition of transmission and other authorized apparatus necessary for initial activation and/or the upgrading of existing noncommercial broadcast stations serving the educational, cultural, and informational needs of citizens. Authorized funds may not be used for land acquisition, the construction or repair of structures housing apparatus, or for broadcast station operation. The Federal Government maintains a 10-year interest in the continued noncommercial use of facilities funded under this program.

2. *1976 Amendments.* The 1976 amendments to the Communications Act of 1934 made the following changes affecting the Educational Broadcasting Facilities Program:

(a) An expansion of the eligible applicant categories to include private, nonprofit colleges or universities, and other educational or cultural institutions affiliated with an eligible college or university. This change is reflected in §§ 153.3 (b) and 153.4 of the regulation;

(b) A revision of the grant priorities to recognize and reflect the disparity in the development of public radio and television station facilities. The change is reflected in Appendix B of the regulation;

(c) A redefinition of the term "Construction" as used to identify eligible facilities for which grant funds may be used to include particular "reception" apparatus necessary for television or radio broadcasting. This change is reflected in § 153.3(b) of the regulation; and

(d) Provision for grants without a matching requirement to prior grantees under the statute where necessary to acquire logging recorders to comply with Section 399(b)(1) of the Communications Act of 1934, as amended. This change is reflected in § 153.23 of the regulation.

3. *Other changes.* Other changes, not required by the statutory amendments, are included in the regulation. For example, provisions in existing §§ 153.13(a) and 153.22(d), providing for a petition for reconsideration of an application which has been denied approval for funding and therefore deferred for consideration until the next fiscal year, have been deleted. Whether an eligible application is granted or deferred is based upon the collective evaluations of outside field readers, ratings of program officers, and a consensus of the Educational Broadcasting Facilities Program staff. This involves a competitive decision which may not lend itself to a petition for reconsideration. On the other hand, the petition for reconsideration is retained for decisions on acceptance for filing.

Other changes include modifications to the evaluation criteria in § 153.12, including the addition of a criterion on performance under any prior grant, changes in the list of eligible equipment items in Appendix A, and clarification of the non-Federal matching requirement in § 153.14(b). In addition, grammatical and typographical errors were corrected, words deleted and changes made in phraseology for clarification of intent.

4. *Incorporation of Electronic Industries Association Standards.* Appendix A-II continues in effect the following standards and specifications of the Electronic Industries Association:

(a) Electronic Industries Association Standard RS-170 (November, 1957), "Electrical Performance Standards—Monochrome Television Studio Facilities;" and

(b) Electronic Industries Association Standard RS-240 (April, 1961), "Electrical Performance Standards for Television Broadcast Transmitters."

These provisions were approved for incorporation by reference by the Director of the FEDERAL REGISTER on March 7, 1975 and were incorporated by reference in the program regulation published March 10, 1975. (40 FR 11240).

In addition to these standards previously incorporated by reference, Appendix A-II incorporates by reference:

(c) Electronic Industries Association Standard RS-222-C (March, 1976), "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures" (an earlier version of this standard was previously incorporated by reference);

(d) Electronic Industries Association Standard RS-411 (August, 1973), "Electrical and Mechanical Characteristics of Antennas for Satellite Earth Stations"; and

(e) Electronic Industries Association Standard RS-195-A (November, 1966), "Electrical and Mechanical Characteristics for Microwave Relay System Antennas and Passive Reflectors."

These standards were approved for incorporation by reference by the Director of the FEDERAL REGISTER on January 21, 1977 and July 1, 1977.

All the referenced standards are on file in the FEDERAL REGISTER library, National Archives and Records Service, Washington, D.C.

The standards serve as benchmarks for determining the extent to which the various items of transmission apparatus proposed for a project are necessary to, and capable of, achieving the objectives of the project, a criterion for evaluation of applications set forth in § 153.12 (b)(6).

The materials incorporated are published by the Electronic Industries Association, an association of the manufacturers of electronic equipment, and are widely recognized and utilized within the electronics industry as the appropriate standards and specifications for electronic equipment.

Copies of these standards may be obtained from the Director, Educational Broadcasting Facilities Program, U.S. Office of Education, 400 Maryland Avenue, SW. (Room 3122-A, ROB-3), Washington, D.C. 20202 or from the Electronic Industries Association, Engineering Department, 2001 Eye Street, NW., Washington, D.C. 20006.

5. *Restricting commercial use of programs.* In the preamble to the notice of proposed rulemaking, the public was in-

vited to provide comments and suggestions not only on the specific provisions contained in the proposed regulation, but also on the issue of what regulation is needed, if any, on the question of the use for other than noncommercial educational broadcasting purposes of programming developed with Federally funded equipment. Many comments were received on this issue. This final regulation does not contain provisions on this issue. The Office of Education will consider whether a separate amendment is needed. If a separate amendment is proposed, there will be opportunity for further public comment on the issue.

6. *Summary of comments; changes in the regulation.* The following comments were submitted to the Office of Education regarding the proposed regulation. After the summary of each comment, a response is made stating changes which have been made in the regulation, or the reasons why no change is deemed necessary. The comments are arranged in order of the sections of the final regulation.

Comment. One respondent suggested that the regulation be amended to provide that the closing date for applications be published in the FEDERAL REGISTER by the Commissioner at least 90 days before the applications are due. This proposed amendment would also provide that applications proposing projects which require authorization from the FCC "will not be accepted for filing unless the requisite applications have been tendered for filing" with the FCC on or before the cutoff deadline specified by the Commissioner. The respondent urged that these amendments would eliminate surprise, avoid rushed or ill-considered applications, and facilitate an orderly disposition of the FCC's business.

Response. No change has been made in the regulation. These comments are well taken, and the Commissioner does hope to provide the amount of time suggested for the preparation and submission of applications. However, circumstances do not always permit this amount of time if grants are to be made on an annual basis. Late appropriations, delays in issuing regulations, or other factors may require contractions in the amount of time for preparing and submitting applications. Therefore, while the Commissioner hopes to comply with the spirit of this suggestion in administering the program, it is not appropriate to impose the minimum application period as a regulation requirement. With respect to the suggested amendment concerning necessary filings with the FCC, the substance of that amendment is already contained in § 153.6(d).

SECTION 153.3 DEFINITIONS

Comment. Two comments suggested that the term "situated in any State" was not followed by a clear definition.

Response. The definition is being deleted inasmuch as the phrase is no longer included in the revised regulation. It should also be noted that the phrase "Reserved channel" is also deleted.

SECTION 153.3(b) DEFINITIONS

Comment. One respondent suggested that the prohibition in § 153.3(b) (definition of "Project") concerning the combining of radio and television projects proposed by joint radio and television licensees should be removed.

Response. No change has been made in the regulation. The language of the Communications Act of 1934, as amended, provides for separate criteria to be applied to television and radio projects; and provisions, relating to licensing and associated regulatory authorizations, distinguish the unique characteristics of the respective media.

SECTION 153.12(b) (2) (3) CRITERIA FOR EVALUATION OF APPLICATIONS

Comment. One respondent interpreted a proposed change in §153.12(b) (2) to be directed to requesting applicants to supply more specific information on the needs for improved broadcasting service in a community. It urged that this criterion for evaluating applications not be based on whether particular community needs for broadcasting must be met, but rather whether the equipment funded will improve overall service to the community.

Response. No change has been made in the regulation. The proposed changes in § 153.12(b) (2) & (3) were intended to clarify the regulation provisions regarding the relationship of the proposed project to the specific educational and cultural needs of the local community, State, and Nation. To be highly ranked under this criterion, an applicant would be expected to provide specific information on the particular educational and cultural needs to be met and how the project will respond to them. The amendment, in this respect, does not represent a substantive change from the existing regulation. This is an appropriate criterion for selecting the best applications in a highly competitive process. The basic statutory purposes of the Educational Broadcasting Facilities Program relate to meeting the needs of communities for educational broadcasting services. Section 392(d) provides that the Secretary of Health, Education, and Welfare shall base funding decisions on criteria designed to achieve, in general terms, a strengthening of the capability of stations to provide local services, the adaptation of facilities to broader educational uses, and extension of services. (These criteria are expressed in different order and language for television and radio.) It is not clear how these statutory purposes would be realized if the Commissioner, in evaluating applications for funding, failed to consider a community's specific educational and cultural needs, as assessed by the applicant and whether the proposed facilities would meet those needs. The subject criterion is designed to assist the Commissioner in selecting those applications with the greatest potential for realizing the statutory purposes.

