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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
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	CSC			CSC
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	HEW/PHS			HEW/PHS

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1 976
20 976
301 2892

27 CFR

PROPOSED RULES:

4 2186
5 2186
7 2186

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0 1066
43 1066

PROPOSED RULES:

50 1506

29 CFR

1 1942
4 1491
5 2394
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97 2150
1910 2586
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2605 1358
2608 1358

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70 979
71 979
91 979
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9 2188
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[6325-01]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Temporary Boards and Commissions

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: Not to exceed 40 positions on the staff of the Indian Claims Commission are excepted under schedule A until September 30, 1978, because it is impracticable to hold an examination for them.

EFFECTIVE DATE: January 20, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3199(h) is added as set out below:

§ 213.3199 Temporary boards and commissions.

* * * * *

(h) *Indian Claims Commission.* (1) Until September 30, 1978, not to exceed 40 positions on the staff of the Commission.

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

For the U.S. Civil Service Commission.

JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 78-1364 Filed 1-19-78; 8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

NOTE.—This document originally appeared in the FEDERAL REGISTER for Monday, January 16, 1978. It is reprinted in this issue to meet requirements for publication on an assigned day of the week. (See the inside cover of this issue for information about agencies publishing on assigned days of the week.)

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: The following three positions are excepted from the competitive service under Schedule C because they are confidential in nature: one Special Assistant to the Deputy Assistant Secretary for Regulatory Functions, one Special Assistant for Neighborhood Concerns, and one Special Assistant to the Deputy Assistant Secretary for Neighborhood and Consumer Affairs.

EFFECTIVE DATE: January 16, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3384 (1), (5), (6), and (7) are added as set out below:

§ 213.3384 Department of Housing and Urban Development.

* * * * *

(1) *Office of the Assistant Secretary for Neighborhood Organizations, Voluntary Associations, and Consumer Protection.* * * *

* * * * *

(5) One Special Assistant to the Deputy Assistant Secretary for Regulatory Functions.

(6) One Special Assistant for Neighborhood Concerns.

(7) One Special Assistant to the Deputy Assistant Secretary for Neighborhood and Consumer Affairs.

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

For the United States Civil Service Commission.

JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 78-1307 Filed 1-13-78; 8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE

Civil Aeronautics Board

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: One position of Writer, Office of Community and Congressional Relations, is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: January 20, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3340(h) is added as set out below:

§ 213.3340 Civil Aeronautics Board.

* * * * *

(h) One Writer, Office of Community and Congressional Relations.

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

For the United States Civil Service Commission.

JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 78-1670 Filed 1-19-78; 8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE

Department of Commerce

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: The position of Congressional Liaison Officer, Office of Congressional Relations, is excepted from the competitive service under Schedule C because it is confidential in nature.

EFFECTIVE DATE: January 20, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3314(q)(7) is amended to read as follows:

§ 213.3314 Department of Commerce.

* * * * *

(q) *Office of the Assistant Secretary for Economic Development.* * * *

(7) One Director and one Congressional Liaison Officer for the Office of Congressional Relations.

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

For the United States Civil Service Commission.

JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 78-1671 Filed 1-19-78; 8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE

Department of Transportation

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: One position of Director, Office of Public Affairs, Federal Highway Administration is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: January 20, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3394(d)(6) is added as set out below:

§ 213.3394 Department of Transportation.

* * * * *

(d) *Federal Highway Administration.* * * *

(6) Director, Office of Public Affairs.

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

For the United States Civil Service Commission.

JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 78-1672 Filed 1-19-78; 8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE

Regional Commissions, Public Works and Economic Development Act of 1965

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: The position of Confidential Assistant to the Federal Cochairman, Coastal Plains Regional Commission, is excepted from the competitive service under Schedule C because it is confidential in nature.

EFFECTIVE DATE: January 20, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3386(f) is added as set out below:

§ 213.3386 Regional Commission, Public Works and Economic Development Act of 1965.

* * * * *

(f) One Confidential Assistant to the Federal Cochairman, Coastal Plains Regional Commission.

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

For the United States Civil Service Commission.

JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 78-1673 Filed 1-19-78; 8:45 am]

[3410-02]

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES),[1] DEPARTMENT OF AGRICULTURE

PART 26—GRAIN STANDARDS

United States Standards for Corn

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The Department is amending the U.S. Standards for Corn by providing an additional special grade to be used in the inspection of "Waxy Corn," a special-purpose corn. The amendment does not alter current inspection procedures applicable to varieties of corn other than waxy.

EFFECTIVE DATE: February 1, 1978.

FOR FURTHER INFORMATION CONTACT:

N. Gail Jackson, Director, Standardization Division, Federal Grain Inspection Service, Room 0629-S, 1400 Independence Avenue SW., Washington, D.C. 20250, telephone 202-447-8975.

SUPPLEMENTARY INFORMATION: The United States Grain Standards Act, as amended by this Act of September 29, 1977 (Pub. L. 95-113, 91 Stat. 913) provides for official U.S. standards to designate the quality of grain for use by producers, merchandisers, and consumers in the domestic and export marketing of grain. The Act provides for an official grading service and payment of a fee by the applicant to cover the cost of the service. Pursuant to section 4 of the Act (7 U.S.C. 76), a notice concerning a proposed revision of the United States Standard for Corn (7 CFR 26.351 et seq.) was published in the FEDERAL REGISTER (41 FR 61473) on December 5, 1977, according to the administrative procedures provisions of section 553 of Title 5, United States Code. Reprints of the proposed revision as printed were made and mailed as ST Notice 11 on December 6, 1977 to approximately 800 recipients, including official inspection personnel and interested parties in the grain industry. Persons were given 22 days from date of publication in the FEDERAL REGISTER to submit written comments, suggestions, or objections regarding the proposed rulemaking to the Hearing Clerk, U.S. Department of Agriculture. As of December 30, there was one response. It supported the proposal and urged implementation of the changes.

The words "or pink color" were inadvertently included in § 26.905(b) of the proposal but are omitted in the final rulemaking. The Department proposed to remove the restriction on "straw color" in waxy corn but not the restriction for "pink color". Waxy corn tends to be a "straw color" because of its high content of amylopectin starch. Under the current standards for corn, this straw color results in the downgrading of the sample based on its natural appearance. To eliminate this downgrading, the restriction on "straw color" does not apply to waxy corn.

It is further found that good cause exists for not postponing the effective date of this amendment until 1 year after publication in the FEDERAL REGISTER in that:

(1) Compliance with the amendments will not impose any obligation upon nor require any special preparation on the part of producers and handlers which cannot be completed by the effective time thereof; (2) the 1977 crop of waxy corn has already been harvested, and it is necessary that the amended standards be made effective as soon as possible to aid in the export marketing of the current crop; (3) the amended standards will in no way alter the grading of varieties of corn other than waxy.

Accordingly, §§ 26.353 and 26.905 of the United States Standards for Corn are amended to read as follows:

§ 26.353 Grades, grade requirements, and grade designations.

* * * * *

(c) *Special grades, special grade requirements, and special grade designations for corn*—(1) *Flint corn.*

(2) *Flint and dent corn.* * * *

(3) *Weevily corn.* * * *

(4) *Waxy corn*—(i) *Requirement.* Waxy corn shall be corn of any class which consists of 95 percent or more waxy corn, as determined by a test approved by the Administrator.

(ii) *Grade Designations.* Waxy corn shall be graded and designated according to the grade requirements of the standards applicable to such corn if it were not waxy, and there shall be added to and made a part of the grade designation immediately following the word "corn," the word "waxy."

[1] Including matters within the responsibility of the Federal Grain Inspection Service.

§ 26.905 Interpretations with respect to the term "white kernels of corn with a slight tinge of light straw or pink color."

(a) Except for white waxy corn, the term "white kernels of corn with a slight tinge of light straw or pink color," when used in the United States Standards for Corn (see § 26.351(d)), shall be construed to include kernels which are white and/or light straw or light pink in color, and kernels which are white and pink in color: *Provided*, The pink color covers less than 50 percent of the kernel. White and pink kernels in which the pink color covers 50 percent or more of the kernel shall be considered as "corn of other colors."

(b) For the special grade "waxy," the requirement of "* * * a slight tinge of light straw" shall not be applicable; however, kernels which are "slightly yellow" shall be considered as "corn of other colors." All other color requirements contained in the above paragraph remain in effect for all classes of waxy corn.

Done at Washington, D.C., January 17, 1978.

L. E. BARTELT,
Administrator.

[FR Doc. 78-1681 Filed 1-19-78; 8:45 am]

[3410-05]

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 729—PEANUTS

1978 Crop of Peanuts: Acreage Allotments and Marketing Quotas

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

ACTION: Proclamation.

SUMMARY: The U.S. Department of Agriculture announces the results of the referendum held during the period December 12-15, 1977, pursuant to section 358(b) of the Agricultural Adjustment Act of 1938, as amended, to determine whether farmers favor or oppose marketing quotas for peanuts produced in the calendar years 1978, 1979, and 1980. Since the only purpose of this proclamation is to announce the results of the referendum, it is found and determined that compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 553 is unnecessary.

DATE: January 13, 1978.

ADDRESS: Price Support and Loan Division, ASCS, USDA, 3741 South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:

Thomas A. VonGarlem, ASCS, 202-447-7954.

SUPPLEMENTARY INFORMATION: In a final rule published in the FEDERAL REGISTER on December 6, 1977 (42 FR 61590), the Secretary of Agriculture announced that a marketing quota referendum for the 1978, 1979, and 1980 crops of peanuts would be held by mail ballot during the period December 12-15, 1977, inclusive. Section 358(b) of the Agricultural Adjustment Act of 1938, as amended, requires that the Secretary proclaim the results of the referendum within thirty days after the date on which it is held.

FINAL RULE

Accordingly, 7 CFR 729.105 is amended to read as follows:

§ 729.105 Proclamation of the results of the marketing quota referendum for the peanut crops produced in the three calendar years 1978, 1979, and 1980.

In a referendum of farmers engaged in the production of 1977-crop peanuts, held during the period December 12-15, 1977, 29,075 farmers voted. Of those voting, 27,228 farmers, or 93.6 percent, favored marketing quotas for peanuts produced in the three calendar years 1978, 1979, and 1980 and 1,847 farmers, or 6.4 percent opposed quotas for peanuts produced in each of such three calendar years. Since more than two-thirds of the farmers voting favored quotas, marketing quotas for peanuts produced in the calendar years 1978, 1979, and 1980 shall be effective.

(Secs. 358, 375, 52 Stat. 66, as amended; 55 Stat. 88, as amended; 7 U.S.C. 1358, 1375.)

Signed at Washington, D.C., January 12, 1978.

STEWART N. SMITH,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 78-1375 Filed 1-13-78; 2:46 pm]

[3410-02]

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

[Lemon Reg. 129]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period January 22-28, 1978. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: January 22, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

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

The committee met on January 17, 1978, to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is good on 115's and smaller and easier on larger sizes.

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

§ 910.429 Lemon Regulation 129.

Order. (a) The quantity of lemons grown in California and Arizona which may be handled during the period January 22, 1978, through January 28, 1978, is established at 190,000 cartons.

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

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

Dated: January 19, 1978.

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

[FR Doc. 78-1978 Filed 1-19-78; 11:36 am]

[1505-01]

PART 959—ONIONS GROWN IN SOUTH TEXAS

Expenses and Rate of Assessment

Correction

In FR Doc. 78-510 appearing on page 1475 in the issue of Tuesday, January 10, 1978, the date in the 4th paragraph entitled "EFFECTIVE DATE" should read, August 1, 1977.

[1505-01]

[Amdt. No. 1]

PART 967—CELERY GROWN IN FLORIDA

Increase in Expenses and Rate of Assessment

Correction

In FR Doc. 78-508 appearing on page 1475, in the issue of Tuesday, January 10, 1978, the date in the 4th paragraph entitled "EFFECTIVE DATE" should read, August 1, 1977.

[3410-05]

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

SUBCHAPTER D—PROVISIONS COMMON TO MORE THAN ONE PROGRAM

PART 792—NORMAL CROP ACREAGE AND SET-ASIDE ACREAGE

Revision of Regulations

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

ACTION: Final rule.

SUMMARY: This rule amends the normal crop acreage and set-aside acreage regulations to read as set out below, requiring that normal crop acreages be established for farms instead of conserving bases. It also requires that the set-aside normally be land that was recently tilled, that the set-aside normally be protected by vegetative cover, and that harvesting of the cover be prohibited. These changes make the set-aside more effective in controlling production and assure that the set-aside is protected from wind and water erosion. The material previously appearing under conserving base and designated set-aside acreage regulations remains in effect for the programs to which it applies.

EFFECTIVE DATE: February 21, 1978.

FOR FURTHER INFORMATION CONTACT:

Ernest Stevens, Production Adjustment Division, Agricultural Stabilization and Conservation Service, USDA, P.O. Box 2415, Washington, D.C. 20013, 202-447-7633.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was published in the FEDERAL REGISTER on October 14, 1977 (42 FR 55243). More than 3,800 people responded with written comments, and many comments were received by telephone. The written comments and the final decisions by this Department are summarized as follows:

1. *Crops in the Normal Crop Acreage.* The list of crops as provided for in the proposed rule in 7 CFR 792.2 remains unchanged. 1,120 comments were received. All but one comment favored adding specific crops to the list of proposed crops. However, crops normally substituted with the crops listed in 7 CFR 792.2 or for which the acreage may be adversely affected by set-aside programs may be approved by the Deputy Administrator, State and County Operations, ASCS, when such crops are recommended by the State committee.

2. *Cover on Set-Aside.* 625 comments were received which recommended that no vegetative cover be required on the set-aside acreage. 286 recommendations were for a cover crop. In addition, there were 1,181 recommendations to permit summer fallow on the set-aside acreage and there were 12 recommendations to prohibit summer fallow on the set-aside acreage. In the proposed rule, cover was required in order to control wind and water erosion and improve wildlife habitat. However, the comments pointed out that in some areas erosion is no problem and cover cannot be established unless the land is irrigated. This requires using water and energy that need to be preserved. The stubble or other residue from the previous crop may in other areas provide better erosion protection than a crop that would require land preparation. Farming practices other than seeded vegetation which will provide erosion protection and which are recommended by the State committee will be approved by the Deputy Administrator.

3. *Grazing Set-Aside.* The proposed rule prohibited grazing on set-aside acreage except under emergency situations. All but 30 of the 3,446 comments recommended that grazing be allowed on set-aside acreage. Most of the comments stressed that much small grain is grazed and later harvested for grain and that farmers who set aside part of the acreage to reduce grain production should not lose the acreage for grazing as well. Also, it was stressed that grazing helps to control weeds and reduce growth that otherwise may be injurious to the cover crop. The recommendations which were against allowing grazing on set-aside acreage claimed that grazing creates an inequity since some producers would receive no benefit. It was also pointed out that permitting grazing on set-aside acreage may help create a surplus livestock situation because more acreage may be grazed. Grazing will be permitted but will be excluded during the six principal growing months when grazing would not normally occur for crops being produced for harvest.

4. *Harvesting Set-Aside.* All but 6 of the 160 comments recommended that harvesting be permitted on set-aside acreage. There were recommendations as to specific crops which could be harvested on set-aside acreage. However, permitting the production of crops for harvest on set-aside acreage makes the set-aside less effective. Therefore, harvesting will be permitted only under emergency situations.

5. *Cross Compliance on the Farm.* The proposed rule provided for cross compliance. There were 53 comments recommending no cross compliance requirement and 7 comments which favored imposing a cross compliance requirement. The final rule provides for a cross compliance requirement on the farm. The acreage of all crops in the normal crop acreage is controlled when set-aside requirements are in effect for a crop grown on the farm. Failure to meet program requirements for that crop should preclude benefits for other crops on the farm that are in the normal crop acreage.

6. *Offsetting Compliance Between Farms.* The proposed rule required compliance with set-aside and normal crop acreage requirements for all farms on which the program participant was landlord, landowner, or operator. All of the 367 comments recommended elimination of this requirement. However, the final rule contains a modified offsetting compliance requirement to prevent producers from offsetting reduced production on a participating farm by increasing production on a nonparticipating farm that produces one or more crops for which a set-aside requirement is in effect.

7. *Miscellaneous Provisions.* A number of comments concerned the land eligible for designation as set-aside acreage. Some recommendations were to accept all cropland, to accept all land in grass or in tame hay, to accept all former Soil Bank land, and to accept all land which could be tilled. These recommendations were

not adopted because they would include much land not now in crop production because it is unsuitable. Other comments questioned the exclusion of small grain from the normal crop acreage when used for other than grain. The final rule includes all the acreage of crops in the normal crop acreage that was planted in 1977 for other than cover or green manure.

FINAL RULE

7 CFR Part 792 is revised to read as follows:

Sec.
792.1 Applicability.
792.2 Normal crop acreage.
792.3 Designation of set-aside acreage.
792.4 Care of set-aside acreage.
792.5 Use of set-aside acreage.
792.6 Cross compliance on the farm.
792.7 Offsetting compliance between farms.

AUTHORITY: Secs. 101(h), 103(f), 105A and 107A of the Agricultural Act of 1949, as added by Pub. L. 95-113 (91 Stat. 913 et seq.), Sec. 1001 of Title X of Pub. L. 95-113 (91 Stat. 950).

§ 792.1 Applicability.

This part provides the rules for determining the farm normal crop acreage and for designation, care and use of acreage set aside under the 1978-81 Feed Grain Program, Part 775 of this chapter, as amended; the 1978-81 Rice Program, Part 730 of this chapter, as amended; the 1978-81 Wheat Program, Part 728 of this chapter, as amended; the 1978-81 Upland Cotton Program, Part 722 of this chapter, as amended; and all other programs to which this part is made applicable by individual program regulations. The number of acres to be set aside for each program will be stated in the individual program regulations. In this part and in all instructions, forms and documents in connection with it, the words and phrases used shall, unless the context or subject matter otherwise requires, have the meanings assigned to them in the regulations governing reconstitution of farms and allotments, Part 719 of this chapter, as amended, and in the regulations governing the programs to which this part is applicable.

§ 792.2 Normal crop acreage.

The normal crop acreage (herein called NCA) shall be the acreage planted in 1977 to the following crops for other than cover or green manure and any volunteer acreage of these crops harvested for grain: barley, field corn, grain sorghum, rice, wheat, upland cotton, oats, rye, soybeans, flax, dry edible beans, sunflower, sugar beets, sugar cane, and any other major field crop of significant acreage which is recommended by the State committee and approved by the Deputy Administrator, State and County Operations, ASCS. The 1977 acreage shall be determined, and adjusted when abnormal, in accordance with instructions issued by the Deputy Administrator.

§ 792.3 Designation of set-aside acreage.

(a) *Land eligible for designation.* Subject to the provisions of paragraph (b) of this section, the land eligible for designation as set-aside acreage must be cropland that was tilled within the previous three years in the production of a crop for other than hay or pasture, unless the county committee determines that the cropland was devoted in all of the previous three years to a hay crop that was in a normal rotation pattern with a small grain or row crop, or the cropland was designated as set-aside in any one year for which a set-aside program was in effect and was eligible when designated.

(b) *Land not eligible for designation.* Land will not be eligible for designation if it is:

(1) Land which is designated as set-aside under any other program for the calendar year (year in which the set-aside is in effect).

(2) Land for which a prevented planting or low yield payment is made for the calendar year.

(3) Turn rows, drainage ditches, wet low-lying areas, droughty knobs or banks, areas rejected by the county committee because of their small size or shape, or land in an orchard or vineyard and strips in skiprow planting patterns.

(4) Land which at the time the set-aside acreage is designated is expected to be used in the current year or a later year for industrial development, housing, highway construction, or other nonfarm use, and the land would not, in the absence of the program, be devoted in the current year to a crop for harvest.

(5) Land devoted to nonagricultural use on or before September 30 of the current year, unless such land is acquired by eminent domain and a representative of the State committee determines that it would not have been anticipated at the time of designation that the land would be devoted to nonagricultural use before the end of the current year.

(6) Land from a receding lake or areas bordering a lake which the producer does not have title to or otherwise have authority to use for crops.

(7) Land planted to grain for a State or National wildlife agency for wildlife.

(8) Land owned and operated by a State, county, or local government unless the owner establishes to the satisfaction of the county committee that it has adequate equipment and other facilities readily available for the successful production of crops under a set-aside program and that the production of such crops is a normal practice for such land.

§ 792.4 Care of set-aside acreage.

(a) *Approved cover and practices.* The set-aside shall be devoted by the normal period for planting spring crops to one or more of the following approved covers or practices, or to other cover or practices recommended by the State committee and approved by the Deputy Administrator which will effectively protect the set-aside from wind and water erosion throughout the calendar year:

(1) Annual, biennial, or perennial grasses and legumes, including volunteer stands other than weeds which meet the criteria set forth by the State committee.

(2) Small grains, including volunteer stands other than weeds which meet the criteria set forth by the State committee. They must be clipped to prevent seed formation except when approved for wildlife cover.

(3) Trees or shrubs planted for erosion control, shelter-belts, or other forestry purposes or for wildlife habitat during the current year or the fall of the preceding year, provided these practices are on designated set-aside acreage otherwise eligible under § 792.3.

(4) Terraces and sod waterways developed in the current year or the fall of the preceding year, provided these practices are on designated set-aside acreage otherwise eligible under § 792.3.

(5) Water storage developed for any purpose, including fish or wildlife habitat, during the current year or the fall of the preceding year, provided this practice is on designated set-aside acreage otherwise eligible under § 792.3.

(b) *Control of erosion, insects, weeds, and rodents.* The farm operator shall carry out such measures as are needed for the control of erosion, insects, weeds, and rodents on the set-aside acreage.

(c) *Land preparation for fall seeded crops.* Crops may be seeded on the set-aside acreage in the fall for harvest the next year. The land can be prepared in the fall and left bare only when recommended by the State committee and approved by the Deputy Administrator.

§ 792.5 Use of set-aside acreage.

(a) *Restriction on harvesting.* No crop shall be harvested from the set-aside acreage in the current year, or after December 31 of the current year if the crop would normally mature and be harvested in the current year, except when approved under emergency situations in accordance with instructions issued by the Deputy Administrator. A crop may be harvested if the crop is one which matured in the year preceding the current year on land which was not designated as set-aside in such year and the harvesting

was delayed because of adverse weather or other conditions beyond the control of the farm operator.

(b) *Restriction on grazing.* The set-aside acreage shall not be grazed during the six principal growing months as established by the State committee, except when approved under emergency situations in accordance with instructions issued by the Deputy Administrator.

§ 792.6 Cross compliance on the farm.

To qualify on the farm for loans (other than for sugar), purchases, and payments authorized for crops included in the NCA, producers on a farm that produces one or more crops for which a set-aside requirement is in effect shall:

(a) Set aside the acreage required for each crop, and

(b) Limit the acreage of crops in the NCA to the NCA less the amount of the acreage which is required to be set aside.

§ 792.7 Offsetting compliance between farms.

(a) To qualify for loans (other than for sugar), purchases, and payments authorized for crops included in the NCA on a farm participating in the program that produces one or more crops for which a set-aside requirement is in effect, the landlord, landowner, or operator shall assure that on each nonparticipating farm for which he is a landlord, landowner, or operator that produces one or more crops for which a set-aside requirement is in effect, the acreage of crops in the NCA are limited to the NCA.

(b) A landowner or landlord cannot escape responsibility for complying with paragraph (a) of this section by leasing for cash or other consideration all or part of a farm.

(c) Any executor, trust officer, or farm manager responsible for the management of a farm shall be considered as the operator of the farm for purposes of paragraph (a) of this section when he receives a percentage of the farm income exceeding 10 percent of the crops or proceeds thereof for such management service.

(d) For purposes of paragraph (a) of this section, all persons or entities in each category listed below shall be considered as the same producer and fully responsible for the actions of any person or entity in that category:

(1) Husband and wife, except that the husband and wife may be considered as separate producers if the spouse receiving benefits does not share to any degree in crops or proceeds thereof from the other farm, ownership or managerial control of the other farm is not shared by such spouse, and there have been no changes in the ownership, operation, or managerial control of the other farm which would tend to defeat the purposes of paragraph (a) of this section;

(2) Minor children and the parent, guardian, or other person legally responsible for the minor unless the person legally responsible for the minor does not occupy the same household as the minor and shares no interest in the farming operations of the minor;

(3) A partnership and any member of the partnership;

(4) A corporation and the majority stockholders of such corporation (in applying this rule, consider as the same producer a corporation and two or more stockholders with a combined majority interest in the corporation who do not comply with paragraph (a) of this section);

(5) An estate and heirs of the estate with over 50 percent interest in the estate (in applying this rule, consider as the same producer an estate and two or more heirs with a combined interest in the estate of over 50 percent who do not comply with paragraph (a) of this section);

(6) A trust and beneficiaries of the trust with over a 50 percent interest in the trust (in applying this rule, consider as the same producer a trust and two or more beneficiaries with a combined interest in the trust of over 50 percent who do not comply with paragraph (a) of this section);

(7) Different corporations, trusts or estates having common stockholders or beneficiaries with a combined majority interest.

(e) Notwithstanding the foregoing:

(1) Any person who places land in a trust the beneficiary of which is such person's parent, brother, sister, spouse, child or grandchild shall be considered the same producer as the trust for purposes of paragraph (a) of this section if he acts as the trustee or trust officer for the trust or in any other way retains management responsibility for the trust land even though he does not receive any share of the crops or proceeds thereof from the trust land;

(2) When the State committee, or the county committee with the approval of the State committee, determines that a corporation or trust was formed, modified, or used for the purpose of circumventing paragraph (a) of this section, the corporation and any stockholder of the corporation, or the trust and any beneficiary of the trust, shall be considered as the same producer and fully responsible for the actions of the corporation or trust or of any stockholder or beneficiary of the corporation or trust.

(3) A landowner, landlord, or operator may be exempted from complying with paragraph (a) of this section for the 1978 program year if the county committee determines that a lease executed prior to October 3, 1977, prevents compliance. Such producer will be expected to renegotiate lease terms for future years.

NOTE.—An Economic Impact Statement as required under Executive Order 11821 and OMB Circular A-107 has been filed.

NOTE.—The Agricultural Stabilization and Conservation Service, to meet the requirements of the National Environmental Policy Act (Pub. L. 91-190, 42 U.S.C. 4321 et seq.), developed an environmental assessment and has filed a supplemental environmental impact statement.

Issued at Washington, D.C., January 13, 1978.

STEWART N. SMITH,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 78-1612 Filed 1-19-78; 8:45 am]

[3410-02]

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

[Orange, Grapefruit, Tangerine, and Tangelo Reg. 1, Amdt. 8]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES AND TANGELOS GROWN IN FLORIDA

Amendment of Honey Tangerine Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This amendment is applicable to domestic and export shipments of fresh Florida Honey Tangerines. It permits each handler to ship to domestic markets, including Canada or Mexico, during the period January 16 to September 24, 1978, Honey Tangerines not smaller than 2$^{9}/_{16}$ inches in diameter (size 176), and it permits each handler to ship to export markets, other than Canada or Mexico, during this same period Honey Tangerines not smaller than 2$^{7}/_{16}$ inches (size 210). Size requirements for other varieties of tangerines continue unchanged. Currently, any handler may ship to domestic markets Honey Tangerines not smaller than 2$^{11}/_{16}$ inches (size 120) and may export any such variety of fruit not smaller than 2$^{9}/_{16}$ inches (size 150). Specification of minimum size requirements for Florida Honey Tangerines is necessary because of current and prospective supply and demand for the fruit and to maintain orderly marketing conditions in the interest of producers and consumers.

DATES: This amendment is effective during the period January 16 to September 24, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: *Findings.* (1) Pursuant to the marketing agreement and Order No. 905, both as amended (7 CFR Part 905; 42 FR 59367; 61853), regulating the handling of oranges, grapefruit, tangerines and tangelos grown in Florida, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committee established under the marketing agreement and order, and upon other information, it is found that the regulation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The amendment reflects the Department's appraisal of the current and prospective supply and market demand conditions for Florida Honey Tangerines. It is designed to assure an ample supply of acceptable size fruit to consumers consistent with the quality and size composition of the crop. The season for Honey Tangerines has just started, and shipments for the week ended January 8, 1978, totaled only one carlot and for Monday, January 9 totaled four carlots.

(3) It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this amendment is based and the effective date necessary to effectuate the declared policy of the act; and this amendment relieves restrictions on the handling of Honey Tangerines.

Accordingly, it is found that the provisions of § 905.301 (42 FR 57947, 59367, 59955, 60918, 61590, 63635, 63881) should be and hereby are amended by redesignating "Murcott honey oranges" as "Honey Tangerines" in Tables I and II and by revising the minimum size applicable to Honey Tangerines and by revising paragraph (c), so that after the revisions the portion of Tables I and II applicable to such variety, which is effective January 16, 1978, and paragraph (c) read as follows:

§ 905.301 Orange, Grapefruit, Tangerine, and Tangelo Regulation 1.

(a) * * *

TABLE I

Variety	Regulation period	Minimum grade	Minimum diameter (inches)
(1)	(2)	(3)	(4)
Tangerines: Dancy and similar, including Robinson	Dec. 12, 1977 to Sept. 24, 1978.	U.S. No. 1	2⁹⁄₁₆
Honey tangerines	Jan. 16 to Sept. 24, 1978.	Florida No. 1.	2⁹⁄₁₆

* * * * *

(b) * * *

TABLE II

Variety	Regulation period	Minimum grade	Minimum diameter (inches)
(1)	(2)	(3)	(4)
Tangerines: Dancy and similar, including Robinson	Sept. 26, 1977 to Sept. 24, 1978.	U.S. No. 1	2⁹⁄₁₆
Honey tangerines	Jan. 16 to Sept. 24, 1978.	Florida No. 1.	2⁹⁄₁₆

* * * * *

(c) *Size Tolerances:* In the determination of minimum size as prescribed in Tables I and II, the following tolerances are permitted: (1) for oranges, as set forth in § 51.1152 of the U.S. Standards for Grades of Florida Oranges and Tangelos, except that for early and mid-season type and Valencia oranges shipped interstate in bulk a tolerance of 10 percent, by count, based on oranges 2¹⁄₁₆ inches in diameter and smaller shall apply; (2) for grapefruit, as specified in § 51.761 of the U.S. Standards for Grades of Florida Grapefruit; (3) for tangerines, as specified in § 51.1818 of the U.S. Standards for Grades of Florida Tangerines; and (4) for tangelos, as set forth in § 51.1152 of the U.S. Standards for Grades of Florida Oranges and Tangelos.

* * * * *

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

Dated: January 13, 1978.

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

[FR Doc. 78-1474 Filed 1-19-78; 8:45 am]

[3410-05]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regulations, 1977 Crop Barley Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1977 Crop Barley Loan and Purchase Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to set forth the (1) final loan and purchase availability dates, (2) maturity dates, and (3) loan and purchase rates and premiums and discounts, under which Commodity Credit Corporation, (CCC), will extend price support on 1977 crop barley. This rule is needed in order to provide a price support program for barley. This rule will enable eligible producers to obtain loans and purchases on eligible 1977 crop barley.

EFFECTIVE DATE: January 20, 1978.

ADDRESS: Price Support and Loan Division, ASCS, U.S. Department of Agriculture, 3744 South Building, P.O. Box 2415, Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Merle Strawderman (ASCS), 202-447-9224.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was published in the FEDERAL REGISTER on July 29, 1976, 41 FR 31563 stating that the Department of Agriculture proposed to make determinations and issue regulations relative to a loan and purchase program for the 1977 crops of feed grains including barley. Such determinations including determining loan and purchase rates, and other related program provisions. Interested persons were given until August 30, 1976 to submit data, views and recommendations. No recommendations were received concerning the loan and purchase program for barley. After

considering applicable factors it has been determined that the loan and purchase program for 1977 crop barley on a national average will be $1.63 per bushel. The final availability date for purchases will be changed to March 31, 1978, the same as for loans. This change will permit producers to deliver 1977 crop barley under purchase agreement to CCC in time to make storage space available for 1978 crop barley.

Additional disbursements on 1977 crop loans already made will be available for those producers who want their loans adjusted to the rates in this supplement.

Producers who wish to secure loans or adjust present loans to these rates can do so by contacting their local Agricultural Stabilization and Conservation Service Office or Agricultural Service Center.

The General Regulations Governing Price Support for 1976 and Subsequent Crops, published at 41 FR 22334 and any amendments thereto and the 1970 and Subsequent Crops Barley Loan and Purchase Regulations, published at 35 FR 11166 and any amendments to such regulations are further supplemented for the 1977 crop of barley. 7 CFR §§ 1421.72 through 1421.75 and the title of the subpart are revised to read as provided below, effective as to the 1977 crop of barley. The material previously appearing in these sections shall remain in full force and effect as to the crops to which it is applicable.

Subpart—1977 Crop Barley Loan and Purchase Program

Sec.
1421.72 Purpose.
1421.73 Availability.
1421.74 Maturity of loans.
1421.75 Loan and purchase rates, premiums and discounts.

AUTHORITY: Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714b and c); Secs. 105, 401, 63 Stat. 1051, as amended (7 U.S.C. 1441 note, 1421).

Subpart—1977 Crop Barley Loan and Purchase Program

§ 1421.72 Purpose.

This supplement contains additional program provisions which, together with the provisions of the General Regulations Governing Price Support for the 1976 and Subsequent Crops, the 1970 and Subsequent Crops Barley Loan and Purchase Program Regulations, and any amendments thereto, apply to loans on and purchases of the 1977 crop of barley.

§ 1421.73 Availability.

(a) *Loans.* Producers desiring to participate in the program through loans must request a loan on their 1977 crop of eligible barley on or before March 31, 1978.

(b) *Purchases.* Producers desiring to offer eligible 1977 crop barley not under loan for purchase must execute and deliver to the county ASCS office on or before March 31, 1978, a purchase agreement (Form CCC-614) indicating the approximate quantity of 1977 crop barley they will sell to CCC.

§ 1421.74 Maturity of loans.

Loans mature in the case of farm stored loans on demand but not later than the last day of the ninth calendar month following the month the loan is disbursed, and in the case of warehouse stored loans, on demand but not later than the last day of the ninth calendar month following the month the warehouse receipt was issued, except that loans made on warehouse receipts which show that the nine-month storage charge has been paid but the date of tender to CCC is after the date the warehouse receipt was issued mature on the date through which such charges have been paid. Producers who have already received disbursement on loans may request a change of the loan maturity date to the nine month maturity date described in this section.

§ 1421.75 Loan and purchase rates.

(a) *Basic loan and purchase rates (counties).* Basic county rates (marketing area in the case of Alaska) for loan and settlement purposes for barley (except mixed barley) grading U.S. No. 2 or better are established as follows:

1977-CROP BARLEY LOAN AND PURCHASE PROGRAM

County	Rate per bushel
ALABAMA	
All counties	$1.60
ALASKA[1]	
Delta	1.54
Fairbanks	1.53
Glenallen	1.63
Homer	1.59
Kenai-Sold	1.66
Palmer	1.72
Talkeetna	1.72
ARIZONA	
All counties	1.80
ARKANSAS	
All counties	1.60
CALIFORNIA	
Alameda	1.98
Alpine	1.81
Amador	1.94
Butte	1.89
Calaveras	1.94
Colusa	1.93
Contra Costa	1.95
El Dorado	1.93
Fresno	1.92
Glenn	1.90
Humboldt	1.78
Imperial	1.92
Inyo	1.80
Kern	1.93
Kings	1.91
Lake	1.88
Lassen	1.78
Los Angeles	1.98
Madera	1.94
Marin	1.95

[1] In Alaska, loan rates are for marketing areas.

1977-CROP BARLEY LOAN AND PURCHASE PROGRAM—Continued

County	Rate per bushel
Mariposa	1.92
Mendocino	1.82
Merced	1.94
Modoc	1.76
Monterey	1.90
Napa	1.93
Orange	1.98
Placer	1.91
Plumas	1.81
Riverside	1.93
Sacramento	1.98
San Benito	1.90
San Bernardino	1.94
San Diego	1.98
San Francisco	1.98
San Joaquin	1.98
San Luis Obispo	1.90
San Mateo	1.95
Santa Barbara	1.89
Santa Clara	1.94
Santa Cruz	1.91
Shasta	1.78
Sierra	1.80
Siskiyou	1.76
Solano	1.95
Sonoma	1.93
Stanislaus	1.96
Sutter	1.92
Tehama	1.89
Tulare	1.90
Tuolumne	1.92
Ventura	1.93
Yolo	1.95
Yuba	1.92
COLORADO	
All counties	1.66
CONNECTICUT	
All counties	1.60
DELAWARE	
All counties	1.60
FLORIDA	
All counties	1.61
GEORGIA	
All counties	1.61
IDAHO	
Ada	1.65
Adams	1.65
Bannock	1.65
Bear Lake	1.62
Benewah	1.74
Bingham	1.64
Blaine	1.65
Boise	1.65
Bonner	1.70
Bonneville	1.62
Boundary	1.69
Butte	1.64
Camas	1.65
Canyon	1.65
Caribou	1.62
Cassia	1.64
Clark	1.61
Clearwater	1.73
Custer	1.65
Elmore	1.65
Franklin	1.66
Fremont	1.62
Gem	1.65
Gooding	1.65
Idaho	1.69
Jefferson	1.62
Jerome	1.65
Kootenai	1.74
Latah	1.74
Lemhi	1.61
Lewis	1.73
Lincoln	1.65
Madison	1.62
Minidoka	1.66
Nez Perce	1.74
Oneida	1.65
Owyhee	1.65
Payette	1.65
Power	1.65
Shoshone	1.62

1977-CROP BARLEY LOAN AND PURCHASE PROGRAM—Continued

County	Rate per bushel
Teton	1.62
Twin Falls	1.66
Valley	1.65
Washington	1.65
ILLINOIS	
Alexander	1.66
Cook	1.61
Madison	1.65
Saint Clair	1.65
All other counties	1.56
INDIANA	
All counties	1.56
IOWA	
Pottawattamie	1.62
All other counties	1.58
KANSAS	
Wyandotte	1.63
All other counties	1.59
KENTUCKY	
All counties	1.57
LOUISIANA	
East Baton Rouge	1.78
Jefferson	1.78
Orleans	1.78
Saint Charles	1.78
West Baton Rouge	1.78
All other parishes	1.61
MAINE	
All counties	1.60
MARYLAND	
Baltimore	1.78
All other counties	1.60
MASSACHUSETTS	
All counties	1.60
MICHIGAN	
All counties	1.52
MINNESOTA	
Aitkin	1.66
Anoka	1.69
Becker	1.57
Beltrami	1.59
Benton	1.66
Big Stone	1.61
Blue Earth	1.69
Brown	1.67
Carlton	1.70
Carver	1.70
Cass	1.62
Chippewa	1.66
Chisago	1.69
Clay	1.56
Clearwater	1.56
Cottonwood	1.66
Crow Wing	1.62
Dakota	1.70
Dodge	1.69
Douglas	1.61
Faribault	1.68
Fillmore	1.66
Freeborn	1.69
Goodhue	1.69
Grant	1.59
Hennepin	1.70
Houston	1.65
Hubbard	1.59
Isanti	1.68
Itasca	1.65
Jackson	1.65
Kanabec	1.67
Kandiyohi	1.66
Kittson	1.50
Koochiching	1.63
Lac Qui Parle	1.65
Lake of the Woods	1.58
Le Sueur	1.70
Lincoln	1.62
Lyon	1.65
McLeod	1.69
Mahnomen	1.55
Marshall	1.53
Martin	1.68
Meeker	1.67
Mille Lacs	1.67
Morrison	1.64
Mower	1.68
Murray	1.64
Nicollet	1.69
Nobles	1.62
Norman	1.56
Olmsted	1.69
Otter Tail	1.58
Pennington	1.54
Pine	1.70
Pipestone	1.61
Polk	1.54
Pope	1.64
Ramsey	1.70
Red Lake	1.54
Redwood	1.67
Renville	1.66
Rice	1.70
Rock	1.59
Roseau	1.52
Saint Louis	1.70
Scott	1.70
Sherburne	1.69
Sibley	1.69
Stearns	1.66
Steele	1.70
Stevens	1.61
Swift	1.65
Todd	1.61
Traverse	1.59
Wabasha	1.69
Wadena	1.60
Waseca	1.70
Washington	1.70
Watonwan	1.68
Wilkin	1.57
Winona	1.67
Wright	1.70
Yellow Medicine	1.64
MISSISSIPPI	
All counties	1.60
MISSOURI	
Buchanan	1.62
Clay	1.62
Jackson	1.62
Saint Louis	1.64
All other counties	1.60
MONTANA	
Beaverhead	1.56
Big Horn	1.51
Blaine	1.47
Broadwater	1.59
Carbon	1.52
Carter	1.42
Cascade	1.55
Chouteau	1.51
Custer	1.44
Daniels	1.41
Dawson	1.44
Deer Lodge	1.62
Fallon	1.42
Fergus	1.51
Flathead	1.67
Gallatin	1.62
Garfield	1.46
Glacier	1.54
Golden Valley	1.52
Granite	1.60
Hill	1.50
Jefferson	1.62
Judith Basin	1.52
Lake	1.60
Lewis and Clark	1.53
Liberty	1.52
Lincoln	1.67
McCone	1.44
Madison	1.62
Meagher	1.56
Mineral	1.64
Missoula	1.64
Musselshell	1.51
Park	1.60
Petroleum	1.49
Phillips	1.44
Pondera	1.53
Powder River	1.44
Powell	1.62
Prairie	1.44
Ravalli	1.60
Richland	1.41
Roosevelt	1.41
Rosebud	1.46
Sanders	1.64
Sheridan	1.39
Silver Bow	1.62
Stillwater	1.52
Sweet Grass	1.55
Teton	1.53
Toole	1.53
Treasure	1.46
Valley	1.43
Wheatland	1.53
Wibaux	1.42
Yellowstone	1.51
NEBRASKA	
Douglas	1.63
All other counties	1.55
NEVADA	
All counties	1.80
NEW HAMPSHIRE	
All counties	1.60
NEW JERSEY	
All counties	1.60
NEW MEXICO	
All counties	1.70
NEW YORK	
Albany	1.78
New York City	1.78
All other counties	1.60
NORTH CAROLINA	
All counties	1.61
NORTH DAKOTA	
Adams	1.41
Barnes	1.52
Benson	1.46
Billings	1.39
Bottineau	1.41
Bowman	1.39
Burke	1.39
Burleigh	1.45
Cass	1.55
Cavalier	1.46
Dickey	1.50
Divide	1.39
Dunn	1.39
Eddy	1.47
Emmons	1.42
Foster	1.48
Golden Valley	1.39
Grand Forks	1.52
Grant	1.40
Griggs	1.50
Hettinger	1.39
Kidder	1.46
La Moure	1.49
Logan	1.46
McHenry	1.43
McIntosh	1.47
McKenzie	1.42
McLean	1.43
Mercer	1.42
Morton	1.42
Mountrail	1.39
Nelson	1.49
Oliver	1.43
Pembina	1.49
Pierce	1.45
Ramsey	1.47
Ransom	1.52
Renville	1.40
Richland	1.55
Rolette	1.43
Sargent	1.54
Sheridan	1.44
Sioux	1.42
Slope	1.39
Stark	1.39
Steele	1.52

1977-CROP BARLEY LOAN AND PURCHASE PROGRAM—Continued

County	Rate per bushel
Stutsman	1.51
Towner	1.44
Traill	1.52
Walsh	1.50
Ward	1.41
Wells	1.47
Williams	1.39
OHIO	
All counties	1.54
OKLAHOMA	
All counties	1.61
OREGON	
Baker	1.72
Benton	1.77
Clackamas	1.81
Clatsop	1.87
Columbia	1.87
Coos	1.68
Crook	1.76
Curry	1.66
Deschutes	1.76
Douglas	1.70
Gilliam	1.81
Grant	1.76
Harney	1.63
Hood River	1.83
Jackson	1.69
Jefferson	1.79
Josephine	1.69
Klamath	1.69
Lake	1.68
Lane	1.76
Lincoln	1.76
Linn	1.78
Malheur	1.66
Marion	1.79
Morrow	1.80
Multnomah	1.87
Polk	1.79
Sherman	1.82
Tillamook	1.82
Umatilla	1.77
Union	1.75
Wallowa	1.72
Wasco	1.83
Washington	1.83
Wheeler	1.78
Yamhill	1.81
PENNSYLVANIA	
Philadelphia	1.78
All other counties	1.60
RHODE ISLAND	
All counties	1.60
SOUTH CAROLINA	
Charleston	1.76
All other counties	1.61
SOUTH DAKOTA	
Aurora	1.51
Beadle	1.54
Bennett	1.43
Bon Homme	1.54
Brookings	1.59
Brown	1.53
Brule	1.49
Buffalo	1.51
Butte	1.36
Campbell	1.46
Charles Mix	1.52
Clark	1.55
Clay	1.56
Codington	1.58
Corson	1.43
Custer	1.41
Davison	1.51
Day	1.56
Deuel	1.61
Dewey	1.45
Douglas	1.52
Edmunds	1.50
Fall River	1.41
Faulk	1.52
Grant	1.61
Gregory	1.51
Haakon	1.43

1977-CROP BARLEY LOAN AND PURCHASE PROGRAM—Continued

County	Rate per bushel
Hamlin	1.58
Hand	1.51
Hanson	1.51
Harding	1.38
Hughes	1.49
Hutchinson	1.53
Hyde	1.51
Jackson	1.43
Jerauld	1.51
Jones	1.48
Kingsbury	1.58
Lake	1.57
Lawrence	1.36
Lincoln	1.56
Lyman	1.48
McCook	1.52
McPherson	1.50
Marshall	1.55
Meade	1.39
Mellette	1.47
Miner	1.53
Minnehaha	1.56
Moody	1.57
Pennington	1.41
Perkins	1.40
Potter	1.50
Roberts	1.59
Sanborn	1.51
Shannon	1.41
Spink	1.53
Stanley	1.48
Sully	1.50
Todd	1.47
Tripp	1.48
Turner	1.56
Union	1.57
Walworth	1.47
Washabaugh	1.43
Yankton	1.56
Ziebach	1.42
TENNESSEE	
Shelby	1.66
All other counties	1.60
TEXAS	
Chambers	1.80
Galveston	1.80
Harris	1.80
Jefferson	1.80
Nueces an Patricio	1.80
All other counties	1.64
UTAH	
All counties	1.70
VERMONT	
All counties	1.60
VIRGINIA	
Chesapeake (Norfolk)	1.70
All other counties	1.60
WASHINGTON	
Adams	1.77
Asotin	1.77
Benton	1.79
Chelan	1.81
Clallam	1.67
Clark	1.87
Columbia	1.78
Cowlitz	1.87
Douglas	1.76
Ferry	1.72
Franklin	1.78
Garfield	1.78
Grant	1.77
Grays Harbor	1.76
Island	1.80
Jefferson	1.72
King	1.87
Kitsap	1.80
Kittitas	1.79
Klickitat	1.80
Lewis	1.81
Lincoln	1.76
Mason	1.74
Okanogan	1.75
Pacific	1.76
Pend Oreille	1.70
Pierce	1.87

1977-CROP BARLEY LOAN AND PURCHASE PROGRAM—Continued

County	Rate per bushel
San Juan	1.75
Skagit	1.75
Skamania	1.82
Snohomish	1.80
Spokane	1.74
Stevens	1.71
Thurston	1.81
Wahkiakum	1.84
Walla Walla	1.78
Whatcom	1.73
Whitman	1.76
Yakima	1.78
WEST VIRGINIA	
All counties	1.60
WISCONSIN	
Douglas	1.67
All other counties	1.57
WYOMING	
All counties	1.64

(b) *Premiums and discounts.* The basic loan and purchase rates shall be adjusted as applicable by premiums or discounts as follows (all footnotes at end of paragraph):

Discounts	Cents per bushel
(a) Grade discounts:	
U.S. No. 3	−4
U.S. No. 4	−8
U.S. grade No. 5	−20
Sample grade	(1)
(b) Special discounts:	
Garlicky	−10
Weed control law (where required by § 1421.25)	−10

[1] See note.

NOTE.—Barley grading sample grade is not eligible for loan. In the event quantities of barley grading U.S. Sample Grade are delivered in satisfaction of loan obligations, such quantities will be discounted on the basis of the schedule of discounts as provided by the Kansas City Commodity Office for settlement purposes.

(c) *Other factors.* Amounts determined by CCC to represent market discounts for quality factors not specified above which affect the value of the barley, such as (but not limited to) thin barley, moisture, foreign material, test weight, heat damage, musty, sour, smutty, stained, weevily, ergoty, and bleached. Such discounts will be established not later than the time delivery of barley to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts at county ASCS offices approximately one month prior to the loan maturity date.

NOTE.—Discounts are cumulative except only one grade discount shall be applied. For the purpose of applying discounts, factors which cause barley of the subclass Malting Barley or Blue Malting Barley to have a lower numerical grade than if the barley were graded under a different subclass shall be disregarded.

Signed at Washington, D.C., on January 11, 1978.

STEWART N. SMITH,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 78-1472 Filed 1-19-78; 8:45 am]

[3410-05]

[CCC Grain Price Support Regulations, 1977 Crop Corn Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1977 Crop Corn Loan and Purchase Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to set forth the (1) final loan and purchase availability dates, (2) maturity dates, and (3) loan and purchase rates and premiums and discounts, under which Commodity Credit Corporation (CCC) will extend price support on 1977 crop corn. This rule is needed in order to provide a price support program for corn. This rule will enable eligible producers to obtain loans and purchases on their eligible 1977 crop corn.

EFFECTIVE DATE: January 20, 1978.

ADDRESS: Price Support and Loan Division, ASCS, USDA, 3750 South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:

Merle Strawderman, (ASCS), 202-447-9224.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was published in the FEDERAL REGISTER on July 29, 1976, 41 FR 31563, stating that the Department of Agriculture proposed to make determinations and issue regulations relative to a loan and purchase program for the 1977 crops of feed grains including corn. Such determinations included loan and purchase rates and other related program provisions. Interested persons were given until August 30, 1976 to submit any data, views, and recommendations. Seven responses were received concerning the loan and purchase rates. All recommended that the support rate be increased. After considering the recommendations and other factors, it has been determined that loan and purchase rates for 1977 crop corn on a national average will be $2.00 per bushel. The final availability date for purchases will be changed to May 31, 1978, the same as for loans.

Additional disbursements on 1977 crop corn loans already made will be available for those producers who want their loans adjusted to the rates in this supplement.

Producers who wish to secure loans or adjust present loans to these rates can do so by contacting their local Agricultural Stabilization and Conservation Service Office or Agricultural Service Center.

The General Regulations Governing Price Support for the 1976 and Subsequent Crops, published at 41 FR 22334 and any amendments thereto and the 1970 and Subsequent Crop Corn Loan and Purchase Regulations, published at 35 FR 13970 and any amendments to such regulations are further supplemented for the 1977 crop of corn. 7 CFR §§ 1421.111 through 1421.113 and the title of the subpart are revised to read as provided below, effective as to the 1977 crop of corn. The material previously appearing in these sections shall remain in full force and effect as to the crops to which it is applicable.

Subpart—1977 Corp Corn Loan and Purchase Program

Sec.
1421.111 Availability.
1421.112 Maturity of loans.
1421.113 Loan and purchase rates, premiums and discounts.

AUTHORITY: Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); Secs. 105, 401, 63 Stat. 1051, as amended (7 U.S.C. 1441 note 1421)

Subpart—1977 Corn Crop Loan and Purchase Program

§ 1421.111 Availability.

(a) *Loans.* Producers desiring to participate in the program through loans must request a loan on their 1977 crop of eligible corn on or before May 31, 1978.

(b) *Purchases.* A producer desiring to offer eligible 1977 crop corn not under loan for purchase must execute and deliver to the county ASCS office on or before May 31, 1978, a Purchase Agreement (Form CCC-614) indicating the approximate quantity of 1977 crop corn he will sell to CCC.

§1421.112 Maturity of loans.

Loans mature in the case of farm stored loans on demand but not later than the last day of the ninth calendar month following the month the loan is disbursed, and in the case of warehouse stored loans, on demand but not later than the last day of the ninth calendar month following the month the warehouse receipt was issued, except that loans made on warehouse receipts which show that the nine-month storage charge has been paid but the date of tender to CCC is after the date the warehouse receipt was issued mature on the date through which such charges have been paid. Producers who have already received disbursement on loans may request a change of the loan maturity date to the nine-month maturity date described in this section.

§ 1421.113 Loan and purchase rates, premiums and discounts.

County basic loan and purchase rates for corn and the schedule of premiums and discounts are contained in this section. Farm stored loans will be made at the basic rate for the county where the corn is stored, adjusted only for the weed control discount where applicable. The rate for warehouse stored loans shall be the basic rate for the county where the corn is stored, adjusted by the premiums and discounts prescribed in paragraph (b) of this section. Notwithstanding, § 1421.22(c), settlement for corn delivered from other than approved warehouse storage, shall be based (1) on the basic rate for the county in which the producer's customary delivery point is located, and (2) on the quality and quantity of the corn delivered as shown on the warehouse receipts and accompanying documents issued by an approved warehouse to which delivery is made, or if applicable, the quality and quantity delivered as shown on a form prescribed by CCC for this purpose.