SECTION 153.12(c) (1) CRITERIA FOR EVALUATION OF APPLICATIONS

Comment. Two comments were received concerning not approving certain applications to establish or improve stations with very low transmission power. One suggested that § 153.12(c) (1) could be deleted inasmuch as the matter is covered in evaluation criteria set forth in § 153.12(6). The second suggested that "very low transmission power" should be defined quantitively for AM, FM, and television facilities.

Response. Whereas § 153.12(b) (6) is merely one of many factors to be weighed in evaluating applications, § 153.12(c) (1) indicates that very low transmission power stations will not be approved except as noted. The two provisions also measure different factors. They are not duplicative. Out of a concern not to overregulate and preclude very low transmission power stations which may be able to make a special justification for their project, a specific quantitative definition of low transmission power has not been added. The language of the regulation has been modified to relate the justification of very low transmission power not to the purposes of the project, but rather to the purposes of the Act.

SECTION 153.14(b) AMOUNT OF FEDERAL GRANT

Comment. Both the Corporation for Public Broadcasting (CPB) and the Public Broadcasting Service (PBS) objected to provisions in § 153.14(b) of the proposed regulation. They pointed out that nothing in the Act prohibited grantees from using other Federal funds to meet the Act's 25 percent cost-sharing requirement and that grantees should be permitted to do so. Both took the position that, even if Federal funds could not be used for cost-charing, funds supplied by CPB should not be regarded as Federal funds and should be available for cost-sharing. Their comments indicated that (1) CPB was deliberately established by Congress as a private, nonprofit corporation outside of the Federal Government and free of Federal control, and that CPB funds ought to be regarded as private, not Federal funds; (2) CPB community service grants are available for broad uses at the discretion of stations, including the acquisition, maintenance, and replacement of broadcast facilities, as expressly authorized by the Public Broadcasting Financing Act of 1975; and (3) CPB community service grants themselves are calculated according to local support of the station.

Response. Section 153.14(b) has been amended so as not to prohibit use of CPB grant funds to meet the cost-sharing requirement. The regulation has not been changed with regard to the prohibition of use for cost-sharing of Federal grants.

APPENDIX A—EDUCATIONAL RADIO AND TELEVISION TRANSMISSION APPARATUS AND RELATED COSTS LIST AND MINIMUM EQUIPMENT PERFORMANCE STANDARDS

II STANDARDS FOR PROJECT APPARATUS

(C) *Special Purchase Equipment.—Comment.* Four comments were received concerning the standards for audio log-

ging recorders. One comment was in favor of the tight specifications, the other three recommended that the standards be loosened as they are far "stricter than necessary to accomplish the logging tasks envisioned by Section 399(b) of the amendments to the Facilities Act, and unduly restrictive favoring certain manufacturers." It was suggested that the Educational Broadcasting Facilities Program demand only that basic logging tasks be performed without specifying more than minimum standards.

Response. The comments that the standards were overly restrictive were well taken. The specifications for logging recorders (Appendix A II (C)(1)) have been amended.

APPENDIX A II (C)(2)

Comment. Three comments were received in reference to the specifications for the SCA receiver. One was in favor of the tight specifications; the other two felt that "the regulations should not incorporate any specifications for the SCA receivers, in order to allow users maximum flexibility in choice of equipment."

Response. In line with simplifying the regulation, the specifications for the SCA receivers have been revised and will allow for greater flexibility in equipment choice.

APPENDIX B—PROJECT PRIORITIES

II. PROJECT PRIORITIES FOR TELEVISION

Comment. One respondent, in effect, suggested that the proposed TV priority I B (for supplemental equipment for non-broadcast use) be meshed with I A (for first state-of-the-art basic production and reproduction equipment), adding language to specify that such production and/or reproduction equipment be capable of flexible uses broader than open broadcast or studio use.

Response. The funding priorities make no distinction between studio and remote production or reproduction equipment. They both earn I A priority status until first state-of-the-art basic production capability is reached. Production studio or remote equipment requested which is beyond the basic capability is placed in the I B, II C (for supplemental equipment for network stations), or III B (for supplemental equipment for local stations) priority category. The capability to produce remote programs as part of a station's local production would also constitute an important indication of the extent to which an applicant would satisfy criteria in § 153.12 related to the meeting of community needs for broadcasting. In the Act, the I B priority is placed second and is purposely separated from I A.

For clarification, the first part of the second sentence of Priority I A has been changed to read: "This refers to basic color capability of videotape recorders, film chains, broadcast color cameras * * *." An application requesting production equipment which qualifies under priority I A will be evaluated as to the extent the equipment is needed to meet the stated purposes of the project. Flexibility is in no way limited by the I A priority as now constituted.

Comment. The same respondent also suggested that TV priority I B be changed to become a companion to the respondent's proposed I A, but limiting the production and/or reproduction equipment to that designed for studio use only and not capable of broader, flexible uses in the respondent's I A priority.

Response. No change has been made in television priority I B of the regulation. It would be inappropriate to make a priority distinction between remote and studio equipment since both types are involved in a station achieving the basic first state-of-the-art reproduction and production capability. Priority I A is meant to apply only to local stations which are requesting first state-of-the-art reproduction and production equipment (remote and/or studio), which will bring them up to the basic capability to provide local services. Priority I B is meant to provide production and distribution capability for stations which already have the basic capability but are providing or plan to provide incidental nonbroadcast services. The suggested changes in both I A and I B priority do not track with the funding guidelines in the Act.

Comment. One respondent recommended a reordering of the priorities to make projects requesting expansion of power for UHF transmitters (which are now within the third priority) the first priority, and to create a new I E priority for projects requesting expansion of power for VHF transmitters (which are now within the third priority).

Response. No change has been made in the regulation. The priorities in the regulation are in keeping with the funding criteria in the Act. Expansion of power projects are listed third in the Act and are listed third in the present project priorities. The Act does not distinguish between VHF and UHF.

Comment. Three respondents requested clarification of "a station with appropriate local or State license" which appears in the four TV activation priorities (II A, B, IIIA, and IVA).

Response. The regulation has been amended, and the phrase now reads "a station with appropriate FCC license."

III. PROJECT PRIORITIES FOR RADIO

Comment. Two respondents suggested that the regulatory intent of the three radio activation priority categories (I A, I B, and II A) might be better served by adding to the phrase "areas currently without a public radio station" the phrase "which provides a one mv/m contour (FM) or 500 uv/m contour (AM) over the community."

Response. No change in the regulation has been made. Such specificity is unnecessary. When the term "public radio station" or "public television station" is used in the priority language, these terms refer to noncommercial educational broadcasting stations other than those subject to disapproval under the terms of § 153.12(c). (See Appendix B I, last paragraph).

NOTE.—The U.S. Office of Education has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

(Catalog of Federal Domestic Assistance Program No. 13.413, Educational Broadcasting Facilities.)

Dated: July 7, 1977.

ERNEST L. BOYER,
Commissioner of Education.

Approved: October 17, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary of Health, Education, and Welfare.

Part 153 of Title 45, Chapter I is revised to read as follows:

Subpart A—General

Sec.
153.1 Scope.
153.2 Other pertinent rules and regulations.
153.3 Definitions.

Subpart B—Eligibility and Applications

153.4 Eligible applicants.
153.5 Application for financial assistance.
153.6 FCC authorization.
153.7 Service of applications.
153.8 Acceptance of applications.
153.9 Comments on applications.
153.10 Processing of applications.
153.11 Coordination with interested agencies and organizations.
153.12 Criteria for evaluation of applications.
153.13 Action on applications.

Subpart C—Federal Financial Participation and Conditions of Federal Grant

153.14 Amount of Federal grant.
153.15 Payment of Federal grant.
153.16 Conditions of Federal grant.

Subpart D—Accountability for Federal Funds

153.17 Retention of property records.
153.18 Final certification.
153.19 Annual status reports.
153.20 Termination.
153.21 Change in eligibility to use.
153.22 Petition for reconsideration.

Subpart E—Audio Logging Recorders

153.23 Audio logging recorders.
APPENDIX A—Educational Radio and Television Transmission Apparatus and related costs list and Minimum Equipment Performance Standards.
APPENDIX B—Project Priorities.

AUTHORITY: Pub. L. 87-447, 76 Stat. 64-67, as amended (47 U.S.C. 390-395, 397-399), unless otherwise noted.

Subpart A—General

§ 153.1 Scope.

This part governs the provision of grants by the Commissioner under authority delegated by the Secretary for the construction of educational broadcasting facilities for noncommercial purposes pursuant to the provisions of Part IV of Title III of the Communications Act of 1934, as amended (47 U.S.C. 390-395; 397-399).

(47 U.S.C. 394)

§ 153.2 Other pertinent rules and regulations.

(a) Assistance provided under this part shall be subject to applicable provisions contained in Subchapter A of this Chapter (General Provisions for Office of Education programs relating to fiscal, administrative, and other matters), except to the extent that such provisions are inconsistent with, or expressly made inapplicable by, the provisions in this part.

(b) Other rules and regulations pertinent to applications for the operation of noncommercial educational broadcasting stations are contained in the rules and regulations of the Federal Communications Commission, 47 CFR Part 1 (Practice and Procedure); Part 2 (Frequency Allocations and Radio Treaty Matters; General Rules and Regulations); Part 17 (Construction, Marking, and Lighting of Antenna Structures); Part 3, Subpart E (Television Broadcasting Stations); Part 73 (Radio Broadcast Services); and Part 74 (Experimental Auxiliary and Special Broadcast and Other Program Distributional Services).

(47 U.S.C. 394)

§ 153.3 Definitions.

(a) Applicable definitions set forth in § 100.1 of this chapter shall apply to the regulations of this part, except that definitions of "equipment" and "project" set forth in § 100.1 of this chapter shall not be applicable to this part.

(b) The following terms shall have the following meanings when used in this part:

Notwithstanding the definition of "Acquisition" set forth in § 100.1 of this chapter, "Acquisition" means the assumption of ownership of apparatus eligible for funding under this part (including the receipt of gifts) and necessary delivery.

"Act" means Part IV of Title III of the Communications Act of 1934, as amended (47 U.S.C. 390–395, 397–399).

"Affiliated" means that the educational or cultural institution is:

(1) (i) Contractually associated, for educational purposes, with an eligible college or university; or

(ii) A legally incorporated consortium made up in whole or in part of eligible colleges or universities.

(2) Qualified to be a licensee of a noncommercial educational broadcasting station.

(Senate Report No. 94-813, Committee Amendment pg. 8)

"Broadcasting" means the dissemination of standard AM, FM, or TV electronic energy through the atmosphere intended primarily for reception by the general public.

"Closed circuit" means a system for the distribution of electronic signals by a means other than broadcasting.

"College" and "university" mean an educational institution in any State which:

(1) admits as regular students only persons having a certificate of graduation from a school providing secondary education or the recognized equivalent of such a certificate;

(2) is legally authorized within such State to provide a program of education beyond the secondary level;

(3) provides an educational program for which it awards a bachelor's degree or provides not less than a 2-year program which is acceptable for full credit toward such a degree; and

(4) is accredited by a nationally recognized accrediting agency or association; or, if not so accredited:

(i) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time; or

(ii) is an institution whose credits are accepted, on transfer, by not less than three accredited institutions, on the same basis as if transferred from an accredited institution.

"Construction" means the planning for, acquisition, and installation of transmission and reception apparatus (including towers, microwave equipment, boosters, translators, repeaters, mobile equipment, video recording equipment, non-video recording equipment, radio subcarrier receivers, and satellite receivers) necessary for television broadcasting or radio broadcasting, as the case may be, including apparatus which must be used primarily for open broadcast purposes, but which may incidentally be used for producing and/or transmitting closed circuit television or radio programs for public or private nonprofit agencies. However, the term does not include the construction or repair of structures to house this apparatus.

"Corporation" means the Corporation for Public Broadcasting established pursuant to Subpart B of the Act (47 U.S.C. 396).

"Educational broadcasting" means broadcasting of educational, community service, and cultural programs of benefit to the area or community served by such broadcasting.

"Facilities" means transmission and reception apparatus as defined in this section.

"Fair-market value" means the price determined by a seller who is willing to sell, and a buyer who is willing to buy, where both parties are freely negotiating in good faith. Criteria used to establish fair-market value include:

(1) the price at which a like item (model, age, and condition) has changed hands;

(2) in the case of a donation, the donor's purchase price or cost of manufacture, less reasonable allowance for depreciation due to use and age;

(3) the catalog or other established price of a new item of the same type, less reasonable allowance for depreciation due to use and age; or

(4) appraisal, satisfactory to the United States, made by one or more qualified impartial appraisers.

"FCC" means the Federal Communications Commission.

"Installation" means assembling, affixing, and taking any other steps necessary or required in order to make ready for use transmission and reception apparatus included in the project.

"Interconnection" means the use of microwave equipment, boosters, translators, repeaters, communication space satellites, or other apparatus or equipment for the transmission and distribution of television or radio programs to noncommercial educational broadcasting stations.

"Owned by the applicant" as applied to transmission and reception apparatus means that the applicant's interest in such eligible apparatus is, at least, the primary, equitable, or beneficial interest, including the obligation to own.

"Planning" means such engineering, legal, and other activities as are provided for in Appendix A to this part, but does not include the preparation of statewide or regional plans, the conduct of surveys, or the preparation and conduct of proceedings or contests before the FCC beyond the preparation, filing, and routine prosecution normally required for uncontested applications.

"Project" means the planning, acquisition, and installation of only those items of eligible apparatus, in accordance with the provisions of Appendix A to this part, related to one noncommercial educational broadcasting station which the Commissioner determines to be eligible for Federal financial assistance pursuant to provisions of this part. Where an applicant may more cost efficiently operate two or more television or radio stations which are interconnected or are served by a common staff, the project may relate to more than one television station or to more than one radio station. The project may not relate to a combination of radio and television stations.

"Reception apparatus" means control room and studio monitors, radio subcarrier receivers for stations with FCC approved Subsidiary Communications Authority (SCA), and satellite receivers necessary for television or radio broadcasting.

"Regional plan" means an organized design for the dispersion of noncommercial educational broadcasting facilities within a geographical area not otherwise specifically defined by either State boundaries or by the broadcast contours of an individual noncommercial educational broadcast station.

"Service area" means:

(1) In the case of television, that area included within the station's predicted Grade B contour;

(2) In the case of AM radio broadcasting, that area included within the station's predicted 500 microvolt contour; and

(3) In the case of FM radio broadcasting, that area included within the station's predicted 1 millivolt contour.

"State" means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

"State educational television agency" and "State educational radio agency" mean, with respect to television broadcasting and radio broadcasting, respectively:

(1) A board or commission established by State law for the purpose of promoting such broadcasting within a State;

(2) A board or commission appointed by the Governor of a State for such purpose if such appointment is not inconsistent with State law; or

(3) A State officer or agency responsible for the supervision of public elementary or secondary education or public higher education within the State which has been designated by the Governor to assume responsibility for the promotion of such broadcasting. In the case of the District of Columbia, the term "Governor" as used in this paragraph means the Mayor of the District of Columbia, and, in the case of the Trust Territory of the Pacific Islands, means the High Commissioner.

"Transmission apparatus" means telecommunications apparatus which is necessary for noncommercial educational broadcasting in accordance with provisions of Appendix A to this part.

(47 U.S.C. 392, 394, 397; 20 U.S.C. 1221)

Subpart B—Eligibility and Applications

§ 153.4 Eligible applicants.

(a) Applications for Federal financial assistance under this part for an educational television project may be submitted by:

(1) An agency or officer responsible for the supervision of public elementary or secondary education or public higher education within a State, or within a political subdivision thereof;

(2) A State educational television agency;

(3) A public or private nonprofit college or university or other educational or cultural institution which is affiliated with an eligible college or university;

(4) A nonprofit foundation, corporation, or association which is organized primarily to engage in or encourage noncommercial educational television broadcasting and is eligible to receive a license from the FCC for a noncommercial educational television broadcasting station pursuant to the rules and regulations of the FCC in effect on April 12, 1962; or

(5) A municipality which already owns and operates a facility used only for noncommercial educational broadcasting or which will own and operate the facility, for which assistance is requested, only for noncommercial educational broadcasting.

(b) Applications for Federal financial assistance under this part for an educational radio project may be submitted by:

(1) An agency or officer responsible for the supervision of public elementary or secondary education or public higher education within a State, or within a political subdivision thereof;

(2) A State educational radio agency;

(3) A public or private nonprofit college or university or other educational or cultural institution which is affiliated with an eligible college or university;

(4) A nonprofit foundation, corporation, or association which is organized primarily to engage in or encourage noncommercial educational radio broadcasting and is eligible to receive a license from the FCC, or meets the requirements of paragraph (a)(4) of this section and is organized primarily to engage in or encourage such radio broadcasting and is eligible for such a license for such a radio station; or

(5) A municipality which already owns and operates a facility used only for noncommercial educational broadcasting or which will own and operate the facility, for which assistance is requested, only for noncommercial educational broadcasting.