(a) *Basic county rates.* Basic county rates for corn grading No. 2 and containing from 15.1 through 15.5 percent moisture are as follows:

County	*Rate per bushel*
ALABAMA	
All counties	$2.15
ARIZONA	
All counties	2.21
ARKANSAS	
All counties	2.12
CALIFORNIA	
All counties	2.21
COLORADO	
Baca	2.04
Cheyenne	2.03
Kiowa	2.03
Kit Carson	2.03
Lincoln	2.06
Logan	2.05
Phillips	2.03
Prowers	2.03
Sedgwick	2.03
Washington	2.05
Yuma	2.02
All other counties	2.07
CONNECTICUT	
All counties	2.24
DELAWARE	
All counties	2.18
FLORIDA	
All counties	2.16
GEORGIA	
All counties	2.16
IDAHO	
All counties	2.18
ILLINOIS	
Adams	2.05
Alexander	2.09
Bond	2.07
Boone	2.05
Brown	2.06
Bureau	2.05
Calhoun	2.07
Carroll	2.03
Cass	2.06

County	Rate per bushel
Champaign	2.04
Christian	2.06
Clark	2.04
Clay	2.05
Clinton	2.08
Coles	2.04
Cook	2.09
Crawford	2.04
Cumberland	2.04
De Kalb	2.05
De Witt	2.04
Douglas	2.04
Du Page	2.08
Edgar	2.04
Edwards	2.06
Effingham	2.05
Fayette	2.06
Ford	2.05
Franklin	2.07
Fulton	2.06
Gallatin	2.07
Greene	2.07
Grundy	2.06
Hamilton	2.06
Hancock	2.05
Hardin	2.08
Henderson	2.05
Henry	2.05
Iroquois	2.05
Jackson	2.08
Jasper	2.04
Jefferson	2.08
Jersey	2.07
Jo Daviess	2.02
Johnson	2.08
Kane	2.07
Kankakee	2.06
Kendall	2.06
Knox	2.06
Lake	2.08
La Salle	2.05
Lawrence	2.05
Lee	2.05
Livingston	2.05
Logan	2.05
McDonough	2.06
McHenry	2.07
McLean	2.04
Macon	2.05
Macoupin	2.07
Madison	2.09
Marion	2.06
Marshall	2.05
Mason	2.06
Massac	2.09
Menard	2.05
Mercer	2.04
Monroe	2.10
Montgomery	2.06
Morgan	2.06
Moultrie	2.04
Ogle	2.04
Peoria	2.06
Perry	2.09
Piatt	2.04
Pike	2.06
Pope	2.08
Pulaski	2.09
Putnam	2.05
Randolph	2.09
Richland	2.05
Rock Island	2.04
St. Clair	2.10
Saline	2.07
Sangamon	2.05
Schuyler	2.06
Scott	2.06
Shelby	2.05
Stark	2.06
Stephenson	2.02
Tazewell	2.05
Union	2.08
Vermilion	2.04
Wabash	2.06
Warren	2.06
Washington	2.10
Wayne	2.06
White	2.06
Whiteside	2.04
Will	2.08
Williamson	2.07
Winnebago	2.03
Woodford	2.05

INDIANA

County	Rate per bushel
Adams	2.03
Allen	2.03
Bartholomew	2.04
Benton	2.05
Blackford	2.02
Boone	2.00
Brown	2.04
Carroll	2.03
Cass	2.05
Clark	2.07
Clay	2.02
Clinton	2.01
Crawford	2.07
Daviess	2.06
Dearborn	2.07
Decatur	2.04
De Kalb	2.03
Delaware	2.01
Dubois	2.06
Elkhart	2.05
Fayette	2.03
Floyd	2.07
Fountain	2.02
Franklin	2.06
Fulton	2.05
Gibson	2.07
Grant	2.02
Greene	2.04
Hamilton	2.00
Harrison	2.07
Hancock	2.01
Hendricks	2.01
Henry	2.01
Howard	2.03
Huntington	2.02
Jackson	2.06
Jasper	2.06
Jay	2.03
Jefferson	2.07
Jennings	2.06
Johnson	2.02
Knox	2.06
Kosciusko	2.05
Lagrange	2.03
Lake	2.08
La Porte	2.08
Lawrence	2.06
Madison	2.00
Marion	2.01
Marshall	2.06
Martin	2.06
Miami	2.03
Monroe	2.04
Montgomery	2.02
Morgan	2.02
Newton	2.06
Noble	2.03
Ohio	2.07
Orange	2.06
Owen	2.02
Parke	2.02
Perry	2.07
Pike	2.06
Porter	2.08
Posey	2.07
Pulaski	2.06
Putnam	2.01
Randolph	2.02
Ripley	2.06
Rush	2.02
St. Joseph	2.06
Scott	2.07
Shelby	2.02
Spencer	2.07
Starke	2.06
Steuben	2.03
Sullivan	2.04
Switzerland	2.07
Tippecanoe	2.03
Tipton	2.01
Union	2.04
Vanderburgh	2.07
Vermillion	2.03
Vigo	2.03
Wabash	2.03
Warren	2.03
Warrick	2.07
Washington	2.07
Wayne	2.02
Wells	2.02
White	2.05
Whitley	2.03

IOWA

County	Rate per bushel
Adair	1.98
Adams	2.01
Allamakee	1.96
Appanoose	2.01
Audubon	1.98
Benton	1.99
Black Hawk	1.99
Boone	1.97
Bremer	1.98
Buchanan	1.99
Buena Vista	1.94
Butler	1.97
Calhoun	1.95
Carroll	1.98
Cass	1.99
Cedar	2.02
Cerro Gordo	1.96
Cherokee	1.94
Chickasaw	1.97
Clarke	2.00
Clay	1.92
Clayton	1.98
Clinton	2.02
Crawford	1.99
Dallas	1.97
Davis	2.02
Decatur	2.02
Delaware	1.99
Des Moines	2.02
Dickinson	1.90
Dubuque	2.00
Emmet	1.90
Fayette	1.98
Floyd	1.97
Franklin	1.96
Fremont	2.02
Greene	1.96
Grundy	1.98
Guthrie	1.97
Hamilton	1.96
Hancock	1.95
Hardin	1.98
Harrison	2.00
Henry	2.02
Howard	1.95
Humboldt	1.93
Ida	1.96
Iowa	2.00
Jackson	2.01
Jasper	1.99
Jefferson	2.01
Johnson	2.01
Jones	2.00
Keokuk	2.01
Kossuth	1.92
Lee	2.02
Linn	1.99
Louisa	2.02
Lucas	2.00
Lyon	1.91
Madison	1.98
Mahaska	2.00
Marion	1.99
Marshall	1.99
Mills	2.01
Mitchell	1.95
Monona	1.99
Monroe	2.00
Montgomery	2.01
Muscatine	2.02
O'Brien	1.93
Osceola	1.91
Page	2.03
Palo Alto	1.91
Plymouth	1.95
Pocahontas	1.94
Polk	1.98
Pottawattamie	2.01
Poweshiek	1.99
Ringgold	2.03
Sac	1.96
Scott	2.02
Shelby	2.00
Sioux	1.93
Story	1.99
Tama	1.99
Taylor	2.03
Union	2.01
Van Buren	2.02
Wapello	2.01
Warren	1.99
Washington	2.01

County	Rate per bushel
Wayne	2.01
Webster	1.95
Winnebago	1.94
Winneshiek	1.96
Woodbury	1.97
Worth	1.95
Wright	1.95
KANSAS	
Allen	2.06
Anderson	2.07
Atchison	2.08
Barber	2.00
Barton	1.98
Bourbon	2.08
Brown	2.06
Butler	2.02
Chase	2.02
Chautauqua	2.02
Cherokee	2.08
Cheyenne	1.96
Clark	2.00
Clay	2.00
Cloud	2.00
Coffey	2.05
Comanche	2.00
Cowley	2.01
Crawford	2.08
Decatur	1.98
Dickinson	2.00
Doniphan	2.06
Douglas	2.08
Edwards	1.99
Elk	2.02
Ellis	1.98
Ellsworth	1.99
Finney	1.99
Ford	2.00
Franklin	2.07
Geary	2.02
Gove	1.97
Graham	1.97
Grant	2.00
Gray	2.00
Greeley	1.98
Greenwood	2.03
Hamilton	1.99
Harper	2.00
Harvey	2.00
Haskell	2.00
Hodgeman	1.99
Jackson	2.06
Jefferson	2.08
Jewell	1.99
Johnson	2.09
Kearny	1.99
Kingman	2.00
Kiowa	1.99
Labette	2.04
Lane	1.98
Leavenworth	2.09
Lincoln	1.99
Linn	2.08
Logan	1.97
Lyon	2.04
McPherson	2.00
Marion	2.00
Marshall	2.04
Meade	2.01
Miami	2.08
Mitchell	1.99
Montgomery	2.03
Morris	2.02
Morton	2.01
Nemaha	2.05
Neosho	2.06
Ness	1.98
Norton	1.99
Osage	2.05
Osborne	1.98
Ottawa	2.00
Pawnee	1.99
Phillips	1.99
Pottawatomie	2.05
Pratt	1.99
Rawlins	1.97
Reno	1.99
Republic	2.01
Rice	1.99
Riley	2.04
Rooks	1.98
Rush	1.98
Russell	1.98
Saline	2.00
Scott	1.98
Sedgwick	2.01
Seward	2.01
Shawnee	2.06
Sheridan	1.97
Sherman	1.97
Smith	1.99
Stafford	1.99
Stanton	2.00
Stevens	2.01
Sumner	2.01
Thomas	1.97
Trego	1.97
Wabaunsee	2.04
Wallace	1.97
Washington	2.03
Wichita	1.98
Wilson	2.04
Woodson	2.05
Wyandotte	2.09
KENTUCKY	
Ballard	2.09
Boone	2.08
Bracken	2.10
Breckinridge	2.09
Bullitt	2.10
Campbell	2.08
Carroll	2.09
Crittenden	2.09
Daviess	2.09
Gallatin	2.09
Hancock	2.09
Henderson	2.09
Jefferson	2.09
Kenton	2.08
Lewis	2.10
Livingston	2.09
McCracken	2.09
Mason	2.10
Meade	2.09
Oldham	2.09
Trimble	2.09
Union	2.09
All other counties	2.11
LOUISIANA	
All counties	2.14
MAINE	
All counties	2.24
MARYLAND	
All counties	2.18
MASSACHUSETTS	
All counties	2.24
MICHIGAN	
Alcona	2.01
Alger	1.99
Allegan	2.01
Alpena	2.01
Antrim	2.01
Arenac	2.00
Baraga	1.99
Barry	2.00
Bay	1.99
Benzie	2.01
Berrien	2.06
Branch	2.03
Calhoun	2.01
Cass	2.04
Charlevoix	2.01
Cheboygan	2.01
Chippewa	1.99
Clare	1.99
Clinton	2.00
Crawford	2.01
Delta	1.99
Dickinson	1.99
Eaton	2.01
Emmet	2.01
Genesee	2.01
Gladwin	1.99
Gogebic	1.99
Grand Traverse	2.01
Gratiot	1.98
Hillsdale	2.04
Houghton	1.99
Huron	1.99
Ingham	2.01
Ionia	2.00
Iosco	2.00
Iron	1.99
Isabella	1.98
Jackson	2.02
Kalamazoo	2.02
Kalkaska	2.01
Kent	1.99
Keweenaw	1.99
Lake	2.00
Lapeer	2.01
Leelanau	2.01
Lenawee	2.05
Livingston	2.02
Luce	1.99
Mackinac	1.99
Macomb	2.02
Manistee	2.00
Marquette	1.99
Mason	2.00
Mecosta	1.98
Menominee	1.99
Midland	1.98
Missaukee	2.00
Monroe	2.06
Montcalm	1.98
Montmorency	2.01
Muskegon	2.00
Newaygo	1.99
Oakland	2.02
Oceana	2.00
Ogemaw	2.00
Ontonagon	1.99
Osceola	1.99
Oscoda	2.01
Otsego	2.01
Ottawa	2.00
Presque Isle	2.01
Roscommon	2.00
Saginaw	1.98
St. Clair	2.01
St. Joseph	2.03
Sanilac	1.99
Schoolcraft	1.99
Shiawassee	2.00
Tuscola	1.98
Van Buren	2.02
Washtenaw	2.03
Wayne	2.04
Wexford	2.00
MINNESOTA	
Aitkin	1.92
Anoka	1.92
Becker	1.90
Beltrami	1.90
Benton	1.92
Big Stone	1.87
Blue Earth	1.91
Brown	1.90
Carlton	1.92
Carver	1.92
Cass	1.90
Chippewa	1.90
Chisago	1.92
Clay	1.90
Clearwater	1.90
Cook	1.92
Cottonwood	1.88
Crow Wing	1.91
Dakota	1.92
Dodge	1.92
Douglas	1.91
Faribault	1.90
Fillmore	1.94
Freeborn	1.91
Goodhue	1.92
Grant	1.90
Hennepin	1.92
Houston	1.94
Hubbard	1.90
Isanti	1.92
Itasca	1.92
Jackson	1.89
Kanabec	1.92
Kandiyohi	1.91
Kittson	1.90
Koochiching	1.92
Lac qui Parle	1.87
Lake	1.92
Lake of the Woods	1.90
Le Sueur	1.92
Lincoln	1.86
Lyon	1.87
McLeod	1.92

County	Rate per bushel
Mahnomen	1.90
Marshall	1.90
Martin	1.89
Meeker	1.92
Mille Lacs	1.92
Morrison	1.91
Mower	1.93
Murray	1.88
Nicollet	1.91
Nobles	1.89
Norman	1.90
Olmsted	1.93
Otter Tail	1.90
Pennington	1.90
Pine	1.92
Pipestone	1.88
Polk	1.90
Pope	1.90
Ramsey	1.92
Red Lake	1.90
Redwood	1.89
Renville	1.91
Rice	1.92
Rock	1.89
Roseau	1.90
St. Louis	1.92
Scott	1.92
Sherburne	1.92
Sibley	1.92
Stearns	1.91
Steele	1.91
Stevens	1.89
Swift	1.89
Todd	1.91
Traverse	1.87
Wabasha	1.92
Wadena	1.91
Waseca	1.91
Washington	1.92
Watonwan	1.89
Wilkin	1.89
Winona	1.93
Wright	1.92
Yellow Medicine	1.88
MISSISSIPPI	
All counties	2.14
MISSOURI	
Adair	2.04
Andrew	2.08
Atchison	2.05
Audrain	2.06
Barry	2.11
Barton	2.07
Bates	2.08
Benton	2.06
Bollinger	2.08
Boone	2.05
Buchanan	2.09
Butler	2.09
Caldwell	2.09
Callaway	2.06
Camden	2.07
Cape Girardeau	2.08
Carroll	2.08
Carter	2.09
Cass	2.09
Cedar	2.08
Chariton	2.07
Christian	2.11
Clark	2.03
Clay	2.09
Clinton	2.09
Cole	2.06
Cooper	2.04
Crawford	2.08
Dade	2.08
Dallas	2.09
Daviess	2.07
De Kalb	2.07
Dent	2.09
Douglas	2.13
Dunklin	2.09
Franklin	2.08
Gasconade	2.06
Gentry	2.05
Greene	2.09
Grundy	2.06
Harrison	2.05
Henry	2.07
Hickory	2.07
Holt	2.06
Howard	2.05
Howell	2.13
Iron	2.08
Jackson	2.09
Jasper	2.08
Jefferson	2.09
Johnson	2.09
Knox	2.04
Laclede	2.09
Lafayette	2.09
Lawrence	2.09
Lewis	2.04
Lincoln	2.07
Linn	2.06
Livingston	2.08
McDonald	2.10
Macon	2.05
Madison	2.08
Maries	2.07
Marion	2.04
Mercer	2.04
Miller	2.07
Mississippi	2.09
Moniteau	2.06
Monroe	2.05
Montgomery	2.06
Morgan	2.06
New Madrid	2.09
Newton	2.09
Nodaway	2.06
Oregon	2.11
Osage	2.06
Ozark	2.13
Pemiscot	2.09
Perry	2.08
Pettis	2.05
Phelps	2.09
Pike	2.06
Platte	2.09
Polk	2.09
Pulaski	2.09
Putnam	2.03
Ralls	2.05
Randolph	2.05
Ray	2.09
Reynolds	2.09
Ripley	2.09
St. Charles	2.07
St. Clair	2.07
St. Francois	2.08
Saint Louis	2.09
Sainte Genevieve	2.08
Saline	2.07
Schuyler	2.04
Scotland	2.03
Scott	2.09
Shannon	2.11
Shelby	2.04
Stoddard	2.09
Stone	2.11
Sullivan	2.05
Taney	2.13
Texas	2.11
Vernon	2.07
Warren	2.07
Washington	2.08
Wayne	2.09
Webster	2.11
Worth	2.05
Wright	2.11
MONTANA	
All counties	2.09
NEBRASKA	
Adams	1.97
Antelope	1.97
Arthur	1.97
Banner	2.02
Blaine	1.93
Boone	1.97
Box Butte	2.00
Boyd	1.94
Brown	1.93
Buffalo	1.94
Burt	2.01
Butler	2.00
Cass	2.01
Cedar	1.95
Chase	1.96
Cherry	1.95
Cheyenne	2.00
Clay	1.99
Colfax	2.00
Cuming	1.99
Custer	1.93
Dakota	1.95
Dawes	2.00
Dawson	1.93
Deuel	2.00
Dixon	1.95
Dodge	2.00
Douglas	2.02
Dundy	1.95
Fillmore	2.00
Franklin	1.97
Frontier	1.95
Furnas	1.96
Gage	2.03
Garden	1.98
Garfield	1.94
Gosper	1.95
Grant	1.97
Greeley	1.96
Hall	1.96
Hamilton	1.96
Harlan	1.97
Hayes	1.95
Hitchcock	1.95
Holt	1.94
Hooker	1.95
Howard	1.96
Jefferson	2.02
Johnson	2.03
Kearney	1.96
Keith	1.98
Keyapaha	1.93
Kimball	2.02
Knox	1.95
Lancaster	2.01
Lincoln	1.95
Logan	1.94
Loup	1.93
McPherson	1.95
Madison	1.97
Merrick	1.96
Morrill	2.02
Nance	1.97
Nemaha	2.03
Nuckolls	1.99
Otoe	2.02
Pawnee	2.04
Perkins	1.97
Phelps	1.96
Pierce	1.97
Platte	1.98
Polk	1.98
Red Willow	1.95
Richardson	2.05
Rock	1.93
Saline	2.01
Sarpy	2.00
Saunders	2.00
Scotts Bluff	2.02
Seward	2.00
Sheridan	1.98
Sherman	1.94
Sioux	2.02
Stanton	1.99
Thayer	2.00
Thomas	1.94
Thurston	1.99
Valley	1.94
Washington	2.02
Wayne	1.97
Webster	1.97
Wheeler	1.96
York	1.98
NEVADA	
All counties	2.22
NEW HAMPSHIRE	
All counties	2.24
NEW JERSEY	
All counties	2.20
NEW MEXICO	
Curry	2.11
Hardin	2.11
Lea	2.11
Quay	2.11
Roosevelt	2.11
Union	2.11
All other counties	2.18
NEW YORK	
All counties	2.19

County	Rate per bushel
NORTH CAROLINA	
All counties	2.17
NORTH DAKOTA	
All counties	1.93
OHIO	
Adams	2.08
Allen	2.05
Ashland	2.08
Ashtabula	2.15
Athens	2.11
Auglaize	2.04
Belmont	2.13
Brown	2.08
Butler	2.05
Carroll	2.12
Champaign	2.04
Clark	2.04
Clermont	2.07
Clinton	2.06
Columbiana	2.15
Coshocton	2.09
Crawford	2.06
Cuyahoga	2.11
Darke	2.03
Defiance	2.04
Delaware	2.05
Erie	2.07
Fairfield	2.07
Fayette	2.05
Franklin	2.04
Fulton	2.06
Gallia	2.09
Geauga	2.13
Greene	2.04
Gurnsey	2.11
Hamilton	2.06
Hancock	2.06
Hardin	2.05
Harrison	2.13
Henry	2.06
Highland	2.06
Hocking	2.08
Holmes	2.09
Huron	2.07
Jackson	2.08
Jefferson	2.14
Knox	2.06
Lake	2.13
Lawrence	2.09
Licking	2.06
Logan	2.05
Lorain	2.08
Lucas	2.08
Madison	2.04
Mahoning	2.15
Marion	2.06
Medina	2.10
Meigs	2.10
Mercer	2.03
Miami	2.04
Monroe	2.14
Montgomery	2.04
Morgan	2.11
Morrow	2.06
Muskingum	2.09
Noble	2.12
Ottawa	2.08
Paulding	2.04
Perry	2.09
Pickaway	2.05
Pike	2.07
Portage	2.13
Preble	2.04
Putnam	2.05
Richland	2.06
Ross	2.06
Sandusky	2.06
Scioto	2.08
Seneca	2.06
Shelby	2.04
Stark	2.12
Summit	2.11
Trumbull	2.15
Tuscarawas	2.11
Union	2.05
Van Wert	2.04
Vinton	2.08
Warren	2.06
Washington	2.13
Wayne	2.10
Williams	2.05
Wood	2.06
Wyandot	2.06
OKLAHOMA	
Beaver	2.06
Beckham	2.10
Cimarron	2.05
Ellis	2.08
Harmon	2.10
Harper	2.06
Roger Mills	2.10
Texas	2.05
All other counties	2.12
OREGON	
All counties	2.18
PENNSYLVANIA	
All counties	2.19
RHODE ISLAND	
All counties	2.24
SOUTH CAROLINA	
All counties	2.17
SOUTH DAKOTA	
Aurora	1.86
Beadle	1.86
Bennett	1.93
Bon Homme	1.90
Brookings	1.86
Brown	1.86
Brule	1.86
Buffalo	1.86
Butte	1.92
Campbell	1.88
Charles Mix	1.88
Clark	1.86
Clay	1.93
Codington	1.86
Corson	1.90
Custer	1.96
Davison	1.87
Day	1.86
Deuel	1.86
Dewey	1.90
Douglas	1.87
Edmunds	1.87
Fall River	1.99
Faulk	1.87
Grant	1.86
Gregory	1.88
Haakon	1.90
Hamlin	1.86
Hand	1.86
Hanson	1.87
Harding	1.92
Hughes	1.88
Hutchinson	1.89
Hyde	1.87
Jackson	1.91
Jerauld	1.86
Jones	1.90
Kingsbury	1.86
Lake	1.88
Lawrence	1.92
Lincoln	1.91
Lyman	1.88
McCook	1.88
McPherson	1.87
Marshall	1.86
Meade	1.91
Mellette	1.90
Miner	1.87
Minnehaha	1.89
Moody	1.88
Pennington	1.93
Perkins	1.90
Potter	1.89
Roberts	1.86
Sanborn	1.87
Shannon	1.96
Spink	1.86
Stanley	1.90
Sully	1.88
Todd	1.91
Tripp	1.89
Turner	1.90
Union	1.93
Walworth	1.89
Washabaugh	1.91
Yankton	1.91
Ziebach	1.91
TENNESSEE	
All counties	2.13
TEXAS	
Armstrong	2.07
Bailey	2.07
Briscoe	2.07
Carson	2.07
Castro	2.07
Childress	2.08
Cochran	2.09
Collingsworth	2.08
Cottle	2.09
Crosby	2.09
Dallam	2.07
Deaf Smith	2.07
Dickens	2.09
Donley	2.08
Floyd	2.07
Gray	2.07
Hale	2.07
Hall	2.08
Hansford	2.07
Hartley	2.07
Hemphill	2.07
Hockley	2.09
Hutchinson	2.07
King	2.09
Lamb	2.07
Lipscomb	2.07
Lubbock	2.09
Moore	2.07
Motley	2.09
Ochiltree	2.07
Oldham	2.07
Parmer	2.07
Potter	2.07
Randall	2.07
Roberts	2.07
Sherman	2.07
Swisher	2.07
Wheeler	2.08
All other counties	2.14
UTAH	
All counties	2.21
VERMONT	
All counties	2.24
VIRGINIA	
All counties	2.18
WASHINGTON	
All counties	2.16
WEST VIRGINIA	
All counties	2.17
WISCONSIN	
Adams	1.97
Ashland	1.97
Barron	1.95
Bayfield	1.94
Brown	1.99
Buffalo	1.94
Burnett	1.93
Calumet	1.99
Chippewa	1.95
Clark	1.97
Columbia	2.01
Crawford	1.97
Dane	2.03
Dodge	2.03
Door	2.00
Douglas	1.92
Dunn	1.95
Eau Claire	1.95
Florence	1.99
Fond du Lac	2.01
Forest	1.99
Grant	1.99
Green	2.03
Green Lake	2.01
Iowa	2.03
Iron	1.98
Jackson	1.95
Jefferson	2.04
Juneau	1.97
Kenosha	2.06
Kewaunee	2.00
La Crosse	1.94
Lafayette	2.02
Langlade	1.99
Lincoln	1.98
Manitowoc	2.00
Marathon	1.98

County	Rate per bushel
Marinette	1.99
Marquette	1.99
Menominee	1.99
Milwaukee	2.04
Monroe	1.95
Oconto	1.99
Oneida	1.99
Outagamie	1.98
Ozaukee	2.02
Pepin	1.94
Pierce	1.94
Polk	1.93
Portage	1.98
Price	1.97
Racine	2.06
Richland	2.00
Rock	2.04
Rusk	1.96
St. Croix	1.94
Sauk	2.00
Sawyer	1.96
Shawano	1.99
Sheboygan	2.00
Taylor	1.97
Trempealeau	1.94
Vernon	1.95
Vilas	1.99
Walworth	2.05
Washburn	1.95
Washington	2.03
Waukesha	2.04
Waupaca	1.99
Waushara	1.99
Winnebago	1.99
Wood	1.97
WYOMING	
All counties	2.09

(b) *Premiums and discounts.* The basic loan and purchase rates shall be adjusted as applicable by premiums and discounts as follows:

Premiums	Cents per bushel
(i) Moisture (percent):	
14.6 through 15.0	+1
14.5 or less	+2
(ii) Broken corn and foreign material (percent):	
2.0 or less	+2

Premiums do not apply to sample grade corn.

Discounts	Cents per bushel
(i) Class—mixed corn	−2
(ii) Test weight per bushel, pounds:	
53.0 through 53.9	−1
52.0 through 52.9	−2
51.0 through 51.9	−4
50.0 through 50.9	−6
49.0 through 49.9	−9
48.9 and under	(1)
(iii) Total damage (percent):	
5.1 through 6.0	−1
6.1 through 7.0	−2
7.1 and over	(1)
(iv) Heat damage (percent):	
.21 through .50	−1
.51 and over	(1)
(v) Broken corn and foreign material (percent):	
3.1 through 4.0	−2
4.1 and over	(1)

[1] See note.

(c) Weed control laws:

Where required by § 1421.25	10

(d) *Other.* Amounts determined by CCC to represent market discounts for quality factors not specified above which affect the value of the corn such as (but not limited to) moisture, weevily, musty, sour, and rodent excreta. Such discounts will be established not later than the time delivery of corn to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts at county ASCS offices approximately one month prior to the loan maturity date.

NOTES.—Premiums and discounts are cumulative except only one grade discount shall be applied.

Corn exceeding limits shown in foregoing schedule or corn containing in excess of 15.5 percent moisture is not eligible for loan. In the event quantities of corn exceeding limits shown are delivered in satisfaction of loan obligations, such quantities will be discounted on the basis of the schedule of discounts as provided by the Kansas City Commodity Office for settlement purposes.

Signed at Washington, D.C., on January 11, 1978.

STEWART N. SMITH,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc. 78-1485 Filed 1-19-78; 8:45 am]

[3410-05]

[CCC Grain Price Support Regulations, 1977 Crop Oats Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1977 Crop Oats Loan and Purchase Program

AGENCY: Commodity Credit Corporation, Department of Agriculture.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to set forth the: (1) Final loan and purchase availability dates, (2) maturity dates, and (3) loan and purchase rates and premiums and discounts under which Commodity Credit Corporation (CCC) will extend price support on 1977 crop oats. This rule is needed in order to provide a price support program for oats. This rule will enable eligible oat producers to obtain loans and purchases on their eligible 1977 crop oats.

EFFECTIVE DATE: January 20, 1978.

ADDRESS: Price Support and Loan Division, ASCS, U.S. Department of Agriculture, 3752 South Building, P.O. Box 2415, Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Merle Strawderman, ASCS 202-447-9224.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was published in the FEDERAL REGISTER on July 29, 1976, 41 FR 31563, stating that the Department of Agriculture proposed to make determinations and issue regulations relative to a loan and purchase program for the 1977 crop of feed grains including oats. Such determinations included determining loan and purchase rates and other related program provisions. Interested persons were given until August 30, 1976, to submit data, views, and recommendations. No recommendations were received concerning the loan and purchase program for oats. After considering applicable factors it has been determined that the loan and purchase rates for 1977 crop oats on a national average will be $1.03 per bushel. The final availability date for purchases will be changed to March 31, 1978, the same as for loans. This change will enable producers to deliver 1977 crop oats under purchase agreement to CCC in time to make storage space available for 1978 crop oats.

Additional disbursements on 1977 crop oat loans already made will be available for those producers who want their loans adjusted to the rates in this supplement.

Producers who wish to secure loans or adjust present loans to these rates can do so by contacting their local Agricultural Stabilization and Conservation Service Office or Agricultural Service Center.

The General Regulations Governing Price Support for 1976 and Subsequent Crops, published at 41 FR 22334 and any amendments thereto and the 1970 and subsequent crops oats loan and purchase regulations, published at 35 FR 8340 and any amendments to such regulations are further supplemented for the 1977 crop of oats. 7 CFR §§ 1421.270 through 1421.273 and the title of the subpart are revised to read as provided below, effective as to the 1977 crop of oats. The material previously appearing in these sections shall remain in full force and effect as to the crops to which it is applicable.

Subpart—1977 Crop Oats Loan and Purchase Program

Sec.
1421.270 Purpose.
1421.271 Availability.
1421.272 Maturity of loans.
1421.273 Loan and purchase rates and premiums and discounts.

AUTHORITY: Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); secs. 105, 401, 63 Stat. 1051, as amended (7 U.S.C. 1441 note, 1421).

Subpart—1977 Crop Oats Loan and Purchase Program

§ 1421.270 Purpose.

This supplement contains additional program provisions which together with the provisions of the general regulations governing price support for the 1976 and subsequent crops, the 1970 and subsequent crops oats loan

and purchase program regulations, and any amendments thereto, apply to loans on and purchases of the 1977 crop of oats.

§ 1421.271 **Availability.**

(a) *Loans.* Producers desiring to participate in the program through loans must request a loan on their 1977 crop of eligible oats on or before March 31, 1978.

(b) *Purchases.* A producer desiring to offer eligible 1977 crop oats not under loan for purchase must execute and deliver to the county ASCS office on or before March 31, 1978, a purchase agreement (Form CCC-614) indicating the approximate quantity of 1977 crop oats they will sell to CCC.

§ 1421.272 **Maturity of loans.**

Loans mature in the case of farm stored loans on demand but not later than the last day of the ninth calendar month following the month the loan is disbursed, and in the case of warehouse stored loans, on demand but not later than the last day of the ninth calendar month following the month the warehouse receipt was issued, except that loans made on warehouse receipts which show that the nine-month storage charge has been paid but the date of tender to CCC is after the date the warehouse receipt was issued mature on the date through which such charges have been paid. Producers who have already received disbursement on loans may request a change of the loan maturity date to the nine-month maturity date described in this section.

§ 1421.273 **Loan and purchase rates and premiums and discounts.**

(a) *Basic loan and purchase rates.* County loan and purchase rates for oats and the schedule of premiums and discounts are shown below. The term "county" as used in this subpart with reference to the State of Alaska shall mean "marketing area". Marketing areas in Alaska shall be the areas established under the State small grain incentive program. Farm-stored loans will be made at the basic rate for the county where the grain is stored, adjusted only for the weed control discounts where applicable. The loan and purchase rate for warehouse-stored oats loans shall be the basic rate for the county where the oats are stored, adjusted by the premiums and discounts prescribed in paragraph (b) of this section. Notwithstanding § 1421.22(c), settlement for oats delivered from other than approved warehouse storage shall be based: (1) On the basic rate for the county in which the producer's customary delivery point is located, and (2) on the quality and quantity delivered as shown on the warehouse receipts and accompanying documents issued by an approved warehouse to which delivery is made, or if applicable, the quality and quantity delivered as shown on a form prescribed by CCC for this purpose. The basic rate applies to oats grading U.S. No. 3, having moisture not in excess of 14 percent.

1977—CROP OATS LOAN AND PURCHASE PROGRAM

County	*Rate per bushel*
ALABAMA	
All counties	$1.13
ALASKA[1]	
Delta	1.01
Fairbanks	1.00
Glenallen	1.07
Homer	1.04
Kenai-Soldontna	1.09
Palmer	1.13
Talkeetna	1.13
ARIZONA	
All counties	1.22
ARKANSAS	
All counties	1.11
CALIFORNIA	
All counties	1.22
COLORADO	
All counties	1.12
CONNECTICUT	
All counties	1.12
DELAWARE	
All counties	1.12
FLORIDA	
All counties	1.16
GEORGIA	
All counties	1.13
IDAHO	
All counties	1.12
ILLINOIS	
Adams	1.05
Alexander	1.08
Bond	1.06
Boone	1.05
Brown	1.05
Bureau	1.05
Calhoun	1.06
Carroll	1.05
Cass	1.05
Champaign	1.05
Christian	1.05
Clark	1.06
Clay	1.07
Clinton	1.07
Coles	1.05
Cook	1.07
Crawford	1.07
Cumberland	1.06
De Kalb	1.05
De Witt	1.05
Douglas	1.05
Du Page	1.05
Edgar	1.05
Edwards	1.08
Effingham	1.06
Fayette	1.06
Ford	1.05
Franklin	1.08
Fulton	1.05
Gallatin	1.09
Greene	1.06
Grundy	1.05
Hamilton	1.08
Hancock	1.05
Hardin	1.09
Henderson	1.05
Henry	1.05
Iroquois	1.05
Jackson	1.08
Jasper	1.07
Jefferson	1.08
Jersey	1.06
Jo Daviess	1.05
Johnson	1.08
Kane	1.05
Kankakee	1.05
Kendall	1.05
Knox	1.05
Lake	1.06
La Salle	1.05
Lawrence	1.08
Lee	1.05
Livingston	1.05
Logan	1.05
McDonough	1.05
McHenry	1.05
McLean	1.05
Macon	1.05
Macoupin	1.06
Madison	1.07
Marion	1.07
Marshall	1.05
Mason	1.05
Massac	1.08
Menard	1.05
Mercer	1.05
Monroe	1.08
Montgomery	1.06
Morgan	1.05
Moultrie	1.05
Ogle	1.05
Peoria	1.05
Perry	1.08
Piatt	1.05
Pike	1.05
Pope	1.09
Pulaski	1.08
Putnam	1.05
Randolph	1.08
Richland	1.07
Rock Island	1.05
Saint Clair	1.08
Saline	1.09
Sangamon	1.05
Schuyler	1.05
Scott	1.05
Shelby	1.05
Stark	1.05
Stephenson	1.05
Tazewell	1.05
Union	1.08
Vermilion	1.05
Wabash	1.08
Warren	1.05
Washington	1.08
Wayne	1.08
White	1.08
Whiteside	1.05
Will	1.06
Williamson	1.08
Winnebago	1.05
Woodford	1.05
INDIANA	
Adams	1.11
Allen	1.11
Bartholomew	1.11
Benton	1.09
Blackford	1.10
Boone	1.10
Brown	1.12
Carroll	1.10
Cass	1.10
Clark	1.12
Clay	1.10
Clinton	1.10
Crawford	1.12
Daviess	1.12
Dearborn	1.13
Decatur	1.11
De Kalb	1.11
Delaware	1.10
Dubois	1.12
Elkhart	1.11
Fayette	1.10
Floyd	1.12
Fountain	1.09
Franklin	1.12
Fulton	1.10
Gibson	1.12
Grant	1.10
Greene	1.12
Hamilton	1.10

[1] In Alaska, loan rates are for marketing areas.

County	Rate per bushel
Hancock	1.10
Harrison	1.12
Hendricks	1.10
Henry	1.10
Howard	1.10
Huntington	1.10
Jackson	1.12
Japser	1.09
Jay	1.11
Jefferson	1.13
Jennings	1.13
Johnson	1.10
Knox	1.12
Kosciusko	1.10
Lagrange	1.11
Lake	1.10
La Porte	1.11
Lawrence	1.12
Madison	1.10
Marion	1.10
Marshall	1.10
Martin	1.12
Miami	1.10
Monroe	1.12
Montgomery	1.10
Morgan	1.10
Newton	1.09
Noble	1.10
Ohio	1.13
Orange	1.12
Owen	1.10
Parke	1.09
Perry	1.12
Pike	1.12
Porter	1.10
Posey	1.12
Pulaski	1.10
Putnam	1.10
Randolph	1.11
Ripley	1.13
Rush	1.10
Saint Joseph	1.11
Scott	1.13
Shelby	1.10
Spencer	1.12
Starke	1.10
Steuben	1.11
Sullivan	1.11
Switzerland	1.13
Tippecanoe	1.10
Tipton	1.10
Union	1.11
Vanderburgh	1.12
Vermillion	1.09
Vigo	1.10
Wabash	1.10
Warren	1.09
Warrick	1.12
Washington	1.12
Wayne	1.11
Wells	1.10
White	1.10
Whitley	1.10
IOWA	
Adair	1.04
Adams	1.04
Allamakee	1.01
Appanoose	1.04
Audubon	1.02
Benton	1.04
Black Hawk	1.03
Boone	1.02
Bremer	1.02
Buchanan	1.03
Buena Vista	1.02
Butler	1.02
Calhoun	1.02
Carroll	1.02
Cass	1.04
Cedar	1.04
Cerro Gordo	1.01
Cherokee	1.02
Chickasaw	1.02
Clarke	1.04
Clay	1.01
Clayton	1.02
Clinton	1.04
Crawford	1.01
Dallas	1.02
Davis	1.05
Decatur	1.04
Delaware	1.03
Des Moines	1.04
Dickinson	1.00
Dubuque	1.03
Emmet	1.00
Fayette	1.02
Floyd	1.01
Franklin	1.02
Fremont	1.04
Greene	1.02
Grundy	1.02
Guthrie	1.02
Hamilton	1.02
Hancock	1.01
Hardin	1.02
Harrison	1.02
Henry	1.04
Howard	1.01
Humboldt	1.02
Ida	1.01
Iowa	1.04
Jackson	1.04
Jasper	1.02
Jefferson	1.04
Johnson	1.04
Jones	1.04
Keokuk	1.04
Kossuth	1.00
Lee	1.04
Linn	1.04
Louisa	1.04
Lucas	1.04
Lyon	.99
Madison	1.04
Mahaska	1.04
Marion	1.04
Marshall	1.02
Mills	1.04
Mitchell	1.00
Monona	1.01
Monroe	1.04
Montgomery	1.04
Muscatine	1.04
O'Brien	1.01
Osceola	.99
Page	1.04
Palo Alto	1.02
Plymouth	1.00
Pocahontas	1.02
Polk	1.02
Pottawattamie	1.05
Poweshiek	1.02
Ringgold	1.04
Sac	1.02
Scott	1.04
Shelby	1.02
Sioux	1.00
Story	1.02
Tama	1.02
Taylor	1.04
Union	1.04
Van Buren	1.04
Wapello	1.04
Warren	1.04
Washington	1.04
Wayne	1.04
Webster	1.02
Winnebago	1.00
Winneshiek	1.01
Woodbury	1.00
Worth	1.00
Wright	1.02
KANSAS	
All counties	1.08
KENTUCKY	
All counties	1.13
LOUISIANA	
All counties	1.13
MAINE	
All counties	1.12
MARYLAND	
All counties	1.13
MASSACHUSETTS	
All counties	1.12
MICHIGAN	
Alcona	1.06
Alger	1.07
Allegan	1.08
Alpena	1.06
Antrim	1.07
Arenac	1.06
Baraga	1.06
Barry	1.08
Bay	1.06
Benzie	1.07
Berrien	1.09
Branch	1.09
Calhoun	1.08
Cass	1.09
Charlevoix	1.07
Cheboygan	1.07
Chippewa	1.07
Clare	1.07
Clinton	1.07
Crawford	1.08
Delta	1.06
Dickinson	1.06
Eaton	1.07
Emmet	1.07
Genesee	1.06
Gladwin	1.08
Gogebic	1.06
Grand Traverse	1.07
Gratiot	1.07
Hillsdale	1.09
Houghton	1.06
Huron	1.06
Ingham	1.07
Ionia	1.07
Iosco	1.06
Iron	1.06
Isabella	1.07
Jackson	1.08
Kalamazoo	1.08
Kalkaska	1.07
Kent	1.08
Keweenaw	1.06
Lake	1.08
Lapeer	1.06
Leelanau	1.07
Lenawee	1.09
Livingston	1.07
Luce	1.07
Mackinac	1.07
Macomb	1.07
Manistee	1.08
Marquette	1.06
Mason	1.08
Mecosta	1.07
Menominee	1.06
Midland	1.06
Missaukee	1.07
Monroe	1.09
Montcalm	1.07
Montmorency	1.06
Muskegon	1.08
Newaygo	1.08
Oakland	1.07
Oceana	1.08
Ogemaw	1.06
Ontonagon	1.06
Osceola	1.07
Oscoda	1.06
Otsego	1.07
Ottawa	1.08
Presque Isle	1.06
Roscommon	1.06
Saginaw	1.06
Saint Clair	1.07
Saint Joseph	1.09
Sanilac	1.06
Schoolcraft	1.07
Shiawassee	1.06
Tuscola	1.06
Van Buren	1.08
Washtenaw	1.08
Wayne	1.08
Wexford	1.08
MINNESOTA	
Aitkin	.99
Anoka	1.01
Becker	.95
Beltrami	.95
Benton	.99
Big Stone	.96
Blue Earth	.99
Brown	.98
Carlton	1.01
Carver	1.00
Cass	.97
Chippewa	.97

County	Rate per bushel
Chisago	1.01
Clay	.94
Clearwater	.95
Cook	1.01
Cottonwood	.98
Crow Wing	.98
Dakota	1.00
Dodge	.99
Douglas	.97
Faribault	.99
Fillmore	1.00
Freeborn	1.00
Goodhue	.99
Grant	.96
Hennepin	1.01
Houston	1.00
Hubbard	.96
Isanti	1.00
Itasca	.99
Jackson	.98
Kanabec	1.00
Kandiyohi	.98
Kittson	.92
Koochiching	.96
Lac Qui Parle	.97
Lake	1.01
Lake of the Woods	.94
Le Sueur	.99
Lincoln	.97
Lyon	.97
McLeod	.99
Mahnomen	.94
Marshall	.93
Martin	.98
Meeker	.99
Mille Lacs	.99
Morrison	.98
Mower	.99
Murray	.97
Nicollet	.99
Nobles	.97
Norman	.93
Olmsted	.99
Otter Tail	.96
Pennington	.93
Pine	1.00
Pipestone	.97
Polk	.93
Pope	.97
Ramsey	1.01
Red Lake	.93
Redwood	.98
Renville	.98
Rice	.99
Rock	.97
Roseau	.93
Saint Louis	1.01
Scott	1.00
Sherburne	1.00
Sibley	.99
Stearns	.98
Steele	.99
Stevens	.96
Swift	.97
Todd	.97
Traverse	.95
Wabasha	.99
Wadena	.97
Waseca	.99
Washington	1.01
Watonwan	.98
Wilkin	.95
Winona	1.00
Wright	1.00
Yellow Medicine	.97
MISSISSIPPI	
All counties	1.13
MISSOURI	
All counties	1.09
MONTANA	
Beaverhead	1.08
Big Horn	1.01
Blaine	.98
Broadwater	1.04
Carbon	1.03
Carter	.97
Cascade	1.03
Chouteau	1.00
Custer	.97
Daniels	.95
Dawson	.94
Deer Lodge	1.06
Fallon	.95
Fergus	1.00
Flathead	1.06
Gallatin	1.05
Garfield	.97
Glacier	1.03
Golden Valley	1.02
Granite	1.07
Hill	.99
Jefferson	1.05
Judith Basin	1.01
Lake	1.07
Lewis and Clark	1.05
Liberty	1.00
Lincoln	1.08
McCone	.95
Madison	1.06
Meagher	1.03
Mineral	1.08
Missoula	1.07
Musselshell	1.01
Park	1.05
Petroleum	.98
Phillips	.97
Pondera	1.02
Powder River	.99
Powell	1.06
Prairie	.98
Ravalli	1.07
Richland	.94
Roosevelt	.94
Rosebud	.99
Sanders	1.08
Sheridan	.94
Silver Bow	1.06
Stillwater	1.03
Sweet Grass	1.04
Teton	1.02
Toole	1.01
Treasure	1.00
Valley	.96
Wheatland	1.03
Wilbaux	.94
Yellowstone	1.02
NEBRASKA	
Adams	1.04
Antelope	1.01
Arthur	1.02
Banner	1.02
Blaine	1.01
Boone	1.02
Box Butte	1.01
Boyd	.99
Brown	1.00
Buffalo	1.03
Burt	1.03
Butler	1.04
Cass	1.05
Cedar	1.01
Chase	1.05
Cherry	1.00
Cheyenne	1.03
Clay	1.04
Colfax	1.03
Cuming	1.03
Custer	1.02
Dakota	1.03
Dawes	1.01
Dawson	1.03
Deuel	1.03
Dixon	1.02
Dodge	1.04
Douglas	1.05
Dundy	1.06
Fillmore	1.04
Franklin	1.05
Frontier	1.04
Furnas	1.05
Gage	1.06
Garden	1.02
Garfield	1.01
Gosper	1.04
Grant	1.01
Greeley	1.02
Hall	1.03
Hamilton	1.03
Harlan	1.05
Hayes	1.05
Hitchcock	1.06
Holt	1.00
Hooker	1.01
Howard	1.02
Jefferson	1.05
Johnson	1.06
Kearney	1.04
Keith	1.03
Keyapaha	.99
Kimball	1.03
Knox	1.00
Lancaster	1.05
Lincoln	1.03
Logan	1.02
Loup	1.01
McPherson	1.02
Madison	1.02
Merrick	1.02
Morrill	1.02
Nance	1.02
Nemaha	1.06
Nuckolls	1.05
Otoe	1.05
Pawnee	1.06
Perkins	1.04
Phelps	1.04
Pierce	1.01
Platte	1.02
Polk	1.03
Red Willow	1.05
Richardson	1.06
Rock	1.00
Saline	1.05
Sarpy	1.05
Saunders	1.05
Scotts Bluff	1.02
Seward	1.04
Sheridan	1.01
Sherman	1.02
Sioux	1.01
Stanton	1.02
Thayer	1.05
Thomas	1.01
Thurston	1.03
Valley	1.02
Washington	1.04
Wayne	1.02
Webster	1.05
Wheeler	1.01
York	1.03
NEVADA	
All counties	1.22
NEW HAMPSHIRE	
All counties	1.12
NEW JERSEY	
All counties	1.13
NEW MEXICO	
All counties	1.20
NEW YORK	
All counties	1.16
NORTH CAROLINA	
All counties	1.13
NORTH DAKOTA	
Adams	.91
Barnes	.92
Benson	.90
Billings	.89
Bottineau	.88
Bowman	.93
Burke	.89
Burleigh	.90
Cass	.93
Cavalier	.91
Dickey	.92
Divide	.91
Dunn	.89
Eddy	.91
Emmons	.91
Foster	.91
Golden Valley	.91
Grand Forks	.92
Grant	.90
Griggs	.91
Hettinger	.90
Kidder	.91
La Moure	.92
Logan	.91
McHenry	.88
McIntosh	.91

County	Rate per bushel
McKenzie	.91
McLean	.88
Mercer	.88
Morton	.89
Mountrail	.89
Nelson	.91
Oliver	.89
Pembina	.92
Pierce	.89
Ramsey	.91
Ransom	.93
Renville	.88
Richland	.94
Rolette	.89
Sargent	.93
Sheridan	.89
Sioux	.90
Slope	.92
Stark	.88
Steele	.92
Stutsman	.92
Towner	.90
Traill	.92
Walsh	.92
Ward	.88
Wells	.90
Williams	.91
OHIO	
Adams	1.13
Allen	1.11
Ashland	1.12
Ashtabula	1.14
Athens	1.14
Auglaize	1.11
Belmont	1.15
Brown	1.13
Butler	1.11
Carroll	1.14
Champaign	1.12
Clark	1.12
Clermont	1.13
Clinton	1.13
Columbiana	1.14
Coshocton	1.13
Crawford	1.12
Cuyahoga	1.13
Darke	1.10
Defiance	1.10
Delaware	1.12
Erie	1.12
Fairfield	1.12
Fayette	1.12
Franklin	1.12
Fulton	1.11
Gallia	1.14
Geauga	1.13
Greene	1.12
Guernsey	1.14
Hamilton	1.12
Hancock	1.11
Hardin	1.11
Harrison	1.14
Henry	1.11
Highland	1.13
Hocking	1.13
Holmes	1.13
Huron	1.12
Jackson	1.13
Jefferson	1.15
Knox	1.12
Lake	1.13
Lawrence	1.13
Licking	1.12
Logan	1.12
Lorain	1.13
Lucas	1.11
Madison	1.12
Mahoning	1.14
Marion	1.12
Medina	1.13
Meigs	1.14
Mercer	1.09
Miami	1.11
Monroe	1.15
Montgomery	1.11
Morgan	1.14
Morrow	1.12
Muskingum	1.13
Noble	1.14
Ottawa	1.12
Paulding	1.10
Perry	1.13
Pickaway	1.12
Pike	1.13
Portage	1.13
Preble	1.10
Putnam	1.11
Richland	1.12
Ross	1.13
Sandusky	1.12
Scioto	1.13
Seneca	1.12
Shelby	1.11
Stark	1.13
Summit	1.13
Trumbull	1.14
Tuscarawas	1.13
Union	1.12
Van Wert	1.10
Vinton	1.13
Warren	1.12
Washington	1.15
Wayne	1.13
Williams	1.11
Wood	1.11
Wyandot	1.12
OKLAHOMA	
All counties	1.13
OREGON	
All counties	1.18
PENNSYLVANIA	
All counties	1.16
RHODE ISLAND	
All counties	1.12
SOUTH CAROLINA	
All counties	1.13
SOUTH DAKOTA	
Aurora	.95
Beadle	.95
Bennett	.96
Bon Homme	.98
Brookings	.96
Brown	.93
Brule	.95
Buffalo	.95
Butte	.94
Campbell	.92
Charles Mix	.96
Clark	.94
Clay	1.00
Codington	.95
Corson	.92
Custer	.97
Davison	.95
Day	.94
Deuel	.96
Dewey	.94
Douglas	.96
Edmunds	.93
Fall River	.97
Faulk	.94
Grant	.96
Gregory	.96
Haakon	.95
Hamlin	.95
Hand	.95
Hanson	.95
Harding	.93
Hughes	.95
Hutchinson	.97
Hyde	.95
Jackson	.95
Jerauld	.95
Jones	.95
Kingsbury	.95
Lake	.95
Lawrence	.94
Lincoln	.98
Lyman	.95
McCook	.96
McPherson	.92
Marshall	.93
Meade	.94
Mellette	.96
Miner	.95
Minnehaha	.97
Moody	.96
Pennington	.95
Perkins	.92
Potter	.94
Roberts	.94
Sanborn	.96
Shannon	.97
Spink	.94
Stanley	.93
Sully	.95
Todd	.96
Tripp	.98
Turner	.98
Union	1.00
Walworth	.94
Washabaugh	.96
Yankton	.99
Ziebach	.94
TENNESSEE	
All counties	1.13
TEXAS	
All counties	1.18
UTAH	
All counties	1.20
VERMONT	
All counties	1.12
VIRGINIA	
All counties	1.13
WASHINGTON	
All counties	1.14
WEST VIRGINIA	
All counties	1.15
WISCONSIN	
Adams	1.04
Ashland	1.04
Barron	1.02
Bayfield	1.03
Brown	1.03
Buffalo	1.01
Burnett	1.01
Calumet	1.03
Chippewa	1.03
Clark	1.03
Columbia	1.03
Crawford	1.04
Dane	1.05
Dodge	1.04
Door	1.03
Douglas	1.01
Dunn	1.02
Eau Claire	1.02
Florence	1.05
Fond du Lac	1.03
Forest	1.05
Grant	1.04
Green	1.05
Green Lake	1.04
Iowa	1.05
Iron	1.05
Jackson	1.03
Jefferson	1.05
Juneau	1.04
Kenosha	1.06
Kewaunee	1.03
LaCrosse	1.02
Lafayette	1.05
Langlade	1.04
Lincoln	1.04
Manitowoc	1.03
Marathon	1.04
Marinette	1.05
Marquette	1.04
Menominee	1.04
Milwaukee	1.06
Monroe	1.03
Oconto	1.04
Oneida	1.05
Outagamie	1.03
Ozaukee	1.05
Pepin	1.01
Pierce	1.01
Polk	1.01
Portage	1.04
Price	1.04
Racine	1.06
Richland	1.03
Rock	1.05
Rusk	1.03
Saint Croix	1.01
Sauk	1.05

County	Rate per bushel
Sawyer	1.03
Shawano	1.04
Sheboygan	1.04
Taylor	1.04
Trempealeau	1.02
Vernon	1.02
Vilas	1.05
Walworth	1.05
Washburn	1.02
Washington	1.05
Waukesha	1.06
Waupaca	1.04
Waushara	1.04
Winnebago	1.03
Wood	1.04
WYOMING	
All counties	1.10

(b) *Premiums and discounts:* The basic loan and purchase rates shall be adjusted as applicable by premiums and discounts as follows (all footnotes at end of paragraph):

	Cents per bushel
Premiums:[1]	
Grade U.S. No. 1	+2
Grade U.S. No. 2	+1
Test weight:	
Heavy	+1
Extra heavy	+2
Discounts:	
Grade U.S. No. 4 on the factor of test weight only but otherwise U.S. No. 3 or better	−3
Grade U.S. No. 4 because of being "badly stained or materially weathered"	−7
Garlicky	−3
Weed control discount (where required by § 1421.24)	−10

[1] Premiums shall not be applicable to badly stained or materially weathered oats.

(c) *Other factors.* Amounts determined by CCC to represent discounts for quality factors not specified above which affect the value of the oats, such as (but not limited to) low test weight, foreign material, heat, damage, percent of sound cultivated oats, wild oats, moisture, sour, stones, musty, ergoty, weevily, smutty, and bleached. Such discounts will be established not later than the time delivery of oats to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts at county ASCS offices approximately one month prior to the loan maturity date.

Signed at Washington, D.C., on January 11, 1978.

STEWART N. SMITH,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc. 78-1469 Filed 1-19-78; 8:45 am]

[CCC Grain Price Support Regulations, 1977 Crop Rye Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1977 Crop Rye Loan and Purchase Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to set forth the (1) final loan and purchase availability dates, (2) maturity dates, and (3) loan and purchase rates and premiums and discounts, under which Commodity Credit Corporation (CCC), will extend price support on 1977 crop rye. This rule is needed in order to provide a price support program for rye. This rule will enable eligible producers to obtain loans and purchases on eligible 1977 crop rye.