(47 U.S.C. 392(a)(1), 394, 397.)

§ 153.5 Application for financial assistance.

(a) (1) An applicant eligible for grant assistance under this part must file an application in triplicate with the Commissioner as provided in § 100a.15 of this chapter.

(2) To reactivate any deferred application accepted for filing in a previous fiscal year, the applicant must, on or before such cutoff date as may be provided by the Commissioner pursuant to § 100a.15 of this title, submit a statement indicating that it wishes the application to be reconsidered, and amend its application.

(3) Any application or amendment thereto shall contain:

(i) a current project summary;

(ii) information required under paragraph (c) of this section, and

(iii) such other information relating to noncommercial broadcasting activities as may be deemed necessary by the Commissioner pursuant to §§ 100a.15; 100a.16, except paragraph (b) thereof; 100a.17; 100a.18; and 100a.19 of this chapter.

(4) On proposed projects for which an assessment of environmental impact is required under § 100a.185, applications submitted under Subpart A of the Act must include a copy of the environmental impact statement which is provided to the FCC as required of all broadcast applications for construction permits (§ 1.1311 of the FCC Rules and Regulations); and

(5) The applicant may submit amendments or additional information relevant to its application.

(b) Radio and television applications must be submitted separately.

(47 U.S.C. 394.)

(c) Except as provided in § 153.23 for audio logging recorder applications, no project will be approved unless the applicant has provided in the application information to establish, to the Commissioner's satisfaction, that:

(1) (i) The applicant meets the requirements of eligibility set forth in § 153.4;

(ii) The applicant's organic or corporate powers include the authority to construct and operate noncommercial educational broadcast facilities, and to receive Federal funds for such construction;

(2) In the case of a nonprofit foundation, corporation, or association eligible under § 153.4 (a)(4) or (b)(4), the applicant is so organized as to be reasonably representative of the educational, cultural, and civic groups in the community to be served, and free from such control by a single private entity (either through membership on its board of directors, source of funds, or otherwise) as would prevent or restrict it from serving overall community needs or interests;

(3) The transmission and reception apparatus to be acquired and installed under the project will be owned by the applicant;

(4) The operation of the noncommercial educational broadcast facilities will be under the control of the applicant or an agency or institution qualified under § 153.4 to be an applicant during the 10 year period of Federal interest;

(5) Sufficient funds will be available when needed:

(i) To meet the non-Federal share of the cost of the project;

(ii) To acquire all land and to construct and install all facilities, structures, and equipment, in addition to the eligible apparatus included in the project, necessary to place the proposed noncommercial educational broadcast facilities in operation; and

(iii) To operate and maintain the noncommercial educational broadcast facilities at a level which will provide adequate program services to the community on a scale consistent with the intent of the Act and the proposed project;

(6) All non-Federal financial sources available for the project have been taken into account, and the non-Federal share stated by the applicant as being available for use in the project is the maximum contribution available from such sources;

(7) The applicant holds appropriate title or lease to the site or sites on which apparatus proposed in the project will be operated, including the right to construct, maintain, operate, and remove such apparatus, sufficient to assure continuity of operation of the station for a period of 10 years following completion of the project;

(8) The eligible apparatus to be acquired and installed under the project will be used primarily for educational broadcasting purposes and only incidentally for educational purposes by means of closed circuit;

(9) There has been comprehensive planning for educational broadcasting facilities and services in the area the applicant proposes to serve, and the applicant has participated in such planning; and

(10) The applicant will make the most efficient use of the frequency assignment by the FCC.

(47 U.S.C. 392 (a), (d), and (e), 394.)

§ 153.6 FCC authorization.

(a) Any FCC authorization or authorizations required for the project and for the operation of the station with which the project is to be associated must be in the name of the applicant.

(b) If the project is to be associated with an existing station, FCC operating authority for that station must be current and valid.

(c) For any project requiring a new authorization or authorizations from the FCC, the applicant must file with the Commissioner a copy of each FCC application and any amendments thereto.

(d) If the applicant fails to file a required FCC application or applications by any closing date established pursuant to § 100a.15 of this chapter, or if the FCC returns, dismisses, or denies an application required for the project or any part thereof, or for the operation of the station with which the project is associated, the Commissioner may return the application for Federal financial assistance to the applicant.

(47 U.S.C. 392(a), 394, 395.)

§ 153.7 Service to applications.

(a) Each applicant shall promptly serve a copy of its application, and each amendment thereto, for Federal financial assistance under this part upon each of the following:

(1) The Secretary, Federal Communications Commission, Washington, D.C. 20554; and

(2) The State educational television or radio agency, if any, in the State in which the channel associated with the project is assigned by the FCC, or, if the channel in question is assigned jointly to communities in different States, upon the State educational television or radio agency, if any, in each of such States.

(b) Each applicant must also give written notice of the filing of the application to the State educational television/radio agency, if any, in any State, any part of which is within the service area of the proposed broadcast station.

(47 U.S.C. 392(c), 394.)

§ 153.8 Acceptance of applications.

(a) Applications tendered for filing with the Commissioner will be given a preliminary examination. Those found to be complete and in accordance with the provisions of this part will be accepted for filing. Applications which are not complete or which are determined to be not in accordance with the provisions of this part will not be accepted for filing and will be returned to the applicant: *Provided*, That within 30 days of such return, the applicant may file with the Commissioner a petition pursuant to § 153.22. Acceptance of an application for filing will not preclude subsequent return or disapproval of the application if it is found to be not in accordance with the provisions of this part, or if the applicant fails to file any additional information or documents requested by the Commissioner.

(b) Applications proposing projects which require authorization from the FCC will not be accepted for filing by the Commissioner until after the FCC has accepted the necessary application for filing.

(c) The acceptance of applications for filing, as provided in paragraph (a) of this section, is a procedure designed for making preliminary determinations of eligibility and for providing an opportunity for public comment on applications, as described in § 153.9. Acceptance of an application for filing does not assure that applicating of being funded; it merely qualifies that application to compete for funding with other applications accepted for filing.

(47 U.S.C. 392(a), 394, 395.)

§ 153.9 Comments on applications.

(a) The Commissioner will publish notice in the FEDERAL REGISTER of the acceptance for filing of each application and of the receipt of each amendment which substantially changes the proposed project.

(b) Within 30 calendar days from the date on which notice is published in the FEDERAL REGISTER of the acceptance for filing of an application or an amendment to an application any State educational television and/or radio agency and any other interested person may file comments with the Commissioner supporting or opposing the application or amendment, setting forth the grounds for support or opposition, accompanied by a certification that a copy of the comments has been mailed to the applicant.

(c) Within 15 calendar days from the last day for filing such comments, the applicant may file a reply to any comments opposing its application or an amendment thereof.

(d) The time periods referred to in paragraphs (b) and (c) of this section may be extended by the Commissioner if good cause is shown.

(47 U.S.C. 394.)

§ 153.10 Processing of applications.

With respect to applications accepted for filing pursuant to § 153.8, the Commissioner may at any time establish limitations on the maximum amount of Federal grants which may be approved for projects situated in each of the several States in order to comply with the limitation in the Act on grants for any State to 8½ per centum of the appropriation for any fiscal year or if in the Commissioner's judgment such an action would assist in promoting equitable distribution of such Federal grants throughout the several States.

(47 U.S.C. 392 (b) and (d), 394.)

§ 153.11 Coordination with interested agencies and organizations.

In acting on applications and carrying out other responsibilities under the Act and this part, the Commissioner may consult with:

(a) The FCC with respect to functions which are of interest to or affect functions of the FCC;

(b) The Corporation for Public Broadcasting with respect to functions which are of interest to or affect the functions of the Corporation; and

(c) Other agencies, organizations, and institutions administering programs which may be coordinated effectively with Federal assistance provided under this part.

(47 U.S.C. 394, 395.)

§ 153.12 Criteria for evaluation of applications.

(a) The Commissioner may set aside a portion of funds appropriated to carry out this part for projects to acquire audio logging recorders under § 153.23. Applications which request assistance only to acquire and install an audio logging recorder will be governed by § 153.23 and will not be subject to criteria in this section.

(b) In order to achieve the objectives of § 392(d) of the Act, the Commissioner, in determining whether to approve an application for a Federal grant in whole or in part and the amount of such grant, or whether to defer action on such an application, will consider, in addition to criteria set forth in § 100a.26(b) of this chapter, excepting subparagraphs (3), (6), and (8) of § 100a.26(b) of this chapter, the following factors:

(1) Specific program priorities set forth in Appendix B to this part;

(2) The extent to which the applicant has assessed specific educational, informational, and cultural needs of the local community, State, or Nation for public broadcasting service, as well as the need, where applicable, for local outlets to provide first or supplemental service, extend existing service, or strengthen production and reproduction capability;

(3) The extent to which station objectives and the proposed project respond to meeting the needs described under subparagraph (2) of this paragraph;

(4) The extent to which provision has been made for community participation by the service agencies, educational and cultural institutions, and organizations within the service area of the station; and the extent to which intended audiences are using or will use broadcast services;

(5) Equitable geographical distribution of funds throughout the States;

(6) The extent to which the various items of eligible apparatus proposed are necessary to, and capable of, achieving the objectives of the project and are making the most efficient use of the frequency assignment;

(7) The cost-effectiveness of Federal funds in relationship to objectives of the project, and the extent to which non-Federal funds will be used to meet the total cost of the project;

(8) The standards by which the noncommercial educational broadcasting station will operate, including the number of hours of broadcast proposed, the size of the professional staff to be em-

ployed, and the adequacy of facilities, power, and program service;

(9) The adequacy and continuity of financial resources for long-term operational support, which assure the station's continual service to the communities within the coverage area; and the availability of necessary funds for capital expenditures;

(10) The provisions of any relevant statewide or regional noncommercial educational broadcast plans;

(11) The recommendations, if any, of the State educational television or radio agency; and

(12) Past performance by the applicant in carrying out any prior grants to it under this part in accordance with the applicable terms and conditions, *Provided*, that if the Commissioner decides to deny an application based upon this criterion, the Commissioner will do so only after providing the applicant with notice and an opportunity to rebut the basis for the decision.

(c) Applications under this part will not be approved by the Commissioner if they request funding to:

(1) Establish or improve a station with very low transmission power, except where the project is to convert a low transmission power station to a high transmission power station, or where low transmission power can be justified in terms of meeting the purposes of the Act;

(2) Provide program services which are limited in nature, scope, and hours of broadcast; or

(3) Acquire transmission or reception apparatus which is to be used primarily for student training purposes.

(47 U.S.C. 392 (a), (c), (d), and (e); 394 397(2).)

§ 153.13 Action on applications.

(a) After consideration of the application accepted for filing under § 153.8, any comments and replies filed by interested parties, and any other relevant information, the Commissioner will take one of the following actions provided for in § 100a.27(a) of this chapter: select the application for funding; return the application to the applicant; or defer the application for reconsideration pursuant to § 153.5: *Provided*, That when the Commissioner returns or defers the application, the Commissioner will notify the applicant of the grounds and reasons therefor.

(b) Upon the Commissioner's approval or deferral, in whole or in part, of an application, the Commissioner will, in accordance with the provisions of § 100a.27 (c) of this chapter, inform:

(1) The applicant,

(2) Each State educational television or radio agency, if any, in any State, any part of which iles within the service area of the applicant's broadcast station,

(3) The FCC, and

(4) The Corporation.

(c) If the Commissioner awards a grant, the grant award document shall include grant terms and conditions set forth in Appendix A to Subchapter A of this Chapter, excepting terms and conditions 2, 3(b) and (c), 5(e), 10, 11, 14. 20(a), 23, and 24 of this Appendix, and whatever other provisions are required by Federal law or regulations, or may be deemed necessary or desirable for the achievement of the purposes of the program supported under this part.

(47 U.S.C. 392(c), 394.)

Subpart C—Federal Financial Participation and Conditions of Federal Grant

§ 153.14 Amount of Federal grant.

(a) In accordance with §§ 100a.50 and 100a.51 of this chapter, and subject to the provisions of paragraphs (b) and (c) of this section, the Federal grant award shall be an amount determined by the Commissioner and set forth in the grant award document, which, except as provided in § 153.23, shall not exceed 75 percent of the amount determined to be the estimated, total, reasonable, and necessary cost of the project. This cost shall include the following:

(1) The purchase price of transmission and reception apparatus (or fair market value of donated eligible apparatus) to be acquired in the project (in accordance with the provisions of Appendix A to this part); and

(2) Other costs related to the planning, acquisition, and installation of transmission and reception appartus in the project (in accordance with provisions of Appendix A to this part).

(b) No part of the grantee's matching share of the eligible project costs may be met with funds supplied by Federal departments and agencies, except where the use of such funds to meet a Federal matching requirement is specifically and expressly authorized by Federal statute.

(c) Project costs shall not include the value of:

(1) Eligible apparatus owned by the applicant prior to the effective date of acceptance by the Commissioner for filing of the application, and services related thereto. The effective date of acceptance for filing shall be specified in the FEDERAL REGISTER notice provided for under § 153.9(a) and shall be no earlier than the date on which the application was first received by the Commissioner in substantially approvable form;

(2) Transmission and reception apparatus extent acquired or installed by donation from the United States or with Federal funds provided from sources other than under this part; and

(3) Transmission and reception apparatus previously acquired or installed by a person other than the applicant by donation from the United States, or with Federal funds pursuant to this part or any other provisions of law.

(d) If the actual costs incurred in completing the project are less than the estimated costs which constituted the basis for the Commissioner's determination of the amount of the Federal grant award, the amount of the final grant shall be that amount of the actual total project cost remaining after deducting the amount of local matching funds used as a basis for the grant award time of project approval (including the fair-market value of gifts, if any) provided that in no case shall the final Federal grant exceed the Federal grant award.

(e) Notwithstanding § 100a.51 of this chapter, grant awards under this part will not be revised by the Commissioner if the effect of the revision is to increase the amount of the grant award.

(47 U.S.C. 392(e), 394; 20 U.S.C. 1221c(b)(1), 1221c(b)(3))

§ 153.15 Payment of Federal grant.

(a) No payments under any award will be made unless and until the recipient complies with all relevant requirements imposed by this part, and until confirmation has been received from the FCC that any necessary existing authorization is current and valid and any necessary new authorization has been granted and such grant has become final.

(b) After the conditions indicated in paragraph (a) of this section have been satisfied, and notwithstanding §§ 100a.60–100a.64 of this chapter, payment will be made to the grantee in such installments consistent with construction progress, as the Commissioner may determine. The Commissioner may require as a precondition to any such payments such site visits by representatives of the Department as he may deem appropriate to determine construction progress.

(47 U.S.C. 392(e), 394)

§ 153.16 Conditions of Federal grant.

(a)(1) Federal grants under this part shall not be subject to §§ 100a.156, 100a.159, 100a.161, 100a.172, 100a.173, 100a.260, 100a.270, and 100a.276 of this chapter.

(2) As applied to grants under this part, the terms "construction" and "facilities" used in Subpart K of Part 100a of this chapter shall have the applicable definitions set forth in §153.3.

(3) As applied to grants under this part, "program income", as the term is used in Subpart M of Part 100a, of this chapter, shall not include income to the grantee generated by its television or radio programming.

(b) Each Federal grant under this part shall be subject to the conditions that the grantee shall:

(1) Continue to meet the requirements set forth in § 153.5(c);

(2) Use the Federal grant funds for the purposes for which the Federal grant was made and for the items of apparatus and other expenditure items specified in the application for inclusion in the project, except that the grantee may substitute other items where necessary or desirable to carry out the purpose of the project as approved in advance by the Commissioner;

(3) Promptly complete the project and place the noncommercial educational broadcast facilities into operation;

(4) Maintain, during construction of the project and for 10 years after completion of the project, protection against common hazards through adequate insurance coverage or other equivalent undertakings, except that, to the extent the applicant follows a different policy

of protection with respect to its other property, the applicant may extend such policy to transmission and reception apparatus acquired and installed under the project;

(5) Permit inspections by the Commissioner or a duly authorized representative of the Commissioner of the transmission and reception apparatus acquired with Federal financial assistance at the time of completion of the project and at any other reasonable time within 10 years after completion of the project.

(47 U.S.C. 392(d) (1), 392(f), 394)

Subpart D—Accountability for Federal Funds

§ 153.17 Retention of property records.

(a) Each grantee shall keep intact and accessible fiscal records in accordance with the provisions of § 100a.477 of this chapter: *Provided*, That final disposition of nonexpendable personal property purchased under this part for purposes of § 100a.477(b)(2) of this chapter shall be deemed to have occurred 10 years after completion of the project.