EFFECTIVE DATE: January 20, 1978.

ADDRESS: Price Support and Loan Division, ASCS, U.S. Department of Agriculture, 3744 South Building, P.O. Box 2415, Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Merle Strawderman (ASCS) 202-447-9224.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was published in the FEDERAL REGISTER on July 29, 1976, 41 FR 31563 stating that the Department of Agriculture proposed to make determinations and issue regulations relative to a loan and purchase program for the 1977 crops of feed grains including rye. Such determinations included determining loan and purchase rates, and other related program provisions. Interested persons were given until August 30, 1976, to submit data, views and recommendations. No recommendations were received concerning the loan and purchase program for rye. After considering applicable factors it has been determined that the loan and purchase program for 1977 crop rye on a national average will be $1.70 per bushel. The final availability date for purchases will be changed to March 31, 1978, the same as for loans. This change will permit producers to deliver 1977 crop rye under purchase agreement to CCC in time to make storage space available for 1978 crop rye.

Additional disbursements on 1977 crop rye loans already made will be available for those producers who want their loans adjusted to the rates in this supplement.

Producers who wish to secure loans or adjust present loans to these rates can do so by contacting their local Agricultural Stabilization and Conservation Service Office or Agricultural Service Center.

The General Regulations Governing Price Support for 1976 and Subsequent Crops, published at 41 FR 22334 and any amendments thereto and the 1970 and Subsequent Crops Rye Loan and Purchase Regulations, published at 35 FR 10355 and any amendments to such regulations are further supplemented for the 1977 crop of rye. 7 CFR §§ 1421.350 through 1421.353 and the title of the subpart are revised to read as provided below, effective as to the 1977 crop of rye. The material previously appearing in these sections shall remain in full force and effect as to the crops to which it is applicable.

Subpart—1977 Crop Rye Loan and Purchase Program

Sec.
1421.350 Purpose.
1421.351 Availability.
1421.352 Maturity of loans.
1421.353 Loan and purchase rates, premiums and discounts.

AUTHORITY: Sec. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c) Secs. 105, 401, 63 Stat. 1051, as amended (7 U.S.C. 1441 note and 1421).

Subpart—1977 Crop Rye Loan and Purchase Program

§ 1421.350 Purpose.

This supplement contains program provisions which, together with the provisions of the general regulations governing price support for the 1976 and subsequent crops, the 1970 and Subsequent Crops Rye Loan and Purchase Program regulations, and any amendments thereto, apply to loans and purchases with respect to the 1977 crop of rye.

§ 1421.351 Availability.

(a) *Loans.* Producers desiring to participate in the program through loans must request a loan on their 1977 crop of eligible rye on or before March 31, 1978.

(b) *Purchases.* Producers desiring to offer eligible 1977 crop rye not under loan for purchase must execute and deliver to the county ASCS office on or before March 31, 1978, a purchase agreement (Form CCC-614) indicating the approximate quantity of 1977 crop rye they will sell to CCC.

§ 1421.352 Maturity of loans.

Loans mature in the case of farm stored loans on demand but not later than the last day of the ninth calendar month following the month the loan is disbursed, and in the case of warehouse stored loans, on demand but not later than the last day of the ninth calendar month following the month the warehouse receipt was issued, except that loans made on warehouse receipts which show that the nine-month storage charge has been paid but the date of tender to CCC is after the date the warehouse receipt was issued mature on the date

through which such charges have been paid. Producers who have already received disbursement on loans may request a change of the loan maturity date to the nine-month maturity date described in this section.

§ 1421.353 Loan and purchase rates, premiums and discounts.

(a) Basic loan and purchase rates (counties). Basic county rates per bushel for loan and settlement purposes for rye are established for rye grading U.S. No. 2 or better, or U.S. No. 3 on the factor of test weight only and are as follows:

1977—CROP RYE LOAN AND PURCHASE PROGRAM

County	*Rate per Bushel*
ALABAMA	
All counties	$1.80
ARIZONA	
All counties	1.77
ARKANSAS	
All counties	1.74
CALIFORNIA	
Alameda	1.94
Los Angeles	1.94
Sacramento	1.94
San Diego	1.94
San Francisco	1.94
San Joaquin	1.94
All other counties	1.81
COLORADO	
All counties	1.63
CONNECTICUT	
All counties	1.78
DELAWARE	
All counties	1.83
FLORIDA	
All counties	1.87
GEORGIA	
All counties	1.87
IDAHO	
All counties	1.72
ILLINOIS	
Cook	1.81
St. Clair	1.81
All other counties	1.75
INDIANA	
All counties	1.73
IOWA	
Pottawattamie	1.72
Woodbury	1.72
All other counties	1.68
KANSAS	
Wyandotte	1.72
All other counties	1.62
KENTUCKY	
All counties	1.80
LOUISIANA	
East Baton Rouge	1.96
Jefferson	1.96
Orleans	1.96
St. Charles	1.96
West Baton Rouge	1.96
All other counties	1.77
MAINE	
All counties	1.78
MARYLAND	
Baltimore	1.94
All other counties	1.83

1977—CROP RYE LOAN AND PURCHASE PROGRAM—Continued

County	*Rate per Bushel*
MASSACHUSETTS	
All counties	1.78
MICHIGAN	
All counties	1.65
MINNESOTA	
Hennepin	1.74
St. Louis	1.74
All other counties	1.68
MISSISSIPPI	
All counties	1.82
MISSOURI	
St. Louis	1.85
All other counties	1.72
MONTANA	
All counties	1.53
NEBRASKA	
All counties	1.62
NEVADA	
All counties	1.67
NEW HAMPSHIRE	
All counties	1.78
NEW JERSEY	
All counties	1.80
NEW MEXICO	
All counties	1.67
NEW YORK	
Albany	1.94
New York City	1.94
All other counties	1.78
NORTH CAROLINA	
All counties	1.87
NORTH DAKOTA	
All counties	1.58
OHIO	
All counties	1.73
OKLAHOMA	
All counties	1.70
OREGON	
Clatsop	1.95
Multnomah	1.95
All other counties	1.82
PENNSYLVANIA	
Philadelphia	1.94
All other counties	1.78
RHODE ISLAND	
All counties	1.78
SOUTH CAROLINA	
Charleston	1.94
All other counties	1.85
SOUTH DAKOTA	
All counties	1.62
TENNESSEE	
Shelby	1.87
All other counties	1.82
TEXAS	
Galveston	1.96
Harris	1.96
Jefferson	1.96
Nueces	1.96
San Patricio	1.96
All other counties	1.75
UTAH	
All counties	1.62
VERMONT	
All counties	1.78
VIRGINIA	
Chesapeake (Norfolk)	1.94
All other counties	1.83

1977—CROP RYE LOAN AND PURCHASE PROGRAM—Continued

County	*Rate per Bushel*
WASHINGTON	
Clark	1.95
Cowlitz	1.95
King	1.95
Pierce	1.95
All other counties	1.82
WEST VIRGINIA	
All counties	1.80
WISCONSIN	
Douglas	1.74
Milwaukee	1.82
All other counties	1.73
WYOMING	
All counties	1.62

(b) *Premiums and discounts.* The basic loan and purchase rates shall be adjusted as applicable by premiums or discounts as follows (all footnotes at end of paragraph):

	Cents per bushel
Premiums:	
Rye, grading U.S. No. 1	+2
Discounts:	
(a) Rye, grading U.S. No. 3 on account of test weight	-2
(b) Rye, grading U.S. No. 3 on account of "thin" rye:	
15.1 to 17.0 pct thins	-3
17.1 to 19.0 pct thins	-5
19.1 to 21.0 pct thins	-7
21.1 to 23.0 pct thins	-9
23.1 to 25.0 pct thins	-11
(c) Rye, grading U.S. No. 3 for factors other than test weight or percent of thins	-5
(d) Weed control discount (where required by § 1421.25)	-10

Rye, grading U.S. No. 4 or Sample Grade is not eligible for loan. In the event quantities of rye grading U.S. No. 4 or Sample Grade are delivered in satisfaction of loan obligations, such quantities will be discounted on the basis of the schedule of discounts as provided by the Kansas City Commodity Office for settlement purposes.

(c) *Other factors.* Amounts determined by CCC to represent market discounts for quality factors not specified above which affect the value of rye such as (but not limited to) moisture, weevily, stones, musty, sour ergoty, and heating. Such discounts will be established approximately one month prior to the loan maturity date for rye and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts and adjustments thereof at county ASCS offices approximately one month prior to the loan maturity date or as soon thereafter as practicable.

Signed at Washington, D.C., on January 11, 1978.

STEWART N. SMITH,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 78-1473 Filed 1-19-78; 8:45 am]

[3410-05]

[CCC Grain Price Support Regulations, 1977 Crop Sorghum Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1977 Crop Sorghum Loan and Purchase Program

AGENCY: Commodity Credit Corporation, U.S. Department of Agriculture.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to set forth the (1) final loan and purchase availability dates, (2) maturity dates, and (3) loan and purchase rates and applicable discounts. This rule is needed in order to provide a price support program for sorghum. This rule will permit eligible producers to obtain loans and purchases on their eligible 1977 crop sorghum.

EFFECTIVE DATE: January 20, 1978.

ADDRESS: Price Support and Loan Division, ASCS, U.S. Department of Agriculture, 3752 South Building, P.O. Box 2415, Washington, D.C.

FOR FURTHER INFORMATION CONTACT:
Merle Strawderman (ASCS), 202-447-9224.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was published in the FEDERAL REGISTER on July 29, 1976, 41 FR 31563, stating that the Department of Agriculture proposed to make determinations and issue regulations relative to a loan and purchase program for the 1977 crops of feed grains including sorghum. Such determinations included determining loan and purchase rates and other related program provisions. Interested persons were given until August 30, 1976, to submit any data, views and recommendations. Two recommendations were received concerning sorghum. One recommended increasing the loan and purchase rate to $4 and one recommended increasing such rate to $4.20. After considering the recommendations and other factors it has been determined that loan and purchase rates for 1977 crop sorghum on a national average will be $3.39 per cwt. The final availability date for purchases will be changed to May 31, 1978, the same as for loans.

Additional disbursement on 1977 crop sorghum loans already made will be available for those producers who want their loans adjusted to the rates in this supplement.

Producers who wish to secure loans or adjust present loans to these rates can do so by contacting their local Agricultural Stabilization and Conservation Service Office or Agricultural Service Center.

The General Regulations Governing Price Support for 1976 and Subsequent Crops, published at 41 FR 22334 and any amendments thereto and the 1970 and Subsequent Crops Sorghum Loan and Purchase Program Regulations, published at 35 FR 10745, and any amendments to such regulations are supplemented for the 1977 crop of sorghum. 7 CFR §§ 1421.235 through 1421.237 and the title of the subpart are revised to read as provided below, effective as to the 1977 crop of sorghum. The material previously appearing in these sections shall remain in full force and effect as to the crops to which it is applicable.

Subpart—1977 Crop Sorghum Loan and Purchase Program

Sec.
1421.235 Availability.
1421.236 Maturity of loans.
1421.237 Loan and purchase rates.

AUTHORITY: Secs. 4, 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); Secs. 105, 401, 63 Stat. 1051, as amended (7 U.S.C. 1441 note, 1421).

Subpart—1977 Crop Sorghum Loan and Purchase Program

§ 1421.235 Availability.

(a) *Loans.* Producers desiring to participate in the program through loans must request a loan on their 1977 crop of eligible sorghum on or before May 31, 1978.

(b) *Purchases.* A producer desiring to offer eligible 1977 crop sorghum not under loan for purchase must execute and deliver to the county ASCS office on or before May 31, 1978, a Purchase Agreement (Form CCC-614) indicating the approximate quantity of 1977 crop sorghum he will sell to CCC.

§ 1421.236 Maturity of loans.

Loans mature in the case of farm stored loans on demand but not later than the last day of the ninth calendar month following the month the loan is disbursed, and in the case of warehouse stored loans, on demand but not later than the last day of the ninth calendar month following the month the warehouse receipt was issued, except that loans made on warehouse receipts which show that the nine-month storage charge has been paid but the date of tender to CCC is after the date the warehouse receipt was issued mature on the date through which such charges have been paid. Producers who have already received disbursement on loans may request a change of the loan maturity date to the nine-month maturity date described in this section.

§ 1421.237 Loans and purchase rates and discounts.

(a) *Basic rates (counties).* Basic county rates for loan and settlement purposes for sorghum grading U.S. No. 2 or better are established as follows:

BASIC COUNTY LOAN AND PURCHASE RATES FOR SORGHUM NO. 2 OR BETTER

County	*Rate per Cwt.*
ALABAMA	
All counties	$3.36
ARIZONA	
Apache	3.35
Cochise	3.57
Coconino	3.35
Gila	3.35
Graham	3.39
Greenlee	3.35
Maricopa	3.71
Mohave	3.83
Navajo	3.35
Pina	3.63
Pinal	3.71
Santa Cruz	3.60
Yavapai	3.35
Yuma	3.76
ARKANSAS	
Arkansas	3.46
Ashley	3.42
Baxter	3.34
Benton	3.27
Boone	3.30
Bradley	3.40
Calhoun	3.39
Carroll	3.27
Chicot	3.42
Clark	3.35
Clay	3.48
Cleburne	3.41
Cleveland	3.42
Columbia	3.38
Conway	3.37
Craighead	3.49
Crawford	3.32
Crittenden	3.50
Cross	3.49
Dallas	3.38
Desha	3.44
Drew	3.42
Faulkner	3.40
Franklin	3.32
Fulton	3.39
Garland	3.34
Grant	3.37
Greene	3.48
Hempstead	3.36
Hot Spring	3.35
Howard	3.33
Independence	3.41
Izard	3.37
Jackson	3.46
Jefferson	3.42
Johnson	3.32
Lafayette	3.38
Lawrence	3.46
Lee	3.49
Lincoln	3.43
Little River	3.35
Logan	3.32
Lonoke	3.44
Madison	3.28
Marion	3.31
Miller	3.37
Mississippi	3.50
Monroe	3.48
Montgomery	3.32
Nevada	3.36
Newton	3.31
Ouachita	3.37
Perry	3.35
Phillips	3.49
Pike	3.34
Poinsett	3.49
Polk	3.32

BASIC COUNTY LOAN AND PURCHASE RATES FOR SORGHUM NO. 2 OR BETTER—Continued

County	Rate per Cwt.
Pope	3.34
Prairie	3.46
Pulaski	3.42
Randolph	3.45
St. Francis	3.49
Saline	3.36
Scott	3.32
Searcy	3.33
Sebastian	3.32
Sevier	3.33
Sharp	3.41
Stone	3.37
Union	3.38
Van Buren	3.38
Washington	3.28
White	3.44
Woodruff	3.47
Yell	3.34
CALIFORNIA	
Alameda	3.85
Amador	3.84
Butte	3.74
Calaveras	3.84
Colusa	3.78
Contra Costa	3.85
El Dorado	3.83
Fresno	3.77
Glenn	3.75
Humboldt	3.49
Imperial	3.80
Inyo	3.56
Kern	3.81
Kings	3.76
Lake	3.68
Lassen	3.53
Los Angeles	3.85
Madera	3.80
Marin	3.81
Mariposa	3.80
Mendocino	3.60
Merced	3.81
Modoc	3.52
Monterey	3.72
Napa	3.79
Orange	3.85
Placer	3.78
Plumas	3.60
Riverside	3.80
Sacramento	3.85
San Benito	3.78
San Bernardino	3.83
San Diego	3.85
San Francisco	3.85
San Joaquin	3.85
San Luis Obispo	3.69
San Mateo	3.84
Santa Barbara	3.72
Santa Clara	3.85
Santa Cruz	3.77
Shasta	3.55
Sierra	3.62
Siskiyou	3.51
Solano	3.84
Sonoma	3.80
Stanislaus	3.85
Sutter	3.78
Tehama	3.73
Tulare	3.75
Tuolumne	3.80
Ventura	3.82
Yolo	3.78
Yuba	3.77
COLORADO	
Baca	3.31
All other	3.27
DELAWARE	
All counties	3.41
FLORIDA	
All counties	3.36
GEORGIA	
All counties	3.41
IDAHO	
All counties	3.14
ILLINOIS	
Alexander	3.41
Bond	3.33
Calhoun	3.29
Clay	3.33
Clinton	3.35
Edwards	3.35
Franklin	3.36
Gallatin	3.35
Hamilton	3.37
Hardin	3.38
Jackson	3.38
Jefferson	3.35
Jersey	3.29
Johnson	3.39
Lawrence	3.31
Madison	3.35
Marion	3.34
Massac	3.40
Monroe	3.35
Perry	3.36
Pope	3.39
Pulaski	3.41
Randolph	3.36
Richland	3.32
Saint Clair	3.35
Saline	3.37
Union	3.40
Wabash	3.32
Washington	3.35
Wayne	3.35
White	3.35
Williamson	3.38
All other counties	3.23
INDIANA	
All counties	3.28
IOWA	
Adair	3.26
Adams	3.25
Appanoose	3.22
Audubon	3.24
Calhoun	3.19
Carroll	3.23
Cass	3.27
Clarke	3.23
Crawford	3.24
Decatur	3.24
Fremont	3.27
Greene	3.20
Guthrie	3.23
Harrison	3.26
Ida	3.21
Lucas	3.22
Madison	3.24
Marion	3.19
Mills	3.27
Monona	3.25
Monroe	3.20
Montgomery	3.27
Page	3.27
Pottawattamie	3.27
Ringgold	3.26
Sac	3.21
Shelby	3.25
Taylor	3.26
Union	3.24
Warren	3.22
Wayne	3.23
Woodbury	3.23
All other counties	3.15
KANSAS	
Allen	3.35
Anderson	3.36
Atchison	3.39
Barber	3.25
Barton	3.21
Bourbon	3.36
Brown	3.36
Butler	3.26
Chase	3.31
Chautauqua	3.30
Cherokee	3.34
Cheyenne	3.18
Clark	3.25
Clay	3.27
Cloud	3.26
Coffey	3.33
Comanche	3.25
Cowley	3.26
Crawford	3.35
Decatur	3.20
Dickinson	3.26
Doniphan	3.35
Douglas	3.37
Edwards	3.21
Elk	3.30
Ellis	3.21
Ellsworth	3.23
Finney	3.22
Ford	3.25
Franklin	3.38
Geary	3.30
Gove	3.21
Graham	3.21
Grant	3.22
Gray	3.24
Greeley	3.18
Greenwood	3.31
Hamilton	3.20
Harper	3.25
Harvey	3.25
Haskell	3.23
Hodgemen	3.23
Jackson	3.37
Jefferson	3.38
Jewell	3.24
Johnson	3.38
Kearny	3.20
Kingman	3.24
Kiowa	3.23
Labette	3.34
Lane	3.19
Leavenworth	3.39
Lincoln	3.24
Linn	3.38
Logan	3.19
Lyon	3.32
McPherson	3.25
Marion	3.26
Marshall	3.31
Meade	3.24
Miami	3.38
Mitchell	3.24
Montgomery	3.34
Morris	3.30
Morton	3.24
Nemaha	3.33
Neosho	3.35
Ness	3.20
Norton	3.21
Osage	3.34
Osborne	3.23
Ottawa	3.25
Pawnee	3.21
Phillips	3.22
Pottawatomie	3.33
Pratt	3.23
Rawlins	3.19
Reno	3.23
Republic	3.26
Rice	3.23
Riley	3.31
Rooks	3.23
Rush	3.21
Russell	3.21
Saline	3.25
Scott	3.19
Sedgwick	3.25
Seward	3.24
Shawnee	3.36
Sheridan	3.21
Sherman	3.18
Smith	3.23
Stafford	3.21
Stanton	3.22
Stevens	3.24
Sumner	3.25
Thomas	3.19
Trego	3.21
Wabaunsee	3.33
Wallace	3.18
Washington	3.27
Wichita	3.19
Wilson	3.34
Woodson	3.33
Wyandotte	3.39
KENTUCKY	
All counties	3.36

BASIC COUNTY LOAN AND PURCHASE RATES FOR SORGHUM NO. 2 OR BETTER—Continued

County	Rate per Cwt.
LOUISIANA	
All counties	3.38
MICHIGAN	
All counties	3.23
MINNESOTA	
All counties	3.18
MISSISSIPPI	
All counties	3.36
MISSOURI	
Adair	3.22
Andrew	3.35
Atchison	3.27
Audrain	3.27
Barry	3.25
Barton	3.29
Bates	3.35
Benton	3.29
Bollinger	3.38
Boone	3.26
Buchanan	3.37
Butler	3.44
Caldwell	3.37
Callaway	3.25
Camden	3.28
Cape Girardeau	3.39
Carroll	3.36
Carter	3.38
Cass	3.37
Cedar	3.28
Chariton	3.32
Christian	3.26
Clark	3.17
Clay	3.39
Clinton	3.38
Cole	3.25
Cooper	3.29
Crawford	3.28
Dade	3.25
Dallas	3.28
Daviess	3.32
De Kalb	3.32
Dent	3.31
Douglas	3.31
Dunklin	3.47
Franklin	3.31
Gasconade	3.26
Gentry	3.28
Greene	3.25
Grundy	3.31
Harrison	3.27
Henry	3.33
Hickory	3.29
Holt	3.30
Howard	3.29
Howell	3.34
Iron	3.37
Jackson	3.39
Jasper	3.28
Jefferson	3.35
Johnson	3.35
Knox	3.21
Laclede	3.28
Lafayette	3.37
Lawrence	3.25
Lewis	3.19
Lincoln	3.29
Linn	3.29
Livingston	3.35
McDonald	3.25
Macon	3.26
Madison	3.38
Maries	3.26
Marion	3.21
Mercer	3.27
Miller	3.27
Mississippi	3.40
Moniteau	3.25
Monroe	3.26
Montgomery	3.28
Morgan	3.29
New Madrid	3.43
Newton	3.25
Nodaway	3.30
Oregon	3.37
Osage	3.26
Ozark	3.32
Pemiscot	3.48
Perry	3.37
Pettis	3.29
Phelps	3.26
Pike	3.26
Platte	3.39
Polk	3.26
Pulaski	3.26
Putnam	3.25
Ralls	3.22
Randolph	3.27
Ray	3.39
Reynolds	3.33
Ripley	3.43
Saint Charles	3.31
Saint Clair	3.31
Saint Francois	3.35
Saint Louis	3.35
Sainte Genevieve	3.36
Saline	3.33
Schuyler	3.19
Scotland	3.17
Scott	3.39
Shannon	3.33
Shelby	3.23
Stoddard	3.41
Stone	3.26
Sullivan	3.25
Taney	3.28
Texas	3.28
Vernon	3.32
Warren	3.30
Washington	3.34
Wayne	3.41
Webster	3.25
Worth	3.28
Wright	3.27
NEBRASKA	
Antelope	3.23
Burt	3.26
Butler	3.26
Cass	3.27
Colfax	3.25
Cuming	3.25
Dodge	3.26
Douglas	3.27
Gage	3.27
Hall	3.22
Hamilton	3.23
Jefferson	3.24
Johnson	3.27
Lancaster	3.26
Madison	3.24
Merrick	3.22
Nemaha	3.28
Otoe	3.26
Pawnee	3.28
Pierce	3.24
Platte	3.24
Polk	3.24
Richardson	3.30
Saline	3.26
Sarpy	3.27
Saunders	3.26
Seward	3.26
Stanton	3.25
Thayer	3.22
Thurston	3.25
Washington	3.27
York	3.25
All other counties	3.20
NEVADA	
All counties	3.30
NEW MEXICO	
Chaves	3.33
Curry	3.35
De Baca	3.32
Guadalupe	3.32
Harding	3.34
Hidalgo	3.39
Lea	3.35
Luna	3.39
Quay	3.35
Roosevelt	3.35
All other counties	3.31
NORTH CAROLINA	
All counties	3.41
NORTH DAKOTA	
All counties	3.13
OHIO	
All counties	3.28
OKLAHOMA	
Adair	3.39
Alfalfa	3.36
Atoka	3.47
Beaver	3.32
Beckham	3.41
Blaine	3.42
Bryan	3.47
Caddo	3.46
Canadian	3.45
Carter	3.47
Cherokee	3.44
Choctaw	3.47
Cimarron	3.32
Cleveland	3.47
Coal	3.47
Comanche	3.46
Cotton	3.46
Craig	3.37
Creek	3.45
Custer	3.42
Delaware	3.39
Dewey	3.37
Ellis	3.36
Garfield	3.39
Garvin	3.47
Grady	3.47
Grant	3.36
Greer	3.42
Harmon	3.41
Harper	3.32
Haskell	3.45
Hughes	3.46
Jackson	3.42
Jefferson	3.47
Johnston	3.47
Kay	3.36
Kingfisher	3.42
Kiowa	3.45
Latimer	3.46
Le Flore	3.45
Lincoln	3.46
Logan	3.43
Love	3.47
McClain	3.47
McCurtain	3.45
McIntosh	3.45
Major	3.37
Marshall	3.48
Mayes	3.39
Murray	3.47
Muskogee	3.45
Noble	3.40
Nowata	3.37
Okfuskee	3.45
Oklahoma	3.46
Okmulgee	3.45
Osage	3.38
Ottawa	3.37
Pawnee	3.41
Payne	3.43
Pittsburg	3.46
Pontotoc	3.47
Pottawatomie	3.46
Pushmataha	3.47
Roger Mills	3.37
Rogers	3.39
Seminole	3.46
Sequoyah	3.44
Stephens	3.47
Texas	3.32
Tillman	3.42
Tulsa	3.44
Wagoner	3.43
Washington	3.36
Washita	3.44
Woods	3.36
Woodward	3.34
OREGON	
All counties	3.29
PENNSYLVANIA	
All counties	3.41

BASIC COUNTY LOAN AND PURCHASE RATES FOR SORGHUM NO. 2 OR BETTER—Continued

County	Rate per Cwt.
SOUTH CAROLINA	
All counties	3.41
SOUTH DAKOTA	
Bon Homme	3.22
Clay	3.24
Hutchinson	3.21
Lincoln	3.23
Turner	3.21
Union	3.24
Yankton	3.24
All other counties	3.20
TENNESSEE	
Shelby	3.48
All other counties	3.36
TEXAS	
Anderson	3.54
Andrews	3.33
Angelina	3.59
Aransas	3.67
Archer	3.43
Armstrong	3.36
Atascosa	3.59
Austin	3.64
Bailey	3.35
Bandera	3.55
Bastrop	3.54
Baylor	3.43
Bee	3.66
Bell	3.51
Bexar	3.54
Blanco	3.55
Borden	3.35
Bosque	3.47
Bowie	3.44
Brazoria	3.67
Brazos	3.58
Brewster	3.26
Briscoe	3.37
Brooks	3.65
Brown	3.45
Burleson	3.56
Burnet	3.54
Caldwell	3.55
Calhoun	3.63
Callahan	3.43
Cameron	3.71
Camp	3.45
Carson	3.36
Cass	3.44
Castro	3.35
Chambers	3.71
Cherokee	3.51
Childress	3.41
Clay	3.45
Cochran	3.35
Coke	3.41
Coleman	3.44
Collin	3.47
Collingsworth	3.40
Colorado	3.61
Comal	3.54
Comanche	3.47
Concho	3.45
Cooke	3.47
Coryell	3.48
Cottle	3.41
Crane	3.33
Crockett	3.31
Crosby	3.38
Culberson	3.26
Dallam	3.31
Dallas	3.47
Dawson	3.35
Deaf Smith	3.35
Delta	3.46
Denton	3.47
DeWitt	3.60
Dickens	3.41
Dimmit	3.48
Donley	3.36
Duval	3.62
Eastland	3.46
Ector	3.32
Edwards	3.45
Ellis	3.47
El Paso	3.26
Erath	3.47
Falls	3.53
Fannin	3.47
Fayette	3.56
Fisher	3.41
Floyd	3.37
Foard	3.41
Fort Bend	3.67
Franklin	3.45
Freestone	3.52
Frio	3.50
Gaines	3.35
Galveston	3.71
Garza	3.37
Gillespie	3.53
Glasscock	3.35
Goliad	3.66
Gonzales	3.56
Gray	3.36
Grayson	3.48
Gregg	3.44
Grimes	3.63
Guadalupe	3.54
Hale	3.35
Hall	3.39
Hamilton	3.47
Hansford	3.31
Hardeman	3.41
Hardin	3.71
Harris	3.71
Harrison	3.45
Hartley	3.31
Haskell	3.43
Hays	3.54
Hemphill	3.34
Henderson	3.50
Hidalgo	3.68
Hill	3.48
Hockley	3.35
Hood	3.47
Hopkins	3.46
Houston	3.59
Howard	3.35
Hudspeth	3.27
Hunt	3.47
Hutchinson	3.31
Irion	3.37
Jack	3.47
Jackson	3.59
Jasper	3.61
Jeff Davis	3.27
Jefferson	3.71
Jim Hogg	3.62
Jim Wells	3.68
Johnson	3.47
Jones	3.43
Karnes	3.64
Kaufman	3.47
Kendall	3.55
Kenedy	3.65
Kent	3.41
Kerr	3.54
Kimble	3.49
King	3.41
Kinney	3.47
Kleberg	3.68
Knox	3.43
Lamar	3.46
Lamb	3.35
Lampasas	3.49
La Salle	3.51
Lavaca	3.57
Lee	3.56
Leon	3.54
Liberty	3.67
Limestone	3.52
Lipscomb	3.31
Live Oak	3.64
Llano	3.51
Loving	3.32
Lubbock	3.35
Lynn	3.35
McCulloch	3.45
McLennan	3.51
McMullen	3.55
Madison	3.58
Marion	3.45
Martin	3.35
Mason	3.49
Matagorda	3.65
Maverick	3.41
Medina	3.53
Menard	3.45
Midland	3.34
Milam	3.55
Mills	3.47
Mitchell	3.38
Montague	3.47
Montgomery	3.68
Moore	3.31
Morris	3.45
Motley	3.39
Nacogdoches	3.52
Navarro	3.51
Newton	3.61
Nolan	3.41
Nueces	3.71
Ochiltree	3.31
Oldham	3.35
Orange	3.67
Palo Pinto	3.47
Panola	3.51
Parker	3.47
Parmer	3.35
Pecos	3.31
Polk	3.64
Potter	3.35
Presidio	3.26
Rains	3.46
Randall	3.35
Reagan	3.34
Real	3.52
Red River	3.45
Reeves	3.33
Refugio	3.68
Roberts	3.32
Robertson	3.54
Rockwall	3.47
Runnels	3.42
Rusk	3.48
Sabine	3.56
San Augustine	3.56
San Jacinto	3.62
San Patricio	3.71
San Saba	3.46
Schleicher	3.38
Scurry	3.38
Schackelford	3.44
Shelby	3.52
Sherman	3.30
Smith	3.48
Somervell	3.47
Starr	3.64
Stephens	3.46
Sterling	3.37
Stonewall	3.43
Sutton	3.43
Swisher	3.35
Tarrant	3.47
Taylor	3.43
Terrell	3.31
Terry	3.35
Throckmorton	3.44
Titus	3.45
Tom Green	3.41
Travis	3.54
Trinity	3.60
Tyler	3.61
Upshur	3.45
Upton	3.32
Uvalde	3.52
Val Verde	3.42
Van Zandt	3.46
Victoria	3.63
Walker	3.63
Waller	3.65
Ward	3.33
Washington	3.64
Webb	3.49
Wharton	3.63
Wheeler	3.37
Wichita	3.42
Wilbarger	3.42
Willacy	3.70
Williamson	3.54
Wilson	3.59
Winkler	3.32
Wise	3.47
Wood	3.46
Yoakum	3.35
Young	3.46

BASIC COUNTY LOAN AND PURCHASE RATES FOR SORGHUM NO. 2 OR BETTER—Continued

County	Rate per Cwt.
Zapata	3.61
Zavala	3.46
UTAH	
All counties	3.27
VIRGINIA	
All counties	3.41
WASHINGTON	
All counties	3.29
WISCONSIN	
All counties	3.18
WYOMING	
All counties	3.19

(b) *Discounts.* The basic loan and purchase rates shall be adjusted as applicable by discounts as follows (all footnotes at end of paragraph):

	Cents per bushel
Discounts apply per hundredweight—test weight, in pounds:	
(a) 52.9 to 52.0	−1
(b) 51.9 to 51.0	−2
(c) Below 51.0	(1)
Total damage kernels, percent:	
(a) 5.1 to 6.0	−2
(b) 6.1 to 7.0	−4
(c) 7.1 to 8.0	−6
(d) 8.1 to 9.0	−08
(e) 9.1 to 10.0	−10
(f) 10.1 to 11.0	−12
(g) 11.1 to 12.0	−14
(h) 12.1 to 13.0	−16
(i) 13.1 to 14.0	−18
(j) 14.1 to 15.0	−20
(k) 15.1 and over	(1)
Heat damaged kernels, percent:	
(a) 0.51 to 1.00	−2
(b) 1.01 to 2.00	−6
(c) 2.01 to 3.00	−10
(d) 3.01 and over	(1)
Broken kernels, foreign material and other grains, percent:	
(a) 8.1 to 9.0	−2
(b) 9.1 to 10.0	−4
(c) 10.1 to 11.0	−6
(d) 11.1 to 12.0	−8
(e) 12.1 to 13.0	−10
(f) 13.1 to 14.0	−12
(g) 14.1 to 15.0	−14
(h) 15.1 and over	(1)
Weed control law (where required by § 1421.25)	−15

[1] See note.

NOTE.—Sorghum grading sample is not eligible for loan. In the event quantities of sorghum grading U.S. sample grade are delivered in satisfaction of loan obligations, such quantities will be discounted on the basis of the schedule of discounts as provided by the Kansas City Commodity Office for settlement purposes.

Other factors. Amounts determined by CCC to represent market discounts for quality factors not specified above which affect the value of the sorghum, such as (but not limited to) moisture, heat damage, test weight, weevily, musty, sour, stones, weathered, discolored. Such discounts will be established not later than the time delivery of sorghum to CCC begins and will therafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts at county ASCS offices approximately one month prior to maturity date.

NOTE.—Discounts are cumulative except only one grade discount shall be applied.

Signed at Washington, D.C., on January 11, 1978.

STEWART N. SMITH,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc. 78-1470 Filed 1-19-78; 8:45 am]

[3410-05]

[CCC Grain Price Support Regulations, 1977 Crop Soybeans Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1977 Crop Soybeans Loan and Purchase Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to set forth the: (1) Final loan and purchase availability dates, (2) maturity dates, and (3) loan and purchase rates and premiums and discounts under which the Commodity Credit Corporation (CCC) will extend price support on 1977 crop soybeans. This rule is needed in order to provide a price support program for soybeans. This rule will enable eligible producers to obtain loans and purchases on their eligible 1977 crop soybeans.

EFFECTIVE DATE: January 20, 1978.

ADDRESS: Price Support and Loan Division, ASCS, U.S. Department of Agriculture, Room 3752, South Building, P.O. Box 2415, Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Merle Strawderman, ASCS, 202-447-9223, P.O. Box 2415, Washington, D.C. 20013.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was published in the FEDERAL REGISTER on July 29, 1976, 41 FR 31563, stating that the Department of Agriculture proposed to make determinations and issue regulations relative to a loan and purchase program for 1977 crop of soybeans. Such determinations included loan and purchase rates and other related provisions. Interested persons were given until August 30, 1976, to submit any data, views, and recommendations. Seven responses were received concerning the loan and purchase rates. All recommended that the support rate be increased. After considering the recommendations and other factors it has been determined that loan and purchase rates for 1977 crop soybeans on a national average will be $3.50 per bushel. The final availability date for purchases will be changed to May 31, 1978, the same as for loans.

Additional disbursements on 1977-crop soybeans loans already made will be available for those producers who want their loans adjusted to the rates in this supplement.

Producers who wish to secure loans or adjust present loans to these rates can do so by contacting their local Agricultural Stabilization and Conservation Service Office or Agricultural Service Center.

The general regulations governing price support for 1976 and subsequent crops, published at 41 FR 22334 and any amendments thereto and the 1970 and subsequent crops soybean loan and purchase regulations, published at 35 FR 13971 and any amendments to such regulations are further supplemented for the 1977 crop of soybeans. 7 CFR §§ 1421.390 through 1421.392 and the title of the subpart are revised to read as provided below, effective as to the 1977 crop of soybeans. The material previously appearing in these sections shall remain in full force and effect as to the crops to which it is applicable.

Subpart—1977 Crop Soybean Loan and Purchase Program

Sec.
1421.390 Availability.
1421.391 Maturity of loans.
1421.392 Loans and purchase rates, premiums, and discounts.

AUTHORITY: Secs. 4, 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); secs. 301, 303, 401, 63 Stat. 1051, as amended (7 U.S.C. 1447, 1449, 1421).

Subpart—1977 Crop Soybean Loan and Purchase Program

§ 1421.390 Availability.

(a) *Loans.* Producers desiring to participate in the program through loans must request a loan on their 1977 crop of eligible soybeans on or before May 31, 1978.

(b) *Purchases.* A producer desiring to offer eligible 1977 crop soybeans not under loan for purchase must execute and deliver to the county ASCS office on or before May 31, 1978, a purchase agreement (Form CCC-614) indicating the approximate quantity of 1977 crop soybeans he will sell to CCC.

§ 1421.391 Maturity of loans.

Loans mature in the case of farm stored loans on demand but not later than the last day of the ninth calendar month following the month the loan is disbursed, and in the case of warehouse stored loans, on demand but not later than the last day of the ninth calendar month following the month the warehouse receipt was issued except that loans made on

warehouse receipts which show that the nine-month storage charge has been paid but the date of tender to CCC is after the date the warehouse receipt was issued, mature on the date through which such charges have been paid. Producers who have already received disbursement on loan may request a change of the loan maturity date to the nine-month maturity date described in this section.

§ 1425.392 Loan and purchase rates, premiums, and discounts.

County loan rates for soybeans and the schedule of premiums and discounts are contained in this section. Farm stored loans will be made at the basic rate for the county where the soybeans are stored, adjusted only for the weed control discount where applicable. The loan and purchase rate for warehouse stored soybean loans shall be the basic rate stored, adjusted by the premiums and discounts prescribed in paragraphs (b) and (c) of this section. Notwithstanding § 1421.22(c), settlement for soybeans delivered from other than approved warehouse storage shall be based: (1) On the basic rate for the county in which the producer's customary delivery point is located, and (2) on the quality and quantity of the soybeans delivered as shown on the warehouse receipts and accompanying documents issued by an approved warehouse to which delivery is made, or if applicable, the quality and quantity delivered as shown on a form prescribed by CCC for this purpose.

(a) *Basic county loan and purchase rates.* Basic county rates for the classes Green or Yellow Soybeans containing 12.8 to 13 percent moisture and grading not lower than U.S. No. 2 on the factors of test weight, splits, and heat damage and U.S. No. 1 on all other factors are as follows:

County	*Rate per bushel*
ALABAMA	
All counties	$3.47
ARIZONA	
All counties	3.36
ARKANSAS	
Arkansas	3.54
Ashley	3.53
Baxter	3.49
Benton	3.43
Boone	3.46
Bradley	3.53
Calhoun	3.51
Carroll	3.45
Chicot	3.53
Clark	3.49
Clay	3.53
Cleburne	3.50
Cleveland	3.53
Columbia	3.49
Conway	3.50
Craighead	3.52
Crawford	3.46
Crittenden	3.54
Cross	3.54
Dallas	3.51
Desha	3.53
Drew	3.53
Faulkner	3.51
Franklin	3.47
Fulton	3.50
Garland	3.49
Grant	3.51
Greene	3.53
Hempstead	3.46
Hot Spring	3.50
Howard	3.45
Independence	3.50
Izard	3.50
Jackson	3.52
Jefferson	3.52
Johnson	3.48
Lafayette	3.46
Lawrence	3.52
Lee	3.54
Lincoln	3.53
Little River	3.46
Logan	3.47
Lonoke	3.53
Madison	3.45
Marion	3.48
Miller	3.46
Mississippi	3.54
Monroe	3.54
Montgomery	3.46
Nevada	3.48
Newton	3.46
Ouachita	3.50
Perry	3.50
Phillips	3.54
Pike	3.46
Poinsett	3.52
Polk	3.46
Pope	3.49
Prairie	3.54
Pulaski	3.51
Randolph	3.52
St. Francis	3.54
Saline	3.50
Scott	3.46
Searcy	3.48
Sebastian	3.46
Sevier	3.45
Sharp	3.52
Stone	3.50
Union	3.51
Van Buren	3.49
Washington	3.44
White	3.51
Woodruff	3.54
Yell	3.48
CALIFORNIA	
All counties	3.36
DELAWARE	
All counties	3.47
FLORIDA	
All counties	3.47
GEORGIA	
All counties	3.47
ILLINOIS	
Adams	3.55
Alexander	3.55
Bond	3.57
Boone	3.54
Brown	3.56
Bureau	3.54
Calhoun	3.55
Carroll	3.52
Cass	3.57
Champaign	3.58
Christian	3.58
Clark	3.57
Clay	3.56
Clinton	3.55
Coles	3.57
Cook	3.58
Crawford	3.56
Cumberland	3.57
De Kalb	3.56
De Witt	3.58
Douglas	3.57
Du Page	3.58
Edgar	3.57
Edwards	3.51
Effingham	3.57
Fayette	3.57
Ford	3.58
Franklin	3.51
Fulton	3.56
Gallatin	3.50
Greene	3.56
Grundy	3.58
Hamilton	3.51
Hancock	3.55
Hardin	3.50
Henderson	3.54
Henry	3.54
Iroquois	3.58
Jackson	3.55
Jasper	3.57
Jefferson	3.52
Jersey	3.55
Jo Daviess	3.52
Johnson	3.53
Kane	3.57
Kankakee	3.58
Kendall	3.57
Knox	3.56
Lake	3.57
LaSalle	3.56
Lawrence	3.54
Lee	3.54
Livingston	3.58
Logan	3.58
McDonough	3.56
McHenry	3.55
McLean	3.58
Macon	3.58
Macoupin	3.57
Madison	3.56
Marion	3.56
Marshall	3.58
Mason	3.57
Massac	3.49
Menard	3.57
Mercer	3.53
Monroe	3.55
Montgomery	3.57
Morgan	3.57
Moultrie	3.57
Ogle	3.54
Peoria	3.57
Perry	3.54
Piatt	3.58
Pike	3.55
Pope	3.50
Pulaski	3.53
Putnam	3.54
Randolph	3.55
Richland	3.55
Rock Island	3.52
St. Clair	3.55
Saline	3.55
Sangamon	3.58
Schuyler	3.56
Scott	3.57
Shelby	3.57
Stark	3.57
Stephenson	3.52
Tazewell	3.58
Union	3.55
Vermilion	3.58
Wabash	3.51
Warren	3.56
Washington	3.55
Wayne	3.52
White	3.50
Whiteside	3.52
Will	3.58
Williamson	3.53
Winnebago	3.53
Woodford	3.58
INDIANA	
Adams	3.52
Allen	3.52
Bartholomew	3.52
Benton	3.57
Blackford	3.52
Boone	3.53
Brown	3.52
Carroll	3.53
Cass	3.53
Clark	3.52
Clay	3.54
Clinton	3.53
Crawford	3.53
Daviess	3.52
Dearborn	3.52
Decatur	3.52

County	Rate per bushel
De Kalb	3.52
Delaware	3.52
Dubois	3.52
Elkhart	3.52
Fayette	3.52
Floyd	3.52
Fountain	3.57
Franklin	3.52
Fulton	3.53
Gibson	3.52
Grant	3.52
Greene	3.53
Hamilton	3.53
Hancock	3.52
Harrison	3.53
Hendricks	3.52
Henry	3.52
Howard	3.53
Huntington	3.52
Jackson	3.52
Jasper	3.56
Jay	3.52
Jefferson	3.52
Jennings	3.52
Johnson	3.52
Knox	3.52
Kosciusko	3.52
Lagrange	3.52
Lake	3.58
La Porte	3.55
Lawrence	3.52
Madison	3.52
Marion	3.53
Marshall	3.53
Martin	3.52
Miami	3.53
Monroe	3.52
Montgomery	3.54
Morgan	3.52
Newton	3.57
Noble	3.52
Ohio	3.52
Orange	3.52
Owen	3.53
Parke	3.55
Perry	3.53
Pike	3.52
Porter	3.57
Posey	3.53
Pulaski	3.55
Putnam	3.54
Randolph	3.52
Ripley	3.52
Rush	3.52
St. Joseph	3.53
Scott	3.52
Shelby	3.52
Spencer	3.53
Starke	3.55
Steuben	3.52
Sullivan	3.54
Switzerland	3.52
Tippecanoe	3.55
Tipton	3.53
Union	3.52
Vanderburgh	3.53
Vermillion	3.57
Vigo	3.56
Wabash	3.52
Warren	3.57
Warrick	3.53
Washington	3.52
Wayne	3.52
Wells	3.52
White	3.55
Whitley	3.52
IOWA	
Adair	3.46
Adams	3.46
Allamakee	3.47
Appanoose	3.49
Audobon	3.45
Benton	3.50
Black Hawk	3.47
Boone	3.47
Bremer	3.46
Buchanan	3.48
Buena Vista	3.45
Butler	3.46
Calhoun	3.45
Carroll	3.45
Cass	3.46
Cedar	3.51
Cerro Gordo	3.46
Cherokee	3.45
Chickasaw	3.46
Clarke	3.48
Clay	3.45
Clayton	3.48
Clinton	3.52
Crawford	3.45
Dallas	3.47
Davis	3.51
Decatur	3.48
Delaware	3.48
Des Moines	3.54
Dickinson	3.45
Dubuque	3.49
Emmet	3.45
Fayette	3.47
Floyd	3.45
Franklin	3.47
Fremont	3.45
Greene	3.45
Grundy	3.48
Guthrie	3.45
Hamilton	3.47
Hancock	3.46
Hardin	3.48
Harrison	3.44
Henry	3.53
Howard	3.46
Humboldt	3.46
Ida	3.45
Iowa	3.50
Jackson	3.52
Jasper	3.49
Jefferson	3.52
Johnson	3.50
Jones	3.51
Keokuk	3.52
Kossuth	3.46
Lee	3.54
Linn	3.50
Louisa	3.53
Lucas	3.49
Lyon	3.44
Madison	3.47
Mahaska	3.51
Marion	3.49
Marshall	3.49
Mills	3.45
Mitchell	3.45
Monona	3.44
Monroe	3.49
Montgomery	3.45
Muscatine	3.52
O'Brien	3.45
Osceola	3.45
Page	3.45
Palo Alto	3.45
Plymouth	3.44
Pocahontas	3.45
Polk	3.48
Pottawattamie	3.45
Poweshiek	3.50
Ringgold	3.47
Sac	3.45
Scott	3.52
Shelby	3.45
Sioux	3.44
Story	3.48
Tama	3.50
Taylor	3.46
Union	3.47
Van Buren	3.53
Wapello	3.51
Warren	3.48
Washington	3.53
Wayne	3.49
Webster	3.47
Winnebago	3.46
Winneshiek	3.47
Woodbury	3.44
Worth	3.46
Wright	3.46
KANSAS	
All counties	3.43
KENTUCKY	
All counties	3.51
LOUISIANA	
All counties	3.51
MARYLAND	
All counties	3.47
MICHIGAN	
Allegan	3.44
Arenac	3.44
Barry	3.44
Bay	3.44
Berrien	3.49
Branch	3.48
Calhoun	3.46
Cass	3.49
Clinton	3.44
Eaton	3.45
Genesee	3.44
Gladwin	3.44
Gratiot	3.44
Hillsdale	3.49
Huron	3.44
Ingham	3.45
Ionia	3.44
Isabella	3.44
Jackson	3.47
Kalamazoo	3.46
Lapeer	3.44
Lenawee	3.49
Livingston	3.45
Macomb	3.45
Midland	3.44
Monroe	3.50
Montcalm	3.44
Oakland	3.45
Saginaw	3.44
Saint Clair	3.44
St. Joseph	3.48
Sanilac	3.44
Shiawassee	3.44
Tuscola	3.44
Van Buren	3.46
Washtenaw	3.47
Wayne	3.47
All other counties	3.43
MINNESOTA	
Aitkin	3.38
Anoka	3.45
Becker	3.39
Beltrami	3.38
Benton	3.42
Big Stone	3.42
Blue Earth	3.47
Brown	3.46
Carlton	3.39
Carver	3.47
Cass	3.38
Chippewa	3.44
Chisago	3.42
Clay	3.39
Clearwater	3.38
Cottonwood	3.43
Crow Wing	3.38
Dakota	3.47
Dodge	3.45
Douglas	3.41
Faribault	3.46
Fillmore	3.45
Freeborn	3.46
Goodhue	3.45
Grant	3.41
Hennepin	3.47
Houston	3.45
Hubbard	3.39
Isanti	3.42
Itasca	3.38
Jackson	3.43
Kanabec	3.40
Kandiyohi	3.43
Kittson	3.36
Koochiching	3.38
Lac Qui Parle	3.44
Lake of the Woods	3.37
Le Seur	3.47
Lincoln	3.41
Lyon	3.42
McLeod	3.46
Mahnomen	3.38
Marshall	3.36
Martin	3.45
Meeker	3.44
Mille Lacs	3.40
Morrison	3.40
Mower	3.45
Murray	3.42

County	Rate per bushel
Nicollet	3.47
Nobles	3.43
Norman	3.38
Olmsted	3.45
Otter Tail	3.39
Pennington	3.37
Pine	3.40
Pipestone	3.41
Polk	3.37
Pope	3.42
Ramsey	3.47
Red Lake	3.37
Redwood	3.43
Renville	3.44
Rice	3.46
Rock	3.42
Roseau	3.36
Scott	3.47
Sherburne	3.45
Sibley	3.47
Stearns	3.42
Steele	3.46
Stevens	3.42
Swift	3.42
Todd	3.40
Traverse	3.41
Wabasha	3.45
Wadena	3.39
Waseca	3.46
Washington	3.45
Watonwan	3.46
Wilkin	3.39
Winona	3.45
Wright	3.45
Yellow Medicine	3.45
MISSISSIPPI	
All counties	3.53
MISSOURI	
Adair	3.50
Andrew	3.46
Atchison	3.46
Audrain	3.52
Barry	3.45
Barton	3.45
Bates	3.45
Benton	3.46
Bollinger	3.54
Boone	3.49
Buchanan	3.46
Butler	3.52
Caldwell	3.46
Callaway	3.49
Camden	3.47
Cape Girardeau	3.54
Carroll	3.48
Carter	3.50
Cass	3.45
Cedar	3.44
Chariton	3.49
Christian	3.46
Clark	3.54
Clay	3.46
Clinton	3.46
Cole	3.48
Cooper	3.48
Crawford	3.50
Dade	3.45
Dallas	3.46
Daviess	3.46
De Kalb	3.46
Dent	3.50
Douglas	3.46
Dunklin	3.54
Franklin	3.52
Gasconade	3.50
Gentry	3.46
Greene	3.46
Grundy	3.48
Harrison	3.46
Henry	3.45
Hickory	3.46
Holt	3.46
Howard	3.48
Howell	3.48
Iron	3.52
Jackson	3.45
Jasper	3.45
Jefferson	3.54
Johnson	3.45
Knox	3.52
Laclede	3.46
Lafayette	3.45
Lawrence	3.45
Lewis	3.54
Lincoln	3.53
Linn	3.49
Livingston	3.48
McDonald	3.45
Macon	3.50
Madison	3.52
Maries	3.48
Marion	3.54
Mercer	3.48
Miller	3.47
Mississippi	3.54
Moniteau	3.48
Monroe	3.52
Montgomery	3.50
Morgan	3.47
New Madrid	3.54
Newton	3.45
Nodaway	3.46
Oregon	3.50
Osage	3.48
Ozark	3.47
Pemiscot	3.54
Perry	3.54
Pettis	3.47
Phelps	3.48
Pike	3.54
Platte	3.46
Polk	3.46
Pulaski	3.47
Putnam	3.49
Ralls	3.54
Randolph	3.50
Ray	3.46
Reynolds	3.50
Ripley	3.50
Saint Charles	3.53
Saint Clair	3.45
Saint Francois	3.52
Saint Louis	3.54
Sainte Genevieve	3.54
Saline	3.47
Schuyler	3.50
Scotland	3.52
Scott	3.54
Shannon	3.50
Shelby	3.52
Stoddard	3.54
Stone	3.46
Sullivan	3.49
Taney	3.46
Texas	3.48
Vernon	3.44
Warren	3.51
Washington	3.52
Wayne	3.52
Webster	3.46
Worth	3.46
Wright	3.46
NEBRASKA	
All counties	3.41
NEW JERSEY	
All counties	3.45
NEW MEXICO	
All counties	3.36
NEW YORK	
All counties	3.37
NORTH CAROLINA	
All counties	3.47
NORTH DAKOTA	
All counties	3.36
OHIO	
Adams	3.52
Allen	3.53
Ashland	3.52
Ashtabula	3.50
Athens	3.52
Auglaize	3.53
Belmont	3.52
Brown	3.52
Butler	3.52
Carroll	3.50
Champaign	3.52
Clark	3.51
Clermont	3.52
Clinton	3.52
Columbiana	3.50
Coshocton	3.50
Crawford	3.52
Cuyahoga	3.50
Darke	3.51
Defiance	3.52
Delaware	3.51
Erie	3.52
Fairfield	3.52
Fayette	3.52
Franklin	3.51
Fulton	3.54
Gallia	3.52
Geauga	3.50
Greene	3.51
Guernsey	3.52
Hamilton	3.52
Hancock	3.53
Hardin	3.54
Harrison	3.50
Henry	3.54
Highland	3.52
Hocking	3.52
Holmes	3.50
Huron	3.52
Jackson	3.52
Jefferson	3.50
Knox	3.50
Lake	3.50
Lawrence	3.52
Licking	3.50
Logan	3.53
Lorain	3.52
Lucas	3.55
Madison	3.51
Mahoning	3.50
Marion	3.53
Medina	3.52
Meigs	3.52
Mercer	3.52
Miami	3.51
Monroe	3.52
Montgomery	3.51
Morgan	3.52
Morrow	3.52
Muskingum	3.52
Noble	3.52
Ottawa	3.53
Paulding	3.52
Perry	3.52
Pickaway	3.52
Pike	3.52
Portage	3.50
Preble	3.51
Putnam	3.53
Richland	3.52
Ross	3.52
Sandusky	3.53
Scioto	3.52
Seneca	3.53
Shelby	3.52
Stark	3.50
Summit	3.50
Trumbull	3.50
Tuscarawas	3.50
Union	3.51
Van Wert	3.52
Vinton	3.52
Warren	3.52
Washington	3.52
Wayne	3.50
Williams	3.52
Wood	3.54
Wyandot	3.53
OKLAHOMA	
All counties	3.39
PENNSYLVANIA	
All counties	3.43
SOUTH CAROLINA	
All counties	3.47
SOUTH DAKOTA	
All counties	3.39
TENNESSEE	
All counties	3.47
TEXAS	
All counties	3.39
VERMONT	
All counties	3.36

County	Rate per bushel
VIRGINIA	
All counties	3.47
WEST VIRGINIA	
All counties	3.45
WISCONSIN	
All counties	3.43

(b) *Premiums and discounts.* The basic loan and purchase rates shall be adjusted as applicable by premiums and discounts as follows (all footnotes at end of paragraph):

	Cents per bushel
1. Premiums—Moisture (percent):	
12.2 or less	+7.0
12.3 through 12.7	+3.5
12.8 through 13.0	0
2. Discounts:	
(a) Class:	
Black	−25
Brown	−25
Mixed	−25
(b) Moisture:	
13.1 through 13.5	−3.5
13.6 through 14.0	−7.0
14.1 and over	(1)
(c) Test weight per bushel (pounds):	
53.9 to 53.0	−0.5
52.9 to 52.0	−1.0
51.9 to 51.0	−1.5
50.9 to 50.0	−2.0
49.9 to 49.0	−2.5
48.9 and under	(1)
(d) Splits:	
20.1 to 25.0	−0.25
25.1 to 30.0	−0.50
30.1 to 35.0	−0.75
35.1 to 40.0	−1.00
40.1 and over	(1)
(e) Damaged kernels:	
(1) Heat damage (percent):	
0.6 to 1.0	−1.0
1.1 to 1.5	−2.0
1.6 to 2.0	−3.0
2.1 to 2.5	−4.0
2.6 to 3.0	−5.0
3.1 and over	(1)
(2) Total damage:	
2.1 to 3.0	−1.0
3.1 to 4.0	−2.0
4.1 to 5.0	−3.0
5.1 to 6.0	−5.0
6.1 to 7.0	−7.0
7.1 to 8.0	−9.0
8.1 and over	(1)
(f) Black, brown and/or bicolored soybeans in yellow or green soybeans:	
1.1 to 2.0	−0.5
2.1 to 5.0	−1.5
5.1 to 10.0	−3.5
10.1 and over	(1)
(g) Special factors:	
(1) Materially weathered	−5.0
(2) Stained	−2.0
(3) Purple mottled	−2.0
(4) Weed control laws (where required by § 1421.25)	−10

[1] See note.

NOTE.—Soybeans exceeding limits shown in this schedule or soybeans containing in excess of 14.0 percent moisture are not eligible for loan. In the event quantities of soybeans exceeding limits shown are delivered in satisfaction of loan obligations, such quantities will be discounted on the basis of the schedule of discounts as provided by the Kansas City Commodity Office for settlement purposes.

Other factors. Amounts determined by CCC to represent market discounts for quality factors not specified above which affect the value of the soybeans, such as (but not limited to) moisture, musty, sour, and heating. Such discounts will be established not later than the time delivery of soybeans to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts at county ASCS offices approximately one month prior to the loan maturity date.

Signed at Washington, D.C., on January 11, 1978.

STEWART N. SMITH,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc. 78-1484 Filed 1-19-78; 8:45 am]

[3410-05]

[CCC Grain Price Support Regulations, 1977 Crop Wheat Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1977 Crop Wheat Loan and Purchase Program

AGENCY: Commodity Credit Corporation, U.S. Department of Agriculture.

ACTION: Final rule.

SUMMARY: The purpose of the rule is to set forth the (1) final loan and purchase availability dates, (2) maturity dates, and (3) premiums and discounts under which Commodity Credit Corporation (CCC) will make loans on 1977 crop wheat. This rule is needed in order to implement the 1977 wheat loan and purchase program. This rule will enable eligible wheat producers to obtain loans and purchases on their eligible 1977 crop wheat.

EFFECTIVE DATE: January 20, 1978.

ADDRESS: Price Support and Loan Division, ASCS, U.S. Department of Agriculture, 3752 South Building, P.O. Box 2415, Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Merle Strawderman (ASCS), 202-447-9224.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was published in the FEDERAL REGISTER on July 29, 1976, 41 FR 31563, stating that the Department of Agriculture proposed to make determinations and issue regulations relative to a loan and purchase program for 1977 crop wheat. Such determinations included determining loan and purchase rates and other related provisions. Interested persons were given until August 30, 1976, to submit any data, views, and recommendations. Seven responses were received concerning the loan and purchase rates. All recommended that the support rate be increased. Such recommended increases ranged from $2.50 to $4. After considering applicable factors it has been determined that the loan and purchase rates for 1977 crop wheat on a national average will be $2.25 per bushel. The final availability date for purchases will be changed to March 31, 1978, the same as for loans.

Additional disbursements on 1977 crop wheat loans already made will be available for those producers who want their loans adjusted to the rates in this supplement.

Producers who wish to secure loans or adjust present loans to these rates can do so by contacting their local Agricultural Stabilization and Conservation Service Office or Agricultural Service Center.

The General Regulations Governing Price Support for 1976 and Subsequent Crops, published at 41 FR 22334 and any amendments thereto and the 1970 and Subsequent Crops Wheat Loan and Purchase Regulations, published at 35 FR 8204 and any amendments to such regulations are further supplemented for the 1977 crop of wheat. 7 CFR §§ 1421.485 through 1421.488 and the title of the subpart are revised to read as provided below, effective as to the 1977 crop of wheat. The material previously appearing in these sections shall remain in full force and effect as to the crops to which it is applicable.

Subpart—1977 Crop Wheat Loan and Purchase Program

Sec.
1421.485 Availability.
1421.486 Maturity of loans.
1421.487 Ineligible classes.
1421.488 Loan and purchase rates.

AUTHORITY: Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); Secs. 107, 401, 63 Stat. 1051, as amended (7 U.S.C. 1445a, 1421).

Subpart—1977 Crop Wheat Loan and Purchase Program

§ 1421.485 Availability.

(a) *Loans.* Producers desiring to participate in the program through loans must request a loan on their 1977 crop of eligible wheat on or before March 31, 1978.

(b) *Purchases.* Producers desiring to offer eligible 1977 crop wheat not under loan for purchase must execute and deliver to the county ASCS office on or before March 31, 1978, a Purchase Agreement (Form CCC-614) indicating the approximate quantity of 1977 crop wheat they will sell to CCC.

§ 1421.486 Maturity of loans.

Loans mature in the case of farm stored loans on demand but not later than the last day of the ninth calen-

dar month following the month the loan is disbursed, and in case of warehouse stored loans, on demand but not later than last day of the ninth calendar month following the month the warehouse receipt was issued, except that loans made on warehouse receipts which show that the nine-month storage charge has been paid but the date of tender to CCC is after the date the warehouse receipt was issued mature on the date through which such charges have been paid. Producers who have already received disbursement on loans may request a change of the loan maturity date to the nine-month maturity date described in this section.

§ 1421.487 Ineligible classes.

Unclassed wheat shall not be eligible for loan or purchase.

§ 1421.488 Loan and purchase rates.

(a) *Basic loan and purchase rates (counties).* Basic rates per bushel for loan and settlement purposes for wheat are established for wheat grading U.S. No. 1 and are as follows:

County	Rate per bushel
ALABAMA	
Mobile	2.39
All other counties	2.20
ARIZONA	
All counties	2.27
ARKANSAS	
All counties	2.21
CALIFORNIA	
Alameda	2.43
Alpine	2.25
Amador	2.38
Butte	2.32
Calaveras	2.38
Colusa	2.37
Contra Costa	2.38
El Dorado	2.37
Fresno	2.33
Glenn	2.31
Humboldt	2.20
Imperial	2.35
Inyo	2.31
Kern	2.38
Kings	2.35
Lake	2.31
Lasseb	2.20
Los Angeles	2.43
Madera	2.36
Marin	2.36
Mariposa	2.36
Mendocino	2.25
Merced	2.39
Modoc	2.20
Monterey	2.33
Napa	2.37
Orange	2.43
Placer	2.37
Plumas	2.20
Riverside	2.35
Sacramento	2.43
San Benito	2.36
San Bernardino	2.44
San Diego	2.43
San Francisco	2.43
San Joaquin	2.43
San Luis Obispo	2.32
San Mateo	2.43
Santa Barbara	2.33
Santa Clara	2.37
Santa Cruz	2.38
Shasta	2.21
Sierra	2.22
Siskiyou	2.20
Solano	2.38
Sonoma	2.35
Stanislaus	2.40
Sutter	2.37
Tehama	2.27
Tulare	2.35
Tuolumne	2.36
Ventura	2.40
Yolo	2.38
Yuba	2.37
COLORADO	
Adams	2.09
Alamosa	2.06
Arapahoe	2.09
Archuleta	2.03
Baca	2.12
Bent	2.09
Boulder	2.08
Chaffee	2.06
Cheyenne	2.10
Conejos	2.06
Costilla	2.06
Crowley	2.09
Custer	2.08
Delta	2.00
Denver	2.09
Dolores	2.00
Douglas	2.09
Eagle	2.03
Elbert	2.09
El Paso	2.09
Fremont	2.08
Garfield	2.03
Grand	2.06
Huerfano	2.10
Jackson	2.06
Jefferson	2.08
Kiowa	2.10
Kit Carson	2.10
La Plata	2.00
Larimer	2.09
Las Animas	2.12
Lincoln	2.09
Logan	2.09
Mesa	2.00
Moffat	2.06
Montezuma	2.00
Montrose	2.00
Morgan	2.09
Otero	2.09
Ouray	2.00
Phillips	2.09
Pitkin	2.00
Prowers	2.11
Pueblo	2.09
Rio Blanco	2.03
Rio Grande	2.06
Routt	2.06
Saguache	2.06
San Miguel	2.00
Sedgwick	2.09
Summit	2.03
Teller	2.08
Washington	2.09
Weld	2.09
Yuma	2.10
CONNECTICUT	
All counties	2.22
DELAWARE	
All counties	2.25
FLORIDA	
All counties	2.19
GEORGIA	
All counties	2.19
IDAHO	
Ada	2.19
Adams	2.19
Bannock	2.17
Bear Lake	2.15
Benewah	2.30
Bingham	2.15
Blaine	2.15
Boise	2.19
Bonner	2.22
Bonneville	2.14
Boundary	2.20
Butte	2.14
Camas	2.16
Canyon	2.19
Caribou	2.16
Cassia	2.18
Clark	2.12
Clearwater	2.28
Custer	2.14
Elmore	2.18
Franklin	2.18
Fremont	2.13
Gem	2.19
Gooding	2.19
Idaho	2.27
Jefferson	2.14
Jerome	2.19
Kootenai	2.28
Latah	2.30
Lemhi	2.14
Lewis	2.29
Lincoln	2.18
Madison	2.14
Minidoka	2.18
Nez Perce	2.32
Oneida	2.18
Owyhee	2.18
Payette	2.19
Power	2.18
Shoshone	2.28
Teton	2.13
Twin Falls	2.19
Valley	2.18
Washington	2.19
ILLINOIS	
Adams	2.23
Alexander	2.26
Bond	2.29
Boone	2.31
Brown	2.23
Bureau	2.29
Calhoun	2.30
Carroll	2.28
Cass	2.25
Champaign	2.29
Christian	2.27
Clark	2.25
Clay	2.25
Clinton	2.29
Coles	2.25
Cook	2.31
Crawford	2.24
Cumberland	2.25
De Kalb	2.31
DeWitt	2.25
Douglas	2.26
DuPage	2.31
Edgar	2.27
Edwards	2.25
Effingham	2.27
Fayette	2.28
Ford	2.29
Franklin	2.29
Fulton	2.27
Gallatin	2.22
Greene	2.29
Grundy	2.31
Hamilton	2.23
Hancock	2.23
Hardin	2.22
Henderson	2.25
Henry	2.28
Iroquois	2.31
Jackson	2.26
Jasper	2.24
Jefferson	2.29
Jersey	2.30
Jo Daviess	2.28
Johnson	2.26
Kane	2.31
Kankakee	2.31
Kendall	2.31
Knox	2.27
Lake	2.31
LaSalle	2.31
Lawrence	2.24
Lee	2.30
Livingston	2.30
Logan	2.25
McDonough	2.25
McHenry	2.31
McLean	2.27
Macon	2.25
Macoupin	2.29
Madison	2.30
Marion	2.29
Marshall	2.28
Mason	2.23
Massac	2.25
Menard	2.23
Mercer	2.27
Monroe	2.30

County	Rate per bushel
Montgomery	2.29
Morgan	2.27
Moultrie	2.26
Ogle	2.29
Peoria	2.27
Perry	2.29
Piatt	2.25
Pike	2.24
Pope	2.23
Pulaski	2.26
Putnam	2.28
Randolph	2.30
Richland	2.24
Rock Island	2.28
Saint Clair	2.30
Saline	2.23
Sangamon	2.27
Schuyler	2.23
Scott	2.25
Shelby	2.27
Stark	2.27
Stephenson	2.30
Tazewell	2.25
Union	2.26
Vermilion	2.30
Wabash	2.24
Warren	2.27
Washington	2.29
Wayne	2.25
White	2.22
Whiteside	2.29
Will	2.31
Williamson	2.27
Winnebago	2.30
Woodford	2.27
INDIANA	
Adams	2.24
Allen	2.24
Bartholomew	2.24
Benton	2.29
Blackford	2.24
Boone	2.23
Brown	2.24
Carroll	2.27
Cass	2.27
Clark	2.29
Clay	2.25
Clinton	2.23
Crawford	2.29
Daviess	2.25
Dearborn	2.24
Decatur	2.24
De Kalb	2.24
Delaware	2.24
Dubois	2.26
Elkhart	2.26
Fayette	2.24
Floyd	2.29
Fountain	2.27
Franklin	2.24
Fulton	2.27
Gibson	2.24
Grant	2.23
Greene	2.25
Hamilton	2.24
Hancock	2.24
Harrison	2.29
Hendricks	2.23
Henry	2.24
Howard	2.23
Huntington	2.23
Jackson	2.25
Jasper	2.30
Jay	2.24
Jefferson	2.27
Jennings	2.25
Johnson	2.23
Knox	2.24
Kosciusko	2.27
Lagrange	2.23
Lake	2.31
La Porte	2.31
Lawrence	2.25
Madison	2.24
Marion	2.24
Marshall	2.27
Martin	2.25
Miami	2.23
Monroe	2.24
Montgomery	2.25
Morgan	2.23
Newton	2.30
Noble	2.24
Ohio	2.24
Orange	2.27
Owen	2.24
Parke	2.27
Perry	2.25
Pike	2.25
Porter	2.31
Posey	2.22
Pulaski	2.30
Putnam	2.23
Randolph	2.24
Ripley	2.24
Rush	2.24
St. Joseph	2.29
Scott	2.27
Shelby	2.24
Spencer	2.25
Starke	2.30
Steuben	2.24
Sullivan	2.25
Switzerland	2.25
Tippecanoe	2.26
Tipton	2.23
Union	2.24
Vanderburgh	2.24
Vermillion	2.27
Vigo	2.26
Wabash	2.23
Warren	2.29
Warrick	2.25
Washington	2.27
Wayne	2.24
Wells	2.24
White	2.29
Whitley	2.23
IOWA	
Pottawattamie	2.33
All other counties	2.21
KANSAS	
Allen	2.28
Anderson	2.31
Atchison	2.33
Barber	2.17
Barton	2.17
Bourbon	2.29
Brown	2.31
Butler	2.21
Chase	2.24
Chautauqua	2.24
Cherokee	2.26
Cheyenne	2.10
Clark	2.14
Clay	2.22
Cloud	2.22
Coffey	2.29
Comanche	2.15
Cowley	2.21
Crawford	2.27
Decatur	2.13
Dickinson	2.21
Doniphan	2.31
Douglas	2.32
Edwards	2.17
Elk	2.24
Ellis	2.17
Ellsworth	2.20
Finney	2.12
Ford	2.15
Franklin	2.32
Geary	2.24
Gove	2.15
Graham	2.17
Grant	2.11
Gray	2.14
Greeley	2.09
Greenwood	2.24
Hamilton	2.11
Harper	2.19
Harvey	2.20
Haskell	2.12
Hodgeman	2.16
Jackson	2.30
Jefferson	2.32
Jewell	2.21
Johnson	2.33
Kearny	2.11
Kingman	2.20
Kiowa	2.17
Labette	2.26
Lane	2.15
Leavenworth	2.33
Lincoln	2.20
Linn	2.31
Logan	2.11
Lyon	2.26
McPherson	2.20
Marion	2.20
Marshall	2.26
Meade	2.14
Miami	2.32
Mitchell	2.20
Montgomery	2.26
Morris	2.24
Morton	2.13
Nemaha	2.28
Neosho	2.27
Ness	2.16
Norton	2.17
Osage	2.29
Osborne	2.20
Ottawa	2.21
Pawnee	2.17
Phillips	2.17
Pottawatomie	2.28
Pratt	2.17
Rawlins	2.10
Reno	2.20
Republic	2.22
Rice	2.20
Riley	2.26
Rooks	2.18
Rush	2.17
Russell	2.18
Saline	2.21
Scott	2.12
Sedgwick	2.20
Seward	2.13
Shawnee	2.30
Sheridan	2.14
Sherman	2.09
Smith	2.20
Stafford	2.17
Stanton	2.11
Stevens	2.13
Sumner	2.20
Thomas	2.11
Trego	2.17
Wabaunsee	2.27
Wallace	2.09
Washington	2.24
Wichita	2.10
Wilson	2.26
Woodson	2.27
Wyandotte	2.33
KENTUCKY	
Jefferson	2.30
All other counties	2.22
LOUISIANA	
East Baton Rouge	2.40
Jefferson	2.40
Orleans	2.40
Saint Charles	2.40
West Baton Rouge	2.40
All other counties	2.25
MAINE	
All counties	2.19
MARYLAND	
Baltimore	2.38
All other counties	2.25
MASSACHUSETTS	
All counties	2.21
MICHIGAN	
Alcona	2.14
Alger	2.15
Allegan	2.23
Alpena	2.11
Antrim	2.11
Arenac	2.15
Baraga	2.15
Barry	2.22
Bay	2.19
Benzie	2.14
Berrien	2.27
Branch	2.24
Calhoun	2.23
Cass	2.24
Charlevoix	2.10
Cheboygan	2.10
Chippewa	2.15
Clare	2.17
Clinton	2.20
Crawford	2.14
Delta	2.15
Dickinson	2.15
Eaton	2.22
Emmet	2.08

County	Rate per bushel
Genesee	2.22
Gladwin	2.17
Gogebic	2.15
Grand Traverse	2.14
Gratiot	2.20
Hillsdale	2.25
Houghton	2.15
Huron	2.21
Ingham	2.22
Ionia	2.20
Iosco	2.15
Iron	2.15
Isabella	2.19
Jackson	2.23
Kalamazoo	2.23
Kalkaska	2.14
Kent	2.20
Keweenaw	2.15
Lake	2.16
Lapeer	2.22
Leelanau	2.13
Lenawee	2.26
Livingston	2.23
Luce	2.15
Mackinac	2.15
Macomb	2.25
Manistee	2.15
Marquette	2.15
Mason	2.18
Mecosta	2.19
Menominee	2.15
Midland	2.19
Missaukee	2.14
Monroe	2.28
Montcalm	2.20
Montmorency	2.11
Muskegon	2.20
Newaygo	2.18
Oakland	2.25
Oceana	2.18
Ogemaw	2.15
Ontonagon	2.15
Osceola	2.16
Oscoda	2.14
Otsego	2.11
Ottawa	2.20
Presque Isle	2.10
Roscommon	2.14
Saginaw	2.22
Saint Clair	2.25
Saint Joseph	2.24
Sanilac	2.22
Schoolcraft	2.15
Shiawassee	2.22
Tuscola	2.22
Van Buren	2.23
Washtenaw	2.25
Wayne	2.25
Wexford	2.14

MINNESOTA

County	Rate per bushel
Aitkin	2.43
Anoka	2.43
Becker	2.33
Beltrami	2.36
Benton	2.42
Big Stone	2.34
Blue Earth	2.41
Brown	2.41
Carlton	2.43
Carver	2.43
Cass	2.39
Chippewa	2.37
Chisago	2.43
Clay	2.31
Clearwater	2.35
Cottonwood	2.38
Crow Wing	2.41
Dakota	2.43
Dodge	2.43
Douglas	2.38
Faribault	2.40
Fillmore	2.39
Freeborn	2.39
Goodhue	2.43
Grant	2.36
Hennepin	2.43
Houston	2.36
Hubbard	2.36
Isanti	2.43
Itasca	2.41
Jackson	2.37
Kanabec	2.42
Kandiyohi	2.41
Kittson	2.27
Koochiching	2.37
Lac Qui Parle	2.35
Lake of the Woods	2.31
Le Sueur	2.43
Lincoln	2.33
Lyon	2.36
McLeod	2.43
Mahnomen	2.33
Marshall	2.30
Martin	2.39
Meeker	2.43
Mille Lacs	2.42
Morrison	2.41
Mower	2.41
Murray	2.36
Nicollet	2.43
Nobles	2.35
Norman	2.31
Olmsted	2.41
Otter Tail	2.36
Pennington	2.32
Pine	2.42
Pipestone	2.33
Polk	2.32
Pope	2.39
Ramsey	2.43
Red Lake	2.32
Redwood	2.39
Renville	2.41
Rice	2.43
Rock	2.33
Roseau	2.28
Saint Louis	2.43
Scott	2.43
Sherburne	2.43
Sibley	2.43
Stearns	2.41
Steele	2.41
Stevens	2.37
Swift	2.37
Todd	2.39
Traverse	2.33
Wabasha	2.42
Wadena	2.37
Waseca	2.42
Washington	2.43
Watonwan	2.40
Wilkin	2.33
Winona	2.40
Wright	2.43
Yellow Medicine	2.37

MISSISSIPPI

County	Rate per bushel
Harrison	2.40
Jackson	2.40
All other counties	2.21

MISSOURI

County	Rate per bushel
Adair	2.20
Andrew	2.31
Atchison	2.26
Audrain	2.25
Barry	2.21
Barton	2.25
Bates	2.29
Benton	2.25
Bollinger	2.25
Boone	2.22
Buchanan	2.33
Butler	2.24
Caldwell	2.30
Callaway	2.24
Camden	2.23
Cape Girardeau	2.26
Carroll	2.28
Carter	2.22
Cass	2.30
Cedar	2.24
Chariton	2.26
Christian	2.18
Clark	2.21
Clay	2.31
Clinton	2.31
Cole	2.23
Cooper	2.22
Crawford	2.25
Dade	2.23
Dallas	2.20
Daviess	2.28
De Kalb	2.30
Dent	2.23
Douglas	2.18
Dunklin	2.25
Franklin	2.29
Gasconade	2.27
Gentry	2.27
Greene	2.21
Grundy	2.25
Harrison	2.27
Henry	2.28
Hickory	2.25
Holt	2.29
Howard	2.22
Howell	2.16
Iron	2.25
Jackson	2.33
Jasper	2.24
Jefferson	2.28
Johnson	2.29
Knox	2.20
Laclede	2.20
Lafayette	2.31
Lawrence	2.21
Lewis	2.22
Lincoln	2.29
Linn	2.26
Livingston	2.27
McDonald	2.21
Macon	2.23
Madison	2.25
Maries	2.25
Marion	2.24
Mercer	2.24
Miller	2.22
Mississippi	2.27
Moniteau	2.23
Monroe	2.24
Montgomery	2.27
Morgan	2.23
New Madrid	2.27
Newton	2.21
Nodaway	2.29
Oregon	2.20
Osage	2.24
Ozark	2.16
Pemiscot	2.25
Perry	2.25
Pettis	2.25
Phelps	2.23
Pike	2.27
Platte	2.31
Polk	2.23
Pulaski	2.21
Putnam	2.22
Ralls	2.24
Randolph	2.23
Ray	2.31
Reynolds	2.23
Ripley	2.22
Saint Charles	2.30
Saint Clair	2.26
Saint Francois	2.26
Saint Louis	2.30
Sainte Genevieve	2.26
Saline	2.26
Schuyler	2.18
Scotland	2.18
Scott	2.27
Shannon	2.20
Shelby	2.23
Stoddard	2.26
Stone	2.21
Sullivan	2.23
Taney	2.18
Texas	2.19
Vernon	2.27
Warren	2.29
Washington	2.26
Wayne	2.24
Webster	2.19
Worth	2.27
Wright	2.19

MONTANA

County	Rate per bushel
Beaverhead	2.13
Big Horn	2.14
Blaine	2.15
Broadwater	2.19
Carbon	2.15
Carter	2.15
Cascade	2.18
Chouteau	2.18
Custer	2.14
Daniels	2.13
Dawson	2.15
Deer Lodge	2.20
Fallon	2.16
Fergus	2.17
Flathead	2.21
Gallatin	2.20
Garfield	2.13
Glacier	2.18
Golden Valley	2.17
Granite	2.20

County	Rate per bushel
Granite	2.20
Hill	2.16
Jefferson	2.20
Judith Basin	2.17
Lake	2.20
Lewis and Clark	2.18
Liberty	2.17
Lincoln	2.21
McCone	2.14
Madison	2.20
Meagher	2.18
Mineral	2.20
Missoula	2.20
Musselshell	2.15
Park	2.19
Petroleum	2.15
Phillips	2.14
Pondera	2.18
Powder River	2.14
Powell	2.20
Prairie	2.15
Ravalli	2.18
Richland	2.15
Roosevelt	2.14
Rosebud	2.13
Sanders	2.20
Sheridan	2.14
Silver Bow	2.20
Stillwater	2.17
Sweet Grass	2.18
Teton	2.18
Toole	2.17
Treasure	2.14
Valley	2.13
Wheatland	2.18
Wibaux	2.16
Yellowstone	2.15
NEBRASKA	
Adams	2.20
Antelope	2.28
Arthur	2.11
Banner	2.08
Blaine	2.18
Boone	2.28
Box Butte	2.08
Boyd	2.25
Brown	2.18
Buffalo	2.21
Burt	2.33
Butler	2.30
Cass	2.32
Cedar	2.29
Chase	2.10
Cherry	2.14
Cheyenne	2.08
Clay	2.21
Colfax	2.30
Cuming	2.32
Custer	2.18
Dakota	2.32
Dawes	2.08
Dawson	2.20
Deuel	2.09
Dixon	2.29
Dodge	2.32
Douglas	2.33
Dundy	2.10
Fillmore	2.23
Franklin	2.18
Frontier	2.13
Furnas	2.16
Gage	2.26
Garden	2.09
Garfield	2.22
Gosper	2.16
Grant	2.11
Greeley	2.24
Hall	2.22
Hamilton	2.24
Harlan	2.17
Hayes	2.12
Hitchcock	2.12
Holt	2.25
Hooker	2.12
Howard	2.22
Jefferson	2.25
Johnson	2.26
Kearney	2.18
Keith	2.11
Keya Paha	2.20
Kimball	2.08
Knox	2.28
Lancaster	2.29
Lincoln	2.15
Logan	2.15
Loup	2.18
McPherson	2.14
Madison	2.28
Merrick	2.25
Morrill	2.08
Nance	2.26
Nemaha	2.26
Nuckolls	2.20
Otoe	2.29
Pawnee	2.28
Perkins	2.10
Phelps	2.17
Pierce	2.28
Platte	2.28
Polk	2.27
Red Willow	2.13
Richardson	2.29
Rock	2.21
Saline	2.25
Sarpy	2.33
Saunders	2.32
Scotts Bluff	2.08
Seward	2.28
Sheridan	2.09
Sherman	2.21
Sioux	2.06
Stanton	2.30
Thayer	2.23
Thomas	2.15
Thurston	2.32
Valley	2.21
Washington	2.33
Wayne	2.29
Webster	2.20
Wheeler	2.24
York	2.25
NEVADA	
All counties	2.19
NEW HAMPSHIRE	
All counties	2.21
NEW JERSEY	
All counties	2.25
NEW MEXICO	
All counties	2.24
NEW YORK	
Albany	2.38
New York City	2.38
All other counties	2.23
NORTH CAROLINA	
All counties	2.19
NORTH DAKOTA	
Adams	2.15
Barnes	2.28
Benson	2.21
Billings	2.14
Bottineau	2.15
Bowman	2.15
Burke	2.13
Burleigh	2.19
Cass	2.30
Cavalier	2.22
Dickey	2.28
Divide	2.12
Dunn	2.15
Eddy	2.24
Emmons	2.22
Foster	2.25
Golden Valley	2.14
Grand Forks	2.29
Grant	2.17
Griggs	2.28
Hettinger	2.15
Kidder	2.22
La Moure	2.26
Logan	2.24
McHenry	2.16
McIntosh	2.24
McKenzie	2.13
McLean	2.15
Mercer	2.15
Morton	2.18
Mountrail	2.14
Nelson	2.27
Oliver	2.16
Pembina	2.26
Pierce	2.18
Ramsey	2.23
Ransom	2.31
Renville	2.15
Richland	2.32
Rolette	2.18
Sargent	2.31
Sheridan	2.18
Sioux	2.17
Slope	2.15
Stark	2.15
Steele	2.28
Stutsman	2.26
Towner	2.19
Traill	2.29
Walsh	2.28
Ward	2.14
Wells	2.22
Williams	2.13
OHIO	
Adams	2.25
Allen	2.26
Ashland	2.29
Ashtabula	2.31
Athens	2.28
Auglaize	2.25
Belmont	2.29
Brown	2.25
Butler	2.25
Carroll	2.29
Champaign	2.25
Clark	2.25
Clermont	2.25
Clinton	2.25
Columbiana	2.30
Coshocton	2.29
Crawford	2.28
Cuyahoga	2.29
Darke	2.25
Defiance	2.25
Delaware	2.28
Erie	2.28
Fairfield	2.28
Fayette	2.25
Franklin	2.28
Fulton	2.27
Gallia	2.25
Geauga	2.31
Greene	2.25
Guernsey	2.29
Hamilton	2.25
Hancock	2.28
Hardin	2.28
Harrison	2.29
Henry	2.27
Highland	2.25
Hocking	2.28
Holmes	2.29
Huron	2.28
Jackson	2.25
Jefferson	2.29
Knox	2.29
Lake	2.31
Lawrence	2.25
Licking	2.29
Logan	2.25
Lorain	2.29
Lucas	2.28
Madison	2.25
Mahoning	2.31
Marion	2.28
Medina	2.29
Meigs	2.25
Mercer	2.25
Miami	2.25
Monroe	2.29
Montgomery	2.25
Morgan	2.29
Morrow	2.29
Muskingum	2.29
Noble	2.29
Ottawa	2.28
Paulding	2.25
Perry	2.28
Pickaway	2.28
Pike	2.25
Portage	2.29
Preble	2.25
Putnam	2.27
Richland	2.29
Ross	2.28
Sandusky	2.28
Scioto	2.25
Seneca	2.28
Shelby	2.25
Stark	2.29
Summit	2.29
Trumbull	2.31
Tuscarawas	2.29

County	Rate per bushel
Union	2.28
Van Wert	2.25
Vinton	2.28
Warren	2.25
Washington	2.29
Wayne	2.29
Williams	2.25
Wood	2.28
Wyandot	2.28
OKLAHOMA	
Adair	2.25
Alfalfa	2.23
Atoka	2.27
Beaver	2.18
Beckham	2.26
Blaine	2.26
Bryan	2.27
Caddo	2.27
Canadian	2.27
Carter	2.27
Cherokee	2.25
Choctaw	2.27
Cimarron	2.17
Cleveland	2.27
Coal	2.27
Comanche	2.27
Cotton	2.27
Craig	2.25
Creek	2.26
Custer	2.26
Delaware	2.25
Dewey	2.25
Ellis	2.20
Garfield	2.25
Garvin	2.27
Grady	2.27
Grant	2.23
Greer	2.27
Harmon	2.27
Harper	2.18
Haskell	2.27
Hughes	2.27
Jackson	2.27
Jefferson	2.27
Johnston	2.27
Kay	2.24
Kingfisher	2.26
Kiowa	2.27
Latimer	2.27
Le Flore	2.27
Lincoln	2.27
Logan	2.26
Love	2.27
McClain	2.27
McCurtain	2.27
McIntosh	2.27
Major	2.25
Marshall	2.27
Mayes	2.25
Murray	2.27
Muskogee	2.27
Noble	2.25
Nowata	2.25
Okfuskee	2.27
Oklahoma	2.27
Okmulgee	2.27
Osage	2.25
Ottawa	2.25
Pawnee	2.25
Payne	2.26
Pittsburg	2.27
Pontotoc	2.27
Pottawatomie	2.27
Pushmataha	2.27
Roger Mills	2.24
Rogers	2.25
Seminole	2.27
Sequoyah	2.27
Stephens	2.27
Texas	2.18
Tillman	2.27
Tulsa	2.25
Wagoner	2.25
Washington	2.25
Washita	2.26
Woods	2.23
Woodward	2.23
OREGON	
Baker	2.30
Benton	2.36
Clackamas	2.43
Clatsop	2.50
Columbia	2.50
Coos	2.16
Crook	2.34
Curry	2.15
Deschutes	2.34
Douglas	2.20
Gilliam	2.39
Grant	2.34
Harney	2.20
Hood River	2.45
Jackson	2.20
Jefferson	2.37
Josephine	2.20
Klamath	2.28
Lake	2.25
Lane	2.34
Lincoln	2.26
Linn	2.37
Malheur	2.20
Marion	2.41
Morrow	2.37
Multnomah	2.50
Polk	2.39
Sherman	2.39
Tillamook	2.43
Umatilla	2.37
Union	2.32
Wallowa	2.30
Wasco	2.41
Washington	2.43
Wheeler	2.36
Yamhill	2.41
PENNSYLVANIA	
Philadelphia	2.38
All other counties	2.23
RHODE ISLAND	
All counties	2.22
SOUTH CAROLINA	
Charleston	2.38
All other counties	2.19
SOUTH DAKOTA	
Aurora	2.28
Beadle	2.27
Bennett	2.15
Bon Homme	2.31
Brookings	2.31
Brown	2.27
Brule	2.25
Buffalo	2.25
Butte	2.13
Campbell	2.20
Charles Mix	2.27
Clark	2.27
Clay	2.33
Codington	2.31
Corson	2.17
Custer	2.07
Davison	2.31
Day	2.31
Deuel	2.34
Dewey	2.17
Douglas	2.27
Edmunds	2.24
Fall River	2.07
Faulk	2.26
Grant	2.34
Gregory	2.24
Haakon	2.20
Hamlin	2.30
Hand	2.27
Hanson	2.28
Harding	2.14
Hughes	2.23
Hutchinson	2.30
Hyde	2.25
Jackson	2.19
Jerauld	2.28
Jones	2.21
Kingsbury	2.28
Lake	2.30
Lawrence	2.13
Lincoln	2.33
Lyman	2.22
McCook	2.31
McPherson	2.24
Marshall	2.31
Meade	2.14
Mellette	2.20
Miner	2.29
Minnehaha	2.32
Moody	2.32
Pennington	2.14
Perkins	2.14
Potter	2.22
Roberts	2.33
Sanborn	2.28
Shannon	2.14
Spink	2.27
Stanley	2.21
Sully	2.22
Todd	2.19
Tripp	2.22
Turner	2.32
Union	2.33
Walworth	2.22
Washabaugh	2.19
Yankton	2.29
Ziebach	2.15
TENNESSEE	
Shelby	2.31
All other counties	2.20
TEXAS	
Andrews	2.25
Archer	2.30
Armstrong	2.25
Atascosa	2.39
Bailey	2.25
Bandera	2.35
Bastrop	2.39
Baylor	2.29
Bee	2.47
Bell	2.39
Bexar	2.39
Blanco	2.37
Borden	2.25
Bosque	2.36
Bowie	2.32
Brazos	2.44
Briscoe	2.25
Brown	2.33
Burleson	2.44
Burnet	2.37
Caldwell	2.39
Calhoun	2.43
Callahan	2.29
Carson	2.25
Castro	2.25
Chambers	2.49
Cherokee	2.41
Childress	2.27
Clay	2.31
Cochran	2.25
Coke	2.26
Coleman	2.30
Collin	2.34
Collingsworth	2.25
Comal	2.39
Comanche	2.34
Concho	2.31
Cooke	2.32
Coryell	2.38
Cottle	2.25
Crosby	2.25
Culberson	2.25
Dallam	2.22
Dallas	2.36
Dawson	2.25
Deaf Smith	2.25
Delta	2.35
Denton	2.34
DeWitt	2.41
Dickens	2.25
Dimmit	2.33
Donley	2.25
Eastland	2.29
Edwards	2.29
Ellis	2.36
El Paso	2.25
Erath	2.34
Falls	2.38
Fannin	2.32
Fisher	2.26
Floyd	2.25
Foard	2.27
Frio	2.37
Gaines	2.25
Galveston	2.49
Garza	2.25
Gillespie	2.33
Glasscock	2.25
Goliad	2.43
Gonzales	2.41
Gray	2.25
Grayson	2.32
Grimes	2.44
Guadalupe	2.39
Hale	2.25
Hall	2.25

County	Rate per bushel
Hamilton	2.36
Hansforth	2.22
Hardeman	2.27
Harris	2.49
Hartley	2.22
Haskell	2.27
Hays	2.39
Hemphill	2.22
Hill	2.36
Hockley	2.25
Hood	2.33
Howard	2.25
Hudspeth	2.25
Hunt	2.35
Hutchinson	2.22
Irion	2.27
Jack	2.31
Jackson	2.39
Jeff Davis	2.25
Jefferson	2.45
Johnson	2.35
Jones	2.27
Karnes	2.43
Kaufman	2.37
Kendall	2.37
Kent	2.25
Kerr	2.33
Kimble	2.31
King	2.25
Kinney	2.29
Knox	2.27
Lamar	2.32
Lamb	2.25
Lampasas	2.38
Limestone	2.38
Lipscomb	2.22
Live Oak	2.45
Llano	2.35
Loving	2.25
Lubbock	2.25
Lynn	2.25
McCulloch	2.33
McLennan	2.38
Martin	2.25
Mason	2.33
Maverick	2.29
Medina	2.35
Menard	2.31
Midland	2.25
Milam	2.42
Mills	2.34
Mitchell	2.26
Montague	2.31
Moore	2.22
Motley	2.25
Navarro	2.37
Nolan	2.26
Nueces	2.49
Ochiltree	2.22
Oldham	2.25
Palo Pinto	2.31
Parker	2.33
Parmer	2.25
Pecos	2.25
Potter	2.25
Presidio	2.25
Randall	2.25
Real	2.31
Red River	2.32
Reeves	2.25
Refugio	2.46
Roberts	2.22
Robertson	2.41
Rockwall	2.35
Runnels	2.29
San Patricio	2.49
San Saba	2.34
Schleicher	2.27
Scurry	2.26
Shackelford	2.29
Sherman	2.22
Somervell	2.33
Stephens	2.30
Sterling	2.26
Stonewall	2.25
Sutton	2.27
Swisher	2.25
Tarrant	2.36
Taylor	2.27
Terry	2.25
Throckmorton	2.29
Tom Green	2.28
Travis	2.39
Uvalde	2.32
Van Zandt	2.37
Victoria	2.43
Waller	2.44
Ward	2.25
Wharton	2.44
Wheeler	2.25
Wichita	2.29
Wilbarger	2.29
Williamson	2.39
Wilson	2.41
Wise	2.32
Yoakum	2.25
Young	2.30
Zavala	2.33
UTAH	
All counties	2.19
VERMONT	
All counties	2.21
VIRGINIA	
Chesapeake (Norfolk)	2.38
All other counties	2.23
WASHINGTON	
Adams	2.35
Asotin	2.34
Benton	2.37
Chelan	2.37
Clallam	2.29
Clark	2.50
Columbia	2.36
Cowlitz	2.50
Douglas	2.35
Ferry	2.27
Franklin	2.37
Garfield	2.36
Grant	2.35
Grays Harbor	2.42
Island	2.31
Jefferson	2.31
King	2.50
Kitsap	2.32
Kittitas	2.39
Klickitat	2.41
Lewis	2.45
Lincoln	2.33
Mason	2.39
Okanogan	2.33
Pacific	2.42
Pend Oreille	2.22
Pierce	2.50
San Juan	2.31
Skagit	2.39
Skamania	2.45
Snohomish	2.44
Spokane	2.32
Stevens	2.27
Thurston	2.44
Wahkiakum	2.44
Walla Walla	2.37
Whatcom	2.36
Whitman	2.35
Yakima	2.37
WEST VIRGINIA	
All counties	2.24
WISCONSIN	
Douglas	2.41
All other counties	2.19
WYOMING	
All counties	2.10

(b) *Premiums and discounts.* The basic loan and purchase rates shall be adjusted as applicable by premiums and discounts as follows (all footnotes at end of paragraph):

	Cents per bushel
1. Class premiums and discounts:	
(i) Premiums: Hard amber durum, No. 3 or better[1]	+7½
(ii) Discounts:	
Durum	−10
Mixed wheat (mixes of classes other than contrasting classes)	−3
Mixed wheat (mixtures of contrasting classes)	−10
(iii) Unclassed wheat which includes red durum	(2)
2. Grade discounts:	
(i) Grade discounts:	
No. 2	−2
No. 3	−4
No. 4	−6
No. 5	−9
Sample grade	(3)
(ii) Special grade discounts:	
Smut—Light smutty	−3
Smutty	−9
Garlic—Light garlicky	−10
Garlicky	−20

[1] Except for Hard Amber Durum produced in Arizona, California and New Mexico.

[2] Unclassed wheat which includes Red Durum is ineligible for loan.

[3] Wheat grading sample is ineligible for loan. In the event quantities of wheat grading sample are delivered in satisfaction of loan obligations, such quantities will be discounted on the basis of the schedule of discounts as provided by the Kansas City Commodity Office for settlement purposes.

(iii) Grade Discounts Sample—on the factors of Test Weight and Total Damage.

Sample on account of test weight

Hard Red Spring		All other classes	
Test weight	Cents per bushel	Weight	Cents per bushel
49	−13	50	−13
48	−17	49	−17
47	−21	48	−21
46	−25	47	−25
45	−29	46	−29
44	−35	45	−33
43	−41	44	−39
42	−47	43	−45
41	−53	42	−51
40	−59	41	−57
		40	−63

Sample on account of total damaged kernels

Percent—Total damaged kernels	Cents per bushel
15.1 to 16	−10
16.1 to 17	−12
17.1 to 18	−14
18.1 to 19	−16
19.1 to 20	−18
20.1 to 21	−20
21.1 to 22	−22
22.1 to 23	−24
23.1 to 24	−26
24.1 to 25	−28
25.1 to 26	−30
26.1 to 27	−32
27.1 to 28	−34
28.1 to 29	−36
29.1 to 30	−38
Each percent over 30	−3

(iv) Weed control discount (where required by § 1421.25) −15.

3. *Premiums for Protein Content.*

Applicable to wheat grading No. 5 or better of the classes Hard Red Winter and Hard Red Spring.

Hard Red Winter

Percent protein	Cents per bushel
10.50 to 10.99	0
11.00 to 11.49	½
11.50 to 11.99	1
12.00 to 12.49	2
12.50 to 12.99	3
13.00 to 13.49	4½
13.50 to 13.99	6
14.00 to 14.49	8
14.50 to 14.99	10
15.00 and over	12

Hard Red Spring

Percent protein	Cents per bushel
11.50 to 11.99	0
12.00 to 12.49	1
12.50 to 12.99	2
13.00 to 13.49	4
13.50 to 13.99	6
14.00 to 14.49	9
14.50 to 14.99	12
15.00 to 15.49	16
15.50 to 15.99	20
16.00 to 16.49	25
16.50 to 16.99	30
17.00 and over	36

(c) *Other factors.* Amounts determined by CCC to represent market discounts for quality factors not specified above which affect the value of wheat, such as (but not limited to) moisture, weevily, ergoty, stones, musty, sour, and heating. Such discounts will be established not later than the time delivery of wheat to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts at county ASCS offices.

NOTE.—Premiums and discounts are cumulative except only one grade discount shall be applied.

Signed at Washington, D.C., on January 11, 1978.

STEWART N. SMITH,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 78-1471 Filed 1-19-78; 8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

[FmHA Instruction 1933-I]

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

PART 1822—RURAL HOUSING LOANS AND GRANTS

SUBCHAPTER J—LOAN AND GRANT PROGRAMS (GROUP)

PART 1933—LOAN AND GRANT PROGRAMS (GROUP)

Subpart I—Self-Help Technical Assistance Grants

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration adds regulations as a result of a general administrative restructuring of the agency regulations. This addition is intended to strengthen, expand, redesignate, clarify, consolidate and revise the regulations concerning self-help technical assistance grants.

EFFECTIVE DATE: January 20, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Paul R. Conn, 202-447-7207.

SUPPLEMENTARY INFORMATION: On November 22, 1976, there was published in the FEDERAL REGISTER (41 FR 51404-51420) and republished June 10, 1977 (42 FR 29885-29906), a notice of proposed rulemaking which would establish under Chapter XVIII, Title 7, of the Code of Federal Regulations a new Subchapter J, "Loan and Grant Programs (Group)," Part 1933, Subpart I, "Self-Help Technical Assistance Grants, §§ 1933.401-1933.450." This new Part 1933 (42 FR 24232, May 13, 1977) was revised, transferred and redesignated from Part 1822, Subpart I (35 FR 11226, as amended at 37 FR 3802, 40 FR 52837, 41 FR 7486) of this Chapter XVIII. Interested parties were given the opportunity to submit on or before December 23, 1976, and July 11, 1977, comments, suggestions, or objections regarding the proposed addition.

Comments received and considered for the initial and second proposals have resulted in many changes (herein incorporated) including specific changes as set forth below:

1. In § 1933.402, the State Director's grant approval authority has been increased to $200,000. If the grant plus unexpended funds of a previous grant exceed $300,000, National Office consent is required.

2. In § 1933.403, Indian Tribes or tribal corporations are included as types of eligible organizations; the definition of participating families has been expanded to clarify that it includes those qualifying and receiving interest credits regardless of the age or sex of the heads of households. The term "sponsor" has been expanded to include community action agencies; a system for determining "equivalent units" has been included as a more accurate method for determining grantee performance and unit production. This section also provides for financial supervision to individual families with 502 RH loans; grant closeout has been redefined and technical assistance has been broadened to provide assistance to 502 self-help families in obtaining invoices and itemized bills for materials and preparing checks for FmHA countersignatures.

3. In § 1933.404 only those members of the Board of Directors who have annual incomes below the Federal poverty guidelines may be paid for attending meetings.

4. In § 1933.405, participant families are required to provide their own hand tools, however, the State Director may authorize the purchase of office equipment on a case by case basis; also, grantee personnel may be permitted cost of travel and per diem to attend certain training sessions.

5. In § 1933.406, proposed grantee applicants are provided with a broader knowledge of the kind of information that may be used to justify the need for a self-help housing program.

6. In § 1933.407, a new method of computing Technical Assistance (TA) cost and net savings to families is provided. This new method provides for combining land and construction cost in this computation.

7. In § 1933.408, a statement concerning the applicability of the Office of Management and Budget (OMB) Circular No. A-102 is included.

8. In § 1933.409, initial staffing of the grantee has been changed to clarify the hiring of employees as necessary and to require that the grantee establishes an adequate accounting system within a specified time limit; also an Evaluation Report of Self-Help Technical Assistance will be provided on a quarterly basis and TA records will be retained for a period of 3 years.

9. In § 1933.410, a review and an appeal process has been added. Also, clarification as to when a prospective self-help family will be determined eligible for financial assistance has been added.

10. In § 1933.416, language has been added to provide the applicant with the right for National Office review if the grant proposal is disapproved.

11. In § 1933.418, a method of evaluating the performance of grantees is explained and referenced to Exhibit E of the regulation.

12. In § 1933.419, the review process for terminating the TA grantee operation is established.

13. In Exhibit A, the format has been revised and modified to include clarification for the disposal of personal property of the grantee organization.

14. In Exhibit E, a step-by-step breakdown of the process for evaluating the performance of the grantee is included.

Accordingly, 7 CFR Chapter XVIII is amended as follows:

1. Subpart I of 7 CFR Part 1822 is removed.

2. 7 CFR Part 1933 is amended by adding a new Subpart I, consisting of §§ 1933.401-1933.50. This new Subpart I, which is revised, transferred and redesignated from Subpart I of 7 CFR Part 1822, reads as follows:

Subpart I—Self-Help Technical Assistance Grants

Sec.
1933.401 Purpose.
1933.402 Authority.
1933.403 Definitions.
1933.404 Eligibility.
1933.405 Purposes.
1933.406 Conditions for approving an agreement.
1933.407 Limitations.
1933.408 Federal Management Circular FMC 74-7.
1933.409 Other considerations.
1933.410 Processing preapplications, applications and completing grant dockets.
1933.411 [Reserved]
1933.412 Planning and performing development work.
1933.413 [Reserved]
1933.414 Docket preparation.
1933.415 [Reserved]
1933.416 Approval and closing.
1933.417 Subsequent grants.
1933.418 Management assistance.
1933.419 Grant closeout, suspension, and termination.
1933.420-1933.50 [Reserved]

Exhibit A—Self-help technical assistance grant agreement
Exhibit B—Personnel Guidelines
Exhibit C—Sample personnel forms
Exhibit D—Amendment to self-help technical assistance grant agreement
Exhibit E—Evaluation of self-help technical assistance (TA) grants
Exhibit F—Site option loan to technical assistance grantees

AUTHORITY: 42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.

Subpart I—Self-Help Technical Assistance Grants

§ 1933.401 Purpose.

This Subpart sets forth the policies and procedures and delegates authority for providing Technical Assistance (TA) funds to eligible applicants to finance programs of technical and supervisory assistance for self-help housing as authorized under Section 523 of the Housing Act of 1949. This financial assistance may pay part or all of the cost of developing, administering, or coordinating programs of technical and supervisory assistance to aid needy families in carrying out mutual self-help housing efforts in rural areas.

§ 1933.402 Authority.

The State Director is authorized to approve or disapprove TA grants in accordance with this Subpart. For a grant in excess of $200,000 or when the amount of the grant plus any unexpended funds from a previous grant will exceed $300,000, prior written consent of the National Office is required. In such cases, the docket along with the State Director's recommendations will be submitted to the National Office for review.

§ 1933.403 Definitions.

As used in this regulation:

(a) *Agreement.* The contract between Farmers Home Administration (FmHA) and the applicant which sets forth the terms and conditions under which TA funds will be made available.

(b) *Agreement period (or grant period).* The period of time for which an agreement is in force.

(c) *Applicant or grantee.* An organization which applies for or receives TA funds under an agreement. "Grantee" also means a borrower under Exhibit F of this Subpart.

(d) *Date of completion.* The date when all work under a grant is completed or the date in the TA grant agreement, or any supplement or amendment to it, when Federal assistance ends.

(e) *Disallowed costs.* Those charges to a grant which FmHA determines cannot be authorized.

(f) *Grant closeout.* The process by which the grant operation is concluded at the expiration of the grant period or following a decision to terminate the grant.

(g) *Mutual self-help.* The construction method by which participating families, organized in groups usually of 6 to 10 families, utilize their own labor to reduce the total construction cost of their homes. Participating families complete construction work on their homes by exchanging actual labor with one another. The mutual self-help method will be used only for new construction unless an exception is obtained from the National Office in accordance with § 1933.409(a).

(h) *Organization.* (1) A State or political subdivision or public nonprofit corporation (including Indian Tribes or tribal corporations) authorized to receive and administer TA funds; or

(2) A private nonprofit corporation that is owned and controlled by private persons or interests and is organized and operated for purposes other than making gains or profits for the corporation and is legally precluded from distributing any gains or profits to its members.

(i) *Participating family.* Individuals and/or their families who agree to build homes by the mutual self-help method. Generally, participants are families with low incomes, including those who qualify for and receive interest credits. Some families having incomes above the interest credit level may also participate provided they are unable to pay for a home built by the contract method. Families in this category may include large families who have continually high medical expenses or high debt repayment provided they are otherwise eligible. Participating families must have the ability to furnish their share of the required labor input regardless of the age or sex of the head of household. The participating families may obtain the necessary home financing from FmHA or from other sources. A participating family must have financing arrangements completed before the start of construction and have sufficient time and show a desire to work with other families in building their own homes. Each family should contribute at least 700 hours of labor in building each other's homes for the mutual self-help method to be carried out. The available time of a participating family must coincide with the other group members so that the mutual concept of the project can be met.

(j) *Rural areas.* Open country or rural places as defined in § 1822.3(c) of this Chapter (FmHA Instruction 444.1).

(k) *Sponsor.* An existing entity that is willing and able to assist an applicant without charge, in applying for a grant and in carrying out its responsibilities under the agreement. Examples of sponsors are local rural electric cooperatives, institutions of higher education, and community action agencies.

(l) *Termination of a grant.* The cancellation of Federal assistance, in whole or in part, under a grant at any time before the date of completion.

(m) *Technical assistance.* The organizing and supervising of groups of families in the building of their own homes including such functions as: (1) Recruiting families who are interested in sharing labor in the construction of each other's homes and assisting such families in obtaining housing loans.

(2) Assisting at meetings of the families at which the self-help program and subjects related to home ownership, such as loan payments, taxes, insurance, maintenance and upkeep of the property are explained and discussed;

(3) Helping families in planning and development activities that lead to the acquisition and development of suitable building sites;

(4) Assisting families in selecting house plans for homes which will meet their needs and which they can afford;

(5) Assisting families in obtaining cost estimates for construction materials and any subcontracting that will be required;

(6) Providing assistance in the preparation of loan applications;

(7) Providing technical supervision and training for families while they construct their homes.