(b) The grantee shall mark project apparatus in a permanent manner in order to assure easy and accurate identification and reference to inventory records.

(47 U.S.C. 392(f), 393, 394, 20 U.S.C. 1232c(a))

§ 153.18 Final certification.

Upon completion of the project, the grantee shall:

(a) Certify that the noncommercial educational broadcasting station has, where required, FCC authorization to broadcast following acquisition and installation of project equipment; and

(b) Certify that the acquisition and installation of the project equipment has been completed in accordance with the project as approved by the Commissioner.

(47 U.S.C. 392(f), 394, 20 U.S.C. 1232c(b)(3); 20 U.S.C 1221(b)(1))

§ 153.19 Annual status reports.

In addition to reports which may be required to be filed under § 100a.406 and § 100a.433 of this chapter, the grantee must file with the Commissioner during the 10-year period commencing with the date of completion of a project, an annual status on or before each April 1 following completion of the project, certifying that:

(a) The grantee continues to be an eligible agency, officer, institution, foundation, corporation, association, or municipality described in § 153.4;

(b) There has been no change in ownership or use of the project apparatus during the reporting period, or describing any change during such period;

(c) Project apparatus, owned by the grantee as of that date, is being used for noncommercial educational broadcasting purposes; and

(d) The requirements of § 153.16(b)(4) continue to be met.

(47 U.S.C. 392(f), 394)

§ 153.20 Termination.

In addition to grounds for termination for cause specified in § 100a.495(a) of this chapter, the following circumstances shall constitute grounds for termination under § 100a.495 of this chapter:

(a) Final action by the FCC revoking a construction permit required for a project, denying an application for extension or a required modification of the construction permit, denying an application for a construction permit to replace the required construction permit, or denying an application for a license to cover the construction permit; or

(b) Forfeiture of a construction permit required for a project for which a grant has been approved.

(47 U.S.C. 394; 20 U.S.C. 1221c(b)(1)).

§ 153.21 Change in eligibility or use.

(a) Notwithstanding §§ 100a.215 (b), (c), and (d) and 100a.216 of this chapter, if assistance under this part is terminated pursuant to § 153.20 or if within 10 years after completion of any project with respect to which a Federal grant has been made pursuant to this part:

(1) The grantee ceases to be an agency, officer, institution, foundation, corporation, association, or municipality described in § 153.4 as being eligible to receive a Federal grant; or

(2) Any of the eligible apparatus included in the project ceases to be used primarily for noncommercial educational broadcasting, either permanently or for an indefinite period of time, or such apparatus is used or disposed of for other than noncommercial educational broadcasting (other than as a trade-in for acquisition of other eligible apparatus), then the grantee shall (except as provided in paragraph (b) of this section) pay to the United States the amount bearing the same ratio to the then fair-market value of such apparatus, as the amount of the Federal participation bore to the cost of acquisition or installation of such apparatus.

(b) Where a grantee proposes to cease using any of the eligible apparatus included in the project primarily for noncommercial educational broadcasting (as set forth in paragraph (a)(2) of this section), that grantee may file a petition with the Commissioner requesting release from the obligation to make repayment to the United States, and setting forth with particularity the grounds and reasons for the request. These petitions will be granted by the Commissioner only for good cause, and only if the proposed cessation of use for noncommercial educational broadcasting has not already taken place, unless the petitioner demonstrates to the satisfaction of the Commissioner that the cessation was due to causes not under the control of the petitioner. If the Commissioner denies the petition, the grantee may within 30 calendar days from the date of receipt of notice of the denial, file a petition for reconsideration pursuant to § 153.22.

(c) In any case where the Commissioner has reason to believe that any change in eligibility or use of transmission and reception apparatus (as described in paragraph (a) of this section), has already taken place, the grantee will be notified promptly of the grounds and reasons that repayment to the United States is required. The grantee may, within 30 calendar days from the date of receipt of this notification, file with the Commissioner a petition for reconsideration pursuant to § 153.22.

(d) If the Commissioner determines that the grantee is obligated to make a repayment to the United States, the Commissioner will seek to reach agreement, as to the amount and method of repayment. If an agreement cannont be reached, the Commissioner will cause an action to be brought in the U.S. District Court for the district in which the noncommercial educational broadcasting facilities are situated to determine the amount of the repayment, and will take the necessary action to secure repayment.

(47 U.S.C. 392(f), 394)

§ 153.22 Petition for reconsideration.

(a) A petition for reconsideration as provided in §§ 153.8 and 153.21 must be filed with the Commissioner within 30 calendar days, must state with particularity in what respect the Commissioner's action is claimed to be unjust, unwarranted, or erroneous, must specifically indicate the relief sought, and must be accompanied by a written statement on the question presented. The petition for reconsideration may be accompanied by a request for a hearing, in which event the petitioner must state with particularity the grounds and reasons for a hearing. If the Commissioner designates the matter for hearing, the Commissioner will specify the questions in issue, designate the hearing officer, and specify the procedures and rules relating to the conduct of the hearing. If the Commissioner does not find that sufficient grounds and reasons exist for granting the relief sought or for providing a requested hearing, the Commissioner will notify the petitioner, giving reasons for the refusal.

(b) In the event of a hearing the hearing officer shall make a written report to the Commissioner based upon the hearing and containing a recommended decision on the issues. A copy of the report shall be mailed to the petitioner, and the petitioner shall have 15 calendar days from the date of receipt (or such additional time as may be given for good cause) to file with the Commissioner a written statement setting forth with particularity alleged errors in the report and discussing any policy and legal issues presented.

(c) If no written statement is made by the petitioner or by a State educational television or radio agency on the report of the hearing officer and if the Commissioner does not decide to review it, the Commissioner shall review the

administrative decision without further proceedings. If a written statement is made on the report of the hearing officer or if the Commissioner decides to review it, the Commissioner shall review the record of the proceedings and issue a decision based on it, setting forth the grounds and reasons.

(d) The Commissioner will notify each State education television or radio agency, if any, in any State, any part of which lies within the service area of the petitioner's broadcasting station, of the filing of a petition for reconsideration under this section and each agency will be given an opportunity to comment upon the petition.

(a) Interested persons other than a State educational elevision or radio agency referred to in paragraph (d) of this section may comment in writing upon any petition for reconsideration filed under this section and for good cause shown, and may be given an opportunity to participate in a hearing held pursuant to this section to an extent the Commissioner determines appropriate.

(47 U.S.C. 394)

Subpart E—Audio Logging Recorders

§ 153.23 Audio logging recorders.

(a) The Commissioner may make a grant to any licensee of a noncommercial educational broadcast station to acquire no more than one audio logging recorder per station to permit the licensee to comply with Section 399(b) of the Act.

(b) (1) An applicant may receive up to the full amount of the cost of acquiring and installing each audio logging recorder if the applicant:

(i) Previously received financial assistance under Part IV of Title III of the Communications Act of 1934, as amended, and

(ii) Establishes, to the Commissioner's satisfaction, that:

(A) applicant has no funds from non-Federal sources available to apply toward the costs of acquiring and installing the audio logging recorder; and

(B) An audio logging recorder is not already available to the applicant and is needed to comply with Section 399(b) of the Act.

(2) If the applicant does not meet the requirements in subparagraph (1) of this paragraph, it may receive assistance to acquire and install an audio logging recorder subject to the non-Federal matching requirements in § 153.14.

(c) An application which requests assistance only for one or more audio logging recorders must meet the requirements in § 153.5 (a) and (c) (1), (2), (3), and (4) and if it seeks assistance beyond the Federal 75% matching share in § 153.14, must:

(1) Provide information meeting the requirements in paragraph (b) (1) of this Section; and

(2) Be a separate application from any other application for a facilities grant under this part.

(d) If funds are not adequate to fund all eligible applications which seek assistance for audio logging recorders, such applications will be competitively evaluated on the basis of the applicant's financial need for Federal assistance and its need for the audio logging recorder to comply with Section 399(b) of the Act. The evalution criteria in § 153.12 and the priorities in Appendix B will not apply to these applications.

(e) Audio logging recorders acquired under this section must meet all applicable Standards in Appendix A.