(8) Providing financial supervision to individual families with Section 502 Rural Housing (RH) loans which will minimize the time and effort required by FmHA to countersign checks. The grantee's secretary-bookkeeper should:

(i) Total invoices and itemized statements for payment of materials purchased by individual families from suppliers and subcontractors.

(ii) Maintain a record of deposits and withdrawals on Form FmHA 402-2, "Statement of Deposits and Withdrawals," or similar form provided by the grantee to account for all Section 502 RH funds for each loan.

(iii) Prepare checks accompanied by corresponding invoices and itemized statements for FmHA countersignature. Checks should be submitted for countersignature usually not more frequently than 30 day intervals.

(iv) Prepare checks for FmHA countersignature made payable to the grantee for reimbursement of funds when the grantee has advanced funds, available from sources other than TA funds, for payment of individual borrower bills for materials and subcontractors. Itemized invoices must be presented to FmHA when checks are to be countersigned.

(9) Assisting families in solving other housing problems.

(n) *Equivalent units.* Equivalent units represents the "theoretical number of units" arrived at by adding the percentage of completion figure for each family in the self-help program (pre-construction and actual construction) together at any given date during program operations. The sum of the percentage of completion figures for all participant families represents the total number of "equivalent" or "theoretical" units completed in the program at that date.

§ 1933.404 Eligibility.

(a) *Eligibility of applicant.* To be eligible to receive a grant, the applicant must:

(1) Be an organization as defined in § 1933.403(h).

(2) Have the financial, legal, administrative, and actual capacity to assume and carry out the responsibilities imposed by the agreement. To meet this requirement of actual capacity it must either:

(i) Have necessary background and experience with proven ability to perform responsibly in the field of mutual self-help or other business management or administrative ventures which indicate an ability to perform responsibly in the field of mutual self-help; or

(ii) Be sponsored by an organization which has such background experience and ability and which agrees in writing that it will provide, without charge, the help the applicant will need to carry out its responsibilities.

(3) Legally obligate itself to administer TA funds, provide an adequate accounting of the expenditure of such funds, and comply with the agreement and FmHA regulations.

(4) If the organization is a private nonprofit corporation, it should also:

(i) Be a corporation organized for the primary purpose of assisting low- and moderate-income families to obtain adequate housing.

(ii) Have local representation among its membership.

(iii) Adopt, if it is being newly organized, Articles of Incorporation and Bylaws that generally conform to Exhibits D and E of Subpart D of Part 1822 (Exhibits D and E of FmHA Instruction 444.5) which are available in FmHA offices, with changes appropriate to include the purposes and powers of an eligible applicant under this Subpart. The Office of the General Counsel (OGC) should be requested by FmHA to review and adopt the exhibits for use in the respective States.

(iv) Have a Board of Directors which will consist of not less than five but generally not more than nine members. Only those board members with annual incomes below the Federal Poverty guidelines as established by the Community Services Administration shall be entitled to receive payments or reimbursement for attending board meetings.

(v) If it is engaged in or plans to become engaged in other activities that will affect the operation of the TA grant, be able to provide sufficient evidence and documentation that:

(A) it will have sufficient funds to assure continued operation for at least the period of the grant agreement or

(B) if the other funding is terminated, proper adjustments can be made in the operation so that the TA grant is not adversely affected.

(b) *Authorized representative of applicant.* FmHA will deal only with authorized representatives of the applicant. The authorized representatives must be members of the applicant-organization and have no pecuniary interest in the award of any engineering, architectural, or construction contracts, purchase of the necessary equipment, or purchase or development of the land.

§ 1933.405 Purposes.

TA funds may be used only for the following purposes:

(a) Hiring personnel as authorized in the agreement.

(b) Payment of necessary and reasonable office expenses such as office rental, office utilities, and office equipment rental. The State Director may, however, authorize the purchase of office equipment on a case-by-case basis when he determines it is more economical to purchase such equipment during the grant period.

(c) Purchase of office supplies such as paper, pens, and pencils.

(d) Payment of necessary reasonable administrative costs including but not limited to items such as workmen's compensation, liability insurance, audit reports, travel and training, and employer's share of social security and health benefits.

(e) Purchase and maintenance of power or specialty tools such as a power saw, electric drill, and sabre saw which are needed but are not readily available to participating families on a rental basis at reasonable cost. The participating families, however, are expected to provide their own basic hand tools such as hammers and handsaws.

(f) Payment of reasonable fees for necessary training of grantee personnel. This may include the cost of travel and per diem to attend State or Regional training sessions when authorized on an individual case basis by the FmHA State Director.

(g) Payment for technical and consultant services not readily available without cost to the participating families.

(1) Generally, however, training and consulting will be limited to obtaining outside expertise to help the grantee's employees with local problems they are encountering in administering the TA proposal.

(2) Ordinarily, FmHA will furnish needed guidance for the development of a TA application. The State Director may, however, with the prior approval of the National Office, authorize the use of TA funds to enable an applicant to pay a qualified consulting organization or foundation, operating on a nonprofit basis, charges for necessary services for development of such an application, provided the State Director determines that:

(i) Either the applicant, even with the available FmHA guidance, cannot develop a sound TA application without the professional services; or the services would permit significant financial savings to the Government, either directly or by reducing the workload in processing applications; and

(ii) The charges are reasonable considering the amount of TA funds covered by the agreement and the cost of similar services in the same or similar rural areas.

(3) The applicant and consulting foundation must be informed that FmHA grant funds will be available only if the grant is made by FmHA.

§ 1933.406 Conditions for approving an agreement.

An agreement may be approved for an eligible applicant when the following conditions are present:

(a) A need clearly exists in the area for self-help housing. The applicant must provide information such as census materials, local planning studies, surveys, or other readily available information, indicating a need in the area for housing of the type and cost to be provided by the proposed self-help TA program for low income families that lack adequate housing or live in housing that is considered to be deteriorating, delapidated, overcrowded, and lacking some or all plumbing facilities. The applicant must also provide evidence that at least as many families as the number of homes to be built have been contacted and are interested in and appear to be eligible to participate in the self-help program. A list of such families consisting of names and addresses will be provided.

(b) Reasonable evidence is available that the applicant has or can hire qualified people to carry out its responsibilities. The Board of Directors will hire the TA Director with the written approval of the State Director. The State Director should authorize approval only after the candidate's qualifications are reviewed, if they show that the candidate is capable of carrying out these responsibilities.

(c) Funds for the proposed TA project are not available from other sources.

(d) The applicant must have at least the first self-help group organized and each individuals' RH 502 loan approved before the grant is closed. The group should be ready to begin construction, generally, within 30 days after grant closing.

(e) Sites are available for the initial group and are or can reasonably be expected to be available for subsequent groups. An RH site loan to the applicant under sections 523 or 524 may be considered for approval simultaneously with or before approval of the agreement if necessary to obtain adequate sites.

§ 1933.407 Limitations.

The size of the TA grant will depend on the experience and capability of the applicant. In any case, the application will fully justify the number of homes proposed.

(a) *Maximum amount.* An initial TA grant will not exceed $200,000 without prior approval of the National Office.

(b) *Average TA cost.* An agreement should be developed on the basis of reasonable cost per house. A new organization may have higher costs because of difficulties encountered during the early stages of operation. During the first year of operation the TA cost should not exceed 18% of the combined land and construction cost of the homes built by the contract method. For grantees operating ongoing programs of self-help housing the TA cost should not exceed 15% of the combined land and construction cost of the homes built by the contract method. In any case, a TA cost resulting in a net savings per house of less than $500.00 will not be acceptable. Net savings will be computed in accordance with the following example:

Cost of contractor built house, including land	$23,500
Cost of self-help house, including land	−18,000
Gross saving	5,500
Gross saving	5,500
Per unit TA cost	−3,000
Net savings	2,500

(c) *Agreement period.* An agreement will cover a period not to exceed 2 years from the date the TA grant is closed.

(d) *Advances.* Funds may be advanced initially under an agreement to cover TA needs for the balance of the month in which the grant is closed and the next month. Each additional advance will be made for a 1-month period in accordance with § 1933.416(d) (4) and (5).

(e) *Prohibited use of funds.* An applicant may use TA funds only for the purposes stated in § 1933.405. Among the purposes for which TA funds will not be used are the following:

(1) Hiring personnel specifically for the purpose of performing any of the construction work for participating families in the self-help projects.

(2) Buying real estate or building materials or other property of any kind for participating families.

(3) Paying any debts, expenses, or costs which should be the responsibility of the participating families in the self-help projects, other than those listed in § 1933.405.

(f) *Obligations incurred before execution of the agreement.* An applicant should not obligate itself for any debts before executing the agreement. If, nevertheless, the applicant incurs debts for technical and consultant services of the type listed in § 1933.405(g) and the requirements of that paragraph are met, funds may be used to pay these debts.

§ 1933.408 Office of Management and Budget (OMB) Circular No. A-102.

Uniform administrative requirements for grants-in-aid to State and local governments are provided in OMB Circular No. A-102. Should a State or local governmental body express an interest in applying for a TA grant, the matter will be referred to the National Office for processing to assure compliance with OMB Circular No. A-102.

§ 1933.409 Other considerations.

(a) *Type of construction.* An application will be based only on the need to build new houses by the mutual self-help method, unless prior approval for repair work is obtained from the National Office. Some forms of manufactured housing may be used such as precut or panelized exterior walls which will reduce construction time for the families. However, each family should contribute at least 700 hours of labor for the mutual self-help method to be carried out. The family labor contribution must result in a significant cost saving. Grantees may, after they begin working in an area, find that a need exists for a mutual self-help project to enable homeowners to make repairs to their homes. These repairs may be either minor or extensive. With prior approval of the National Office, an applicant may organize a mutual self-help project for purposes other than new construction, provided all the following additional conditions are met:

(1) The self-help group must be composed entirely of individuals and families needing to repair their homes. The repair work on all homes should be reasonably comparable in the amount of labor exchange that is required. The estimated number of hours of labor and a description of the work to be done must be provided.

(2) Participating families must have the time and ability to complete the type of work required in the project.

(3) Participating families must assure the applicant that they will follow through to the conclusion of the project.

(b) *Staffing of applicant*—(1) *Initial staff.* The initial staff for a new organization may consist of the TA Director, the Secretary bookkeeper, a group worker, and a construction supervisor. Positions should be filled only as necessary to assure that construction of the homes for at least the first group of families can start within 30 days of closing the agreement. The employees initially hired should be able to serve double functions until such time as the volume work warrants hiring additional staff. For example, the TA Director may also perform the work of a group worker and provide limited bookkeeping and secretarial services until the volume of work justifies hiring additional staff.

(2) *Typical staff.* (i) One director.

(ii) One to two coordinator-trainers who will work with participating families during the planning and development stages and will provide any necessary and appropriate assistance throughout construction.

(iii) One secretary-bookkeeper who should be hired when the volume of work justifies the position.

(iv) One to three construction supervisors who will provide guidance and instructions to participating families during the construction of their homes. Each construction supervisor should work work groups of 6 to 10

self-help families. A construction supervisor must be available when families can work on their houses and may be hired initially on an hourly basis.

(v) Other staff positions to be paid for with grant funds may be added only if the State Director determines they are necessary for the success of the TA grant and justified from an economic standpoint.

(c) *Area to be served.* An application for TA funds must specify the area to be served under the proposed agreement. Generally, the area will not include more than the area of a single county. In any event, it will be restricted to the area served by one FmHA county office, unless specific authority for an exception is given by the national office before approval of the grant.

(d) *Authorizing resolution.* A resolution will be adopted by the applicant's governing body authorizing the appropriate officers to apply to FmHA for a specified amount of TA funds and to execute Exhibit A, "Self-Help Technical Assistance Grant Agreement," and Form FmHA .400-4, "Nondiscrimination Agreement." The applicant's board of directors and officers should fully understand the "Self-Help Technical Assistance Grant Agreement" and the "Nondiscrimination Agreement" to be aware of their responsibilities. A certified copy of the authorizing resolution will be included in the agreement docket before the agreement is approved.

(e) *Nondiscrimination.* The applicant will be bound by the nondis- crimination and equal employment opportunity convenants contained in the "Self-Help Technical Assistance Agreement" and will execute Form FmHA 400-4 which will become a part of the agreement docket. The applicant will also comply with the affirmative fair housing marketing requirements contained in FmHA Instruction 1901-E.

(f) *Compliance with local codes and regulations.* Applicants must be sure that the planning and development of self-help housing will conform with any applicable laws, ordinances, codes, and regulations governing such matters as construction, heating, plumbing, electrical installation, fire prevention, health, sanitation, and zoning, as well as minimum property standards as adopted by FmHA.

(g) *Reports.* Applicants receiving TA funds will be required to submit to the county office:

(1) "Request for Advance or Reimbursement" on Form SF-270 by the 15th of each month. The county office will transfer the necessary information from Form SF-270 to Form FmHA 440-57 and prepare Form 440-57 according to the FMI.

(2) An audit of the grantee's accounts at the end of the grant period or at least every two years of operation in accordance with the handbook, "Instruction to Independent Certified Public Accountants and Licensed Public Accountants Performing Audits of Farmers Home Administation Borrower and Grantees." A copy of the handbook may be obtained from any FmHA office.

(3) Form SF-269, "Financial Status Report," at the end of the grant period. The report may be on either a cash or accrual basis consistent with the financial accounting system adopted by the grantee and will be con- sistent throughout the grant period. The report will be submitted to the county supervisor within 90 days after the end of the grant period or the completion or termination of the program.

(4) An evaluation report of self-help technical assistance (TA) grants as provided in Exhibit E will be submitted on or before January 15, April 15, July 15, and October 15 of each year. If the report is due within 30 days after grant closing, it will not be required. The information provided on Exhibit E, however, may be required by the State Director more frequently and additional requirements may be imposed as needed if a grantee has a history of poor performance, is not financially stable, or its management system is such that it does not provide the minimum information required to be reported in Exhibit E. If additional reports and requirements are required, the State director will notify the county supervisor of the decision. The county supervisor will notify the TA grantee in writing as to:

(A) Why the additional standards are being imposed:

(B) What corrective action is needed.

The county supervisor will forward several copies of the notification to the State director. The State director will forward a copy of the notification to the national office and any other agencies known to be funding the grantee at the time the grantee is notified. The national office will notify the Office of Operations and Finance (USDA) and the Office of Management and Budget (OMB), Financial Management Branch, Budget Review Division, Washington, D.C. 20503.

(h) *Use and accountability for TA funds.* All TA funds will be placed in a depository institution of the grantee's choice. The use of minority depository institutions is encouraged. Checks must be signed by at least two authorized officials of the applicant who have been properly bonded in accordance with paragraph (i) of this section. No expenditures will be made for items or amounts not authorized under the agreement. When necessary to assure proper use, the State director, at any time during the grant period, may require TA funds to be deposited in a supervised bank account in accordance with Part 1803 of this Chapter (FmHA Instruction 402.1).

(i) *Bonding.* If the applicant does not have fidelity bond coverage, it will provide such bond coverage for its officers and employees entrusted with the receipt, custody, or disbursement of its funds, and the custody of any other negotiable or readily salable personal property. The amount of the bond will be at least equal to the maximum amount of such funds and property that the applicant will have in its possession or control at any time, including funds in bank accounts, except that State or local units of government will not be required to provide fidelity bonds over and above those normally required for their operations. If not prohibited by State law, the United States will be named co-obligee on the bond. Form FmHA 440-24, "Position Fidelity Schedule Bond," may be used if permitted by State law.

(j) *Records.* If the applicant is a private nonprofit organization, it must submit to FmHA, by the end of the first month after TA grant closing, certification that it has established an accounting system which, in the opinion of a certified public accountant or licensed independent public accountant, licensed on or before December 31, 1970, is adequate to meet the purposes of the agreement. The accounting certification shall state that the applicant has established an adequate accounting system with appropriate internal controls to safeguard assets, check the accuracy and reliability of its accounting data, promote operating efficiency, and encourage compliance with prescribed management policies and any additional fiscal responsibilities and accounting requirements established by FmHA. If this requirement cannot be met by the time specified, the applicant must show that such an accounting system is in the process of development, with a definite completion date. Establishment of such certified adequate system must, in any event, be completed before the third monthly advance is made. If a certified adequate accounting system is not provided for by the time the third monthly advance is to be made, the grant may be terminated in accordance with § 1933.419(b).

(k) *Retention of records.* The grantee's financial records supporting documents, statistical records, and all other records pertinent to the grant agreement shall be retained for a period of 3 years.

(l) *Site option (SO) loans.* A TA grantee may obtain a site option loan for the purchase of land options in accordance with Exhibit F of this subpart.

§ 1933.410 Processing preapplications and applications and competing grant dockets.

(a) *Form AD-621, "Preapplication for Federal Assistance."* Form AD-621

will be submitted by each applicant in an original and two copies to the county supervisor. It will be used to establish communication between the applicant and FmHA, determine the applicant's eligibility, determine how well the project can compete with similar applications from other organizations and eliminate any proposals which have little or no chance for Federal funding before applicants incur significant expenditures for preparing an application. The following information will be attached to and become a part of the preapplication, as Part IV, Program Narrative Statement:

(1) Complete information about the applicant's previous experience and capacity to carry out the objective of the agreement.

(2) If the applicant is already formed, a copy of, or an accurate reference to, the specific provisions of State law under which the applicant is organized; a certified copy of the applicant's articles of incorporation and bylaws or other evidence of corporate existence; certificate of incorporation for other than public bodies; evidence of good standing from the State when the corporation has been in existence 1 year or more; the names and addresses of the applicant's members, directors, and officers; and if another organization is a member of the applicant-organization, its name, address, and principal business. If the applicant is not already formed, copies of the proposed organizational documents as outlined in § 1933.404(a)(4)(iii).

(3) A current dated and signed financial statement showing the amounts and specific nature of assets and liabilities together with information on the repayment schedule and status of any debt owed by the applicant. If the applicant is a new organization being sponsored by another organization, the same type of financial statement also should be provided by the applicant's sponsor.

(4) A narrative statement which includes information about the amount of the grant request, area to be served, the need for self-help housing in the area, and the number of self-help units that can be built in the agreement period.

(5) A list of other activities the applicant is engaged in and expects to continue and a statement as to any other funding and whether it will have sufficient funds to assure continued operation of the other activities for at least the period of the agreement.

(b) *Preapplication review.* The county supervisor will review Form AD-621 and other information submitted with it. The preapplication and the county supervisor's comments, recommendations, and any additional information will be forwarded to the State director for advice about further processing. The State director will review the preapplication and related information to determine whether it meets the eligibility requirements.

(1) The State director will review the applicant's articles of incorporation and bylaws and, if they conform to approved model forms for the State as provided in § 1933.404(a)(4)(iii), the State director need not obtain a preliminary opinion regarding the legality of the organization of the applicant from OGC. In all other cases, the State director will, and, in any case, may, submit the preapplication with any comments or questions to OGC for a preliminary opinion as to whether the applicant is or will be a legal organization of the type required by these regulations and for advice on any other aspects of the preapplication.

(2) The State director, if unable to determine eligibility or qualifications with the advice of the OGC, may submit the preapplication to the National Office for review. The preapplication will contain any memoranda from OGC setting forth the results of its review. The State director will identify in the transmittal memorandum to the national office the specific problem and will recommend possible solutions. Any information about the applicant which would be helpful to the national office in reaching a decision should be included.

(c) *Form AD-622, "Notice of Preapplication Review Action."* The State director will authorize the county supervisor to prepare and execute Form AD-622 informing applicants about the results of the review.

(1) If, after review of the preapplication, the applicant is not eligible or, if the applicant is eligible and no funds are available, the applicant will be promptly notified on Form AD-622. The notification will inform the applicant that a review of the decision by the national office may be requested if the applicant believes the decision has not been made in a proper manner based on the information submitted. The applicant may request the review by writing to the Administrator of the Farmers Home Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

(2) Upon receipt of a request for a review the Administrator will obtain a comprehensive report on the matter from the State office. He will consider this information together with any additional information that may be provided by the applicant; and

(i) If the Administrator determines that the applicant is eligible, he will inform the applicant by letter that its request will be approved or may be approved subject to certain conditions. The Administrator will advise the State director of the action to be taken.

(ii) If the Administrator determines that the applicant is not eligible, he will inform the applicant by letter of his decision giving the reasons. The Administrator will also send the State director a copy of the letter.

(iii) If no decision is reached within 45 days of the receipt of a request for review by the Administrator, the applicant will be informed that its request is being considered and given a specific date by which a decision will be made.

(3) If the State director determines that the applicant is eligible and could carry out the agreement, and if funds have not been allocated to a State to cover the request, the State director will contact the national office as to the availability of funds. If funds are available, the applicant will then be requested to submit an application and other necessary docket items.

(d) *Form AD-625, "Application for Federal Assistance (Short Form)."* The applicant will submit Form AD-625 in an original and two copies to the county supervisor. The applicant also should provide a detailed proposal of its goals including information about:

(1) Evidence of the need for self-help housing in the area, including the following:

(i) Housing conditions of low- and moderate-income families in the area.

(ii) Reasons why families cannot obtain adequate housing without self-help assistance.

(iii) Names and addresses of families who have been personally contacted by the applicant and are interested in participating in a self-help housing project. Community organizations including minority organizations may be used as a source of names of people interested in self-help housing.

(iv) Evidence that the first group of prospective participating self-help families will likely qualify for financial assistance from FmHA or other sources. In addition, such information as the income and size of other interested families who appear to be eligible should be submitted.

(v) Cost comparison of adequate but modest contractor built housing in the area with housing built by the self-help method. This cost comparison should include plans and specifications for the houses to be built, detailed cost estimates for building by the self-help method, and bids from at least two contractors building in the area.

(2) The services the applicant will provide that are not presently available to families that are eligible to participate in the proposed TA grant program.

(3) Proposed staff needed, including qualifications, experience, proposed hiring schedule, and availability of any prospective employees.

(4) Name, address, and official position of applicant's representative or

representatives authorized to act for the applicant and work with the county supervisor.

(5) Budget information including a detailed budget for the agreement period based upon the needs outlined in the proposal.

(6) Personnel procedures and practices that will be established. Exhibit B of this subpart contains guidelines that may be used. Exhibit C of this subpart contains sample forms that applicants can use in maintaining their personnel records. Any forms to be used will be submitted with the application.

(7) A proposed monthly activities schedule showing the proposed dates for starting and completing the recruitment, loan processing and construction phases for each group of participant families.

(8) Evidence of the availability of building sites for at least the first group of participant families. As proof of availability an option to purchase or other documentation that acceptable building sites can be purchased must be provided.

§ 1933.411 [Reserved]

§ 1933.412 Planning and performing development work.

The development work will be planned and completed in accordance with Subparts A and D of part 1804 (FmHA Instruction 424.1 and 424.5) of this chapter.

§ 1933.413 [Reserved]

§ 1933.414 Docket preparation.

(a) *Assembly.* When the application and all items required for the complete docket have been received, they will be thoroughly examined by the County Supervisor to insure that they have been properly and accurately prepared and include the required dates and signatures. The agreement docket items will be assembled in the following order and distributed as indicated:

Form No.	Name of form or document	Total number of copies	Signed by applicant	No. for agreement docket	Copy for applicant
AD-621	Preapplication for Federal assistance.	3	1	[1]1-O, 1C	[1]1-C
AD-622	Notice of preapplication review action.	2		[1]1-C	[1]1-O
AD-625	Application for Federal assistance (Short Form) (with attachments).	3	1	[1]1-O, 1C	[1]1-C
FmHA 440-1	Request for obligation of funds.	4	2	[1]3-O, 2C	[1]1-C
FmHA 400-4	Nondiscrimination agreement.	2	1	[1]1-O	[1]1-C
	Certified copy of authorizing resolution.	1	1	[1]1-O	
	Self-help technical assistance grant agreement (exhibit A).	2	1	[1]1-O	[1]1-C
	Any personnel forms to be used.	2		[1]1-O	[1]1-C

[1] O=Original; C=Copy.

(b) *Review.* (1) The county supervisor will review the docket, comment on the need for self-help housing in the area, the applicant's capacity to carry out the agreement, and evaluate and verify the applicant's financial statement. These comments and the docket will be submitted to the State director for review.

(2) The State director will review the docket and determine that either it is complete or it is incomplete and require any additional information necessary to complete the docket.

§ 1933.415 [Reserved]

§ 1933.416 Approval and closing.

(a) *Responsibilities of approval official.* The approval official will review the docket to determine compliance with established policies and all pertinent regulations and, specifically, determine that the:

(1) Applicant is eligible.

(2) Funds are requested for authorized purposes.

(3) Proposal is sound.

(4) Preapproval requirements have been met.

(b) *Approval of grant.* To approve the grant, the approval official will:

(1) Execute and distribute Form FmHA 440-1, in accordance with instructions contained in the forms manual insert (FMI).

(2) Prepare and distribute Form FmHA 071-1, "Project Information Card," in accordance with FmHA Instruction 2015-C.

(c) *Disapproval of grant.* If a grant is disapproved after the docket has been developed, the approval official will state the reason on the original Form FmHA 440-1, or in a memorandum to the county supervisor. The county supervisor will notify the applicant in writing of the disapproval and the reasons for disapproval. The notification will inform the applicant that a review of the decision by the national office may be requested if the applicant believes the decision has not been made in the proper manner. Such a review will be conducted as outlined in § 1933.410(c)(2). The docket will then be handled in accordance with FmHA Instruction 2033-A.

(d) *Actions subsequent to approval of a grant.*—(1) *Change in amount of grant.* If it becomes necessary for the amount of TA funds provided for in the agreement to be increased or decreased before closing, the county supervisor will request that all distributed docket forms be returned to the county office. The grant docket will be revised accordingly and reprocessed. If, however, funds were obligated by the Finance Office in a previous fiscal year and additional funds are needed, the distributed docket forms will not be reprocessed. A grant for the additional amount needed will be processed and the amount of the grant agreement will be the total of the two.

(2) *Cancellation of an approved grant.* An approved grant may be canceled before closing, if the applicant is determined to no longer be eligible, the proposal is no longer feasible, or the applicant requests cancellation. Cancellation will be accomplished as follows:

(i) The county supervisor will prepare Form FmHA 440-10, "Cancellation of Loan or Grant Check and/or Obligation," in an original and two copies, or three copies if the TA check has been received in the county office from the disbursing office. The form will be revised by changing the word "loan" to "grant" wherever the word appears. Form FmHA 440-10 will be sent to the State director with the reasons for the requesting cancellation.

(ii) If the State director approves the request for cancellation, he will forward the original of the form to the Finance Office. After making appropriate record changes, a copy of Form FmHA 440-10 will be returned to the county office. If the TA check is received in the county office, the county supervisor will return it to the U.S. Treasury, Regional Disbursing Office, Kansas City, Kans., with a copy of Form FmHA 440-10.

(iii) The county supervisor will notify the applicant and all other interested parties, of the cancellation and the right to appeal as provided in § 1933.419(b)(3).

(3) *Requesting initial TA check.* (i) The initial TA check may cover the applicant's needs for the first calendar month. If the initial check is for a partial month, it will cover the needs for the partial month and the next whole month. For example, if it is delivered on February 10, it will cover the appli-

cant's needs for the balance of February and the month of March.

(ii) The initial advance of TA grant funds may not be requested simultaneously with the request for obligation of TA grant funds on Form FmHA 440-1. The initial TA grant check must be requested on Form FmHA 440-57, "Acknowledgment of Obligated Funds/Check Request," in accordance with the FMI after Form FmHA 440-57 has been received from the Finance Office indicating that funds have been obligated.

(4) *Requesting additional TA checks.* Additional advances may be made each month provided:

(i) A satisfactory monthly report on Form SF-270, and the information required quarterly in Exhibit E of this subpart has been received.

(ii) The Exhibit E quarterly reports verify that the applicant has fully complied with the agreement. The reports will be reviewed carefully to ascertain that all TA funds are used only for authorized purposes as outlined in § 1933.405.

(iii) Additional TA checks will not be requested until all previous expenditures of TA funds have been determined to be for authorized purposes. Reimbursements for unauthorized expenditures may be accepted from the applicant or subsequent advances reduced by the amount of the unauthorized expenditures. Reimbursements will be sent to the Finance Office as returned grant funds.

(A) If the county supervisor questions the applicant's compliance with the terms of the agreement, the county supervisor will immediately request a written explanation from the grantee. If the explanation provided by the grantee is satisfactory to the county supervisor, no further action need be taken. If the explanation provided by the grantee is not satisfactory, the county supervisor will immediately request the advice of the State director.

(B) If the State director determines that the applicant has failed to comply with the terms of the agreement, the State director will notify the grantee in writing of the reasons for the determination and, with the advice of OGC, determine appropriate corrective action to be taken.

(5) *Receiving additional TA checks.* If the applicant's reports are satisfactory, the county supervisor and the applicant will determine the amount of funds necessary for the next month. An advance of TA grant funds will then be requested on Form FmHA 440-57 in accordance with the FMI. Form FmHA 440-57 requesting the check should be forwarded to the Finance Office in sufficient time to allow check delivery to be made on the first day of the following month. To show the timing of additional advances, if an applicant's initial advance covered part of February and all of March, the additional advance should cover the month of April. The additional advance check would be delivered on April 1. The next advance would be delivered on May 1. The applicant will normally receive operating funds for each month on the first day of the month unless otherwise agreed.

(e) *Grant closing.* A grant will be considered closed on the date the agreement is executed by the applicant and the Government and the initial advance check is delivered to the applicant. The agreement should be executed and the check delivered on the same date. County supervisors and assistant county supervisors are authorized to execute the "Self-Help Technical Assistance Grant Agreement" on behalf of the Government. The applicant will execute the agreement as authorized in its authorizing resolution.

(f) *Extending and revising grant agreements*—(1) *Extending period and revising grant agreement.* The State director may extend the period of an agreement for as long as 1 year on determining that the extension is justified and that the applicant is likely to complete the goals outlined in the initial proposal during that period. This will be done by the State director authorizing the county supervisor to execute on the behalf of the Government an "Amendment to Self-Help Technical Assistance Grant Agreement" in the form of Exhibit D. In paragraph 2, line 2, the word "none" will be inserted in the blank space to indicate that no additional funds are being made available. Any revisions will be in writing and attached to Exhibit D. The county supervisor and the applicant's authorized officials will execute the form at the same time.

(2) *Additional funding during the grant agreement period.* If an applicant needs additional funds to achieve the goals set out in the initial application and the increase is justified:

(i) The State director will require and review a copy of the new proposed budget and a complete justification for the request.

(ii) After determining that funds are available and the total grant is within his approval authority, the State director may approve or disapprove the request in accordance with this subpart. If a increase in grant funds is not approved, the grantee will be notified of the disapproval and his right to appeal as provided in § 1933.410(c)(1) of this subpart. If approved, such additional funding will be coded as a subsequent loan on Form FmHA 440-1. Any appeal will be handled in accordance with § 1933.410(c)(2). If funds have not been allocated to a State or are not available on a national basis to cover a request, or if the grant is not within the State director's approval authority, the State director will contact the national office as to the availability of funds and approval authority.

(iii) Checks will be ordered and handled in accordance with paragraphs (d) (3), (4), and (5) of this section.

(iv) The county supervisor or assistant county supervisor, and the applicant's authorized officials will execute on "Amendment to Self-Help Technical Assistance Grant Agreement" (see Exhibit D).

§ 1933.417 Subsequent grants.

A subsequent grant is a self-help TA grant made to an applicant that has previously received a TA grant and has achieved or nearly achieved the goals set up for the previous grant and is submitting a new proposal for TA funds. A new "Self-Help Technical Assistance Agreement", will be required for each subsequent grant which will be coded as an initial grant on Form FmHA 440-1.

(a) The State Director may approve subsequent grants in accordance with the authority of this Subpart provided the following conditions exist:

(1) The applicant has complied with the terms of the initial grant agreement and has made satisfactory progress toward achieving its goals.

(2) A continuing need clearly exists for self-help housing in the area to be served by the subsequent grant.

(3) The funding period of the subsequent grant will not begin until the end of the grantee's current funding period unless the proposal covers a different geographical area.

(4) The State Director has examined the new application and determined that the approval conditions can be met.

(5) Funds are available. If funds have not been allocated to a State, or are not available on a National basis, the State Director will contact the National Office as to the availability of funds.

(b) When the subsequent grant is approved, the State Director will prepare and distribute the forms in accordance with § 1933.416(b). When a subsequent grant is disapproved, the grantee will be notified of the disapproval and his right to appeal as provided in § 1933.410(c)(1) of this Subpart.

(c) The period of the subsequent grant may not be more than 2 years.

(d) Subsequent grant checks will be delivered in the same manner as for initial grants.

§ 1933.418 Management assistance.

The State Director will see that each TA grantee receives the management assistance necessary to achieve a successful program.

(a) *Training.* TA employees who will be locating and recruiting families will receive training in packaging RH loans for self-help housing when or shortly

after they are hired so that they can work more effectively. The grantee's other employees also should receive training on FmHA policies, procedures, and requirements appropriate to their positions. The County Supervisor, other FmHA employees, or outside sources approved by FmHA should give this training.

(b) *Coordination of management assistance.* The County Supervisor should advise the TA Director of the necessity of working closely with and coordinating all activities with the County Office. Meetings should be scheduled between the director and the County Supervisor at least monthly. These meetings should coincide with the time Form SF-270 and the information requested in Exhibit E of this Subpart are submitted by the grantee in accordance with § 1933.409(g) (1) and (4). The County Supervisor will keep the grantee informed of any problems being encountered and will assist the grantee in solving these problems.

(c) *Evaluating grantees.* Each grantee will be required to prepare and submit a quarterly evaluation on or before January 15, April 15, July 15 and October 15 of each year (except as modified under § 1933.409(g)(4)) of its performance by the completion of a report in the form of Exhibit E, Attachment 2, of this Subpart. The evaluation will be submitted in duplicate to the County Supervisor who will review it and make sure that the information is correct and forward it to the State Director. The State Director should evaluate each grantee's performance quarterly by reviewing Exhibit E and any comments from the County Supervisor. A copy of every fourth Exhibit E is to be forwarded to the National Office, unless requested more frequently by the Administrator. The State Director may submit a problem or unusual case to the National Office at any time. A copy of the latest Exhibit E should accompany any request for assistance from the National Office. When analyzing the quarterly reports submitted, the State Director should consider if the TA cost is excessive and determine the problem causing the high costs. The net savings, in any case, should be equal to or greater than the $500 figure explained in § 1933.407(b). If the problems can be corrected, the grant should be continued and specific actions should be agreed to by the grantee to be taken within a specified period. If it is determined that the grantee cannot correct the problems, lower the TA cost to a reasonable level, increase net savings, or accomplish grant purposes, the grant should be terminated. The grantee should be promptly notified in writing of this determination and given the reasons for and the effective date of termination.

§ 1933.419 Grant closeout, suspension, and termination.

(a) *Grant purposes completed.* Promptly after the date of completion, grant closeout actions will be taken to allow the orderly discontinuance of grantee activity.

(1) The grantee will immediately refund to FmHA any balance of grant funds advanced that are not committed for the payment of authorized expenses.

(2) The grantee will send Form SF-269 to FmHA within 90 days after the date of completion of the grant. All other financial, performance, and other reports required as a condition of the grant also will be completed.

(3) The grantee will account for any property acquired with TA grant funds or otherwise received from FmHA.

(4) After the grant closeout, FmHA retains the right to recover any disallowed costs which are discovered as a result of the final audit.

(b) *Grant purposes not completed.*— (1) *Termination.* When the grantee has failed to comply with the terms of the agreement, the County Supervisor will promptly report the facts to the State Director. The State Director will consider termination of the grant. The State Director may also withhold further disbursement of grant funds and prohibit the grantee from incurring additional obligations of grant funds with written approval of the National Office. FmHA may allow all necessary and proper costs which grantee could not reasonably avoid.

(i) *Termination for cause.* The grant agreement may be terminated in whole, or in part, at any time before the date of completion, whenever FmHA determines that the grantee has failed to comply with the terms of the Agreement. The reasons for termination may include but are not limited to such problems as those listed in paragraph (e)(3)(i) of the "Terms of Agreement" section of the Grant Agreement (Exhibit A).

(ii) *Termination for convenience.* FmHA or the grantee may terminate the grant in whole, or in part, when both parties agree that the continuation of the project would not produce beneficial results commensurate with the further expenditure of funds. The two parties will agree to the termination conditions including the effective date and, in the case of partial termination, the portion to be terminated.

(2) *Notification of termination.* The State Director will promptly notify the grantee in writing of the termination action including the specific reasons for the decision. The notification to the grantee will specify that:

(i) The funding will be terminated within 30 days unless the problems are satisfactorily resolved.

(ii) If the grantee believes the proposed termination is improper or believes the problems can be resolved, the grantee should immediately and, in any case, within 15 days of the date of this notification, contact the State Director in writing requesting a meeting for further consideration.

(3) *Appeal termination action.* When the grantee requests further consideration of the State Director's decision concerning termination action, the request will be handled as follows:

(i) The State Director will arrange for a meeting to be held within 15 days of the receipt of the grantee's request for a review. If the grantee is unable to meet with FmHA within the 15 day period, a meeting will be arranged at such other time and place as is mutually convenient for the grantee and FmHA. The meeting will be an informal proceeding at which the grantee will be given the opportunity to provide whatever additional information it believes should be considered in reaching a decision concerning the case. The grantee may have an attorney or any other person present at the meeting if desired.

(ii) Within 10 days of the meeting, the State Director will determine what action to take.

(A) If the State Director determines that the proposed termination is not necessary, he will inform the grantee by letter, and advise the County Supervisor of the action to be taken.

(B) If the State Director determines that the termination of the grant is appropriate, he will inform the grantee by letter giving the reasons for this decision. A copy of the letter will be sent to the County Supervisor. The letter must contain the following statement:

> If you wish to have the decision on the termination of your TA grant reviewed, you may write the Administrator of the Farmers Home Administration within 15 days of the date hereof explaining why you believe the grant should not be terminated. His address is: Administrator, Farmers Home Administration, United States Department of Agriculture, Washington, D.C. 20250.

Your correspondence must be accompanied by any supporting material and documentation that you desire to have the National Office consider.

(C) A copy of the request and supporting material must be sent to the State Director at the same time such party forwards the original to the National Office.

(4) *National Office review.* (i) Immediately upon receipt of any request from a grantee that the decision of the State Director be reconsidered, the National Office will make a preliminary decision concerning the continued funding of the grantee during the appeal period. Written notification of the decision will be given to the State Director and grantee.

(ii) The National Office will then obtain a comprehensive report on the matter from the State Office. This information will be considered together with any additional information that may be provided by the grantee. The request will be handled as provided in § 1933.410(c)(2).

§ 1933.420–1933.450 [Reserved]

EXHIBIT A—SELF-HELP TECHNICAL ASSISTANCE GRANT AGREEMENT

This grant agreement dated ————, 19—, is between ———————— a nonprofit corporation, herein called "Grantee," organized and operating under ———————— (authorizing State statute) and the United States of America acting through the Farmers Home Administration, Department of Agriculture, herein called "FmHA."

In consideration of financial assistance in the amount of $———— (herein called "Grant Funds") to be made available by FmHA to Grantee under section 523b(1)(A) of the Housing Act of 1949 to be used in (specify area to be served) ———————— for the purpose of providing a program of technical and supervisory assistance which will aid low-income families in carrying out mutual self-help housing efforts. Grantee will provide such a program in accordance with the terms of this Agreement and FmHA regulations.

Definitions:

(1) "Date of Completion" means the date when all work under a grant is completed or the date in the TA Grant Agreement, or any supplement or amendment thereto, on which Federal assistance ends.

(2) "Disallowed costs" are those charges to a grant which the FmHA determines cannot be authorized.

(3) "Grant Closeout" is the process by which the grant operation is concluded at the expiration of the grant period or following a decision to terminate the grant.

(4) "Termination" of a grant means the cancellation of Federal assistance, in whole or in part, under a grant at any time prior to the date of completion.

Terms of agreement:

(a) This grant Agreement shall terminate —— years from this date unless extended or sooner terminated under paragraphs (e) and (f) below.

(b) Grantee shall carry out the self-help housing activity described in the application docket which is attached to and made a part of this Agreement. Grantee will be bound by the conditions set forth in the docket and the further conditions set forth in this Agreement. If any of the conditions in the docket are inconsistent with those in the Agreement, the latter will govern. A waiver of any condition must be in writing and must be signed by an authorized representative of FmHA.

(c) Grantee shall use grant funds only for the purposes and activities specified in FmHA regulations and in the application docket approved by FmHA including the approved budget. Any uses not provided for in the approved budget must be approved in writing by FmHA in advance.

(d) If the grantee is a private nonprofit corporation, expenses charged for travel or per diem will not exceed the rates paid FmHA employees for similar expenses. If the grantee is a public body, the rates will be those that are allowable under the customary practice in the government of which the grantee is a part; if none are customary, the FmHA rates will be the maximum allowed.

(e) Grant closeout and termination procedures will be as follows:

(1) Promptly after the date of completion or a decision to terminate a grant, grant closeout actions are to be taken to allow the orderly discontinuation of grantee activity.

(i) The grantee shall immediately refund to FmHA any uncommitted balance of grant funds.

(ii) The grantee will furnish to FmHA within 90 days after the date of completion of the grant a "Financial Status Report," Form SF-269. All financial, performance, and other reports required as a condition of the grant will also be completed.

(iii) The grantee shall account for any property acquired with technical assistance (TA) grant funds, or otherwise received from FmHA.

(iv) After the grant closeout, FmHA retains the right to recover any disallowed costs which may be discovered as a result of the audit.

(2) When there is reasonable evidence that the grantee has failed to comply with the terms of this Agreement, the State Director can, on reasonable notice, terminate the grant and withhold further payments pursuant to paragraph (3) below or prohibit the grantee from incurring additional obligations of grant funds. FmHA may allow all necessary and proper costs which the grantee could not reasonably avoid.

(3) Grant termination will be based on the following:

(i) *Termination for cause.* This grant may be terminated in whole, or in part, at any time before the date of completion, whenever FmHA determines that the grantee has failed to comply with the terms of the agreement. The reasons for termination may include, but are not limited to, such problems as:

(A) Actual TA costs exceeding the amount stipulated in the proposal.

(B) The number of homes being built is less than proposed construction or is not on schedule.

(C) The cost of housing not being appropriate for the self-help program.

(D) Failure of grantee to use grant funds only for authorized purposes.

(E) Failure of grantee to submit adequate and timely reports of its operation.

(F) Failure of grantee to require families to work together in groups by the mutual self-help method.

(G) Serious or repetitive violation of any of the provisions of any laws administered by FmHA or any regulation issued thereunder.

(H) Violation of any nondiscrimination or equal opportunity requirement administered by FmHA in connection with any FmHA programs.

(I) Failure to establish an accounting system acceptable to FmHA.

(ii) *Termination for convenience.* FmHA or the grantee may terminate the grant in whole, or in part, when both parties agree that the continuation of the project would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date and, in case of partial termination, the portion to be terminated.

(4) Procedure for termination of grant for cause.

(i) FmHA shall promptly notify the grantee in writing of the determination and the reasons for and the effective date of the whole or partial termination. The grantee may request that the State Director review the determination.

(ii) If the State Director for reasons described in paragraph (e)(3)(i) determines that the grant should not be continued in full, the grantee may request the Administrator of FmHA to review the State Director's decision. Such request should be sent to: Administrator, Farmers Home Administration, United States Department of Agriculture, Washington, D.C. 20250.

(A) The request for review must be in writing and must be made within 15 days after the grantee receives notice of the action to which objection is being made, and must be accompanied by supporting material and documentation. A copy of the request and supporting material must be sent by the requesting party to the State Director at the same time such party forwards the original to the Administrator.

(B) The Administrator will act on the request as expeditiously as possible under all the circumstances, and will notify the requesting party and the State Director in writing of his decision and the reason therefore.

(f) Extension and/or revision of this grant agreement may be approved by FmHA provided in its opinion, the extension and/or revision is justified and there is a likelihood that the grantee can accomplish the goals set out and approved in the application docket during the period of the extension and/or revision.

(g) Grant funds may not be used to pay obligations incurred before the date of this Agreement except as authorized in applicable FmHA regulations. The grantee will not obligate grant funds after the grant termination or completion date.

(h) As requested and in the manner specified by FmHA, the grantee will make financial reports monthly and program progress reports quarterly (on 1/15, 4/15, 7/15 and 10/15 of each year), a financial status report at the end of the grant period, and permit on-site inspections of program progress by FmHA representatives. FmHA may require progress reports more frequently if it deems necessary. Grantee will maintain records and accounts, including property, personnel and financial records, to assure a proper accounting of all grant funds. These records will be made available to FmHA for audit purposes and will be retained by grantee for three years after the termination or completion of this grant.

(i) Title to personal property acquired with grant funds shall vest in the grantee, subject to the following: the grantee shall not sell, assign, lease, encumber, or otherwise dispose of such property or any interest therein without the written consent of FmHA during the grant period. At FmHA's option if the grant is completed, terminated, or canceled for any reason, the grantee may keep such personal property provided the State Director determines it is still needed to enable the grantee to continue a self-help housing program. The grantee may transfer all such personal property to another grantee approved by FmHA, convey the property back to the Government, or dispose of it in any reasonable manner approved by the State Director.

(j) Results of the program assisted by grant funds may be published by the grantee without prior review by FmHA, provided

that such publications acknowledge the support provided by funds pursuant to the provisions of Title V of the Housing Act of 1949 and that five copies of each such publication are furnished to the local representative of FmHA.

(k) Grantee certifies that no person or organization has been employed or retained to solicit or secure this grant for a commission, percentage, brokerage, or contingent fee.

(l) No person in the United States shall, on the grounds of race, creed, color, sex, marital status, national origin, or mental or physical handicap, be excluded from participating in, be denied the proceeds of, or be subject to discrimination in connection with the use of grant funds. Grantee will comply with pertinent nondiscrimination regulations of FmHA.

(m) In all hiring or employment made possible by or resulting from this grant, grantee: (1) will not discriminate against any employee or applicant for employment because of race, creed, color, sex, marital status, national origin, age, or mental or physical handicap, and (2) will take affirmative action to insure that applicants are employed, and that employees are treated during employment without regard to their race, creed, color, sex, marital status, national origin, or mental or physical handicap. This requirement shall apply to, but not be limited to, the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. In the event grantee signs a contract which would be covered by any Executive Order, law, or regulation prohibiting discrimination, grantee shall include in the contract the "Equal Employment Clause" as specified by FmHa.

(n) Grantee shall not, without the prior written approval of FmHA, enter into any contract obligating the use of TA grant funds.

(o) It is understood and agreed by grantee that any assistance granted under this Agreement will be administered subject to the limitations of Title V of the Housing Act of 1949 as amended, 42 USC 1472 et. seq., and related regulations, and that rights granted to FmHA herein or elsewhere may be exercised by it in its sole discretion to carry out the purposes of the assistance, and protect FmHA's financial interest.

Agreed to this ———— day of ———— 19—.

Name of grantee

By ————————————

Signature

Title ————————————

United States of America

By ————————————

Signature

Title ————————————

Farmers Home Administration

EXHIBIT B.—PERSONNEL GUIDELINES

I *Personnel procedures:* The personnel procedures and practices outlined below constitute the basic guidelines which the grantee is encouraged to follow if it does not already have acceptable personnel procedures and practices in the selection and employment of staff members.

(A) *Employment policy.*—(1) *Standards for selection.* In selecting staff, each applicant will be reviewed and considered on the basis of sound character, individual skills, and qualifications for the job. Education qualifications, unless required by State or local law or regulations, will not be made a condition of employment or advancement if a candidate is otherwise qualified to perform the duties of the position.

(2) *Equal employment.* No person shall be excluded from employment or participation in any aspect of the program on the grounds of sex, religion, race, creed, color, marital status, national origin, or mental or physical handicap.

(3) *Persons ineligible for employment.* (a) Any person serving as a voting member of the Board of Directors, or other major policy-advisory body, may not be employed by the organization.

(b) No person may hold a position over which any member of his or her immediate family or household has authority or responsibility either as a member of the governing body or as an employee of the organization.

(B) *Hiring procedure.* (1) The Board of Directors will hire the Technical Assistance (TA) Director with the written approval of the FmHA State Director. The salary for the TA Director will be recommended by the Board of Directors within the FmHA approved salary range and approved by the FmHA State Director.

(2) All other staff will be hired by the TA Director.

(3) The appointment period for each employee will be consistent with the time each is needed.

(C) *Employment practices.*—(1) *Salary schedules.* (a) The salary range for all positions will be established by the Board of Directors within the following guidelines:

Position	Basic starting salary	Maximum salary
Director	$13,482	$16,255
Coordinator-trainer	8,925	11,046
Construction supervisor	11,046	13,482
Secretary-bookkeeper	7,102	8,925

(b) Beginning salaries for each position, other than Director, will be determined by the TA Director with approval of FmHA within the ranges given above and within budget limitations. If necessary because of high wage levels in the area, higher salaries may be authorized by the State Director to obtain qualified persons to fill these positions.

(c) Each staff member will be evaluated by the TA Director 12 months after employment and annually thereafter. This evaluation will be in writing. Step increases may be given annually to all employees with satisfactory evaluations. An employee whose position is changed will receive future annual increases 12 months after this change and annually thereafter subject to satisfactory evaluations.

(d) Step increases are each 5 percent of the basic starting salary for the first 5 years of employment by the grantee. Any increase after that will be on the basis of a schedule developed by the organization with the approval of FmHA.

(2) *Vacations.* (a) Each full-time employee will receive 12 working days (96 hours) of vacation per year with pay.

(b) After a minimum of 3 month's employment, earned vacation may be taken. Vacation will be taken with the prior approval of the TA Director.

(c) Vacation time is accrued at the rate of 1 day (8 hours) per month. Employees who start on or before the 15th of the month begin to accrue vacation time the same month; those who start after the 15th of the month begin to accrue vacation time the following month.

(d) Unused vacation time not to exceed 4 days may be carried over to the following year. Longer periods may be carried over, not to exceed 16 days, if permission is obtained from the TA Director.

(e) Upon resignation or discharge, all accumulated vacation time may be taken before separation.

(3) *Sick leave.* (a) Each employee will receive 12 days (96 hours) sick leave per year with pay.

(b) Sick leave will be accumulated at the rate of 1 day (8 hours) per month. Employees who start on or before the 15th of the month begin to accrue sick leave the same month; those who start after the 15th begin to accrue sick leave the following month.

(c) Unused sick leave is to be carried over to the following year. The maximum sick leave that may be accrued by an employee is 30 working days.

(d) Sick leave may be taken for personal illness, injury, and medical appointments. Usually no more than 5 consecutive days of sick leave may be taken unless a medical certificate is presented to the leave approval official.

(e) Upon resignation or discharge, all accumulated sick leave will be considered lost.

(4) *Holidays.* The following will be recognized as official paid holidays: New Year's Day, Washington's Birthday, Memorial Day, the Fourth of July, Labor Day, Columbus Day, Veteran's Day, Thanksgiving, and Christmas.

(5) *Work week.* For accounting purposes, a 40 hour work week is to be considered the minimum requirement for each full-time staff member. However, hours worked must be flexible to fit job need. Some night and weekend work is probable. Compensatory time can be taken as work permits, with permission of the TA Director.

(6) *Employee benefits.* The grantee will participate in and provide for Workmen's Compensation, Federal Insurance Contributions Act and Unemployment Compensation Insurance, if applicable, and up to 50 percent of the health benefits cost.

(7) *Discharge.* An employee is subject to discharge for good cause. The TA Director is responsible for discharging employees. The Board of Directors is responsible for discharging the Director, and will review his capability of continuing the management of the program upon the request of the FmHA State Director.

(D) *Personnel records.* Exhibit C contains sample forms that may be used by applicants in maintaining personnel records.

II *Official travel, mileage and per diem policies:* Prior written approval from the FmHA State Director must be obtained for reimbursement for travel outside of the State.

(A) *Reimbursement mileage.* (1) Mileage will be paid for travel from the office to the job (construction site, home interview location, group meetings, and so forth) and for any travel needed to expedite the job.

(2) Travel from the employee's residence to the office will not be paid. However, if a staff member lives closer to the job than to the office, the mileage incurred traveling to and from the job may be counted. Under certain circumstances, such as staff meetings, travel will be paid to the office. The validity of these claims will be determined by the TA Director.

(3) The TA Director, with prior written

approval of the FmHA State Director, must authorize all trips outside the area covered by the grant. When such travel has been authorized, mileage may be paid.

(B) *Mileage summary.* Employees should submit their travel claims to the office on a weekly basis no later than 10:00 a.m. each Friday.

(C) *Mileage rate.* The mileage rate for travel will be the rate paid for FmHA employees for similar travel except that, for a grantee that is a public body, the travel rates will be those allowable under the customary practice in the Government of which the grantee is a part.

(D) *Per diem.* With written approval of the TA Director, staff members whose official duties require overnight out-of-town travel are allowed no more than the rate paid FmHA employees for meals and lodging. Grant funds will not be used to pay for the cost of meals for employees or officials of the grantee except when in travel status. For a grantee that is a public body the per diem will be that allowable under the customary practice in the Government of which the grantee is a part.

(E) *Reimbursable expenses of board of directors.* (1) Members of the Board of Directors with incomes below the Federal poverty guidelines as determined by the Community Services Administration who have difficulty meeting expenses arising from their official duties and responsibilities may be reimbursed for transportation to and from meetings, or other official appointments and for lodging and meals when an official meeting or appointment requires overnight lodging.

(2) With the prior approval of the State Director, the Board may establish rates of reimbursement for eligible Board members not to exceed the amounts authorized in paragraphs II A, C and D of this Exhibit.

III *Code of Conduct:* The grantee will maintain a code or standards of conduct which will govern the performance of its officers, employees, or agents. Grantee's officers, employees, or agents will neither solicit nor accept gratuities, favors, or anything of monetary value from suppliers, contractors, or others doing business with the grantee. To the extent permissible by State or local law, rules, or regulations such standards will provide for penalties, sanctions, or other disciplinary actions to be taken for violations of such standards.

EXHIBIT C—[SAMPLE] PERSONNEL FORMS

Sample Forms. The following are suggested sample forms that organizations may use for maintaining personnel records.

Time and Attendance Report;
Employee Leave Record;
Travel Authorization;
Mileage Summary;
Out of Town Travel Expense Statement;
Telephone Calls Log for the Month of ——.

TIME AND ATTENDANCE REPORT

NAME: _____ WEEK ENDING: _____

COMPONENT	TOTAL HRS.	FRI.	SAT.	SUN.	MON.	TUES.	WED.	THURS.
SELF-HELP HOUSING								

Using the code letters shown below, insert daily hours and pertinent code letter for each dat. (Example: 8-W)

SUMMARY

Hours Worked	
Holiday	
Sick Leave Taken	
Vacation Taken	
Leave w/out Pay	
Comp. Time Taken	

TOTAL HOURS

Compensatory Time Earned: _____

W-WORKED
H-HOLIDAY
S-SICK LEAVE
V-VACATION
E-AUTHORIZED EMERGENCY LEAVE
LOP-LEAVE WITHOUT PAY
C-COMPENSATORY TIME TAKEN

I certify that the report information is correct:

Employee Date Supervisor Date

EMPLOYEE LEAVE RECORD

Name: _____ Date Employed: _____

Title: _____ Annual Salary: _____

Year 19

	SICK LEAVE				VACATION				COMPENSATORY TIME			
	Accured Per Mo.	Net - Accrual	Used	Net	Accrued Per Mo.	Net - Accrual	Used	Net	Accured Per Mo.	Net - Accrual	Used	Net
Previous Balance												
January												
February												
March												
April												
May												
June												
July												
August												
September												
October												
November												
December												
Barred Forward												

TRAVEL AUTHORIZATION

DATES: _____

PLACE: _____

PURPOSE: _____

I request authorization for the above proposed travel.

_____
Signed

APPROVED: _____ DATE: _____

MILEAGE SUMMARY

FOR THE PERIOD _____ THRU _____

SUBMITTED BY: _____ DATE: _____

DATE	BEGIN MILEAGE	END MILEAGE	TOTAL MILES	PURPOSE OF TRIP

TOTAL MILES _____ @ _____ PER MILE= $_____
(motorcycle)

TOTAL MILES _____ @ _____ PER MILE= $_____
(privately owned or rented vehicle)

AMOUNT PAID FOR MILEAGE $_____

PAID BY CHECK NO. _____ DATED: _____

AUTHORIZED BY: _____
(SIGNATURE)

OUT-OF-TOWN TRAVEL EXPENSE STATEMENT

NAME: _____ TITLE: _____

DEPARTURE _____ POINTS OF TRAVEL _____ ARRIVAL _____

DATE _____ HOUR _____ FROM _____ TO _____ DATE _____ HOUR _____

TRANSPORTATION BY COMMON CARRIER, IF NOT PREPAID BY OFFICE: $ _____

TRANSPORTATION BY EMPLOYEE'S MOTORCYCLE: _____ MILES @ _____ PER MILE $_____

BEGIN MILEAGE _____ END MILEAGE _____

TRANSPORTATION BY ANY OTHER PRIVATELY OWNED VEHICLE _____ MILES @ _____ PER MILE $_____

PER DIEM ALLOWANCE: _____ DAYS @ _____ PER DAY: $_____
(Mileage rate for travel, meals and lodging will not exceed the rate paid for mHA employees for similar expenses.)

TOTAL EXPENSES CLAIMED: $_____

TRAVEL ADVANCE GIVEN: YES ____ NO ____ AMOUNT: $_____

AMOUNT DUE (EMPLOYEE): $_____

AMOUNT DUE (AGENCY): $_____

I certify that this statement, the amounts claimed and attachments are true, correct and complete to the best of my knowledge and belief, and that payment for the amount claimed has not been received.

_____ _____ _____ _____
REQUESTED BY DATE APPROVED BY DATE

TELEPHONE CALLS LOG FOR THE MONTH OF _____

Date	No. called	City/State	Name of Party

Signed _____

Title _____

EXHIBIT D—AMENDMENT TO SELF-HELP TECHNICAL ASSISTANCE GRANT AGREEMENT

This Agreement dated ————, 19— between ———— a nonprofit corporation, herein called "Grantee," organized and operating under ———— (authorizing State Statute) and the United States of America acting through the Farmers Home Administration, Department of Agriculture, herein called "FmHA," amends the "Self-Help Technical Assistance Grant Agreement" between the parties hereto dated ————, 19—, herein called "said Agreement."

Said Agreement is amended by providing additional financial assistance in the amount of ———— to be made available by FmHA to grantee pursuant to section 523 of Title V of the Housing Act of 1949 for the purpose of assisting in providing a program of technical and supervisory assistance which will aid low-income families in carrying out mutual self-help housing efforts; or

Said Agreement is amended by changing the completion date specified in covenant 1 from ———— to ———— and by making the following attachments hereto: (List and identify proposal and any other documents pertinent to the grant.)

Agreed to this —— day of ———— 19—.

Name of Grantee ————
By ————
Signature
Title ————
United States of America
By ————
Signature
Title ————
Farmers Home Administration
Date ————

EXHIBIT E—INSTRUCTIONS FOR COMPLETING THE EVALUATION REPORT OF SELF-HELP TECHNICAL ASSISTANCE GRANTS

I *General.* This Exhibit will be used by FmHA and the grantee in determining grantee performance.

II *Determining TA cost per unit.* A. To determine the TA cost per unit at any time during its progress, it is necessary to have a formula for arriving at that cost. Devising such a formula is complicated by the fact that a self-help program will have several groups in various stages of progress at any given time. The following formula has been devised to provide a tool to determine more accurately the technical assistance cost per unit.

FORMULA

Phase breakdown	Value of each phase	Cumulative
	(*Percent*)	(*Percent*)
Preconstruction:		
Phase I	10	10
Phase II	10	20
Phase III	10	30
Construction: Phase IV	70	31-100

B. Using the following *Description of Phase Breakdown* as a guide, the project staff selects the cumulative total percentage pertinent to the stage the self-help group is in and multiplies that percentage by the number of families (units) in the group. The result is the equivalent number of units completed. No credit may be given for Phase I, if the application is rejected. When this computation has been completed for each group that falls within Phases I–IV, the total number of equivalent units is divided into the total grant funds expended to that date. The result is the TA cost per unit at that stage of the program's progress.

C. The per unit TA cost will be computed on a cumulative quarterly basis. Each grantee will compute the per unit TA costs by following the guidelines established in Attachment I of this Exhibit.

D. The description of phase breakdown consists of pre-construction and construction phases described as follows:

Pre-construction: Phase I: Hold community meetings; conduct interviews; obtain house plans; prepare cost estimates; begin search for land; submit family applications to the Farmers Home Administration (FmHA); FmHA runs credit check; applications are either "viewed with favor" or "rejected."

Phase II: Organize association of FmHA approved families; association conducts weekly meetings at which required FmHA forms are discussed and completed; house plans and land sites are selected; outside speakers explain and discuss taxes, insurance, how to keep a checking account, how interest is computed, home maintenance and decorating, landscaping, etc.; completed loan dockets for each family are submitted to FmHA.

Phase III: Family loan dockets are reviewed and recommendations made as to the loan amounts requested; the FmHA County Supervisor reviews family loan dockets; preliminary title search of each proposed building site is begun; requests loan check from Finance Office; when check arrives, final title search is made, loan closed, checking accounts opened, and construction begun.

Construction: Phase IV: The percentage of construction completed is determined for each family in a self-help group. These percentages are then added together to give the number of equivalent units (EU) constructed for each group as shown in paragraph E, Step 2 of this Exhibit. When more than one group is under construction the number of EU's for each group will be added together to provide the total number of EU's constructed for the entire project.

The following table will be used in determining the percentage of construction completed for each family.

BREAKDOWN OF CONSTRUCTION DEVELOPMENT FOR DETERMINING PERCENTAGE CONSTRUCTION COMPLETED

	With basement	Without basement
	(*Percent*)	(*Percent*)
1. Excavation	1.4	(1)
2. Footing and foundations, walk, columns	4.9	2.8
3. Floor joist	1.4	1.4
4. Subfloor	.7	1.4
5. Wall framing (thru top plates)	4.9	4.9
6. Wall sheathing	2.8	2.8
7. Roof framing, ceiling joist, sheathing, and felt	5.6	6.3
8. Roofing	2.1	2.1
9. Felt, siding, exterior trim, porches, etc	4.2	4.2
10. Siding, primed	.7	.7
11. Windows and exterior doors	5.6	6.3
12. Plumbing, roughed in	2.8	3.5
13. Sewage disposal	1.4	1.4
14. Heating, roughed in	.7	.7
15. Electric, roughed in	1.4	1.4
16. Insulation, walls and ceiling	.7	.7
17. Dry wall or plaster	4.2	4.9
18. Basement and porch floors, steps	1.4	.7
19. Heating, finished	3.5	3.5
20. Flooring, including kitchen and bath	2.8	2.8
21. Interior carpentry, trim and doors	3.5	3.5
22. Cabinets and counter tops	2.8	2.8
23. Interior decoration	2.8	2.8
24. Exterior paint	1.4	1.4
25. Plumbing, complete fixtures, sink and water heater	2.8	3.5
26. Electric, complete fixtures	.7	.7
27. Finish hardware	.7	.7
28. Gutters and downspouts	.7	.7
29. Sanding and finishing floors	.7	.7
30. Grading, walks and landscaping	.7	.7
	70	70

(1) Include with footings and foundations.

E. The computation of equivalent units and TA costs will be computed as follows:

Attachment 1 of this Exhibit will be used for recording the following information and construction in the example which starts January 1 with estimates for that month based on the proposal.

Step 1

By reviewing the FmHA loan application records, one can determine the percentage of completion for each family in the preconstruction phase of the program. These are Phases I thru III. By totaling these percentages, one arrives at the number of "Equivalent Units" completed at that date during preconstruction. For example, if there are eight families in Group #2 and all have completed the 20% phase of preconstruction, then there would be 1.6 E.U.'s (equivalent units) in the pre-construction phase of the program as of March 31. Each phase must be completed before it is considered in the calculation.

Step 2

Refer to the records of construction progress for families in the construction phase IV. As of March 31 (assuming construction is on schedule) the director totals the percentage of completion figures for each family as in the following example:

	Equivalent units (*percent*)
Sandler	.45
Benjamin	.40
Vickerie	.40
Cochran	.38
Brown	.34
Mettger	.33
Thurber	.31
Richardson	.31
	2.92

Total production in the construction phase is therefore 2.92 E.U.'s as of March 31.

Step 3

Add the pre-construction and construction subtotals together:

	Equivalent units (*percent*)
Preconstruction	1.60
Construction	2.92
Total	4.52

This provides the total E.U.'s of production during the first two months of operation. Steps 1, 2, and 3 will be used to complete items 16, 17, and 18 of Attachment 1. (Evaluation Report of Self-Help Technical Assistance).

III *Preparation.* Attachment I (Evaluation Report of Self-Help Technical Assistance Grants) will be completed in an original and three copies. The Attachment will be signed by the TA Grantee. The original and two copies of the attachment will be submitted on a quarterly basis to FmHA on or before January 15, April 15, July 15 and October 15 of each year for the quarters ending March 31, June 30, September 30 and December 31 of each year. The County Supervisor will keep the original and forward two copies to the State Office. The State Office will forward the extra copy to the National Office. Information concerning TA grants closed within 30 days of the end of a quarter will be reported on the next quarterly report.

Evaluation Report of Self-Help Technical Assistance (TA) Grants

Evaluation for quarter Ending (1) (1), 19 (1)

1. a. Name of Grantee (2)

b. Address (3)

2. a. Date of Agreement (4) Initial / d. Amount Advanced to date $ (9)
(5) Subsequent
Subsequent
Subsequent

b. Amount of Grant $ (6) Initial
$ (7) Subsequent
Subsequent
Subsequent

e. Amount on hand $ (10)

c. Amount budgeted next month $ (8)

f. Amount of Grant used $ (11)

3. a. Number of houses planned (12)

b. Number of houses completed and occupied (13)

c. Number of Construction supervisors (14)

d. Number of TA employees (15)

4. a. ED Increase During Monthly Operations (16) First month
(17) Second month
(18) Third month

b. Cumulative Total number of Equivalent Units (19) First month
(20) Second month
(21) Third month

c. Monthly Grant Funds Spent (22) First Month
(23) Second Month
(24) Third Month
Quarterly total (25)

d. TA Cost Per Equivalent Unit (26) First Month
(27) Second Month
(28) Third Month
Quarterly total (29)

f. Cumulative TA Cost Per Equivalent Unit (30)

5. Average time needed to complete construction of a house. (31)

6. Current cost of similar houses including lot costs if built by contractor method. (Attach detailed cost for each model unless previously submitted) (32)

7. Average of self help borrower's cost per house including lot cost (loan plus borrower's financial contribution) (Attach detailed cost for each model unless previously submitted) (33)

8. Savings to the Self-Help borrower (6 - 7) (34)

9. Net savings after TA cost (8 - 4f) (35)

10. Average current cost of typical lots in item 6 improved or unimproved. (Circle one). (36)

11. Average self-help family's cost of lots in item 7 improved or unimproved. (Circle one). (37)

12. Is mutual self-help concept of family contribution of labor working on each other's homes being followed? (38) If not, attach explanation. Average number of hours contributed by each family (39)

13. Does Grantee have control of group in terms of equitable labor contributions, purchase of materials, and moving into house? (40) If not, explain.

14. Attach information concerning number of families contacted, number who have indicated a willingness to be a participating family, number of mutual self-help groups organized, progress on any construction started, and any problems relating to the operation of this grant.

I certify that the statements made above are true to the best of my knowledge and belief.

(41) DATE

(42) GRANTEE/REPRESENTATIVE

(43) TITLE

COUNTY OFFICE REVIEW

I have reviewed the above information which I have found to be substantially correct.

Comments: (44)

(45) DATE

(46) COUNTY SUPERVISOR

STATE OFFICE REVIEW

Comments: (47)

(48) Date

(49) STATE OFFICE REPRESENTATIVE

Instruction for Preparation of the Evaluation Report of Self-Help Technical Assistance Grants

Attachment I will be used by all TA grantees obtaining self-help technical assistance grants. This attachment provides the grantee and FmHA a uniform method of reporting the performance progress of self-help projects. The TA Grantee will prepare an original and 3 copies of the attachment. The TA Grantee will sign the original and 2 copies and forward it to the local FmHA County Office. The TA Grantee will keep the unsigned copy for its records.

The evaluation report will be completed in accordance with the following:

1. Enter the date the quarter ends either March 31, June 30, September 30, or December 31 and the year.
2. Enter the full name of the TA grantee organization.
3. Enter the complete mailing address of the TA grantee organization.
4. Enter the date of the initial self-help technical assistance grant agreement.
5. Enter the date(s) of any subsequent self-help technical assistance grant agreement(s).
6. Enter the amount of the initial grant.
7. Enter the amount of each subsequent grant.
8. Enter the amount of the TA grant budgeted for the first month following the date entered in item 1.
9. Enter the cumulative amount of the TA grant advanced to the end of the quarter.
10. Enter the amount of TA grant funds advanced that are on hand at the end of the quarter.
11. Subtract item (2e) from (2d) to give the cumulative amount of grant used to the end of the quarter.
12. Enter the number of houses planned in the TA Grantee proposal(s).
13. Enter the number of houses completed and occupied at the end of the quarter.
14. Enter the total number of construction supervisor(s) paid with TA grant funds.
15. Enter the number of employees paid with the TA grant funds including those listed in item 14.
16. Insert the number of EU's completed the first month of the quarter using steps 1, 2, and 3 of this Exhibit.
17. Insert the number of EU's completed the second month of the quarter by using steps 1, 2, and 3 of this Exhibit.
18. Insert the number of EU's completed the third month of the quarter by using steps 1, 2, and 3 of this Exhibit.
19. Add item (16) to item (21) from the previous quarterly report. If the grant was closed within 30 days of the end of the previous quarter the total EU's fo, those 30 days would be included in the first month of the present report.
20. Add item (17) to item (19) for the cumulative total number of EU's the second month of the reporting quarter.
21. Add item (18) to item (20) to obtain the cumulative total number of EU's for the third month of the quarter. This total is the cumulative total number of EU's for the quarter and the project.
22. Enter the grant funds spent the first month of the quarter. If the grant was closed within 30 days of the previous quarter any grant funds spent should be included in this figure.
23. Enter the grant funds spent the second month of the quarter.
24. Enter the grant funds spent the third month of the quarter.
25. Add items 22, 23 and 24 together to give the total grant funds spent during the quarter.
26. Divide item (22) by item (16) and enter the quotient which will provide the TA cost per EU for the first month of the quarter.
27. Divide item (23) by item (17) and enter the quotient which will provide the TA cost per EU for the second month of the quarter.
28. Divide item (24) by item (18) and enter the quotient which will provide the TA cost per EU for the third month of the quarter.
29. Divide item (25) by the sum totals of items (16), (17) and (18) to obtain the TA cost per EU for the quarter.
30. Divide item (11) by item (21) to obtain the cumulative TA cost per EU.
31. Insert the average elapsed time needed per house from excavation to final inspection by FmHA to complete construction of a house. If no self-help homes have been completed by this grantee, use other projects or your best estimate as a guide.
32. Insert the current cost of similar houses built by a contractor(s) including lot costs (attach detailed cost estimates for each model unless previously submitted.)
33. Insert the average cost including FmHA loan and borrower contribution of self-help borrower's house including lot costs for projects covered by the report.
34. Subtract item (33) from item (32) to obtain the self-help borrower savings per dwelling.
35. Subtract item (30) from item (34).
36. Insert the estimated current cost of lots where houses are built by the contractor method in item (32). In most cases this would be the cost of the lot as developed.
37. Insert the average current cost of lots where houses are built by the self-help method.
38. Answer (yes) or (no).
39. Insert average number of hours contributed for the quarter by each family. Obtain this information from Exhibit C of this Instruction.
40. Answer (yes) or (no).
41. Enter date of Exhibit.
42. Signature of grantee or his authorized representative.
43. Insert title of the grantee or his authorized representative.
44. County Supervisor should insert his comments concerning TA costs per EU, progress of construction, success of the project and any problems that the organization may have.
45. Insert date of County Supervisor's review.
46. Signature of County Supervisor.
47. State Office representative should insert his comments concerning but not limited to the comments listed in item 44.
48. Insert date of State Office review.
49. Signature of State Office representative.

EXHIBIT F—SITE OPTION LOAN TO TECHNICAL ASSISTANCE GRANTEES

I *Objectives.* The objective of a Site Option (SO) loan under section 523 (b)(1)(B) of Title V of the Housing Act of 1949 is to enable Technical Assistance (TA) grantees to establish revolving fund accounts to obtain options on land needed to make sites available to families that will build their own homes by the self-help method. An SO loan will be considered only when sites cannot be made available by other means including a regular Rural Housing Site (RHS) loan.

II *Eligibility requirements.* To be eligible for an SO loan, the applicant must be a TA grantee that is currently operating in a satisfactory manner under a TA grant agreement. If the SO loan applicant has applied for TA funds but is not already a TA grantee and it appears that the TA grant will be made, the SO loan may be approved but not closed until the TA grant is closed.

III *Loan purposes.* Loans may be made only as necessary to enable eligible applicants to establish revolving accounts with which to obtain options on land that will be needed as building sites by self-help families participating in the TA self-help housing program. Loans will not be made to pay the full purchase price of land but only for the minimum amounts necessary to obtain an option from the seller. The option should be for as long as necessary but in no case should the option be for less than 90 days.

IV *Limitations.* (A) If the amount of an SO loan will exceed $10,000, the prior consent of the National Office shall be obtained before approval.

(B) The amount of the SO loan should not exceed 15 percent of the purchase price of the land expected to be under option at any one time, unless a higher percent is authorized by the State Director when other land is not available or the particular area requires more down payment than elsewhere or similar circumstances exist.

(C) Form FmHA 440-34, "Option to Purchase Real Property," will be used without modification in all cases for obtaining options under this subpart.

(D) The limitations of § 1822.266 (b) (1) and (2) of this Chapter (FmHA Instruction 444.8 paragraph VI B (1) and (2)) concerning land purchase will apply to options purchased under this Subpart.

V *Rates and terms.*—(B) *Repayment period.* Each SO loan will be repaid in one installment which will include the entire principal balance and accrued interest. The maximum repayment period for each SO loan will be the applicant's remaining TA grant funding period.

(1) a shorter repayment period will be established if SO funds will not be needed for the entire TA grant funding period.

(2) If a regular RHS loan is to be processed, the SO loan should be scheduled for repayment when RHS loan funds will be available to purchase the land and repay the amount of SO funds advanced on the option, unless SO loan funds will still be needed to purchase other options. Under no circumstances, however, will the repayment period exceed the applicant's remaining TA grant funding period.

VI *Processing application.*—(A) *Form of application:* The application for assistance will be in the form of a letter to the Farmers Home Administration (FmHA) County Supervisor having jurisdiction over the area of the proposed site to be optioned. The letter will be signed by the applicant or its authorized representative and contain, as a minimum, the following information:

(1) A copy of the proposed option that shows a legal description of the land, option price, purchase price and terms of the option. If more than one site is to be purchased, a schedule of the proposed options should be included.

(2) Information to verify that a regular RHS loan cannot be processed in time to secure the option.

(3) Proposed method of repayment of the SO loan.

(4) Resolution from the applicant's governing body authorizing the application for an SO loan from FmHA.

(B) *Responsibility of the county supervisor.* Upon receipt of an SO loan application, the County Supervisor will:

(1) Determine whether the applicant is eligible. If the applicant is not eligible, or the loan cannot be made for other reasons, the application may be rejected by the County Supervisor with the concurrence of the District Director. The reasons for the rejection should be clearly stated and provided, in writing, to the applicant. The applicant will have the right to have the decision reviewed following the right procedure established in § 1933.419(b) of this Subpart and will receive notification in the manner provided in such section.

(2) Review and verify the accuracy of the information provided.

(3) Make an inspection and a memorandum appraisal of each proposed site "as is." The appraisal will include a narrative statement as to whether the site has been recently sold, verify that the seller is the owner of the property, and indicate whether the purchase price is acceptable based on the selling price of similar properties in the area.

(4) Indicate whether or not it appears that, considering the location and cost of development, adequate building sites can be provided at reasonable costs.

(5) If the option is for a tract of land on which 10 or more sites are proposed, the County Supervisor will request the Architect/Engineer in the State Office to review the proposal at this point and inspect the proposed site.

(6) If approval is recommended, prepare and have the applicant execute form FmHA 440-1, "Request for Obligation of Funds," for the amount needed. Copies of the form will be distributed as provided in the FMI.

(7) Forward the SO loan application and the applicant's TA application or TA docket to the State Director. The submission will include the appraisal report and the County Supervisor's comments and recommendations.

VII *Loan approval authority and State office actions.* The State director is authorized to approve SO loans developed in accordance with this Exhibit. The approval or disapproval of the loan will be handled in the same manner as provided in § 1822.272 of this Chapter (FmHA instruction 444.8, paragraph XII). A check may be requested at the time that Form FmHA 440-1 is submitted to the Finance Office.

VIII *Loan closing.*—(A) *General.* Loan closing instructions will be provided by the Office of the General Counsel (OGC) to assure that the Promissory Note is properly completed and executed. The County Supervisor may then close the loan.

(B) *Security for the loan.* The loan will be secured by a Promissory Note properly executed by the grantee using Form FmHA 440-16, "Promissory Note." A lien on the optioned real estate will not be taken.

(1) The "kind of loan" block on the note will read "SO loan."

(2) The note will be modified to show that the only installment on the loan will be the final installment.

(C) *Loan is closed.* The loan will be considered closed when the note is executed and the loan check delivered to the grantee.

IX *Establishment of SO loan revolving account.* (A) Supervised bank accounts will not be used for SO loans.

(B) Grantee will deposit SO loan funds in a depository institution of its choice. The use of minority institutions is encouraged. Such funds will remain separate from any other account of the grantee and shall be established as an SO revolving account.

(C) Checks drawn on the revolving account will be for the sole purpose of purchasing land options and must be signed by at least two authorized officials of the borrower-organization who have been properly bonded in accordance with § 1933.409 (h) and (i) of this Subpart.

(D) Grantees will not expend funds for any options until the site and the option form have been reviewed and approved by the County Supervisor.

(1) Site option funds will not be left unused in the revolving account in excess of 60 days.

(2) If the funds are not used for the intended purpose within the 60 days specified above, the unused portion will be refunded on the account.

(E) When funds become available for repayment of the SO loan, such funds will be deposited in the revolving account for the purchase of additional site options if needed. If such funds are not needed to purchase more options, they will be applied on the SO loan.

X *Source of funds.* SO loans will be funded from the self-help housing land development fund.

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

Dated: December 28, 1977.

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

[FR DOC. 78-1475 Filed 1-19-78; 8:45 am]

[8010-01]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. SAB-19]

PART 211—INTERPRETATIVE RELEASES RELATING TO ACCOUNTING MATTERS

Subpart B—Staff Accounting Bulletins

STAFF ACCOUNTING BULLETIN No.19

AGENCY: Securities and Exchange Commission.

ACTION: Publication of Staff Accounting Bulletin.

SUMMARY: This interpretation describes the disclosure believed appropriate by the Commission staff in the notes to financial statements concerning expected future costs of storing spent nuclear fuel and of decommissioning nuclear electric generating plants.

EFFECTIVE DATE: January 13, 1978.

FOR FURTHER INFORMATION CONTACT:

Lawrence J. Bloch, Office of the Chief Accountant, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, 202-755-1182.

SUPPLEMENTARY INFORMATION: The statements in Staff Accounting Bulletins are not rules or interpretations of the Commission nor are they published as bearing the Commission's official approval; they represent interpretations and practices followed by the Division of Corporation Finance and Office of the Chief Accountant in administering the disclosure requirements of the Federal securities laws.

GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 13, 1978.

STAFF ACCOUNTING BULLETIN No. 19

The staff hereby adds Topic 10J regarding disclosure of estimated future costs related to storing spent nuclear fuel and to decommissioning nuclear electric generating plants.

TOPIC 10: MISCELLANEOUS DISCLOSURE

* * * * *

J. ESTIMATED FUTURE COSTS RELATED TO SPENT NUCLEAR FUEL AND NUCLEAR ELECTRIC GENERATING PLANTS

* * * * *

FACTS

Utility companies with nuclear electric generating plants have amortized nuclear fuel cost to expense on the basis of the quantity of heat produced for the generation of electric energy. In computing the periodic amortization of the nuclear fuel cost a net residual salvage value has been generally assumed that is predicated on the reprocessing of spent nuclear fuel to recover the unused uranium and plutonium. No facility is presently in operation or can be made operable to process spent nuclear fuel. Consequently, reprocessing cannot be presently accomplished, and it may be necessary to store spent nuclear fuel for an indefinite period.

In determining depreciation rates for nuclear generating plants the costs of dismantling or decontaminating a plant at the end of its useful life have generally not been considered. Such costs now appear to be substantial.

QUESTION

What disclosure should be made concerning the estimated future costs of storing spent nuclear fuel and decommissioning nuclear generating plants?

INTERPRETATIVE RESPONSE

With regard to both the storing of spent nuclear fuel and decommissioning of nuclear generating plants it appears that costs will be incurred. It may not be possible to reasonably estimate these costs when financial statements are prepared.

A note to the financial statements should describe the consideration given to the estimated future storage or disposal costs for spent fuel in amortizing the cost of nuclear fuel. If the amortization of nuclear fuel in prior years recognized a net residual salvage value, the note should disclose whether the residual salvage value was subsequently eliminated or is to be eliminated by a charge to current operations or otherwise.

Also disclose whether (1) estimated future storage or disposal costs and (2) residual salvage value recognized in prior years and now being written off are being recovered through a fuel adjustment clause or if it is expected that provision will be made for such costs in applications to regulatory commissions for rate increases.

A note should also disclose the estimated costs of dismantling or decontaminating nuclear generating plants and whether provision for these costs is being made in current operations and recognized in service rates. If such expected costs are not being currently provided for, disclose the reasons for omitting the costs and the potential impact on the financial statements.

[FR Doc. 78-1561 Filed 1-19-78; 8:45 am]

[4110-03]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD FOR HUMAN CONSUMPTION

[Docket No. 77F-0077]

PART 172—FOOD ADDITIVES PERMITTED FOR DIRECT ADDITION TO FOOD FOR HUMAN CONSUMPTION

Emulsifiers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The food additive regulations are amended to provide for the safe use of polysorbate 60, polysorbate 65, polysorbate 80, and sorbitan monostearate as emulsifiers in whipped edible oil topping rather than exclusively in whipped vegetable oil topping. The General Foods Corp. petitioned for the amendment.

DATES: Effective January 20, 1978; objections by February 21, 1978.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: A notice published in the FEDERAL REGISTER of May 6, 1977 (42 FR 23170), announced that a food additive petition (FAP 7A3280) had been filed by General Foods Corp., Technical Center, 250 North Street, White Plains, N.Y. 10625, proposing that § 172.836 *Polysorbate 60,* § 172.838 *Polysorbate 65,* § 172.840 *Polysorbate 80,* and § 172.842 *Sorbitan monostearate* (21 CFR 172.836, 172.838, 172.840, and 172.842, respectively) be amended to provide for the safe use of polysorbate 60, polysorbate 65, polysorbate 80, and sorbitan monostearate as emulsifiers in whipped edible oil topping rather than exclusively in whipped vegetable oil topping as currently permitted.

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner (21 CFR 5.1), Part 172 is amended as follows:

1. In § 172.836 by revising paragraph (c)(1) to read as follows:

§ 172.836 Polysorbate 60.

* * * * *

(c) * * *

(1) As an emulsifier in whipped edible oil topping with or without one or a combination of the following:

(i) Sorbitan monostearate;

(ii) Polysorbate 65;

(iii) Polysorbate 80;

whereby the maximum amount of the additive or additives used does not exceed 0.4 percent of the weight of the finished whipped edible oil topping; except that a combination of the additive with sorbitan monostearate may be used in excess of 0.4 percent, provided that the amount of the additive does not exceed 0.77 percent and the amount of sorbitan monostearate does not exceed 0.27 percent of the weight of the finished whipped edible oil topping.

* * * * *

2. In § 172.838 by revising paragraph (c)(3) to read as follows:

§ 172.838 Polysorbate 65.

* * * * *

(c) * * *

(3) As an emulsifier in whipped edible oil topping with or without one or a combination of the following:

(i) Sorbitan monostearate;

(ii) Polysorbate 60;

(iii) Polysorbate 80;

whereby the maximum amount of the additive or additives used does not exceed 0.4 percent of the weight of the finished whipped edible oil topping.

* * * * *

3. In § 172.840 by revising paragraph (c)(9) to read as follows:

§ 172.840 Polysorbate 80.

* * * * *

(c) * * *

(9) As an emulsifier in whipped edible oil topping with or without one or a combination of the following:

(i) Sorbitan monostearate;

(ii) Polysorbate 60;

(iii) Polysorbate 65;

whereby the maximum amount of the additive or additives used does not exceed 0.4 percent of the weight of the finished whipped edible oil topping.

* * * * *

4. In § 172.842 by revising paragraph (c)(1) to read as follows:

§ 172.842 Sorbitan monostearate.

* * * * *

(c) * * *

(1) As an emulsifier in whipped edible oil topping with or without one or a combination of the following:

(i) Polysorbate 60;

(ii) Polysorbate 65;

(iii) Polysorbate 80;

whereby the maximum amount of the additive or additives used does not exceed 0.4 percent of the weight of the finished whipped edible oil topping; except that a combination of the additive with polysorbate 60 may be used in excess of 0.4 percent: *Provided,* That the amount of the additive does not exceed 0.27 percent and the amount of polysorbate 60 does not exceed 0.77 percent of the weight of the finished whipped edible oil topping.

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before February 21, 1978, submit to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be

submitted and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Effective date: This regulation shall become effective January 20, 1978.

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

Dated: January 11, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc. 78-1437 Filed 1-19-78; 8:45 am]

[4110-03]

[Docket No. 75F-0096]

PART 173—SECONDARY DIRECT FOOD ADDITIVES PERMITTED IN FOOD FOR HUMAN CONSUMPTION

Defoaming Agents

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the regulations for direct food additives to provide for the safe use of polyethylene glycol (400) dioleate as a component in defoaming agents limited to use in processing beet sugar and yeast. This action is in response to a food additive petition submitted by the C. P. Hall Co.

DATES: Effective January 20, 1978; objections by February 21, 1978.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: A notice published in the FEDERAL REGISTER of July 7, 1975 (40 FR 28502), announced that a food additive petition (FAP 5A3075) had been filed by the C. P. Hall Co., 7300 South Central Avenue, Chicago, Ill. 60638, proposing that § 173.340 (21 CFR 173.340), be amended to provide for the safe use of polyethylene glycol (400) dioleate as a component of defoaming agents used in processing beet sugar and yeast.

The Commissioner of Food and Drugs, having evaluated data in the petition and other relevant material, concludes that § 173.340 should be amended as set forth below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner (21 CFR 5.1), Part 173 is amended in § 173.340 in paragraph (a)(3) by alphabetically inserting a new item in the list of substances to read as follows:

§ 173.340 Defoaming agents.

* * * * * *

(a) * * *
(3) * * *

Substances	Limitations
* * *	* * *
Polyethylene glycol (400)dioleate: Conforming with § 172.820(a)(2) of this chapter and providing the oleic acid used in the production of this substance complies with § 172.860 or § 172.862 of this chapter.	As an emulsifier not to exceed 10 percent by weight of defoamer formulation.

* * * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before February 21, 1978, submit to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Effective date: This regulation shall become effective January 20, 1978.

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

Dated: January 11, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc. 78-1436 Filed 1-19-78; 8:45 am]

[4110-03]

[Docket No. 77F-0172]

PART 175—INDIRECT FOOD ADDITIVES: ADHESIVE COATINGS AND COMPONENTS

Resinous and Polymeric Coatings

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the indirect food additive regulations in § 175.300 *Resinous and polymeric coatings* by providing for the safe use of tetrakis[methylene(3,5-di-*tert*-butyl-4 - hydroxyhydrocinnamate)] methane in can-end cements. The Commissioner of Food and Drugs has concluded that such amendment is warranted after having evaluated data in a petition filed by W. R. Grace & Co., Dewey and Almy Chemical Division.

DATES: Effective January 20, 1978; objections by February 21, 1978.

ADDRESS: Objections to this regulation may be filed with the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: A notice published in the FEDERAL REGISTER of July 26, 1977 (42 FR 38017), announced that a food additive petition (FAP 7B3302) had been filed by W. R. Grace & Co., Dewey and Almy Chemical Division, Proposing that § 175.300 *Resinous and polymeric coatings* (21 CFR 175.300) be amended to provide for the safe use of tetrakis[methylene(3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate)] methane as an antioxidant at levels not to exceed 0.05 percent by weight of the divinylbenzene cross-linked butyl rubber component of can-end cements.

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))), and under authority delegated to the Commissioner (21 CFR 5.1), Part 175 is amended in § 175.300 by alphabeti-

cally inserting in the list of substances in paragraph (b)(3)(xxxi) a new item, to read as follows:

§ 175.300 Resinous and polymeric coatings.

* * * * *

(b) * * *
(3) * * *
(xxxi) * * *

Substances	Limitations
Tetrakis[methylene(3,5 - di-*tert*-butyl - 4-hydroxyhydrocinnamate)] methane	For use as an antioxidant at levels not to exceed 0.05 percent by weight of isobutylene-isoprene-divinylbenzene copolymers in the cement.

Any person who will be adversely affected by the foregoing regulation may at any time on or before February 21, 1978, submit to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Effective date: This regulation shall become effective January 20, 1978.

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

Dated: January 11, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc. 78-1438 Filed 1-19-78; 8:45 am]

[1505-01]

[Docket No. 75F-0207]

PART 175—INDIRECT FOOD ADDITIVES: ADHESIVE COATINGS AND COMPONENTS

Subpart C—Substances for Use as Components of Coatings

RESINOUS AND POLYMERIC COATINGS

Correction

In FR Doc. 77-25655 appearing on page 44222 in the issue of Friday, September 2, 1977, the 3rd column, the paragraph in small type should read as follows:

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

[4110-03]

[Docket No. 77F-0217]

PART 175—INDIRECT FOOD ADDITIVES: ADHESIVE COATINGS AND COMPONENTS

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

Antioxidants

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This rule amends the food additive regulations to provide for the safe use of 3,5-di-*tert*-butyl-4-hydroxyhydrocinnamic acid triester with 1,3,5-tris(2-hydroxyethyl)-*s*-triazine-2,4,6(1*H*, 3*H*, 5*H*)-trione as an antioxidant in food-packaging adhesives and certain polyolefin polymers intended for food-contact use. B. F. Goodrich Co. petitioned for the use of this additive.

DATES: Effective January 20, 1978; objections by February 21, 1978.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: A notice published in the FEDERAL REGISTER of August 16, 1977 (42 FR 41324), announced that a food additive petition (FAP 7B3259) had been filed by B. F. Goodrich Co., 500 South Main Street, Akron, Ohio 44318, proposing that the food additive regulations be amended to provide for the use of 3,5-di-*tert*-butyl-4-hydroxyhydrocinnamic acid triester with 1,3,5-tris(2-hydroxyethyl)-*s*-triazine-2,4,6(1*H*, 3*H*, 5*H*)-trione as an antioxidant in food-packaging adhesives and certain polyolefin polymers intended for food-contact use.

The Commissioner of Food and Drugs, having evaluated data in the petition and other relevant material, concludes that § 175.105 (21 CFR 175.105) and § 178.2010 (21 CFR 178.2010) should be amended as set forth below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner (21 CFR 5.1), Parts 175 and 178 are amended as follows:

1. In Part 175, § 175.105 is amended by alphabetically adding a new item to the list of substances in paragraph (c)(5) to read as follows:

§ 175.105 Adhesives.

* * * * *

(c) * * *
(5) * * *

Substances	*Limitations*
* * *	* * *
3,5-Di-*tert*-butyl-4-hydroxyhydrocinnamic acid triester with 1,3,5-tris(2-hydroxyethyl)-*s*-triazine-2,4,6(1*H*, 3*H*, 5*H*)-trione.	For use as antioxidant only.

* * * * *

2. In Part 178, § 178.2010 is amended by alphabetically adding a new item to the list of substances in paragraph (b) to read as follows:

§ 178.2010 Antioxidants and/or stabilizers for polymers.

* * * *

(b) * * *

Substances	*Limitations*
• • •	• • •
3,5-Di-*tert*-butyl-4-hydroxyhydrocinnamic acid triester with 1,3,5-tris(2-hydroxyethyl)-*s*-triazine-2,4,6(1*H*, 3*H*, 5*H*)-trione.	For use only: 1. At levels not to exceed 0.5 pct by weight of polypropylene complying with § 177.1520 of this chapter in articles that contact food not in excess of high temperature heat-sterilized condition of use A described in § 176.170(c) of this chapter, table 2. 2. At levels not to exceed 0.5 pct by weight of polyethylene complying with § 177.1520 of this chapter in articles that contact food not in excess of high temperature heat-sterilized condition of use A described in § 176.170(c) of this chapter, table 2. 3. In adhesives complying with § 175.105 of this chapter.

• • • • •

Any person who will be adversely affected by the foregoing regulation may at any time on or before February 21, 1978, submit to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Effective date: This regulation shall become effective January 20, 1978.

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

Dated: January 16, 1978.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc. 78-1481 Filed 1-19-78; 8:45 am]

[4110-03]

[Docket No. 76F-0107]

PART 177—INDIRECT FOOD ADDITIVES: POLYMERS

Ethylene-Vinyl Acetate-Vinyl Alcohol Polymers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the regulations for indirect food additives to provide for the safe use of ethylene-vinyl acetate-vinyl alcohol copolymers intended to contact fatty foods. This action is in response to a food additive petition filed by U.S. Industrial Chemicals.

DATES: Effective January 20, 1978; objections by February 21, 1978.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: A notice published in the FEDERAL REGISTER of April 16, 1976 (41 FR 16194) announced that a food additive petition (FAP 5B3114) had been filed by U.S. Industrial Chemical, Cincinnati, Ohio 45237, proposing that § 177.1360 (21 CFR 177.1360) be amended to provide for the use of ethylene-vinyl acetate-vinyl alcohol copolymers as components of food-contact surfaces intended to contact fatty foods under conditions of refrigerated and frozen packaging and storage.

The Commissioner of Food and Drugs, having evaluated data in the petition and other relevant material, concludes that § 177.1360 should be amended as set forth below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner (21 CFR 5.1), Part 177 is amended by revising § 177.1360 to read as follows:

§ 177.1360 Ethylene-vinyl acetate-vinyl alcohol copolymers.

Ethylene-vinyl acetate-vinyl alcohol copolymers (CAS Registry No. 26221-27-2) may be safely used as articles or components of articles intended for use in contact with food in accordance with the following prescribed conditions:

(a) Ethylene-vinyl acetate-vinyl alcohol copolymers are produced by the partial or complete alcoholysis or hydrolysis of those ethylene-vinyl acetate copolymers complying with § 177.1350. Those copolymers containing a minimum of 55 percent ethylene and a maximum of 30 percent vinyl alcohol units by weight may be used in contact with foods as described in paragraph (b) of this section. Those copolymers containing a minimum of 55 percent ethylene and a maximum of 15 percent vinyl alcohol units by weight may be used in contact with foods as described in paragraph (c) of this section.

(b) The finished food contact articles shall not exceed 0.005 inch thickness and shall contact foods only of the types identified in table 1 of § 176.170(c) of this chapter in categories I, II, IV-B, VI, VII-B, and VIII under the conditions of use D through G described in table 2 of § 176.170(c) of this chapter: *Provided*, That film samples of 0.005 inch thickness representing the finished article meet the following extractives limitation when tested by ASTM Method F34-63T:[1]

(1) The film when extracted with distilled water at 70° F for 48 hours yields total extractives not to exceed 0.03 milligram per square inch of food-contact surface.

(2) The film when extracted with 50 percent alcohol at 70° F for 48 hours yields total extractives not to exceed 0.04 milligram per square inch of food-contact surface.

(c) The finished food contact article shall not exceed 0.003 inch thickness and shall contact foods only of the types identified in table 1 of § 176.170(c) of this chapter in categories III, IV-A, V, VII-A, and IX under the conditions of use F and G described in table 2 of § 176.170(c) of this chapter: *Provided*, That film samples of 0.003 inch thickness representing the finished articles meet the following extractives limitation when tested by ASTM Method F34-63T:[1]

(1) The film when extracted with *n*-heptane at 100° F for 30 minutes yields total extractives not to exceed 0.05 milligram per square inch of food-contact surface, after correcting the total extractives by dividing by a factor of five.

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[1] Copies may be obtained from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pa. 19103.

(d) The provisions of this section are not applicable to ethylene-vinyl acetate-vinyl alcohol copolymers used in the food packaging adhesives complying with § 175.105 of this chapter.

Any person who will be adversely affected by the foregoing regulation may at any time on or before February 21, 1978, submit to the Hearing clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularly the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Effective date: This regulation shall become effective January 20, 1978.

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

Dated: January 16, 1978.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc. 78-1479 Filed 1-19-78; 8:45 am]

[4210-01]

Title 24—Housing and Urban Development

CHAPTER VIII—LOW INCOME PUBLIC HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-77-311]

PART 803—SECTION 23 HOUSING ASSISTANCE PAYMENTS PROGRAM

PART 888—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—FAIR MARKET RENTS AND CONTRACT RENT AUTOMATIC ANNUAL ADJUSTMENT FACTORS

Amendment of Schedule B—Section 8 Existing Housing and Section 23 Existing Housing

AGENCY: Department of Housing and Urban Development (HUD).

ACTION: Final rule.

SUMMARY: HUD is amending for certain market areas the Schedule that sets forth the fair market rents for the section 23 and section 8 housing assistance payments programs for existing housing. These amendments are being made to correct typographical or proofreading errors which occurred in the preparation of the last publication, and also, amendments are being made in response to public and HUD field office comments on the May publication.

EFFECTIVE DATE: January 20, 1978.

FOR FURTHER INFORMATION CONTACT:

Bernard Horn, Acting Director, Office of Economic and Market Analysis, PD&R, HUD, Washington, D.C. 20410, 202-755-5816.

SUPPLEMENTARY INFORMATION: On May 4, 1977, HUD published for comment a revised schedule for existing housing fair market rents. To avoid delay in providing needed rent increases while the comments were being considered, HUD published the proposed schedule for effect without change on July 1, 1977, effective March 29, 1977. In the preamble to the July 1 publication, however, HUD announced that additional amendments to the schedule would be made once all comments received were analyzed. On August 23, these additional amendments were published for effect.

Other amendments for certain specified localities are now being published for effect to correct typographical or proofreading errors which occurred in the preparation of the last publication. In addition, amendments are being published in response to public and HUD field office comments which were received in response to the May publication inviting comments but which were received too late for HUD to consider in connection with the August 23 publication. Since these additional amendments are based on comments received in response to the May 4 publication, HUD has determined that it is not necessary to publish again for comment.

A finding of inapplicability regarding the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this finding of inapplicability will be available for public inspection during regular business hours at the office of the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, D.C. 20410. It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with Executive Order 11821.

Accordingly, Title 24, Part 888, Schedule B and Part 803, Schedule B are revised for the specified market areas as set forth below.

(Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)).)

Issued at Washington, D.C., January 12, 1978.

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

SCHEDULE B—FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

NOTE.—The Fair Market Rents for five and six bedroom units are calculated as follows:

(1) Five bedrooms—150 percent of two bedroom fair market rent;

(2) Six bedrooms—175 percent of two bedroom fair market rent.

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, SECS. 8 AND 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

Schedule B—Fair Market Rents for Existing Housing (including Housing Finance and Development Agencies Program)

		0 bedrooms	1 bedroom	2 bedrooms	3 bedrooms	4 bedrooms
REGION 2						
Albany, N.Y. insuring office:						
Non SMSA:						
County—Greene	Nonelevator	139	159	189	210	230
State—New York	Elevator	153	175	208	231	253
REGION 3						
Philadelphia, Pa. area office:						
Non SMSA:						
County—Wayne	Nonelevator	159	184	219	241	267
State—Pennsylvania	Elevator	175	202	241	265	294

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, SECS. 8 AND 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS —Continued

		0 bedrooms	1 bedroom	2 bedrooms	3 bedrooms	4 bedrooms
REGION 3						
Richmond, Va. area office:						
Non SMSA:						
County—Carroll	Nonelevator	130	146	171	198	250
State—Virginia	Elevator	143	161	188	218	275
County—Dickenson	Nonelevator	130	141	167	184	232
State—Virginia	Elevator	143	155	183	202	255
County—Grayson	Nonelevator	130	146	171	198	250
State—Virginia	Elevator	143	161	188	218	275
County—Greene	Nonelevator	150	170	200	230	260
State—Virginia	Elevator	165	187	220	253	286
County—Lee	Nonelevator	140	156	196	212	251
State—Virginia	Elevator	154	172	216	233	276
County—Orange	Nonelevator	150	170	200	230	260
State—Virginia	Elevator	165	187	220	253	286
County—Russell	Nonelevator	140	156	196	212	251
State—Virginia	Elevator	154	172	216	233	276
County—Smyth	Nonelevator	140	156	196	212	251
State—Virginia	Elevator	154	172	216	233	276
County—Southampton	Nonelevator	130	141	156	182	210
State—Virginia	Elevator	143	155	172	200	231
County—Tazewell	Nonelevator	140	156	196	212	251
State—Virginia	Elevator	154	172	216	233	276
County—Wise	Nonelevator	140	156	196	212	251
State—Virginia	Elevator	154	172	216	233	276
Indep. City—Franklin	Nonelevator	155	171	196	212	251
State—Virginia	Elevator	171	188	216	233	276
Indep. City—Galax	Nonelevator	130	146	171	198	250
State—Virginia	Elevator	143	161	188	218	275
Indep. City—Norton	Nonelevator	140	156	196	212	251
State—Virginia	Elevator	154	172	216	233	276
REGION 4						
Coral Gables, Fla. insuring office:						
SMSA: Fort Lauderdale-Hollywood, Fla.:						
County—Broward	Nonelevator	199	227	273	316	347
State—Florida	Elevator	219	250	300	348	382
Memphis, Tenn. insuring office:						
Non SMSA:						
County—McNairy	Nonelevator	130	138	153	211	218
State—Tennessee	Elevator	143	152	168	232	240
Tampa, Fla. insuring office:						
SMSA: Tampa-St. Petersburg, Fla.:						
County—Hillsborough	Nonelevator	146	165	200	245	267
State—Florida	Elevator	161	182	220	267	293
County—Pasco	Nonelevator	146	165	200	245	267
State—Florida	Elevator	161	182	220	267	293
County—Pinellas	Nonelevator	146	165	200	245	267
State—Florida	Elevator	161	182	220	267	293
Non SMSA:						
County—Lake	Nonelevator	139	159	192	215	235
State—Florida	Elevator	154	176	209	235	259
REGION 5						
Cleveland, Ohio insuring office:						
SMSA: Cleveland, Ohio:						
County—Cuyahoga	Nonelevator	161	187	223	260	295
State—Ohio	Elevator	179	206	245	285	323
County—Geauga	Nonelevator	161	187	223	260	295
State—Ohio	Elevator	179	206	245	285	323
County—Lake	Nonelevator	161	187	223	260	295
State—Ohio	Elevator	179	206	245	285	323
County—Medina	Nonelevator	161	187	223	260	295
State—Ohio	Elevator	179	206	245	285	323
SMSA: Lima, Ohio:						
County—Putnam	Nonelevator	120	137	164	190	208
State—Ohio	Elevator	131	149	179	210	228
Columbus, Ohio area office:						
SMSA: Columbus, Ohio:						
County—Delaware	Nonelevator	141	161	192	224	245
State—Ohio	Elevator	155	177	211	246	268
County—Fairfield	Nonelevator	141	161	192	224	245
State—Ohio	Elevator	155	177	211	246	268
County—Franklin	Nonelevator	141	161	192	224	245
State—Ohio	Elevator	155	177	211	246	268
County—Madison	Nonelevator	141	161	192	224	245
State—Ohio	Elevator	155	177	211	246	268
County—Pickaway	Nonelevator	141	161	192	224	245
State—Ohio	Elevator	155	177	211	246	268
SMSA: Lima, Ohio:						
County—Allen	Nonelevator	120	137	164	190	208
State—Ohio	Elevator	131	149	179	210	228
County—Auglaize	Nonelevator	120	137	164	190	208
State—Ohio	Elevator	131	149	179	210	228
County—Van Wert	Nonelevator	120	137	164	190	208
State—Ohio	Elevator	131	149	179	210	228

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, SECS. 8 AND 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS —Continued

		0 bedrooms	1 bedroom	2 bedrooms	3 bedrooms	4 bedrooms
REGION 5						
SMSA: Springfield, Ohio:						
County—Champaign	Nonelevator	128	146	175	204	223
	Elevator	141	161	193	225	245
State—Ohio	Nonelevator	128	146	175	204	223
	Elevator	141	161	193	225	245
Non SMSA:						
County—Athens	Nonelevator	130	149	179	199	218
	Elevator	143	163	195	218	240
State—Ohio	Nonelevator	111	126	152	169	184
	Elevator	122	140	167	184	204
County—Coshocton	Nonelevator	128	145	175	201	222
	Elevator	140	160	192	223	242
State—Ohio	Nonelevator	117	133	159	177	194
	Elevator	129	146	176	195	213
County—Knox	Nonelevator	112	128	154	172	188
	Elevator	124	142	171	188	208
State—Ohio	Nonelevator	135	150	180	190	220
	Elevator	149	165	198	209	242
County—Licking	Nonelevator	143	174	231	272	316
	Elevator	158	191	245	299	348
State—Ohio	Nonelevator	130	152	216	255	307
	Elevator	141	167	236	281	338
County—Scioto	Nonelevator	149	168	200	250	291
	Elevator	164	184	220	275	320
State—Ohio	Nonelevator	183	206	250	346	373
	Elevator	201	227	275	378	405
Indianapolis, Ind. area office:						
Non SMSA:						
County—Knox	Nonelevator	151	179	217	288	324
	Elevator	166	197	239	317	356
State—Indiana	Nonelevator	151	179	217	288	324
	Elevator	166	197	239	317	356
REGION 7						
Des Moines, Iowa insuring office:						
SMSA: Cedar Rapids, Iowa:						
County—Linn	Nonelevator					
	Elevator					
State—Iowa	Nonelevator					
	Elevator					
SMSA: Waterloo-Cedar Falls, Iowa:						
County—Black Hawk	Nonelevator					
	Elevator					
State—Iowa	Nonelevator					
	Elevator					
REGION 9						
Fresno, Calif. insuring office:						
Non SMSA:						
County—Merced	Nonelevator					
	Elevator					
State—California	Nonelevator					
	Elevator					
San Francisco, Calif. area office:						
SMSA: Salinas-Seaside-Monterey, Calif.:						
County—Monterey	Nonelevator					
	Elevator					
State—California	Nonelevator					
	Elevator					
REGION 10						
Spokane, Wash. insuring office:						
SMSA: Richland-Kennewick, Wash.:						
County—Benton	Nonelevator					
	Elevator					
State—Washington	Nonelevator					
	Elevator					
County—Franklin	Nonelevator					
	Elevator					
State—Washington	Nonelevator					
	Elevator					

NOTE.—Fair market rents (FMR) may be calculated for 5 and 6 bedroom units as follows: 5-Br=150 pct of 2-Br FMR; 6-Br=175 pct of 2-Br FMR.
Prepared by HUD-EMAD (CO), Sept. 29, 1977, and Oct. 21, 1977.

[FR Doc. 78-1428 Filed 1-19-78; 8:45 am]

[4110-85]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Updating Current Regulations

AGENCY: Public Health Service, HEW.

ACTION: Rule.

SUMMARY: This document amends the Code of Federal Regulations by deleting certain parts and subparts. The amendments are necessary because certain provisions are obsolete, in some cases due to the expiration of statutory authorizations. The effect of the amendments will be to update the current regulations of the Public Health Service.

EFFECTIVE DATE: January 20, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Joseph Moran, Regulations Officer, 5600 Fishers Lane, Room 17A-55, Rockville, Md. 20857. Phone: 301-443-6330.