(47 U.S.C. 392, 394, 397(2) 399 (b))

Appendix A—Educational Radio and Television Transmission Apparatus and Related Costs List and Minimum Equipment Performance Standards

This appendix sets forth requirements and standards related to eligible and ineligible costs list for assistance under this part, including:

(a) List of transmission and receiving apparatus and related costs, including installation, considered to be eligible for grant participation and a list of items and costs which are specifically ineligible for grant participation. In general, only items of the transmission systems from the lens of the camera or the housing of the microphone to the radiating element of the antenna are eligible. Neither list is intended to be all-inclusive. It is recognized that both technological changes and/or specific circumstances related to individual applications may warrant amendments to the lists or consideration of specific justification for the eligibility and inclusion of unlisted items in certain projects; and

(b) Standards for determining acceptable minimum performance requirements which will meet the capability of achievement criterion contained in § 153.12(b)(6). Information included in this Appendix is applicable to both radio and television projects.

I. Eligible and ineligible project costs

(A) *Transmission Appraratus Eligible for Federal Matching Grants.*

(1) *Antenna systems:*

(a) Tower (guyed or self-supporting) and tower construction including test borings;

(b) Antenna and erection;

(c) Transmission line system or waveguides;

(d) Tower painting and lighting, including lighting controls (new installations only);

(e) Tower footings, guy anchors, and guy wires;

(f) Gas pressure equipment for transmission line; and

(g) De-icing equipment and controls.

(2) *Transmitter;*

(a) Transmitter, including modulator, power supply, one set of spare tubes, and subcarrier generators;

(b) Diplexers, filters, etc., as required;

(c) Crystals, including one set of spares;

(d) Dummy load and wattmeter to measure transmitter power output;

(e) Transmitter and operational console, picture and calibrated wave form monitors, where necessary;

(f) Frequency and modulation monitoring apparatus in compliance with FCC requirements;

(g) Input items required, including processing amplifier;

(h) Mounting racks;

(i) Cables and hardware for installation;

(j) Test equipment required by good engineering practice; and

(k) Remote central monitoring and telemetry equipment.

(3) *Translators:*

(a) Apparatus of the type listed under "Antenna system" and "Transmitter" necessary for the operation of translators; and

(b) Special receiver required for supplying programs to the translator.

(4) *Microwave apparatus (studio-transmitter links, interconnecting microwave relays, and mobile microwave units):*

(a) Transmitter, complete;

(b) Receiver, complete;

(c) Waveguide or transmission line;

(d) Control apparatus as required;

(e) Antennas and protective domes;

(f) Antenna supports and mountings;

(g) Reflectors;

(h) Waveguide switches;

(i) Ferrite isolator and circulator;

(j) Sound diplexing apparatus;

(k) Mounting racks; and

(l) Auxiliary radio communications apparatus to install, maintain, and operate the total broadcast facility.

(5) *Recording and receiving apparatus:*

(a) Broadcast quality video and audio tape recorders and playback machines including video cassette and audio cartridge machines;

(b) Time base correctors;

(c) Time code generator, reader, synchronizer assemblies;

(d) Recorders using other techniques if capable of maintaining standards of good engineering practice;

(e) Related monitoring apparatus, including calibrated oscilloscopes;

(f) Accessories required, including electronic editors and spare recording heads as required by good engineering practice;

(g) Logging recorders; and

(h) FM subcarrier receivers.

(6) *Studio production equipment (including that intended for remote or mobile program origination):*

(a) Cameras, with control units, picture monitors, and wave form monitors;

(b) Telecine systems;

(c) Camera lenses, zoom lenses;

(d) Camera pedestals, tripods, friction heads, and cradles (professional models);

(e) Camera cables, plugs, and connectors;

(f) Sync generator, including a spare and switchover mechanism;

(g) Video switcher and console, picture, and calibrated wave form monitors, and electronic effects generator;

(h) Calibrated wave form monitor and picture monitor with provision to display pulse cross for checking sync pulses;

(i) Utility monitors;

(j) Power supplies, regulated;

(k) Broadcast-type control consoles, amplifiers, VU meter, etc.;

(l) Microphones, broadcast quality;

(m) Microphone booms;

(n) Broadcast quality turntables with accessories required;

(o) Broadcast quality audio tape recorders with accessories required;

(p) Equipment racks, patch panels, plugs, cords, loudspeakers; and

(q) Test equipment required by good engineering practice.

(7) *Satellite equipment:*

(a) Receivers;

(b) Transmitter;

(c) Parabolic antenna and hardware; and

(d) Amplifiers, demodulators, and related apparatus.

(8) *Other interconnection equipment:*

Interconnection equipment is eligible to the extent reasonable and necessary, as determined by the Commissioner, for the reception and utilization of program material made available via interconnection systems.

(9) *Other apparatus:*

Automation apparatus, character generators, quadrophonic equipment, sound improvement systems, spare or back up systems or equipment may be included when the necessity for this apparatus in the proposed system can be specifically justified and is consistent with standards of good broadcast engineering practice.

(47 U.S.C. 392(a) and (d), 394)

(B) *Installation Costs Eligible for Federal Matching Grants.*

Labor and materials necessary for the initial installation of project apparatus, including direct supervision but not including indirect or overhead costs.

(47 U.S.C. 392(a) and (d), 394)

(C) *Planning Costs Eligible for Federal Matching Grants.*

Engineering, legal, and other activities which are performed by appropriately licensed employees or consultants and which are directly related to the planning of the project, the preparation and filing of appropriate applications to HEW and FCC, and the installation of apparatus; but not including indirect or overhead costs. Approvability of such items is subject to final determination by the Commissioner. Such services may include:

(1) Project planning;
(2) Equipment planning;
(3) Engineering planning;
(4) Hardware and engineering aspects of preparing and filing the HEW application for grant and related FCC applications for construction permits;
(5) Preparation of specifications;
(6) Evaluation of bids;
(7) Supervision of installation;
(8) Inspection upon completion;
(9) Proof of performance;
(10) Legal services, to the extent reasonably required for the preparation, filing, and routine prosecution of uncontested applications; and
(11) Other services related to site location and planning, frequency or channel search, and feasibility or structural studies conducted prior to the filing of an application.

(47 U.S.C. 392 (a) and (d), 394)

(D) *Items Ineligible for Federal Matching Grants.*

(1) Land and land improvements for studio and/or transmitter building, tower, and the like;
(2) Structures, including any reinforcement or modification to house or support any transmission apparatus or any other radio or television equipment or facilities, including structural analysis studies;
(3) Maintenance equipment such as hand and power tools and maintenance services;
(4) Vehicles, including those in which mobile equipment is mounted or carried;
(5) Broadcast receiving equipment (except as required for station personnel to monitor transmitted programs or for rebroadcast purposes, SCA subcarrier receivers, or satellite receivers);
(6) Manual film or tape editing equipment;
(7) Studio lighting and control equipment;
(8) Air conditioning for control or equipment rooms, studios, transmitter, and mobile units, except that the cost to provide ventilation of project apparatus as is required by good engineering practice is an eligible installation cost;
(9) Reels (film or tape);
(10) Office intercom equipment;
(11) Primary power supply, regulators, and associated equipment;
(12) Furniture, fixtures, studio clocks, and the like;
(13 Office equipment, printing and duplicating supplies;
(14) Scenery and props;
(15) Production devices such as prompting systems, background screen projection systems, wind generators, and the like;
(16) Storage cabinets;
(17) Cleaning equipment;
(18) Film;
(19) Recording tape;
(20) Art supplies and equipment;
(21) 16mm cameras, sound synchronization systems, and film processors;
(22) Expendable items, including tubes normally considered spares except for the transmitters; and
(23) Staff time necessary for planning and preparation of applications, except as permitted under Section I(C) of this Appendix.

(47 U.S.C. 392(a) and (d), 394)

II. STANDARDS FOR PROJECT APPARATUS

Project apparatus must comply with the specifications and performance requirements contained in the FCC's rules and regulations cited in § 153.2. The FCC requirements primarily relate to transmitters, translators, and antenna systems. The following performance standards, which are in addition to FCC requirements, shall serve as benchmarks for determining minimum system capacities for purposes of § 153.12(b)(6). Electronic Industries Association (EIA) standards specified in the following paragraphs of this Appendix are hereby incorporated in this part by reference, as approved by the Director of the FEDERAL REGISTER. Copies of these standards may be obtained from the Director, Educational Broadcasting Facilities Program, U.S. Office of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202 or from the Electronic Industries Association, Engineering Department, 2001 Eye Street, NW, Washington, D.C. 20006.