SUPPLEMENTARY INFORMATION:

PART 1—AVAILABILITY OF RECORDS AND INFORMATION [DELETED]

Part 1 was promulgated in 1956 (21 FR 9805) before the passage of the Freedom of Information Act (5 U.S.C. 552) and Privacy Act of 1974 (5 U.S.C. 552a) and the provisions of Part 1 governing the general availability of records and information of the Service have been superseded by Departmental regulations, procedures, and policies implementing such statutes (see 45 CFR Parts 5 and 5b). Part 1 is therefore obsolete and unnecessary. Therefore, Part 1 is removed from Title 42 of the Code of Federal Regulations.

PART 23—NATIONAL HEALTH SERVICE CORPS

Subpart B—Grants to Assist Entities with National Health Service Corps Personnel [Deleted]

The statutory authority for appropriations for grants to assist entities with assigned National Health Service Corps personnel has expired. Therefore, Subpart B of Part 23 is removed from Title 42 of the Code of Federal Regulations.

PART 33—NARCOTIC ADDICTS [DELETED]

Part 33 governed the treatment of narcotic addicts at the Lexington, Ky. and Fort Worth, Tex., Public Health Service Hospitals. Those facilities have now been closed and the regulations are no longer needed. Therefore Part 33 is removed from Title 42 of the Code of Federal Regulations.

PART 51—GRANTS TO STATES FOR COMPREHENSIVE PUBLIC HEALTH SERVICES

Subpart A—Grants to States for Comprehensive Health Planning [Deleted]

The program of grants to States for comprehensive health planning under section 314(a) of the Public Health Service Act, 42 U.S.C. 246(a), has been superseded by pertinent provisions of Title XV of the Public Health Service Act, 42 U.S.C. 300k-1 et seq. Subpart A of Part 51 is therefore obsolete. Accordingly, Subpart A of Part 51 is removed from Title 42 of the Code of Federal Regulations, and the heading of Part 51 is amended to read "Grants to States for Comprehensive Public Health Service."

PART 56b—GRANTS FOR REGIONAL MEDICAL PROGRAMS [DELETED]

The statutory authority for appropriations for grants for Regional Medical Programs has expired. Therefore, Part 56b is removed from Title 42 of the Code of Federal Regulations.

PART 57—GRANTS FOR CONSTRUCTION OF TEACHING FACILITIES, EDUCATIONAL IMPROVEMENTS, SCHOLARSHIPS AND STUDENT LOANS

The statutory authorities for appropriations for a number of programs under Part 57 have expired. Therefore, the heading of Part 57 is amended to read "Grants for Construction of Teaching Facilities, Educational Improvements, Scholarships and Student Loans," and the following subparts of Part 57 are removed from Title 42, Code of Federal Regulations:

Subpart H—Grants To Improve the Quality of Training Centers for Allied Health Professionals [Deleted]

Subpart L—Special Project Grants to Schools of Medicine, Dentistry, Osteopathy, Optometry, Podiatry, Pharmacy and Veterinary Medicine [Deleted]

Subpart N—Grants for Conversion of 2-Year Schools of Medicine [Deleted]

Subpart Q—Grants to Hospitals for Training, Traineeships and Fellowships in Family Medicine [Deleted]

Subpart AA—Grants for Health Manpower Education Initiative Projects [Deleted]

Subpart CC—Grants To Assist Medical and Dental Schools in the District of Columbia [Deleted]

PART 58—GRANTS FOR PUBLIC HEALTH

The statutory authority for Part 58 has been terminated. Therefore, Part 58 is removed from Title 42 of the Code of Federal Regulations.

NOTE.—The Department of Health, Education, and Welfare has determined that this document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A-107.

Dated: December 15, 1977.

JULIUS B. RICHMOND,
Assistant Secretary for Health.

Approved: January 11, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc. 78-1405 Filed 1-19-78; 8:45 am]

[4110-39]

Title 45—Public Welfare

CHAPTER XIV—NATIONAL INSTITUTE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Part 1451—BASIC SKILLS RESEARCH GRANTS PROGRAM

Final Rule for Awarding Federal Funds

AGENCY: National Institute of Education, Department of Health, Education, and Welfare.

ACTION: Final rule.

SUMMARY: This rule amends the basic skills research grants program by adding mathematics learning and literacy (writing skills and reading comprehension) as new research subjects. Editorial changes have been made to simplify the description of eligible research areas and to provide applicants with an address from which application information may be secured.

EFFECTIVE DATE: As required by section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232(d)), these regulations have been transmitted to the Congress concurrently with the publication of this document 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:

Richard Werksman, Regulations Officer, OAM, National Institute of Education, 1200 19th Street NW., Washington, D.C. 20208, 202-254-7924.

SUPPLEMENTARY INFORMATION: Under the authority of section 405 of the General Education Provisions Act, as amended (20 U.S.C. 1221e), a notice of proposed rulemaking which set forth proposed amendments to the basic skills research grants program (45 CFR Part 1451) was published in the FEDERAL REGISTER on September 30, 1977 (42 FR 52448). Interested persons were invited to submit written comments concerning the proposed rule. One comment was received. A summary of the comment and the response to it is shown below.

Comment. The comment suggested that the program be structured "for research, investigation, promotion, innovation, administration, teaching" of automated arithmetic systems at all education levels and in cooperation with other departments and organizations.

Response. No change has been made. The intent of the program is to focus fundamental research on the six selected areas which are described. Proposals for research on the subject described by the commenter could be appropriately considered under § 1451.5(a)(3), the mathematics learning area.

Other changes. The only change is correction of a typographical error in § 1451.6(c).

APPLICATION INFORMATION

The National Institute of Education is not inviting applications in response to this regulation at this time. A notice of closing date, including application information, was published in the FEDERAL REGISTER on September 30, 1977 (42 FR 52491). Program information is available from the Basic Skills Group, Room 819, National Institute of Education, 1200 19th Street NW., Washington, D.C. 20208, 202-254-5766.

NOTE.—The National Institute of Education has determined that this document does not contain a major proposal requiring preparation of an inflationary impact statement under Executive Order 11821 and OMB Circular A-107.

(Catalog of Federal Domestic Assistance No. 13.950, Educational Research and Development.)

Dated: November 16, 1977.

PATRICIA ALBJERG GRAHAM,
Director,
National Institute of Education.

Approved: January 13, 1978.

JOSEPH A CALIFANO, Jr.,
Secretary, Health,
Education, and Welfare.

Title 45, Subchapter B of Chapter XIV, Part 1451, of the Code of Federal Regulations is amended as follows:

1. Section 1451.5 is amended to read as follows:

§ 1451.5 Eligible research projects.

(a) *Eligible research areas.* An application submitted for a grant under this part must involve research in one of the following selected areas:

(1) *Teaching.* Investigations on the nature of teaching and ways to improve teaching effectiveness.

(2) *Literacy.* Investigations on writing skills, written materials, and reading comprehension.

(3) *Mathematics learning.* Investigations of the nature of mathematical tasks and on the development of mathematical concepts and processes.

(4) *Measurement.* Investigations to improve measurement procedures in basic skills.

(5) *Methodology.* Investigations to improve the quality of results in educational research through studies of methodological problems.

(6) *Law and education.* Investigations of the influence of judicial and legislative activities on educational quality.

(b) *Eligible research processes.* Projects that involve research in one of the selected areas described in paragraph (a) of this section may be carried out using any research process other than those specified in § 1451.6.

2. Section 1451.6(c) is amended to correct a typographical error and should read as follows:

§ 1451.6 Ineligible projects.

* * * * *

(c) Course development through the production of a new curriculum or the improvement of an existing curriculum, including the preparation of new instructional material or the modification of instructional material already in existence.

* * * * *

3. Section 1451.7 is amended to read as follows:

§ 1451.7 Application requirements.

(a) Applicants must submit an application in the form, and containing the detailed information, prescribed by the Director.

(b) Applicants for grants under this part may obtain application information from the Basic Skills Group, National Institute of Education, 1200 19th Street NW., Washington, D.C. 20208.

[FR Doc. 78-1606 Filed 1-19-78; 8:45 am]

[6712-01]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 21370]

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

Making Frequency 156.250 MHz Available for Port Operations Purposes in Certain Coast Guard Designated Vessel Traffic Services Radio Protection Areas; Correction

AGENCY: Federal Communications Commission.

ACTION: Errata.

SUMMARY: Correction of certain errors contained in the report and order amending the rules to make the frequency 156.250 MHz available for port operations purposes in certain Coast Guard designated vessel traffic services radio protection areas.

EFFECTIVE DATE: January 24, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Robert McNamara, Safety and Special Radio Services Bureau, 202-632-7197.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of Parts 2, 81, and 83 of the rules to make the frequency 156.250 MHz available for port operations purposes in certain Coast Guard designated vessel traffic services radio protection areas, Docket No. 21370.

Released: January 16, 1978.

1. In the appendix to the report and order (FCC 77-820) in the above-captioned matter, released December 19, 1977, and published in the FEDERAL REGISTER on December 29, 1977, at 42 FR 64896, the NG footnote in column 8 of the table in § 2.106 was mistakenly numbered NG116, and should be corrected to read NG117.

2. Additionally, in columns 8 and 11 of § 2.106 the services listed were inadvertently printed with the first letter capitalized and all the others in small type. These services should be printed in all capital letters in large block print.

3. In view of the foregoing, § 2.106 is amended as set forth below.

For the Federal Communications Commission.

WILLIAM J. TRICARICO,
Secretary.

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

Part 2—Frequency Allocations and Radio Treaty Matters; General Rules and Regulations.

In § 2.106 the table is amended by changing the NG footnote in column 8 in the band 154.6375-156.250 MHz to NG117, and in the bands 154.6375-156.250 MHz and 156.250-157.0375 MHz, the services listed in columns 8 and 11 are amended by being printed in all capital letters in large block print, to read as follows:

§ 2.106 Table of frequency allocations.

* * * * *

Band (MHz)	Service	(OF SERVICES Nature(of stations
7	8	11
***	***	***
154.6375 - 156.250	LAND MOBILE. - (NG117)	PUBLIC SAFETY.
156.250 - 157.0375	MARITIME MOBILE.	MARITIME MOBILE. (NG117)
***	***	***

* * * * *

[FR Doc. 78-1614 Filed 1-19-78; 8:45 am]

[6712-01]

[Docket No. 21410; RM-2935]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Station in Alexandria, Ind.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Memorandum opinion and order.

SUMMARY: Action taken herein reverses earlier action and assigns a class A FM channel to Alexandria, Ind., as that community's first FM assignment. Petitioner, Triplett Broadcasting Co., Inc., states that the proposed station would provide Alexandria with a first full-time local aural broadcast service.

EFFECTIVE DATE: March 6, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

MEMORANDUM OPINION AND ORDER (PROCEEDING TERMINATED)

Adopted: January 10, 1978.

Released: January 12, 1978.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Alexandria, Ind.), Docket No. 21410, RM-2935.

1. The Commission herein reconsiders, on its own motion, a report and order adopted December 19, 1977, Docket No. 21410, denying the request of Triplett Broadcasting Co., Inc. ("petitioner"), proposing the assignment of FM channel 244A to Alexandria, Ind., as a first FM assignment to that community. No oppositions were filed to the proposal.

2. The Commission issued a notice of proposed rule making[1] seeking comments on the proposal. The Commission failed to receive comments from petitioner and, consistent with our policy and procedures set forth in the appendix to the notice, refrained in the report and order from making the assignment to Alexandria in the absence of an expression of continuing interest. Upon receipt of the report and order, petitioner informed the Commission that timely comments were filed[2] reiterating his continuing interest and intention to apply for the

[1] 42 FR 55105, 42 FR 64914, December 29, 1977.

[2] The Commission's records do not show that this statement was received.

channel, if assigned, and submitted, by mail, a copy of his comments.

3. We believe that the public interest would be served by the assignment of channel 244A to Alexandria, Ind., since this assignment would provide the community an opportunity to obtain its first full-time aural broadcast service. Further, since the channel would have been assigned earlier had it not been for the lack of an expression of interest, now that we have a copy of petitioner's timely expression of interest, we believe that a reversal of our earlier denial of the petition is warranted and we will assign channel 244A to Alexandria, Ind.[3]

4. The Canadian Government has given its concurrence to the assignment at Alexandria, Ind.

5. *Accordingly, it is ordered,* That effective March 6, 1978, the FM Table of Assignments (§ 73.202(b) of the Commission's rules) is amended as to the named community to read as follows:

City	Channel No.
Alexandria, Ind	244A

6. Authority for the action taken herein is found in sections 4(i), 5(d)(1), 303 (g) and (r), 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

7. *It is further ordered,* That this proceeding is terminated.

For the Federal Communications Commission.

WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 78-1613 Filed 1-19-78; 8:45 am]

[3] Transmitter site shall be located at least 8 kilometers (5 miles) west of the community.

[6712-01]

[Docket No. 20422; RM-2395; RM-2421; RM-2451; RM-2471; RM-2503; FCC 77-866]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations in Fort Walton Beach, Crestview and Destin, Fla.; Changes made in Table of Assignments; Correction to Preamble

AGENCY: Federal Communications Commission.

ACTION: Correction to Preamble to Memorandum Opinion and Order.

SUMMARY: The Preamble to the above proceeding, published in the FEDERAL REGISTER on January 10, 1978, at 43 FR 1500, listed the FCC number of the document as "FCC 77-863", which is the wrong FCC number; The correct FCC number to this document should be corrected to read "FCC 77-866".

EFFECTIVE DATE: February 15, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Mark N. Lipp, Broadcast Bureau, 202-632-7792.

For the Federal Communications Commission.

WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-1562 Filed 1-19-78; 8:45 am]

proposed rules

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

[3410-37]

DEPARTMENT OF AGRICULTURE

Food Safety and Quality Service

[9 CFR Parts 317, 381]

NET WEIGHT LABELING

Public Hearing

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Notice of public hearing.

SUMMARY: This document announces a public hearing to be held concerning proposed amendments to the Federal Meat and Poultry Inspection Regulations on uniform labeling requirements and uniform procedures for determining compliance with label statements of net contents of containers of meat or poultry products.

DATE: Public hearing to be held on February 9, 1978, beginning at 10 a.m.

ADDRESSES: Public hearing to be held in Room 218-A, Administration Building, Department of Agriculture, 12th and Independence Avenue, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Dr. W. J. Minor, Chief Staff Officer, Issuance Coordination Staff, Scientific and Technical Services, Meat and Poultry Inspection Program, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-6189.

SUPPLEMENTARY INFORMATION: On December 2, 1977, there appeared in the FEDERAL REGISTER (42 FR 61279-61284) a notice that the Food Safety and Quality Service is considering amendments to the Federal Meat and Poultry Inspection Regulations concerned with uniform labeling requirements and uniform procedures for determining compliance with label statements of net contents of containers of meat or poultry products. The amendments, if implemented, would provide for more specific reasonable variations with respect to the statement of quantity of contents on labeling for meat and poultry products.

Comments and views expressed on the proposed amendments to the regulations indicate they have evoked widespread interest with opinions differing on the desirability of the proposal's provisions, and their effects on products and consumers if implemented.

The Administrator has concluded, therefore, that these circumstances require that further information and data be available to the fullest extent possible on the subject matter for consideration prior to decisions with respect to these proposed regulations. To foster the assembly of such information, the Administrator has scheduled a public hearing to consider the proposed amendments. The hearing will be held on February 9, 1978, beginning at 10 a.m., in Room 218-A, Administration Building, Department of Agriculture, 12th and Independence Avenue SW., Washington, D.C. At the hearing, the Administrator of the Food Safety and Quality Service, who will serve as chairman, will present a statement explaining the purpose and basis of the proposal. Any interested person may appear and be heard either in person or by a representative. Individual presentations should be scheduled in advance. To make a reservation to speak at the hearing, contact, Dr. W. J. Minor, Chief Staff Officer, Issuance Coordination Staff, Meat and Poultry Inspection Program, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-6189. A written copy of a speaker's comments should be given to the chairman prior to the speaker's oral presentation but is not required to be read into the record. Individuals making presentations may verbally summarize or emphasize certain points of their written comments. Opportunity will be provided for the chairman or other governmental officials at the hearing to comment upon or ask questions about each presentation made. The time for oral presentations and questions may be limited at the discretion of the chairman in order to give all persons at the hearing an opportunity to be heard. Transcripts of the oral hearing will be made, and copies of the transcripts and any written comments submitted at the hearing will be made a part of the record in this rulemaking proceeding and will be available for public inspection together with all other comments received in this proceeding.

Any interested person who desires to submit written data, views, or arguments on the proposal may do so by filing the same, in duplicate, on or before March 2, 1978, with the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Agriculture Building, Washington, D.C. 20250, or with the presiding officer at the hearing. A copy of the net weight proposal may be obtained without charge from the Office of Information, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250.

After consideration of all information presented at the hearing and submitted pursuant to this notice and the notice of December 2, 1977, and any other information available to the Department, a determination will be made as to whether the regulations will be amended as proposed.

Done at Washington, D.C., on January 16, 1978.

ROBERT ANGELOTTI,
Administrator,
Food Safety and Quality Service.

[FR Doc. 78-1675 Filed 1-19-78; 8:45 am]

[4810-33]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[12 CFR Part 7]

OTHER REAL ESTATE OWNED

Proposed Revision to Interpretive Ruling

AGENCY: Comptroller of the Currency.

ACTION: Proposed revision to interpretive ruling.

SUMMARY: The purpose of this proposed revision is to ensure that national banks record the value of real estate which is received from a defaulted debtor. In a troubled debt restructuring, a national bank in its capacity as a creditor, will account for assets received, including real estate, in satisfaction of a receivable in a fashion which is consistent with generally accepted accounting principles as reflected in the Financial Accounting Standards Board's Statement of Financial Accounting Standards No. 15, paragraphs 29 and 91. In the current version of the interpretive ruling it is not clear that the value of real estate acquired in a troubled debt situation be treated in accordance with generallly accepted accounting principles.

EFFECTIVE DATE: Written comments must be received on or before February 21, 1978.

ADDRESS: Comments should be addressed to Mr. John E. Shockey, Chief Counsel, Comptroller of the Currency, Washington, D.C. 20219.

FOR FURTHER INFORMATION CONTACT:

Albert L. Elder III, Staff Attorney, Office of the Comptroller of the Currency, Washington, D. C. 20219, 202-447-1880.

SUPPLEMENTARY INFORMATION: The current version of 7.3025 permits "other real estate owner" to be recorded initially at the lower of cost or fair market value. It also provides that if the book value exceeds the fair market value, the difference must be charged off. The existing interpretive ruling, in addition, notes that if a subsequent increase in fair market value occurs, book value should not be written up beyond the original cost.

Generally accepted accounting principles dictate that after a troubled debt restructuring, a creditor shall account for assets received in satisfaction of a receivable the same as if the assets had been acquired for cash. The fair value at the time of transfer of an asset transferred to a creditor in a troubled debt restructuring is a measure of its cost to the creditor and generally its carrying amount, (except for subsequent depreciation, amortization or writedown), until sale or other disposition of the asset.

In the current version of the interpretive ruling it is not clear that the value of real estate accquired in a troubled debt situation be treated in accordance with generally accepted accounting principles.

In order to insure that real estate obtained from troubled debtors is recorded and subsequently carried on the bank's books in an acceptable manner, the words "the original cost as described in (d)(1) of this section nor" have been removed from the last sentence in section (e) and have been replaced by the words "the amount at which the asset was originally booked or."

Consistent with generally accepted accounting principles, the assets in the "other real estate owned" account which are not acquired by the bank in a troubled debt situation (former banking premises and property originally acquired for future expansion) will continue to be valued at the lower of cost of fair market value. The annual adjustment requirement has been eliminated. However, other than land assets shall be depreciated. Partial or complete charge offs will result with respect to these properties only if the value of the assets is seriously impaired.

Two other minor changes are also proposed. The last sentence of section (c) is deleted. The Comptroller of the Currency intends to use any appropriate supervisory remedies including those enumerated at 12 U.S.C. 1818(b) to enforce the requirements of 12 U.S.C. 29. The sentence to be deleted is considered to be superflous. In addition, the first sentence is section (h) is deleted and the words "as required by 12 U.S.C. 29" are added to the end of the remaining sentence in the section so that it more accurately reflects the language of the statute.

Drafting Information

The principal drafter of this document was Albert L. Elder III, staff attorney.

Proposed Ruling

For the reasons stated above, the Comptroller proposes to amend 12 CFR 7.3025, an interpretive ruling, to read as follows:

§ 7.3025 Other real estate owned.

(a) "Other real estate owned" is real estate acquired by a national bank:

(1) Through purchases at sales under judgments, decrees or mortgages where the property was security for debts previously contracted;

(2) Through conveyance in satisfaction of debts previously contracted; or

(3) Through purchases to secure debts previously contracted.

(b) Former banking premises and property originally acquired for future expansion, for which banking use is no longer contemplated, will be considered "other real estate owned." A former banking house will be considered "other real estate owned" from the date of relocation to new banking quarters. When real estate is acquired for future expansion, utilization should be accomplished within a reasonable period, which normally will be considered not to exceed three years. After real estate acquired for future expansion has been held for one year, a board resolution with definitive plans for utilization must be available for inspection.

(c) The bank is under an affirmative duty to dispose of "other real estate owned" at a price sufficient to reimburse the bank for its investment and costs of acquisition. However, no national banking association shall hold "other real estate owned" for a period longer than five years. This five year period begins on the date legal title to the property is transferred to the bank except in instances described in paragraph (b) of this section.

(d) "Other real estate owned" should be initially recorded at the lower of cost or fair market value.

(1) Cost includes the unpaid loan balance (excluding accrued and uncollected interest); major replacements or renovations required to make the property salable; assessments; taxes accrued up to the time of acquisition; court costs, legal fees, title and recording fees due in connection with the acquisition; and similar costs incurred in acquiring the property.

(2) Fair market value must be substantiated by a current appraisal prepared by an independent qualified appraiser at the time of acquisition.

(e) The bank must obtain annually a new appraisal or a certification in letter form from an independent appraiser substantiating that the property has not declined in value. In the event that book value exceeds the fair market value, the difference must be charged off; however, if a subsequent increase in fair market value occurs, the book value shall not be written up beyond the amount at which the asset was originally booked or beyond the book value of December 31, 1975, whichever is less.

(f) Current documentation must be maintained reflecting the bank's continuing and diligent efforts to dispose of each parcel of "other real estate owned."

(g) If "other real estate owned" is an unfinished construction or development project, further prudent advances to complete the project may be included in investment cost. However, such additional advances will not be permissible unless the bank maintains on file evidence that the advances will result in a more salable property.

(h) Disposition of the property must occur through public or private sale within five years from the date of acquisition as required by 12 U.S.C. 29.

Dated: December 28, 1977.

JOHN G. HEIMANN,
Comptroller of the Currency.

[FR Doc. 78-1610 Filed 1-19-78; 8:45 am]

[1505-01]

CIVIL AERONAUTICS BOARD

[14 CFR Part 207]

[EDR 342; Economic Regulations Docket 31861; Dated December 21, 1977]

CHARTER TRIPS AND SPECIAL SERVICES OFF-ROUTE CHARTER LIMITATIONS

Proposed Rulemaking

Correction

In FR Doc. 77-36954 appearing at page 64704 in the issue for Wednesday, December 28, 1977, in the second column of page 64706, the first line of the paragraph under the second heading for "Alternative Proposal" now reading "That the above minimum be 10 per- . . ." should have read "That the above maximum be 10 per- . . .".

Also, in the last line of the same paragraph, the words ". . . the preceding calendar . . ." should have read "the preceding calendar year."

[7020-02]

INTERNATIONAL TRADE COMMISSION

[19 CFR Parts 201, 211]

ENFORCEMENT PROCEDURES; RULES OF PRACTICE AND PROCEDURE

Enforcement, Modification, and Revocation of Final Commission Actions

AGENCY: U.S. International Trade Commission.

ACTION: Proposed rule.

SUMMARY: This subpart would establish procedures for the enforcement or revocation of final Commission actions issued under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), prohibiting unfair methods of competition or unfair acts in the import trade of the United States. At present no such rules exist.

EFFECTIVE DATE: Comments by March 21, 1978.

FOR FURTHER INFORMATION CONTACT:

Jeffrey M. Lang, 202-523-0493.

Under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), the Commission is authorized to take action to exclude articles traded in violation of section 337 or to order that the offending practices cease and desist. There are, at present, four exclusion orders outstanding[1] and one consent order outstanding.[2] There are no cease and desist orders in effect at present. These orders are not penal in nature, but rather condition the future conduct of persons affected by them. For this reason, it will be necessary in most cases to adjust these orders changing circumstances.

Such continuing supervision of outstanding orders is contemplated in section 337. Subsection 337(f) ("Cease and Desist Orders") provides, in part—

> The Commission may at any time, upon such notice and in such manner as it deems proper, modify or revoke any such order, and, in the case of a revocation, may take action under subsection (d) or (e), as the case may be.

Subsection 337(h) ("Period of Effectiveness") provides—

> Except as provided in subsections (f) and (g), any exclusion from entry or order under this section shall continue in effect until the Commission finds, and in the case of exclusion from entry notifies the Secretary of the Treasury, that the conditions which led to such exclusion from entry or order no longer exist.

Previously, changes in outstanding orders were made case by case. Now, however, the Commission has a docket of cases sufficient to require procedural rules in this area. Such rules will also serve the objectives of the law by providing a system of standardized procedures, which will encourage compliance with the law.

The basic plan of these proposed regulations is in two parts. First: The regulations authorize the inclusion of information-gathering conditions in any final Commission action under section 337. The scope of this power is provided by 19 U.S.C. 1333, and failure to provide the information required would not only be subject to court action (see 19 U.S.C. 1333(d)), but would also constitute a violation of the final Commission action itself.

Secondly, the regulations detail procedures for the alteration of any final Commission action. Here, a range of actions, from informal advice to quite formal hearings that may result in the maximum remedies available under the law, are set forth.

SECTION-BY-SECTION DISCUSSION

Section 211.50. The "applicability" and "purpose" subsections are mostly self-explanatory. These rules are intended to serve as the basis for all changes in final Commission actions. These rules are not limited to enforcing cease and desist orders. Dissolving orders that have ceased to serve a useful purpose, such as exclusion orders, is also contemplated. The rules also include temporary relief orders, but no other interlocutory orders are included. Final Commission actions have to undergo the rigors in the law relating to appeals (subsec. 337(c)) and Presidential review (subsec. 337(g)). However, this does not mean that when an adversely affected person fails to appeal a final Commission action, or appeals and loses, it may later collaterally attack the original action when that action is altered pursuant to these rules. In such a situation, it would appear that a court challenge, if any, can only attack the changed action.

The rule contains a "savings" provision, which serves to keep while the existing consent order in *Color Television Receivers,* investigation No. 337-TA-23.

Section 211.51. The power to gather information relating to the operation of a final Commission action is set out here. Any reporting provided for by law is permitted if it will either "aid the Commission to determine whether and to what extent there is compliance with the action" or "whether and to what extent the conditions which led to the action are changed." The first of these relates to cease and desist orders.

The second condition, which is adapted from subsection 337(h), may relate to any kind of final Commission action. One example of such changed circumstances is when the holder of a domestic patent ceases to domestically produce articles that are the subject of an exclusion order. In that case, revocation of the exclusion may be in order.

Final Commission actions may also include provisions for gathering information by any other means provided by law, which includes gaining access to records, copying records, and requiring persons to produce books or papers (19 U.S.C. 1333(a)). This rule further provides for the collection of information from voluntary sources.

Under paragraph (b), the Commission is empowered to prescribe the form and detail of reporting. This implements 19 U.S.C. 1333.

Under paragraph (c), information gathering is enforceable in court or by any other means available to enforce the final action. In paragraph (d), discretion is kept to set the term of any informational requirements of a final action. This would allow for the adjustment of reporting requirements to meet the needs of individual cases and changes in international trade.

Section 211.52 provides that information received pursuant to a final action can be held in confidence. The standards for this are the same as those under § 201.6 of the Commission's rules of practice and procedure. These regulations are not subject to § 201.6, however, since that rule is being simultaneously amended so as not to apply to proposed Subchapter C of these rules. The reference to "statutory functions" in the proposal is also intended to include Commission rules. Keeping the data confidential will encourage better reporting.

Section 211.53. This section sets forth enforcement powers and establishes the plan of the remaining sections of this subpart. Paragraphs (b)(1) to (5) inform persons subject to final Commission actions of the steps which may be taken in the exercise of the oversight of final Commission actions. The steps are set out in order of increasing complexity, and each step (except (b)(5), which is self-explanatory) corresponds to one of the next four sections of the regulations. These rules are intended to provide the greatest possible flexibility in enforcing the law. For example, the rules make it possible to avoid excluding articles that are affected by a cease and desist order, unless exclusion is necessary to stop an unfair act or method that is the subject of the cease and desist order.

Section 211.54. Advice to persons reporting may be sufficient in some

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[1] The outstanding orders are—*Convertible Game Tables,* investigation No. 337-TA-2; *Chain Door Locks,* investigation No. 337-TA-5; *Reclosable Plastic Bags,* investigation No. 337-TA-22; *Certain Exercising Devices,* investigation No. 337-TA-24, *Certain Display Devices for Photographs and the Like,* investigation No. 337-TA-30.

[2] *Color Television Receivers,* investigation No. 337-TA-23.

cases. When a cease and desist order is involved, and compliance with the order is the primary objective of reporting, then advising persons that their reporting evidences noncompliance may be an effective means of getting compliance. The Federal Trade Commission would appear to reserve the right to exercise this option (16 CFR 3.61(a)).

Section 211.55. Modification of reporting requirements will facilitate focusing on problems which require special study in order to determine how the oversight function will be exercised. It may also be used to document facts that justify change in a final order. Modifying reporting requirements will also assure compliance with many cease and desist orders. Finally, it will facilitate altering or abolishing reporting schemes that have proved useless, unreasonably burdensome, or undesirable for other reasons. The rule would allow any person to request changes in reporting requirements, which may be handled publicly or not, as conditions warrant.

Section 211.56 represents a procedural framework for fundamental change in final Commission actions. Such matters may be handled by letter or conference under paragraph (a) or by complaint, followed by answer and then a decision. The formal procedures are adapted from existing rules of other Federal agencies that conduct their own enforcement proceedings short of court action. This rule is aimed primarily at enforcement (by modification or revocation and exclusion) of cease and desist orders, temporary cease and desist orders, and consent orders. (Parties to sec. 337 proceedings who want cease and desist orders or exclusion orders listed or modified may seek modification or revocation by a simpler process of motion and answer under paragraph (c) of this section or by recommendation under § 211.55.)

Upon conclusion of the enforcement process, which may include a hearing, a modified cease and desist order may issue or the existing final Commission action may be replaced with an exclusion order. All such orders are new final Commission actions, subject to court review (although not on the original record of the sec. 337 investigation), Presidential review, bonding, and so-called public interest determinations.

Section 211.57. This section provides for temporary relief action. Thus, when patterns of trade are changing rapidly or enforcement is needed immediately to be effective, a cease and desist order could be revoked and temporarily replaced by exclusion or any other temporary measure allowed by the law, if certain criteria are met. It must be "evident" that violations will occur or that temporary measures are necessary to "accomplish the purpose of section 337." This section applies to all types of final Commission actions.

Section 211.58. Notice to Federal agencies is essential to the proper functioning of these rules. Under subsections 337(b), Government agencies have a role in Commission section 337 proceedings. These rules are supplementary to section 337, and therefore the agencies should have a role here, too. Furthermore, advice to the Secretary of the Treasury when an exclusion order of any type is made or revoked is required by subsections 337(d), 337(e), and 337(h).

§ 201.6 [Amended]

Section 201.6(h) is amended by deleting the words "Part 210".

19 CFR Part 211, Subpart C, is added as follows:

Subpart C—Enforcement, Modification, and Revocation of Final Commission Actions

Sec.

211.50 Applicability, purpose, and savings.
211.51 Information gathering.
211.52 Confidentiality of information.
211.53 Disposition of information; enforcement powers.
211.54 Advice to persons submitting information.
211.55 Modification of information requirements.
211.56 Proceedings to enforce, modify, revoke, or substitute for final Commission actions.
211.57 Immediate action.
211.58 Notice of enforcement action to Government agencies.

AUTHORITY: The provisions of this Subpart C are issued under secs. 333, 335, and 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1333, 1335, and 1337).

§ 211.50 Applicability, purpose, and savings.

(a) *Applicability.* The rules in this subpart apply to "final Commission actions" issued by the Commission under section 337, including exclusion orders, temporary exclusion orders, and cease and desist orders (cease and desist orders shall, for purposes of this subpart, mean cease and desist orders, temporary cease and desist orders, and consent orders).

(b) *Purpose.* The purpose of this subpart is to set forth procedures for the enforcement, modification, and revocation of final Commission actions.

(c) *Savings.* The rules in this subpart shall apply to final Commission actions taken before the effective date of these rules only to the extent not inconsistent with such final actions.

§ 211.51 Information gathering.

(a) *Power to require information.* Whenever the Commission takes a final Commission action, it may attach to such action (or, in the case of a consent order, approve) terms and conditions requiring any person to report to the Commission facts in that person's possession that will aid the Commission in determining whether and to what extent there is compliance with the action or whether and to what extent the conditions which led to the action are changed. The Commission may also include (or, in the case of a consent order, approve) provisions that exercise any other information-gathering power available to it by law. The Commission may at any time request the cooperation of any person or agency in supplying the Commission with information that will aid the Commission in achieving the same ends.

(b) *Form and detail of reports.* Reports under subsection (a) of this section may be required to be in writing, under oath, and in such detail and in such form as the Commission prescribes in the order. A final Commission action may also contain terms and conditions which exercise, or make possible the exercise of, on conditions precedent, any power of information gathering available to the Commission by law, subject to the standards of § 211.51(a).

(c) *Power to enforce informational requirements.* Terms and conditions of final Commission actions for reporting and information gathering, and modifications of such terms and conditions, shall be enforceable by the Commission by a civil action in the nature of mandamus pursuant to 19 U.S.C. 1333 or, at the Commission's discretion, in the same manner as any other provision of the final Commission action is enforced.

(d) *Term of reporting requirement.* The Commission may prescribe in the final Commission action (or, in the case of consent orders, approve) frequency of reporting or information gathering and the date on which these activities are to terminate. If no date for termination is provided, reporting and information gathering shall terminate when the final Commission action or any amendment to it expires by its own terms or is terminated. The Commission may modify informational requirements of a final Commission action at any time, pursuant to § 211.53(b)(2) and § 211.55.

§ 211.52 Confidentiality of information.

In any final Commission action, the Commission may direct that information provided to the Commission pursuant to such action will be received by the Commission in confidence, if disclosure is likely to have the effect of either: (1) Impairing the Commission's ability to obtain such information as is necessary to perform its statutory functions, or (2) causing substantial harm to the competitive position of the person from whom the information was obtained.

§ 211.53 Disposition of information; enforcement powers.

(a) The Commission will review reports submitted pursuant to any final Commission action and conduct such further investigation as it deems necessary, consistent with the action.

(b) Subsequent to the issuance of a final Commission action, the Commission may, upon request of a person or on its own motion, take any one or a combination of the following actions, in any order or all at once, subject to the requirements of this subpart, as applicable:

(1) Advise persons reporting or providing information whether and to what extent the acts set forth in their information evidence compliance with the final Commission action;

(2) Require further, different, or more frequent reports, or other forms of information gathering, consistent with the law;

(3) Modify or revoke a final Commission action, or substitute a new final Commission action after proceedings;

(4) Take immediate action to modify or revoke a final Commission action, or to substitute a new final Commission action.

(5) Institute appropriate court action to enforce the final Commission action.

§ 211.54 Advice to persons submitting information.

The Commission may, upon request by any person or in its discretion, decide to advise persons reporting or providing information that it evidences lack of compliance with a final Commission action or constitutes a reason to modify or revoke such action.

211.55 Modification of information requirements.

Any person may recommend that the Commission (or the Commission may on its own motion) order that a person required by the terms and conditions of a final Commission action to report or to provide information or access to information do so other than as prescribed in the final Commission action. The Commission may modify reporting requirements as necessary: (1) To assure compliance with an outstanding action, (2) to take account of changed circumstances, (3) to minimize the burden or reporting or informational access consistent with the objectives of section 337, or (4) on the basis of any combination of the above. A recommendation to modify reporting requirements shall identify the reports involved and state the reason or reasons for modification. No reporting requirement will be suspended during the pendency of such a recommendation unless the Commission orders it. The Commission may, if the public interest warrants, announce that a modification of reporting is under consideration and ask for comment, but it may also modify any reporting requirement at any time without notice, consistent with the standards of this section.

§ 211.56 Proceedings to enforce, modify, revoke, or substitute for final Commission actions.

(a) *Informal complaints.* Informal compliants may be made in writing with respect to any act done or omitted by any person in violation of any provision of a final Commission action. If warranted, matters so presented may be handled by the Commission through correspondence or conference with the appropriate persons. Any matter not disposed of informally may be made the subject of a formal proceeding pursuant to this subpart. The filing of an informal complaint shall not bar the subsequent filing of a formal complaint.

(b) *Formal complaints.* The Commission may, in order to determine whether a cease and desist order is being violated, institute an enforcement proceeding by docketing a complaint setting forth the alleged violation and, following such proceeding, modify or revoke and enforce the order. The complaint shall be served upon the alleged violator and published in the FEDERAL REGISTER.

(1) *Answer.* Within fifteen (15) days after the date of service of a complaint docketed pursuant to this rule, the named respondent shall file an answer to the complaint. Answers shall fully and completely advise the Commission as to the nature of the defense and shall admit or deny each allegation of the complaint specifically and in detail unless the person complained of is without knowledge, in which case his answer shall so state and the statement shall operate as a denial. Allegations of fact not denied or controverted shall be deemed admitted. Matters alleged as affirmative defenses shall be separately stated and numbered and shall, in the absence of a reply, be deemed to be controverted. Failure of a respondent to file and serve an answer within the time and in the manner prescribed by this rule shall be deemed to authorize the Commission in its discretion to find the facts alleged in the petition to be true and to take such action as may be appropriate without notice or hearing, or, in its discretion, to proceed to take evidence, without notice, of the allegations or charges set forth in the complaint, provided that the Commission (or presiding officer, if one be appointed) may permit late filings of an answer for good cause shown.

(2) *Parties.* The parties to an enforcement proceeding shall be the Commission (represented by an attorney employed by the Commission), the respondent, and any other person with an interest sufficient to support intervention in a section 337 investigation under § 210.6 of these rules.

(3) *Public hearings.* If, in the judgment of the Commission, there is good and sufficient reason therefor, the Commission, in the course of an enforcement investigation, may hold a public hearing and afford parties the opportunity to appear and be heard. If no notice of public hearing issues concurrently with a notice of investigation, any party who believes that a public hearing should be held may, by February 6, 1978, of the notice of investigation, submit a request in writing to the Secretary of the Commission that a public hearing be held, stating the reasons for such request.

(4) *Written statements.* At any time after a formal complaint under § 211.56(b) is published in the FEDERAL REGISTER, any party may submit to the Commission a written statement of information pertinent to the subject matter of the investigation. If a public hearing is held in the investigation, such statement may be presented in lieu of an appearance at the hearing. Statements shall conform to the requirements for documents set forth in § 201.8 of this chapter.

(5) *Commission action.* Upon conclusion of an enforcement proceeding relating to a cease and desist order, the Commission may modify the cease and desist order in any manner necessary to prevent the unfair practices which were originally the basis for issuing such order, or it may revoke the cease and desist order and direct that the articles concerned, imported by anny person violating the provisions of this section, shall be excluded from entry into the United States. Such modification or revocation and exclusion shall not be made if, after considering the effect of such action upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, the Commission finds that such actions should not be taken. Any such order shall become effective and final as provided in § 210.56 of Part 210 [proposed] for purposes of setting bond (if applicable), appeal, and Presidential review under section 337. The hearings provided for under this section are not subject to §§ 554, 555, 556, 557, and 702 of Title 5, United States Code.

(c) *Modification or dissolution of final Commission actions by motion.* Whenever any party to a section 337 proceeding or an enforcement proceeding under this subpart or any person adversely affected by a final Commission action believes that changed conditions of fact or law, or the public interest, require that a final Commission action be modified or set aside, in

whole or in part, such party may file with the Commission a motion requesting that the Commission do so. The motion shall state the changes desired and the changed circumstances warranting such action, and shall include materials and argument in support thereof. The motion shall be served on each party to the section 337 proceeding. within thirty (30) days after the service of such motion, any party so served may file an answer thereto. The Commission shall dispose of the motion by such procedure as it deems appropriate. The procedure described in this subsection will be used to set aside exclusion orders issued under paragraph (b) of this section, and replace them, as appropriate, with cease and desist orders. Any final Commission action will, if not earlier modified or revoked, expire by terms stated in the action.

§ 211.57 Immediate action.

Whenever it is evident that enforcement, modification, revocation, exclusion, or any combination of them is necessary to accomplish the purposes of section 337, or when it is evident that without such action on a temporary basis pending an enforcement proceeding under § 211.56 a violation of a cease and desist order will occur, then the Commission may immediately and without hearing or notice modify or revoke a cease and desist order and, if it is revoked, replace the cease and desist order with an order that the articles concerned, imported by any person violating the provisions of section 337, be excluded from entry into the United States. Such modification or revocation and exclusion shall not be made if, after considering the effect of such action upon the public health and welfare, competitive conditions in the U.S. economy, the production of like or directly competitive articles in the United States, and U.S. consumers, the Commission finds that such actions should not be taken. Any such order shall become effective and final as provided in § 210.56 of Part 210 [proposed] for purposes of setting bond (if applicable), appeal, and Presidential review under section 337.

§ 211.58 Notice of enforcement action to Government agencies.

(a) The Commission may consult or seek information from any government agency when taking any action under this subpart.

(b) The Commission shall notify the Secretary of the Treasury of any action under this subpart which results in a permanent or temporary exclusion of articles from entry or the revocation of an order to such effect.

Issued: January 17, 1978.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc. 78-1590 Filed 1-19-78; 8:45 am]

[7020-02]

[19 CFR Part 209, 210 and 211]

INVESTIGATIONS OF UNFAIR PRACTICES IN IMPORT TRADE

Supplementary Procedures

AGENCY: United States International Trade Commission.

ACTION: Proposed rules.

SUMMARY: These proposals would amend Part 210 of the Commission's rules to provide procedures for consent orders and for other purposes. They would further establish a new Part 211 to provide for certain nonadjudicative procedures incident to the exercise of Commission jurisdiction under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337). The purpose of these rules is to propose regulations to govern these supplemental proceedings. The Commission's rules at present do not provide for these supplemental proceedings.

EFFECTIVE DATE: Comments by March 21, 1978.

FOR FURTHER INFORMATION CONTACT:

Warren L. Dean, Esq., Office of General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C., telephone 202-523-0486.

SUPPLEMENTARY INFORMATION: In the exercise of its jurisdiction under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), the Commission is authorized to conduct proceedings supplemental to the formal adjudicative investigations provided for by Part 210 of the Commission's rules of practice and procedure (19 CFR, Part 210). These proceedings may be authorized in part by other statutes, such as the Administrative Procedure Act (5 U.S.C. 551, et seq.) in the case of consent orders, and section 603 of the Trade Act of 1974 (19 U.S.C. 2482) in the case of preliminary investigations, as well as by section 337 itself. The Commission's rules at present do not provide for these supplemental proceedings.

The nature of these proposed amendments to the Commission's rules is to revise the format of Subchapter C to provide for these supplemental procedures, by dividing the subchapter into 3 parts. A new part 209, to provide procedures for the conduct of informal inquiries and preliminary investigations, will be the subject of subsequent rulemaking. Amendments to Part 210 of the Commission's rules to provide procedures for determining a controversy by consent during the course of an adjudicative investigation are proposed here. Also proposed is a new Part 211, to provide procedures for the Commission's enforcement authority, including determining a controversy by consent during the course of preliminary investigations and informal inquiries.

The following is a section-by-section analysis of the proposed amendments.

SUBCHAPTER C—INVESTIGATIONS OF UNFAIR PRACTICES IN IMPORT TRADE

The Subchapter would be retitled to allow for both adjudicative and supplemental procedures necessary for the exercise of the Commission's jurisdiction under section 337.

Part 210—Adjudicative Procedures, this part would be retitled in a manner consistent with the new format of Part 210.

§ 210.14 Consent Order Settlement.

The Commission has determined that it has the authority to afford parties an opportunity to determine a controversy by consent. While section 337 requires the Commission to determine whether there is a violation of section 337, section 5 of the Administrative Procedure Act (5 U.S.C. 554) requires the Commission to afford parties an opportunity to waive their rights to such a determination and determine a controversy by consent and invoke the Commission's basic authority on that basis.

This section would prescribe a procedure whereby the parties could determine a controversy by consent order during the course of a formal adjudication. The proposed consent order agreement would be in the form a joint motion to terminate the investigation as provided in section 210.51, together with a consent order agreement and proposed consent order as described in § 210.15.

The period proposed for public comment (30 days) concerning the proposed consent order settlement is relatively brief owing to the statutory time constraints for concluding a section 337 investigation. However, the Commission's consideration of the consent order agreement and proposed order would encompass the "public interest" consideration required by section 337 for other Commission action. For the meaning of the brackets, please refer to the analysis of proposed § 210.55.

§ 210.15 Consent Order Agreement.

This section would establish requirements for the consent order agreement by prescribing what must be contained in the agreement to invoke the basic authority of the Commission under section 337. The section also provides that the consent order would have the same force and effect as is provided by statute and regulation for other Commission orders, and provides for the interpretation of the consent order.

§ 210.51 Termination of Investigation.

This section would be amended to provide for licensing agreement settlements and consent order settlements. Termination of an investigation on the basis of such settlements involves determination of the controversy by consent, and a determination of whether there is a violation of section 337

appears not to be necessary. This section would reverse prior Commission practice with respect to licensing agreement settlements.

§ 210.55 Commission Determination and Action.

This section would be amended to provide for publication and transmittal to the President of Commission action as required by section 337(g). The bracketed language in this proposal section and in proposed §§ 210.14, 210.56 and 211.21 includes consent orders in the Commission action required to be transmitted to the President. Deletion of the brackets would allow consent orders to become final without such transmittal to the President. On July 14, 1977, the Commission voted that the proposed consent orders in investigation No. 337-TA-23, Certain Color Television Receiving Sets, be approved. The four commissioners voting were equally divided on the issue of whether the consent orders should be transmitted to the President for his review and possible disapproval for policy reasons, in the manner provided in section 337(g). That section by its terms only applies to determinations of a violation of section 337 and action taken with respect thereto, but section 337(g), as a limitation on the Commission's authority, may apply where the Commission's authority is invoked upon the consent of the parties. Accordingly, public comment is solicited on this issue.

§ 210.56 Effective Date of Commission Action.

This section would further implement section 337(g) by providing that Commission action shall become effective and final in the manner prescribed by the statute. Commission action includes enforcement orders of the Commission, as well as the other Commission action. Transmittal of Commission action is to the Special Representative for Trade Negotiations pursuant to Executive Order. For the meaning of the brackets, please refer to the analysis of proposed § 210.55.

The President has not yet exercised his statutory right to disapprove Commission action under section 337. The Commission at this time is uncertain of what action, if any, it might be authorized to take in response to possible disapproval of Commission action. For example, the President might disapprove an exclusion order and indicate that an appropriate cease-and-desist order would be acceptable, or he might disapprove a consent order in favor of a determination on the merits (assuming consent orders are made subject to Presidential disapproval). The rule allows for such a possibility. The period of Presidential review would be excluded from the statutory period for concluding the Commission's investigation should the President, for example, disapprove of a Commission consent order.

Part 211—Enforcement Procedures, this part would provide procedures for various enforcement actions available to the Commission in the exercise of its jurisdiction under section 337. The part contains three subparts. The first two are set out here. The third is the subject of a separate but simultaneous notice of proposed rulemaking.

SUBPART A—INFORMAL INFORCEMENT PROCEDURE

This subpart contains a procedure whereby assurances would be accepted by the Commission that practices in violation of section 337 will not occur, thus disposing of preliminary investigation activity by the Commission.

§ 211.10 Informal Disposition Through Compliance.

This procedure, which avoids the publicity and the potential impact on U.S. foreign relations of consent orders, may be useful in disposing of certain matters which are the subject of preliminary investigative activity by the staff. Opportunity for such informal disposition would be afforded only in a manner consistent with the Commission's public interest responsibilities.

SUBPART B—CONSENT ORDER PROCEDURE

This subpart proposes a procedure whereby a person may determine a controversy by consent order prior to the institution of an investigation under section 337 and Part 210.

§ 211.20 Opportunity to Submit Proposed Consent Order.

This section would provide for an opportunity to submit a proposed consent order to the Commission prior to the institution of a formal investigation under section 337 and Part 210, either during the course of a section 603 preliminary investigation or informal investigative activity upon receipt of a complaint under oath as provided in section 337(b). By and with the consent of the parties, the proposal provides that the Commission's authority under section 337 could be invoked prior to the institution of a formal investigation. Where a complaint has been filed under oath this procedure would be available only with the concurrence of the complainant, in light of the complainant's right to institution of an investigation on the basis of such complaint.

§ 211.21 Disposition.

This section would provide a procedure for disposition of consent order agreements submitted prior to the institution of a formal section 337 investigation, which procedure consists of (1) tentative acceptance of the agreement, (2) publication for comment, and (3) final acceptance and issuance of the agreement. Once tentatively accepted by the Commission, the procedure for disposing of the consent order proposal would be similar to that provided in new § 210.14 of Part 210 for such action during the course of a formal section 337 investigation. The rule further provides that a consent order issued by the Commission would become effective and final in the same manner as is provided by law and regulation for other Commission action. For the meaning of the brackets, please refer to the analysis of proposed § 210.55.

In consideration of the above, the following amendments are proposed to Chapter II, Title 19, of the Code of Federal Regulations:

(1) Subchapter C of 19 CFR Chapter II is retitled Investigations of Unfair Practices in Import Trade;

(2) Part 209 of Subchapter C, Preliminary Investigations and Procedures, is reserved;

(3) Part 210 of Subchapter C is retitled Adjudicative Procedures;

(4) Present §§ 210.14 and 210.15 of Part 210 are redesignated §§ 210.16 and 210.17 of Part 210, respectively, and present §§ 210.56 and 210.57 of Part 210 are redesignated §§ 210.57 and 210.58 of Part 210, respectively;

(5) New §§ 210.14, 210.15 and 210.56 are added, and present §§ 210.51 and 210.55 are amended; and

(6) New Part 211, Subparts A and B, are added, and new Part 211, Subpart C, is reserved, as follows:

§ 210.14 Consent order settlement.

(a) A proposal to settle a matter by consent order shall be submitted as a motion to terminate an investigation under § 210.51 of this part, together with a consent order agreement and a proposed consent order. Such a motion shall be filed at any time prior to commencement of a hearing as provided in § 210.41(a)(1) of this part jointly by one or more respondents, the Commission investigative attorney, and the complainant (when not the Commission investigative attorney). The Commission may, upon request and for good cause shown, consider such a motion certified to it by the presiding officer during the course of a hearing. The consent order agreement shall comply with the requirements of § 210.15 of this part. A party may not withdraw from the consent order agreement once it has been submitted pursuant to this section.

(b) The presiding officer shall certify the motion to the Commission together with his recommendation within ten (10) days after service of such motion. The filing of the motion shall not stay proceedings before the presiding officer unless the presiding officer or the Commission shall so order. For the purpose of the time limits for the completion of the hearing set forth in § 210.41(e)(1) of this part, there shall be excluded any period of time during which the proceeding is stayed by order of the Commission.

(c) After the motion has been certified to the Commission by the presiding officer the Commission shall promptly publish notice of such motion in the FEDERAL REGISTER and for a period of thirty (30) days thereafter will receive and consider any comments concerning the consent order agreement that may be filed by interested persons. During this period the Commission may conduct such public proceedings with regard to the motion as it deems appropriate. Thereafter, within an additional period of twenty (20) days, the Commission shall either (1) accept the agreement, issue the consent order, and terminate the investigation; (2) reject the agreement and deny the motion; or (3) take such other action as it deems appro-

priate, after considering the effect of the consent order upon the public health and welfare, competitive conditions in the U.S. economy, the production of like or directly competitive articles in the United States, and U.S. consumers, in the manner provided by § 210.16(a)(4) of this part. The Commission shall publish a statement of reasons in support of its action in the FEDERAL REGISTER, and serve the statement of reasons on all parties. (If accepted by the Commission, the consent order shall become effective and final in the manner provided by § 210.56 of this part.)

(d) Nothing in this section precludes the settlement of an investigation by the adjudicatory process through the filing of admissions pursuant to § 210.21 or § 210.34 of this part, or the submission of the case to the presiding officer on the basis of a stipulation of facts on which a recommended determination can be made.

§ 210.15 Consent order agreement.

(a) Every consent order agreement shall contain, in addition to the appropriate proposed consent order, (1) an admission of all jurisdictaional facts; (2) an express waiver of further procedural requirements, including the requirement that the Commission's decision contain a determination of whether there is a violation of section 337; and (3) an express waiver of all rights to seek judicial review or otherwise challenge or contest the validity of the consent order. The consent order agreement may contain a statement that the signing thereof is for settlement purposes only and does not constitute an admission by any party that section 337 has been violated.

(b) The consent order shall have the same force and effect and may be enforced, modified, or revoked in the same manner as is provided in section 337 and Parts 210 and 211 for other Commission action, upon becoming final. Except as otherwise provided in the agreement, the complaint and notice of investigation or the proposed complaint, as the case may be, may be used in construing the terms of the consent order, but no agreement, understanding, representation or interpretation not contained in the consent order agreement or Commission decision accompanying the consent order may be used to vary the terms of the consent order. The Commission may require periodic compliance reports pursuant to subpart C of Part 211 to be submitted by the person entering into the consent order agreement.

§ 210.51 Termination of investigation.

(a) *Motions for termination.* Any party may move at any time for an order to terminate an investigation before the Commission, to terminate the investigation as to all issues in an investigation in regard to one or more but not all of the respondents, or to terminate the investigation as to any parts of the issues in regard to any or all of the respondents.