(A) *Broadcast Transmitting Apparatus (Antenna System, Transmitter System, and Related Items).*

(1) In addition to current pertinent FCC requirements, EIA Standard RS-222-C (March, 1976) "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures," established by the EIA should apply to the tower and antenna system of broadcast stations. EIA Standard RS-411 (August 1973), "Electrical and Mechanical Characteristics of Antennas for Satellite Earth Stations," should apply to earth station antennas for satellite communications. EIA Standard RS-195-A (November 1966), "Electrical and Mechanical Characteristics for Microwave Relay System Antennas and Passive Reflectors", should apply to microwave relay systems operating above 890 Mc.

(2) Where an antenna system is to be added to an existing tower, a structural analysis should be performed to assure that the added facility will not overload the tower.

(3) Selection of transmission lines or waveguide should be dictated by good engineering practice in keeping with high efficiency and minimal attenuation.

(4) Selection of transmitter and the component visual and aural transmitters should be dictated by the good engineering practice specified in EIA Standard RS-240 (April, 1961), "Electrical Performance Standards for Television Broadcast Transmitters."

(B) *Studio Equipment.*

(1) Studio equipment and mobile equipment should comply with specifications contained in EIA Standard RS-170 (November 1957) "Electrical Performance Standards—Monochrome Television Studio Facilities," to the extent those specifications are applicable to color equipment.

(C) *Special Purchase Equipment*

Audio logging recorders and FM subcarrier channel receivers should comply with the following minimum performance standards:

(1) A program logging recorder should be a highly reliable multi-track recording device designed for continuous, long duration recording of audio program material with a minimum record/playback time per reel of 40 hours continuous automatic operation. Equipment should contain a tape counter function, and be capable of providing accurate, good quality logging functions to assure compliance with FCC requirements.

(2) SCA Subcarrier Receivers may be either SCA only, SCA-main channel, portable, or non-portable and capable of operation from either AC or DC power resources. Models designed for both SCA and main channel operation must be equipped with a SCA-FM function switch. Receivers should be designed for operator simplicity with a minimum of operator controls. To insure SCA frequency stability, the use of receivers employing crystal controlled oscillation is highly encouraged. Additionally, SCA receivers shall be equipped with conveniently located terminals for earphones and external antenna connections.

APPENDIX B—PROJECT PRIORITIES

I. *Assignment of priorities to applications.* Applications which have been filed in accordance with § 153.5 and accepted by the Commissioner under procedures established in § 153.8 will be assigned one or more of the following priorities. If an application consists of components which fall into more than one priority category, the applicant must be prepared to accept, for the entire project, a grant award for whatever portion, if any, the Commissioner determines can be accommodated within the funding limitations of a fiscal year. With regard to projects funded in part, components not funded must be resubmitted as new applications in accordance with § 153.5 and accepted for filing as provided in § 153.8.

Proportions of the available funds to be awarded in various priority categories will be determined by the Commissioner to achieve a fair distribution of funds over the major priority categories consistent with the improved quality of services to the public as measured against the funding criteria and with the pattern of needs reflected in applications under consideration for a given fiscal year. As the percentage of the U.S. population brought within the coverage range of at least one noncommerical broadcast station is enlarged, it is expected that the implementation of these priorities will result in the expenditure of an increasing share of appropriated funds to extending the facilities of existing stations to provide for essential initial and basic capabilities required to (1) serve fully their local communities; (2) develop a national system of effective noncommercial stations; and (3) provide for production capability justified by national, regional, statewide, and local programming commitments.

As used in this Appendix, the terms "public radio station" or "public television station" refer to noncommercial educational broadcasting stations other than those subject to disapproval under the terms of § 153.12(c).

II. *Project Priorities for Television.*

Priority I. A. Projects to provide stations with their first state-of-the-art production and/or reproduction capability. This refers to basic color capability of videotape recorders, film chains, broadcast color cameras, switchers, and related apparatus where this need can be justified by proven production and/or reproduction requirements to meet identified community needs.

B. Projects to provide local stations with state-of-the-art broadcast apparatus which, while used primarily for educational broadcasting, will be used also for the production and distribution of programs designed for non-broadcast educational uses which are in conjunction with but incidental to the station's broadcast service. Such a project will enable the station's broadcast apparatus to be adapted to serve the greatest number of persons, to serve them in as many areas of the total station's service area as possible, and to broaden the educational uses of those facilities.

C. Projects to acquire transmitter/antenna apparatus necessary to increase power or otherwise extend station coverage where the in-State population to be served increases substantially, or which are necessary to provide improved signal (including transmission colorization) for larger population groupings, and provide comparability with commercial station coverage.

D. Projects to acquire apparatus for the interconnection of stations in a State network (or a particular geographical region across State lines) where applicant ownership of interconnection facilities can be fully justified as advantageous in comparison with leasing of interconnection services. Such apparatus may include satellite transmitters and receivers and related earth station equipment.

Priority II. A. Projects to establish new public television stations in areas currently without such a station with appropriate FCC license, to serve populations of 500,000 or more. Proposals to establish the first public television station in a State.

B. Projects to establish new public television stations in areas currently without such a station under appropriate FCC license, to serve populations between 250,000 and 500,000.

C. Projects to provide production capability for stations providing program services beyond their local requirements for distribution over national, regional, and statewide interconnection. (To qualify in this category, a project justification must be verified by production commitment from recognized national, regional, or State network program clients supporting such a production need the applicant must demonstrate the inability of presently owned apparatus to meet production requirements, and the appartus requested may not exceed the reasonable requirements of the verified production commitments.)

D. Projects to acquire transmitter/antenna apparatus necessary to increase power or otherwise extend or improve station coverage where the increase in population does not justify inclusion in Category IC.

Priority III. A. Projects to establish new public television stations in areas currently without such a station with appropriate FCC license where population to be served is less than 250,000.

B. Projects to augment production and reproduction capabilities of local stations beyond the basic or initial capability. These proposals will require documentation of local live production requirements in excess of existing capability.

Priority IV. A. Projects to establish second (or more) public television stations in areas already served by such a station with appropriate FCC license.

B. Projects to equip auxiliary studios at other than the main studio.

(47 U.S.C. 392(d), 394; 45 CFR 153.12)

III. *Project Priorities for Radio.*

Priority I. A. Projects to establish public radio stations in areas currently without a public radio station (either through the activation of new stations, the purchase of existing commercial stations, or the expansion of existing low power stations) to serve populations of 500,000 or more. Projects to establish the first public radio station in a State.

B. Projects to establish public radio stations in areas currently without a public radio station (either through the activation of new stations, the purchase of existing stations, or the expansion of existing low power stations) to serve populations between 250,000 and 500,000.

C. Projects to provide public radio stations with first state-of-the-art production capability, where this need can be justified by proven production requirements to meet identified community needs. This refers to the provision of stereo and SCA capability for FM facilities and up-dating of AM facilities, the provision of tape recorders, SCA subcarrier generator, modulator and receivers, audio consoles, turntables, microphones, logging recorders, remote amplifiers, and other related apparatus.

D. Projects to acquire transmitter/antenna apparatus necessary to increase power or otherwise extend area coverage of an existing public radio station where the in-State population to be served increases substantially, or which are necessary to provide improved signal (including the improved audio capability, by the addition of SCA, or stereo) for larger population groupings and provide comparability with commercial station coverage.

Priority II. A. Projects to establish public radio stations in areas currently without a public radio station (either through the activation of new stations, the purchase of existing commercial stations, or the expansion of existing low power stations) to serve populations of less than 250,000.

B. Projects to establish, in major population centers where one or more public radio stations already provide service, full service public radio stations which will provide a broadened program service designed for special interest, minority, and educational uses.

C. Projects to acquire transmitter/antenna apparatus necessary to increase power or otherwise extend or improve station coverage where the increase in population served does not justify inclusion in Category ID.

D. Projects to augment production and reproduction capabilities of local stations beyond the basic or initial capability. Such proposals will require documentation of local live production requirements in excess of existing capability.

Priority III. A. Projects to provide production capability for stations providing program services beyond their local requirements for distribution over national, regional, and statewide interconnection. (To qualify in this category, a project justification must be verified by production commitment from recognized national, regional, or State network program clients supporting such production need, the applicant must demonstrate the inability of presently owned apparatus to meet production requirements; and the apparatus requested may not exceed the reasonable requirements of the verified production commitments.)

B. Projects to equip studios auxiliary to the main studio.

C. Projects to acquire apparatus for the interconnection of public radio stations in a State network (or a particular geographical region across State lines) where applicant ownership of interconnection facilities can be fully justified as advantageous in comparison with leasing of interconnection services.

(47 U.S.C. 392(d), 394; 45 CFR 153.12)

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