(b) *Default.* Upon the occurrence of the condition of default, an investigation before the Commission may be terminated as to one or more of the parties in the investigation.

(c) *Licensing agreement settlement.* (1) When a complaint is filed alleging patent, trademark, or copyright infringement, a misappropriation of trade secrets or technical knowledge, an investigation before the Commission directed to such subject matter may be terminated as provided in paragraph (a) of this section on the basis of a licensing agreement entered into between the parties (except the Commission investigative attorney). A motion for termination by such parties shall contain copies of the licensing agreement and any agreements supplemental thereto and an affidavit executed by the parties stating that there are no other agreements, written or oral, expressed or implied, between such parties concerning such licensing agreement.

(2) The licensing agreement and affidavit shall be certified by the presiding officer to the Commission with his recommendation. An order of termination based upon such licensing agreement shall not constitute a determination of the Commission under § 210.55 of this part.

(d) *Consent order settlement.* An investigation before the Commission may be terminated as provided in paragraph (a) of this section on the basis of a consent order settlement under § 210.14 of this part. An order of termination based upon such a settlement shall not constitute a determination of the Commission under § 210.55 of this part.

(e) *Effect of termination.* Except as provided in paragraph (c) and (d) of this section, an order of temination issued by the Commission shall constitute a determination of the Commission under § 210.55 of this part, and an order of termination issued by the presiding officer (when not the Commission) shall constitute a recommended determination of the presiding officer under § 210.53 of this part.

§ 210.55 Commission determination and action.

(a) *Review of recommended determination.* Subject to the provisions of § 210.54 of this part, upon receipt of a recommended determination and the record under § 210.53 of this part, the Commission shall review the same and determine, as the case may be, whether there is a violation of section 337 of the Tariff Act or whether there is reason to believe that there is such a violation, and, when appropriate, whether any action (exclusion of articles from entry, exclusion of articles from entry except under bond, or cease and desist order) should be ordered, the form in which such action should be ordered, and the amount of any bond required.

(b) *When the presiding officer is the Commission.* When the Commission has presided at the taking of evidence, it shall determine, as the case may be, whether there is a violation of section 337 of the Tariff Act or whether there is reason to believe there is such a violation, and, when appropriate, whether any action (exclusion of articles from entry, exclusion of articles from entry except under bond, or cease-and-desist order) should be ordered, the form in which such action should be ordered, and the amount of any bond required.

(c) *Service of Commission determination upon the parties.* A Commission determination shall be served upon each party to the investigation.

(d) *Publication and transmittal to the President.* A Commission determination that there is a violation of section 337 or that there is reason to believe that there is such a violation, together with the action taken, or Commission action taken under [§ 210.14 of this part or] Subpart[s B and] C of Part 211 shall be immediately (1) published in the FEDERAL REGISTER, and (2) transmitted to the Special Representative for Trade Negotiations together with the record upon which the determination and action is based, or, in the case of action taken under [§ 210.14 of this part or] Subpart[s B and] C of Part 211, upon which such action is based.

§ 210.56 Effective date of commission action.

(a) Commission action, consisting of the Commission determination and action taken under § 210.55 of this part, or, as the case may be, action taken under [§ 210.14 of this part or] Subpart[s B and] C of Part 211, shall, except for the purposes of § 210.61 of this part, be effective upon publication thereof in the FEDERAL REGISTER, except that articles directed to be excluded from entry or subject to a cease-and-desist order shall be entitled to entry under bond determined by the Commission until such determination and action become final in the manner specified in paragraphs (b) and (c) of this section.

(b) If the President does not disapprove for policy reasons such Commission action within a period of sixty (60) days after a copy of such Commission action is delivered to the Special Representative for Trade Negotiations, or if the President notifies the Commission before the close of such period that he approves such Commission action, then such Commission

action shall become final on the day after the close of such period, or the day on which the President notifies the Commission of his approval, as the case may be.

(c) If, before the close of such period, the President for policy reasons disapproves the Commission action and notifies the Commission of such disapproval, then effective on the date the Commission receives such notice such Commission action shall have no force or effect, and consistent with the terms of the President's disapproval the Commission may then proceed with the investigation as if such action had never been taken. For the purposes of § 210.17 of this part, there shall be excluded the period of time during which the action was effective.

(d) Final Commission action shall remain in effect as provided in Subpart C of Part 211.

PART 211—ENFORCEMENT PROCEDURES

Subpart A—Informal Enforcement Procedure

Sec.

211.10 Informal disposition through voluntary compliance.

Subpart B—Consent Order Procedure

211.20 Opportunity to submit proposed consent order.

211.21 Disposition.

Subpart C—Enforcement Modification and Revocation of Final Commission Action (Reserved)

Subpart A—Informal Enforcement Procedure

§ 211.10 Informal disposition through voluntary compliance.

(a) The Commission, when it has information obtained during the course of any informal inquiry or preliminary investigation under Part 209 indicating that a person may be engaging in a practice which may involve a violation of section 337, may afford such person the opportunity to have the matter disposed of on an informal nonadjudicative basis, if the Commission deems that the public interest factors set forth in paragraph (a)(2) of § 210.16 of Part 210 will be fully safeguarded thereby.

(b) In determining whether the public interest factors set forth in paragraph (a)(2) of § 210.16 of Part 210 will be fully safeguarded through such informal administrative action, the Commission will consider—

(1) The nature and gravity of the practice;

(2) Whether the practice is likely to recur;

(3) The prior record and good faith of the person involved;

(4) Adequate assurance of voluntary compliance; and

(5) Any other factor that the Commission deems appropriate.

Subpart B—Consent Order Procedure

§ 211.20 Opportunity to submit proposed consent order.

(a) Where time, the nature of the proceeding, and the public interest permit, any person being investigated under the provisions of Part 209 or § 210.11(b) of Part 210 shall be afforded the opportunity to submit to the Commission a proposal for disposition of the matter in the form of a consent order agreement executed by or on behalf of such person and complying with the requirements of § 210.15 of Part 210.

(b) The consent order procedure described in this subpart will only be available prior to institution of an investigation as provided in § 210.12 of Part 210. When proceedings have been commenced upon receipt of a complaint pursuant to § 210.10(a) of Part 210, the consent procedure described in this subpart will be available only with the concurrence of the complainant and upon proper application to the Commission to defer the institution of an investigation.

§ 211.21 Disposition.

Upon receiving an executed consent order agreement conforming with the requirements of § 210.15 of Part 210 the Commission shall within twenty (20) days either: (1) Provisionally accept the agreement and proposed consent order, (2) reject the agreement and institute an investigation, or (3) take such other action as it deems appropriate. If the consent order agreement is provisionally accepted the Commission shall: (1) Place the agreement and proposed consent order on the record, (2) publish the consent order agreement in the FEDERAL REGISTER for a period of public comment thereon for thirty (30) days, and (3) make available an explanation of the provisions of the consent order agreement and the relief to be obtained thereby and any other information which it deems helpful in assisting interested persons to understand the terms of the consent order agreement. A person may not withdraw from a consent order agreement once it has been placed upon the record. The Commission will receive and consider any comments, views or recommendations received concerning the agreement and proposed consent order from interested persons during the period of public comment. During this period the Commission may conduct such public proceedings with regard to the agreement and proposed consent order as it deems appropriate. Thereafter, within a period of twenty (20) days the Commission shall either accept the agreement and proposed consent order or withdraw its provisional acceptance after considering the effect of the consent order on the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, in the manner provided by § 210.16(a)(2) of Part 210. The Commission shall publish a statement of reasons in the FEDERAL REGISTER, and serve the statement of reasons on all parties. [If accepted by the Commission, the consent order shall become effective and final in the manner provided by § 210.56 of Part 210.]

By order of the Commission.

Issued: January 17, 1978.

KENNETH R. MASON,
Secretary.

[FR Doc. 78-1589 Filed 1-19-78; 8:45 am]

[1505-01]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 101, 145]

[Docket No. 77P-0097]

DRAINED WEIGHT OR SOLID CONTENT WEIGHT FOR CANNED FRUITS AND VEGETABLES

Label Statement, Standards of Fill of Container, and Temporary Labeling Exemption

Correction

In FR Doc. 77-34950 appearing at page 62282 in the issue for Friday, December 9, 1977; the following changes should be made:

1. In the second line of § 101.107(g), third column, page 62286, "dehydrated" should read "rehydrated".

2. In footnote 2 to the table in § 145.115(c)(1)(iii), page 62289, "X_d" should have a bar over it.

3. In the third line of § 145.120(a)(1), middle column, page 62289, "operational" should read "optional".

4. In footnote 2 to Table 1 in § 145.125(c)(1)(ii), page 62291, "X_d" should have a bar over it.

5. In Table 2 in § 145.125(c)(1)(ii), page 62291, the heading under "In heavy sirups (ounces)" reading "$\bar{X}_c$" should read "$\bar{X}_d$".

6. On page 62292, in the tenth entry under "Container designation" in the table in § 145.130(c)(1)(ii), "No. 10 (71 whole figs" should read "No. 10 (70 whole figs".

7. On page 62294, the last entry in the right-hand column of the table in § 145.145(c)(1)(ii), now reading "25.80", should read "25.85".

8. On page 62295, in the headings for Table 2A in § 145.170(c)(1)(iii), each italicized *X* should have a bar over it.

9. At the top of page 62296, in the headings for Table 2B in § 145.170(c)(1)(iii), each italicized *X* should have a bar over it.

10. In the third line of § 145.175(c)(1)(ii), middle column, page 62296, "X_d" should have a bar over it.

11. In footnote 2 to the table in § 145.185(c)(1)(ii), on page 62298, the italicized *X* should have a bar over it.

[4110-03]

[21 CFR Parts 182, 184, 186]

[Docket No. 77N-0232]

GELATIN

Affirmation of GRAS Status as a Direct and Indirect Human Food Ingredient; Extension of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Proposed rule; extension of time for comment.

SUMMARY: This document extends to April 9, 1978, the comment period on the Commissioner of Food and Drugs' proposal to affirm the generally recognized as safe (GRAS) status of gelatin as a direct and indirect human food ingredient. The comment period on that proposal expired on January 9, 1978. This action is taken in response to a request for extension of the comment period.

DATE: Written comments by April 9, 1978.

ADDRESS: Written comments (preferably four copies) to the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of November 11, 1977 (42 FR 58763), the Commissioner issued a proposal to affirm the generally recognized as safe (GRAS) status of gelatin as a direct and indirect human food ingredient.

On December 19, 1977, a letter was received from the law firm of Riposanu, Joyce, Ahern, Aballi and Diaz-Cruz on behalf of the Gelatin Manufacturers Institute of America (the Institute). This letter requested an extension of the comment period for the GRAS affirmation proposal for gelatin for an additional 90 days, to April 9, 1978. The extension was requested to allow sufficient time for the Institute and its members to prepare comments on the proposed rule.

The Commissioner has decided that the opportunity to comment on GRAS affirmation proposals is an important part of the GRAS review process, and that an extension to the comment period for this proposal would be appropriate, and that it should be extended to all interested parties.

Accordingly, interested persons may, on or before April 9, 1978, submit to the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written comments (preferably four copies and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding the Commissioner's proposal. The envelope containing the comments should be prominently marked "Gelatin." Received comments may be seen in the above-named office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: January 16, 1978.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc. 78-1811 Filed 1-18-78; 11:03 am]

[4110-03]

[21 CFR Parts 610 and 640]

[Docket No. 77N-0352]

CITRATE PHOSPHATE DEXTROSE ADENINE SOLUTION

Proposed Addition to List of Approved Anticoagulants

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The agency is proposing to amend the biologics regulations by adding the anticoagulant citrate phosphate dextrose adenine (CPDA) to the list of approved anticoagulants for Whole Blood (Human) and products derived from Whole Blood (Human). When CPDA is used as the anticoagulant, the permitted storage period for Whole Blood (Human) and Red Blood Cells (Human) may be extended from 21 to 35 days.

DATES: Comments by March 21 1978.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The biologics regulations governing Whole Blood (Human) in § 640.4 Collection of blood (21 CFR 640.4) currently provide for the use of three anticoagulants—citrate dextrose solution (ACD), heparin solution, and citrate phosphate dextrose solution (CPD). The Commissioner of Food and Drugs is proposing to amend (1) § 640.4 to authorize the use of citrate phosphate dextrose solution supplemented with adenine (CPDA) as an additional anticoagulant, (2) § 610.53 Dating periods for specific products (21 CFR 610.53) to provide a dating period of 35 days for Whole Blood (Human) and Red Blood Cells (Human) collected and stored in CPDA, and (3) § 640.7 Labeling (21 CFR 640.7) to include CPDA in blood labeling.

The anticoagulants ACD and CPD containing small amounts of adenine have been shown to extend from 21 to 35 days the period within which whole blood and red blood cells may be safely stored. In Sweden ACD-adenine has been used as an anticoagulant for blood since 1965, and 2 million blood units containing ACD-adenine have been transfused. Similarly, during 1972 ACD-adenine was added to about 10 percent of the blood units collected in West Germany.

Data resulting from the European use and published studies of blood collected in anticoagulants supplemented with adenine demonstrate that:

1. Whole Blood (Human) and Red Blood Cells (Human) stored in anticoagulant supplemented with adenine for 35 days are as safe, potent, and effective as the same products stored in anticoagulant without adenine for 21 days.

2. Red blood cell antigens stored in anticoagulant supplemented with adenine retain their reactivity for compatibility testing during this additional time.

3. There are no reported differences in frequency, severity, or type of adverse reaction from transfusion with blood stored up to 21 days in anticoagulant solutions without adenine and blood stored up to 35 days in anticoagulant solutions supplemented with adenine.

4. There are no reported differences in the yield, stability, safety, potency, or effectiveness of Single Donor Plasma (Human), Cryoprecipitated Antihemophilic Factor (Human), Normal Serum Albumin (Human), Immune Serum Globulin (Human), Plasma Protein Fraction (Human), Fibrinogen, and Factor IX complex (Factors II, VII, IX, and X) derived from blood collected in anticoagulant supplemented with adenine and blood collected in anticoagulant without adenine.

5. The quality of the red blood cells during the extended storage period is improved, an effect which becomes increasingly significant after about 10 days of storage. It is expected also that the use of CPDA will promote ef-

ficient distribution and utilization of blood by reducing waste due to outdating.

The Commissioner therefore concludes that, based on the available data, blood collected and stored in CPDA for 35 days can be expected beyond reasonable doubt to yield its specific results and retain its safety, purity, potency, and effectiveness. The Commissioner is not aware of any data demonstrating the hemostatic effect of Platelet Concentrate (Human) prepared from blood collected in (Human) anticoagulant supplemented with adenine. For this reason, no amendment authorizing the use of Whole Blood (Human) collected in CPDA for the preparation of Platelet Concentrate (Human) is being proposed at this time. It should be noted that CPDA is not proposed for use in blood products collected by plasmapheresis. The anticoagulant CPDA increases the stability of red blood cells in whole blood. Because the red blood cells are returned during a plasmapheresis procedure, there is no need for this anticoagulant in blood collected during plasmapheresis.

The background data and information on which the Commissioner relies in proposing this regulation are on file with the Hearing Clerk, Food and Drug Administration, and include the following references:

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Therefore, under the Public Health Service Act (sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262)) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Parts 610 and 640 of Subchapter F of Title 21 of the Code of Federal Regulations to read as follows:

1. In Part 610 by amending § 610.53 by revising the items, Red Blood Cells (Human) and Whole Blood (Human), to read as follows:

§ 610.53 Dating periods for specific products.

* * * * *

Red Blood Cells (Human):

(a) Twenty-one days from date of collection of source blood, provided labeling recommends storage between 1° and 6° C and the hermetic seal is not broken during processing. § 610.51 does not apply.

(b) Thirty-five days from date of collection of source blood, when collected and stored with anticoagulant citrate phosphate dextrose adenine solution, provided labeling recommends storage between 1° and 6° C and the hermetic seal is not broken during processing. § 610.51 does not apply.

(c) Twenty-four hours after plasma removal, provided labeling recommends storage between 1° and 6° C if the hermetic seal is broken during processing. § 610.51 does not apply.

(d) *Frozen:* Three years, provided labeling recommends storage at −65° C or colder.

(e) Twenty-four hours after removal from storage at −65° C or colder, provided labeling recommends storage between 1° and 6° C. § 610.51 does not apply.

* * * * *

Whole Blood (Human) collected in:

(a) ACD solution. Twenty-one days, provided labeling recommends storage between 1° and 6° C. § 610.51 does not apply.

(b) Heparin solution. Forty-eight hours, provided labeling recommends storage between 1° and 6° C. § 610.51 does not apply.

(c) CPD solution. Twenty-one days, provided labeling recommends storage between 1° and 6° C. § 610.51 does not apply.

(d) CPDA solution. Thirty-five days, provided labeling recommends storage between 1° and 6° C. § 610.51 does not apply.

* * * * *

2. In Part 640:

a. In § 640.4 by adding new paragraph (d)(4) to read as follows:

640.4 Collection of the blood.

* * * * *

(d) * * *

(4) *Anticoagulant citrate phosphate dextrose adenine solution (CPDA).*

Tri-sodium citrate (Na_3 $C_6H_5O_7$ 2 H_2O) 26.3 gm.
Citric acid ($C_6H_8O_7$ H_2O) 3.27 gm.
Dextrose ($C_6H_{12}O_6$ H_2O) 31.9 gm.
Monobasic sodium phosphate (NaH_2PO_4 H_2O) 2.22 gm.
Adenine ($C_5H_5N_5$) 0.275 gm.
Water for injection (U.S.P.) to make 1,000 ml.
Volume per 100 ml. blood, 14 ml.

* * * * *

b. In § 640.7 by adding a new item (iv) to paragraph (b)(1) to read as follows:

§ 640.7 Labeling.

* * * * *

(b) *Anticoagulant*—(1) * * *

(iv) Either "CPDA" or "citrate phosphate dextrose adenine solution".

* * * * *

c. In § 640.22 by revising paragraph (a) to read as follows:

§ 640.22 Collection of source material.

(a) Whole blood used as the source of Platelet Concentrate (Human) shall be collected as prescribed in § 640.4, except that paragraphs (d) (2) and (4) and paragraph (h) shall not apply.

* * * * *

Interested persons may, on or before March 21, 1978 submit to the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857; written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

NOTE.—The Food and Drug Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821 (as amended by Executive Order 11949) and OMB Circular A-107. A copy of the economic impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Dated: January 16, 1978.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc. 78-1480 Filed 1-19-78; 8:45 am]

[4830-01]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 301]

[LR-265-74]

ANNUAL REGISTRATION FOR EMPLOYEE RETIREMENT BENEFIT PLANS

Proposed Rulemaking

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to the requirement that the plan administrator of an employee retirement benefit plan annually report information relating to plan participants who separate from service covered by the plan and are entitled to a deferred vested retirement benefit under the plan, but are not paid this retirement benefit. This document also contains proposed regulations relating to the requirement that the plan administrator report certain changes in plan status, and proposed regulations relating to amounts imposed for failure to file with the Internal Revenue Service certain information required in connection with employee retirement benefit plans. Changes in the applicable tax law were made by the Employee Retirement Income Security Act of 1974 ("ERISA"). These regulations would provide plan administrators and employers with the guidance needed to comply with ERISA, and would also affect plan participants who separate from service covered by an employee retirement benefit plan and are entitled to a deferred vested retirement benefit under the plan.

DATES: Written comments and requests for public hearing are to be delivered or mailed by March 6, 1978. The regulations relating to the reporting of the deferred vested retirement benefit of a separated plan participant are generally proposed to be effective with respect to participants separating from service in plan years beginning after 1975. The regulations relating to the reporting of a change in plan status are also proposed to be effective for plan years beginning after 1975. The regulations relating to amounts imposed for failure to file certain information with respect to employee benefit plans are generally proposed to be effective for plan years beginning after September 2, 1974.

ADDRESS: Send comments and requests for public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T:LR-265-74, Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

Richard Johnson of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T:LR-265-74) (202-566-3603) (Not a toll-free number).

SUPPLEMENTARY INFORMATION:

BACKGROUND

This document contains proposed amendments to the Regulations on Procedure and Administration (26 CFR Part 301) under sections 6057, 6652 (e) and (f) and 6690 of the Internal Revenue Code of 1954. The amendments are proposed to conform the regulations to section 1031 of the Employee Retirement Income Security Act of 1974 (88 Stat. 943) ("ERISA"), and are to be issued under the authority contained in sections 6057 and 7805 of the Internal Revenue Code of 1954 (88 Stat. 943 and 68A Stat. 917; 26 U.S.C. 6057 and 7805).

IDENTIFICATION OF SEPARATED PARTICIPANTS WITH DEFERRED VESTED RETIREMENT BENEFIT

ERISA requires that the plan administrator of an employee retirement benefit plan file with the Internal Revenue Service information relating to each plan participant who separates from service covered by the plan, is entitled to a deferred vested retirement benefit under the plan and is not paid this retirement benefit. The information required describes the nature, amount and form of the benefit to which the participant is entitled. This description of the retirement benefit is also to be provided the participant. Information reported to the Internal Revenue Service will be delivered to the Social Security Administration. When an individual applies for benefits under the Social Security laws the Social Security Administration will then deliver to the applicant a description of the retirement benefit to which the applicant is entitled under the employee retirement benefit plan. The Social Security Administration will also provide the information to the participant upon request.

NOTIFICATION OF CHANGE IN STATUS

ERISA also requires that the plan administrator of an employee retirement benefit plan report to the Internal Revenue Service any change in the status of the plan. A change in the plan administrator, termination of the plan or merger of the plan with another plan are examples of changes in status which must be reported.

AMOUNTS IMPOSED FOR FAILURE TO PROVIDE INFORMATION WITH RESPECT TO EMPLOYEE BENEFIT PLAN

ERISA provides that plan administrators required to file with the Internal Revenue Service information relating to the deferred vested retirement benefit of a plan participant, or to file a notification of a change in plan status will be liable for certain amounts imposed in the case of a failure to do so. A penalty is also imposed if the plan administrator willfully fails to provide a participant with a statement of the deferred vested retirement benefit to which the participant is entitled.

In addition, certain amounts are imposed in the case of a failure to file the annual return required for employee benefit plans, the actuarial statement required in the case of a merger or consolidation of two or more plans or certain other information required with respect to certain plans benefiting an owner-employee.

DELETION OF SECTIONS MERELY REPRODUCING STATUTORY MATERIAL

As part of the effort to reduce the bulk of the Code of Federal Regulations, those sections of the regulations which merely reproduce provisions of the Internal Revenue Code are being deleted.

COMMENTS AND REQUESTS FOR A PUBLIC HEARING

Before adopting these regulations as final regulations, consideration will be given to any written comments that are submitted (preferably eight copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. If a public hearing is held, notice of the time and place will be published in the FEDERAL REGISTER.

DRAFTING INFORMATION

The principal author of these proposed regulations was Richard Johnson of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

ADOPTION OF AMENDMENT TO THE REGULATIONS

The proposed amendments to 26 CFR Part 301 are as follows:

PARAGRAPH 1. There is inserted in the appropriate place the following new sections:

§ 301.6057-1 Employee retirement benefit plans; identification of participant with deferred vested retirement benefit.

(a) *Annual registration statement*—(1) *In general.* Under section 6057(a), the plan administrator (within the meaning of section 414(g)) of an employee retirement benefit plan must file with the Internal Revenue Service information relating to each plan participant who separates from service covered by the plan and is entitled to a deferred vested retirement benefit under the plan, but is not paid this retirement benefit. Plans subject to this filing requirement are described in subparagraph (3) of this paragraph. Subparagraph (4) describes how the information is to be filed with the Internal Revenue Service. In the case of a plan to which only one employer contributes, the time for filing the information with respect to each separated participant is described in subparagraph (5). In the case of a plan to which more than one employer contributes the time for filing the information with respect to a participant is described in paragraph (b)(2). Paragraph (b) also provides other rules applicable only to plans to which more than one employer contributes.

(2) *Deferred vested retirement benefit.* For purposes of this section, a plan participant's deferred retirement benefit is considered a vested benefit if it is vested under the terms of the plan at the close of the plan year described in paragraph (a)(5) or (b)(4) (whichever is applicable) for which information relating to any deferred vested retirement benefit of the participant must be filed. A participant's deferred retirement benefit need not be a nonforfeitable benefit within the meaning of section 411(a) for the filing requirements described in this section to apply. Accordingly, information relating to a participant's deferred vested retirement benefit must be filed as required by this section notwithstanding that the benefit is subject to forfeiture by reason of an event or condition occurring subsequent to the close of the plan year described in paragraph (a)(5) or (b)(4) (whichever is applicable) for which information relating to any deferred vested retirement benefit of the participant must be filed.

(3) *Plans subject to filing requirement.* The term "employee retirement benefit plan" means a plan to which the vesting standards of section 203 of part 2 of subtitle B of Title I of the Employee Retirement Income Security Act of 1974 (88 Stat. 854) apply for any day in the plan year. (For purposes of this section, "plan year" means the plan year as determined for purposes of the annual return required by section 6058(a)). Accordingly, a plan need not be a qualified plan within the meaning of section 401(a) to be subject to these filing requirements. A plan to which more than one employer contributes must file the report of deferred vested retirement benefits described in this section, but see paragraph (b) for special rules applicable to such a plan.

(4) *Filing requirements.* Information relating to the deferred vested retirement benefit of a plan participant

must be filed on Schedule SSA as an attachment to the Annual Return/Report of Employee Benefit Plan (Form 5500 series). Schedule SSA shall be filed on behalf of an employee retirement benefit plan for each plan year for which information relating to the deferred vested retirement benefit of a plan participant is filed under paragraph (a)(5) or (b)(2) of this section. There shall be filed on Schedule SSA the name and Social Security number of the participant, a description of the nature, form and amount of the deferred vested retirement benefit to which the participant is entitled, and such other information as is required by section 6057(a) or Schedule SSA and the accompanying instructions. The form of the benefit reported on Schedule SSA shall be the normal form of benefit under the plan, or, if the plan administrator (within the meaning of section 414(g)) considers it more appropriate, any other form of benefit.

(5) *Time for reporting deferred vested retirement benefit*—(i) *In general.* In the case of a plan to which only one employer contributes, information relating to the deferred vested retirement benefit of a plan participant must be filed no later than on the Schedule SSA filed for the plan year following the plan year within which the participant separates from service covered by the plan. Information relating to a separated participant may, at the option of the plan administrator, be reported earlier (that is, on the Schedule SSA filed for the plan year in which the participant separates from service covered by the plan). For purposes of this paragraph a participant is not considered to separate from service covered by the plan solely because the participant incurs a break in service under the plan. In addition, for purposes of this paragraph, in the case of a plan which uses the elapsed time method described in Department of Labor regulations for crediting service for benefit accrual purposes, a participant is considered to separate from service covered by the plan on the date the participant severs from service covered by the plan.

(ii) *Exception.* Notwithstanding subdivision (i), no information relating to the deferred vested retirement benefit of a separated participant is required to be reported on Schedule SSA if, after the participant separates from service covered by the plan, but before the end of the plan year following the plan year during which the participant so separates from service covered by the plan, the participant (A) is paid retirement benefits under the plan, (B) returns to service covered by the plan, or (C) forfeits the deferred vested retirement benefit under the plan.

(b) *Plans to which more than one employer contributes*—(1) *Application.* Section 6057 and this section apply to a plan to which more than one employer contributes with the modifications set forth in this paragraph. For purposes of section 6057 and this section, whether or not more than one employer contributes to a plan shall be determined by the number of employers who are required to contribute to the plan. Thus, for example, this paragraph applies to plans maintained by more than one employer which are collectively bargained as described in section 413(a), multiple-employer plans described in section 413(c) and the regulations thereunder, multiemployer plans described in section 414(f), and plans adopted by more than one employer of certain controlled and common control groups described in section 414 (b) and (c).

(2) *Time for reporting deferred vested retirement benefit*—(i) *In general.* In the case of a plan to which more than one employer contributes, information relating to the deferred vested retirement benefit of a plan participant must be filed no later than on the Schedule SSA filed for the plan year within which the participant completes the second of two consecutive one-year breaks in service (as defined in the plan for vesting percentage purposes) in service computation periods (as defined in the plan for vesting percentage purposes) beginning after December 31, 1974. For the definition of the term "one-year break in service" in the case of a plan which uses the elapsed time method described in Department of Labor Regulations for crediting service for vesting percentage purposes, see § 1.411 (a)-6 (c)(2). At the option of the plan administrator, information relating to a participant's deferred vested retirement benefit may be filed earlier (that is, on the Schedule SSA filed for the plan year in which the participant incurs the first one-year break in service or, in the case of a separated participant, on the Schedule SSA filed for the plan year in which the participant separates from service).

(ii) *Exception.* Notwithstanding subdivision (i) of this subparagraph, no information relating to a participant's deferred vested retirement benefit is required to be filed on Schedule SSA if, before the end of the plan year in which the participant incurs the second consecutive one-year break in service, the participant (A) is paid some or all of such deferred vested retirement benefit under the plan, (B) accrues additional retirement benefits under the plan, or (C) forfeits the deferred vested retirement benefit under the plan.

(iii) *Special transitional rule.* Notwithstanding subdivision (i), if the second consecutive one-year break in service described in subdivision (i) is incurred in a plan year beginning before January 1, 1977, information relating to the participant's deferred vested retirement benefit is to be reported on the Schedule SSA filed for the first plan year beginning after December 31, 1976. Further, no information relating to a participant's deferred vested retirement benefit is required to be reported on Schedule SSA if, before the end of the first plan year beginning after December 31, 1976, the participant (A) is paid some or all of such deferred vested retirement benefit under the plan, (B) accrues additional retirement benefits under the plan, or (C) forfeits the deferred vested retirement benefit under the plan.

(3) *Information relating to deferred vested retirement benefit*—(i) *Incomplete records.* Section 6057(a) and paragraph (a)(4) of this section require the filing on Schedule SSA of a description of the deferred vested retirement benefit to which the participant is entitled. If the plan administrator of a plan to which more than one employer contributes maintains records of a participant's service covered by the plan which are incomplete as of the close of the plan year with respect to which the plan administrator files information relating to the participant on Schedule SSA, the plan administrator may elect to file the information required by Schedule SSA based only upon these incomplete records. The plan administrator is not required, for purposes of completing Schedule SSA, to compile from sources other than such records a complete record of a participant's years of service covered by the plan. Similarly, if retirement benefits under the plan are determined by taking into account a participant's service with an employer which is not service covered by the plan, but the plan administrator maintains records only with respect to periods of service covered by the plan, the plan administrator may complete Schedule SSA taking into account only the participant's period of service covered by the plan.

(ii) *Inability to determine correct amount of participant's deferred vested retirement benefit.* If the amount of a participant's deferred vested retirement benefit which is filed on Schedule SSA is computed on the basis of plan records maintained by the plan administrator which—

(A) Are incomplete with respect to the participant's service covered by the plan (as described in subdivision (i)), or

(B) Fail to account for the participant's service not covered by the plan which is relevant to a determination of the participant's deferred vested retirement benefit under the plan (as described in subdivision (i)),

then the plan administrator must indicate on Schedule SSA that the

amount of the deferred vested retirement benefit shown therein may be other than that to which the participant is actually entitled because the amount is based upon incomplete records.

(iii) *Inability to determine whether participant vested in deferred retirement benefit.* Where, as described in subdivision (i), information to be reported on Schedule SSA is to be based upon records which are incomplete with respect to a participant's service covered by the plan or which fail to take into account relevant service not covered by the plan, the plan administrator may be unable to determine whether or not the participant is vested in any deferred retirement benefit. There may be reason to believe, however, that, because plan records are incomplete, the participant may in fact be vested in a deferred retirement benefit. In such a case, information relating to the participant must be filed on Schedule SSA with the notation that the participant may be entitled to a deferred vested retirement benefit under the plan, but information relating to the amount of the benefit may be omitted. This subdivision (iii) does not apply in a case in which it can be determined from plan records maintained by the plan administrator that the participant is vested in a deferred retirement benefit. Subdivision (ii), however, may apply in such a case.

(c) *Voluntary reports.* The plan administrator of an employee retirement benefit plan described in paragraph (a)(3) of this section, or any other employee retirement benefit plan, may at its option, file on Schedule SSA information relating to the deferred vested retirement benefit of any plan participant who separates at any time from service covered by the plan, including plan participants who separate from such service in plan years beginning prior to 1976.

(d) *Individual statement to participant.* The plan administrator of an employee retirement benefit plan defined in paragraph (a)(3) of this section must provide each participant with respect to whom information is required to be filed on Schedule SSA a statement describing the deferred vested retirement benefit to which the participant is entitled. The description provided the participant must include the information filed with respect to the participant on Schedule SSA, and any other information the Internal Revenue Service may require. The statement is to be delivered to the participant or forwarded to the participant's last known address no later than the date on which any Schedule SSA reporting information with respect to the participant is required to be filed.

(e) *Penalties.* For amounts imposed in the case of failure to file the report of deferred vested retirement benefits required by section 6057 (a) and paragraph (a) or (b) of this section, see section 6652(e)(1). For the penalty relating to a failure to provide the participant the individual statement of deferred vested retirement benefit required by section 6057 (e) and (d) of this section, see section 6690.

(f) *Effective dates.*—(1) *Plans to which only one employer contributes.* In the case of a plan to which only one employer contributes, this section is effective for plan years beginning after December 31, 1975, and with respect to a participant who separates from service covered by the plan in plan years beginning after that date.

(2) *Plans to which more than one employer contributes.* In the case of a plan to which more than one employer contributes, this section is effective for plan years beginning after December 31, 1976.

§ 301.6057-2 Employee retirement benefit plans; notification of change in plan status.

(a) *Change in plan status.* The plan administrator (within the meaning of section 414(g)) of an employee retirement benefit plan defined in § 301.6057-1 (a) (3) (including a plan to which more than one employer contributes, as described in § 301.6057-1 (b) (1)) must notify the Internal Revenue Service of the following changes in plan status—

(1) A change in the name of the plan,

(2) A change in the name or address of the plan administrator,

(3) The termination of the plan, or

(4) The merger or consolidation of the plan with another plan or the division of the plan into two or more plans.

(b) *Notification.* A notification of a change in status described in paragraph (a) must be filed on the Annual Return/Report of Employee Benefit Plan (Form 5500 series) for the plan year in which the change in status occurred. The notification must be filed at the time and place and in the manner prescribed in the form and any accompanying instructions.

(c) *Penalty.* For amounts imposed in the case of failure to file a notification of a change in plan status required by section 6057(b) and this section, see section 6652(e)(2).

(d) *Effective date.* This section is effective for changes in plan status occurring within plan years beginning after December 31, 1975.

§ 301.6652 [Deleted.]

PAR. 2. Section 301.6652 is deleted.

PAR. 3. There is added immediately after § 301.6652-2 the following new section:

§ 301.6652-3 Failure to file information with respect to employee retirement benefit plan.

(a) *Amount imposed.*—(1) *Annual registration statement.* The plan administrator (within the meaning of section 414(g)) of an employee retirement benefit plan defined in § 301.6057-1(a)(3) is liable for the amount imposed by section 6652(e)(1) in each case in which there is a failure to file information relating to the deferred vested retirement benefit of a plan participant, as required by section 6057(a) and § 301.6057-1, at the time and place and in the manner prescribed therefor (determined without regard to any extension of time for filing). The amount imposed by section 6652(e)(1) on the plan administrator is $1 for each participant with respect to whom there is a failure to file the required information, multiplied by the number of days during which the failure continues. However, the total amount imposed by section 6652(e)(1) on the plan administrator with respect to a failure to file on behalf of a plan for a plan year shall not exceed $5,000.

(2) *Notification of change in status.* The plan administrator (within the meaning of section 414(g)) of an employee retirement benefit plan defined in § 301.6057-1(a)(3) is liable for the amount imposed by section 6652(e)(2) in each case in which there is a failure to file a notification of a change in plan status, as described in section 6057(b) and § 301.6057-2, at the time and place and in the manner prescribed therefor (determined without regard to any extension of time for filing). The amount imposed by section 6652(e)(2) on the plan administrator is $1 for each day during which the failure to so file a notification of a change in plan status continues. However, the total amount imposed by section 6652(e)(2) on the plan administrator with respect to a failure to file a notification of a change in plan status shall not exceed $1,000.

(3) *Annual return of employee benefit plan.* [Reserved.]

(4) *Actuarial statement in case of mergers.* The plan administrator (within the meaning of section 414(g)) is liable for an amount imposed by section 6652(f) in each case in which there is a failure to file the actuarial statement described in section 6058(b) at the time and in the manner prescribed therefor (determined without regard to any extension of time for filing). The amount imposed by section 6652(f) on the plan administrator is $10 for each day during which the failure to file the statement with respect to a merger, consolidation or transfer of assets or liabilities continues. However, the amount imposed by section 6652(f) on the plan administrator with respect to a failure to file the

statement with respect to a merger, consolidation or transfer shall not exceed $5,000.

(5) *Information relating to certain trusts and annuity and bond purchase plans.* Under section 6652(f) the amount described in this subparagraph is imposed in each case in which there is a failure to file a return or statement required by section 6047 at the time and in the manner prescribed therefor in § 1.6047-1 (determined without regard to any extension of time for filing). The amount is imposed upon the trustee of a trust described in section 401(a), custodian of a custodial account or issuer of an annuity contract, as the case may be (see § 1.6047-1(a)(1) (i) and (ii)). The amount imposed by section 6652(f) is $10 for each day during which the failure to file with respect to a payee for a calendar year continues. However, the amount imposed with respect to a failure to file with respect to a payee for a calendar year shall not exceed $5,000.

(b) *Showing of reasonable cause.* (1) No amount imposed by section 6652(e) shall apply with respect to a failure to file information relating to the deferred vested retirement benefit of a plan participant under section 6057(a), or a failure to give notice of a change in plan status under section 6057(b), if it is established to the satisfaction of the director of the internal revenue service center at which the information or notice is required to be filed that the failure was due to reasonable cause.

(2) No amount imposed by section 6652(f) shall apply with respect to a failure to file a return or statement required by section 6058 or 6047, or a failure to provide material items of information called for on such a return or statement, if it is established to the satisfaction of the appropriate district director or the director of the internal revenue service center at which the return or statement is required to be filed that the failure was due to reasonable cause.

(3) An affirmative showing of reasonable cause must be made in the form of a written statement setting forth all the facts alleged as reasonable cause. The statement must contain a declaration by the appropriate individual that the statement is made under the penalties of perjury.

(c) *Joint liability.* If more than one person is responsible for a failure to comply with sections 6057 (a) or (b) or section 6058 (a) or (b) or section 6047, all such persons shall be jointly and severally liable with respect to the failure.

(d) *Manner of payment.* An amount imposed under section 6652 (e) or (f) and this section shall be paid in the same manner as a tax upon the issuance of notice and demand therefor.

(e) *Effective dates*—(1) *Annual registration statement.* With respect to the annual registration statement described in section 6057(a), this section is effective—

(i) In the case of a plan to which only one employer contributes, for plan years beginning after December 31, 1975, with respect to participants who separate from service covered by the plan in plan years beginning after that date, and

(ii) In the case of a plan to which more than one employer contributes, for plan years beginning after December 31, 1976.

(2) *Notification of change in status.* With respect to the notification of change in plan status required by section 6057(b), this section is effective with respect to a change in status occurring within plan years beginning after December 31, 1975.

(3) *Annual return of employee benefit plan.* With respect to the annual return of employee benefit plan required by section 6058(a), this section is effective for plan years beginning after September 2, 1974.

(4) *Actuarial statement in case of mergers.* With respect to the actuarial statement required by section 6058(b), this section is effective with respect to mergers, consolidations or transfers of assets or liabilities occurring after September 2, 1974.

(5) *Information relating to certain trusts and annuity and bond purchase plans.* With respect to reports or statements required to be filed by section 6047 and the regulations thereunder, this section is effective with respect to calendar years ending after September 2, 1974.

PAR. 4. There is added in the appropriate place the following new section:

§ 301.6690-1 Penalty for fraudulent statement or failure to furnish statement to plan participant.

(a) *Penalty.* Any plan administrator required by section 6057(e) and § 301.6058-1(d) to furnish a statement of deferred vested retirement benefit to a plan participant is subject to a penalty of $50 in each case in which the administrator (1) willfully fails to furnish the statement to the participant in the manner, at the time, and showing the information required by section 6057(e) and § 301.6057-1(d), or (2) willfully furnishes a false or fraudulent statement to the participant. The penalty shall be assessed and collected in the same manner as the tax imposed on employers under the Federal Insurance Contributions Act.

(b) *Effective date.* This section shall take effect on September 2, 1974.

WILLIAM E. WILLIAMS,
Acting Commissioner of Internal Revenue.

[FR Doc. 78-1407 Filed 1-16-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 845-6]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revisions to the Rules and Regulations of the Amador County Air Pollution Control District in the State of California

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: The Amador County Air Pollution Control District (APCD) has adopted changes to its rules and regulations. The revisions have been submitted to the Environmental Protection Agency (EPA) by the California Air Resources Board (ARB) as revisions to the California State Implementation Plan (SIP). The intended effect of the revisions is to update the rules and regulations, and to correct certain deficiencies in the SIP. The EPA invites public comments on these proposed rules, especially as to their consistency with the Clean Air Act.

DATES: Comments may be submitted up to February 21, 1978.

ADDRESSES: Comments may be sent to: Regional Administrator, Attn: Air and Hazardous Materials Division, Air Programs Branch, California SIP Section (A-4), U.S. Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, Calif. 94105. Copies of the proposed revisions are available for public inspection during normal business hours at the EPA Region IX Office at the above address and at the following locations:

Amador County Air Pollution Control District, 810 Court Street, Jackson, Calif. 95642.
California Air Resources Board, 1709 11th Street, Sacramento, Calif. 95814.
Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

David R. Souten, Chief, California SIP Section, EPA, Region IX, 415-556-7288.

SUPPLEMENTARY INFORMATION: The ARB submitted to EPA on behalf of the Amador County APCD on October 13, 1977 proposed revisions to the following rules:

Rules and titles

102—Definitions.
103—Enforcement.
203—Nuisance.
205—Exceptions (to Rule 202, Visible Emissions).
207—Particulate Matter.

212—Process Weight Table—Dust and Condensed Fumes.
216—Abrasive Blasting.
302—Prohibitions on Open Burning.
304—Open Burning Permitted.
305—Permit Conditions.
313—Penalty.
507—Provision of Sampling and Testing Facilities.
602.1—Authority to Construct Schedules.
604—Analysis Fees.
605—Technical Reports.
701—General (provisions for hearings).
703—Contents of Petitions.
710—Notice of Public Hearing.

In addition, a rule on new source review was also submitted. It will be addressed in another FEDERAL REGISTER notice.

Pursuant to Section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the proposed regulations as SIP revisions. The Regional Administrator hereby issues this notice setting forth these revisions as proposed rulemaking and advises the public that interested parties may participate by submitting written comments to the EPA Region IX Office. Comments received on or before February 21, 1978, will be considered, and made available for public inspection at the EPA Regional Office and the EPA Public Information Reference Unit.

(Secs. 110, 301(a) Clean Air Act, as amended (42 U.S.C. 7410, 7601(a)).)

Dated: December 27, 1977.

CLYDE B. ELLER,
Acting Regional Administrator.

[FR Doc. 78-1790 Filed 1-19-78; 8:45 am]

[6560-01]

[40 CFR Part 52]

[FRL 845-7]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revisions to the Rules and Regulations of the Calaveras County Air Pollution Control District in the State of California

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: The Calaveras County Air Pollution Control District (APCD) has adopted changes to its rules and regulations. The revisions have been submitted to the Environmental Protection Agency (EPA) by the California Air Resources Board (ARB) as revisions to the California State Implementation Plan (SIP). The intended effect of the revisions is to update the rules and regulations, and to correct certain deficiencies in the SIP. The EPA invites public comments on these proposed rules, especially as to their consistency with the Clean Air Act.

DATES: Comments may be submitted up to February 21, 1978.

ADDRESSES: Comments may be sent to: Regional Administrator, Attn: Air and Hazardous Materials Division, Air Programs Branch, California SIP Section (A-4), U.S. Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, Calif. 94105. Copies of the proposed revisions are available for public inspection during normal business hours at the EPA Region IX Office at the above address and at the following locations:

Calaveras County Air Pollution Control District, Government Center, San Andreas, Calif. 95249.
California Air Resources Board, 1709 11th Street, Sacramento, Calif. 95814.
Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

David R. Souten, Chief, California SIP Section, EPA, Region IX, 415-556-7288.

SUPPLEMENTARY INFORMATION: The ARB submitted to EPA on behalf of the Calaveras County APCD on October 13, 1977 proposed revisions to the following rules:

Rules and titles

Rule 102—Definitions.
Rule 203—Exceptions (to Rule 202, Visible Emissions).
Rule 205—Nuisance.
Rule 206(b)—Pathological Incineration.
Rule 207—Particulate Matter.
Rule 208—Orchard or Citrus Heaters.
Rule 209—Fossil Fuel-Steam Generator Facility.
Rule 210(B)—Total Reduced Sulfur.
Rule 211—Process Weight Per Hour.
Rule 213—Storage of Petroleum Products.
Rule 215—Abrasive Blasting.
Rule 216—Enforcement.
Rule 217—Existing Sources.
Rule 301—Open Outdoor Fires.
Rule 302—Exceptions to Rule 301.
Rule 303—Burning Permits.
Rule 304—Exceptions to Rule 303.
Rule 307—Exceptions to Rule 306 (No-Burn Days).
Rule 319—Open Burning of Wood Waste on Property where Grown.
Rule 320—Right-of-Way Clearing and Levee, Ditch and Reservoir Maintenance Burning.
Rule 321—Hazard Reduction Burning.
Rule 322—Mechanized Burners.
Rule 323—Enforcement Responsibility.
Rule 324—Penalty.
Rule 402—Authority to Inspect.
Rule 404—Upset Conditions, Breakdown or Scheduled Maintenance.
Rule 407—Circumvention.
Rule 409—Public Records.
Rule 507—Provision of Sampling and Testing Facilities.
Rule 601—Permit Fees.
Rule 602—Permit Fee Schedules.
Rule 603—Analysis Fees.
Rule 604—Technical Reports.
Rule 605—Hearing Board Fees.
Rule 700—Applicable Articles of the Health and Safety Code.
Rule 702—Filing Petitions.
Rule 703—Contents of Petitions.
Rule 710—Notice of Public Hearing.
Rule 715—Decisions.

In addition, a rule on new source review was also submitted. It will be addressed in another FEDERAL REGISTER notice.

Pursuant to section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the proposed regulations as SIP revisions. The Regional Administrator hereby issues this notice setting forth these revisions as proposed rulemaking and advises the public that interested parties may participate by submitting written comments to the EPA Region IX Office. Comments received on or before February 21, 1978, will be considered, and made available for public inspection at the EPA Region IX Office and the EPA Public Information Reference Unit.

(Secs. 110, 301(a), Clean Air Act, as amended (42 U.S.C. 7410 and 7601(a)).)

Dated: December 27, 1977.

CLYDE B. ELLER,
Acting Regional Administrator.

[FR Doc. 78-1791 Filed 1-19-78; 8:45 am]

[6560-01]

[40 CFR Part 52]

[FRL 845-8]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revisions to the Rules and Regulations of the Placer County Air Pollution Control District in the State of California

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: The Placer County Air Pollution Control District (APCD) has adopted changes to its rules and regulations. the revisions have been submitted to the United States Environmental Protection Agency (EPA) by the California Air Resources Board (ARB) as revisions to the California State Implementation Plan (SIP). The intended effect of the revisions is to update the rules and regulations, and to correct certain deficiencies in the SIP. The EPA invites public comments on these proposed rules, especially as to their consistency with the Clean Air Act.

DATES: Comments may be submitted up to February 21, 1978.

ADDRESSES: Comments may be sent to: Regional Administrator, Attention: Air and Hazardous Materials Division, Air Programs Branch, California SIP Section (A-4), United States Environmental Protection Agency, Region IX,

215 Fremont Street, San Francisco, Calif. 94105.

Copies of the proposed revisions are available for public inspection during normal business hours at the EPA Region IX office at the above address and at the following locations:

Placer County Air Pollution Control District, DeWitt Center, Auburn, Calif. 95603.

California Air Resources Board, 1709, 11th Street, Sacramento, Calif. 95814.

Public Information Reference Unit, Room 2922 (EPA Library) 401 "M" Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

David R. Souten, Chief, California SIP Section, EPA, Region IX, 415-556-7288.

SUPPLEMENTARY INFORMATION:

The ARB submitted to EPA on behalf of the Placer County APCD on October 13, 1977 proposed revisions to the following rules:

Rules and Titles

101—Title
102—Definitions
103—Validity
104—Effective Date.
203—Exceptions (to Rule 202, Visible Emissions)
205—Nuisance
206(A)—Incinerator Burning
206(B)—Pathological Incineration
207—Particulate Matter
208—Orchard or Citrus Heaters
210—Sepcific Contaminants
211—Process Weight
212—Storage of Petroleum Products
213—Reduction of Animal Matter
214—Abrasive Blasting
301—Prohabitions on Open Burning
302—Regulated Open Burning
303—Burning Permits
304—Exceptions to Rule 303
305—Permit Validity
306—No-Burn Days
307—Exceptions to Rule 306
308—Agricultural Burning Reports
309—Amount Burned Daily
310—Approved Ignition Device
311—Restricted Burning Day
312—Wind Direction
313—Minimum Drying Times
314—Exceptions to Rule 313
315—Preparation of Material to be Burned
316—Burning of Agricultural Waste
317—Range Improvement Burning
318—Forest Management Burning
319—Open Burning of Wood Waste on Property Where Grown
320—Right-of-Way Clearing and Levee, Ditch and Reservoir Maintenance Burning
321—Hazard Reduction Burning
322—Mechanized Burners
401—Responsibility
402—Authority to Inspect
404—Upset Conditions, Breakdown or Scheduled Maintenance
407—Circumvention
408—Source Recordkeeping and Reporting
409—Public Records
507—Provision of Sampling and Testing Facilities
601—Permit Fees
602—Hearing Board Fees
603—Analysis Fees
604—Renewal Fee
605—Exemptions to Rule 604
702—Filing Petitions
703—Contents of Petitions
704—Petitions for Variances
706—Failure to Comply with Rules
708—Dismissal of Petition
709—Place of Hearing
710—Notice of Hearing
715—Decision
801—Enforcement
802—Authority to Arrest
803—Penalties
804—Order for Abatement

In addition, revisions to regulations on new source review were also submitted. These regulations will be addressed in another FEDERAL REGISTER notice.

Pursuant to section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the proposed regulations as SIP revisions. The Regional Administrator hereby issues this notice setting forth these revisions as proposed rulemaking and advises the public that interested parties may participate by submitting written comments to the EPA Region IX Office. Comments received on or before February 21, 1978, will be considered, and made available for public inspection at the EPA Regional Office and the EPA Public Information Reference Unit.

(Secs. 110, 301(a) Clean Air Act, as amended (42 U.S.C. §§ 7410 and 7601(a)).)

Dated: December 2, 1977.

CLYDE B. ELLER,
Acting Regional Administrator.

[FR Doc. 78-1792 Filed 1-19-78; 8:45 am]

[6560-01]

[40 CFR Part 52]

[FRL 846-1]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revisions to the Rules and Regulations of the Santa Barbara County Air Pollution Control District in the State of California

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: The Santa Barbara County Air Pollution Control District (APCD) has adopted changes to its rules and regulations. The revisions have been submitted to the Environmental Protection Agency (EPA) by the California Air Resources Board (ARB) as revisions to the California State Implementation Plan (SIP). The intended effect of the revisions is to update the rules and regulations, and to correct certain deficiencies in the SIP. The EPA invites public comments on these proposed rules, especially as to their consistency with the Clean Air Act.

DATES: Comments may be submitted up to February 21, 1978.

ADDRESSES: Comments may be sent to: Regional Administrator, Attention: Air and Hazardous Materials Division, Air Programs Branch, California SIP Section (A-4), U.S. Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, Calif. 94105.

Copies of the proposed revisions are available for public inspection during normal business hours at the EPA Region IX office at the above address and at the following locations:

Santa Barbara County Air Pollution Control District, 4440 Calle Real, Santa Barbara, Calif. 93110.

California Air Resources Board, 1709 11th Street, Sacramento, Calif. 95814.

Public Information Reference Unit, Room 2922 (EPA Library) 401 "M" Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

David R. Souten, Chief, California SIP Section, EPA, Region IX, 415-556-7288.

SUPPLEMENTARY INFORMATION:

The ARB submitted to EPA on behalf of the Santa Barbara County APCD on November 4, 1977 proposed revisions to the following rules:

Rule 23—Storage of Petroleum and Petroleum Products
Rule 35—Storage and Transfer of Gasoline
Rule 39.3—Continuous Emission Monitoring

In addition, a rule on new source review was also submitted. It will be addressed in another FEDERAL REGISTER notice.

Pursuant to section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the proposed regulations as SIP revisions. The Regional Administrator hereby issues this notice setting forth these revisions as proposed rulemaking and advises the public that interested parties may participate by submitting written comments to the EPA Region IX Office. Comments received on or before February 21, 1978, will be considered, and made available for public inspection at the EPA Regional Office and the EPA Public Information Reference Unit.

(Secs. 110, 301(a) Clean Air Act, as amended (42 U.S.C. §§ 7410 and 7601(a)).)

Dated: December 29, 1977.

CLYDE B. ELLER,
Acting Regional Administrator.

[FR Doc. 78-1793 Filed 1-19-78; 8:45 am]

[1505-01]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration

[45 CFR Part 205]

[42 CFR Part 50]

PROPOSED RESTRICTIONS APPLICABLE TO STERILIZATIONS FUNDED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Correction

IN FR Doc. 77-35424 appearing on page 62718 in the issue of Tuesday, December 13, 1977 on page 62720, in the 3rd column, 1st full paragraph, subparagraph 1 should read as follows:

"1. Is there a need for sterilization review committees, and if so, is the committee as envisioned by the proposed rules adequate to meet that need?"

[1505-01]

Office of Education

[45 CFR Part 128]

SERVICE LEARNING CENTERS PROGRAM

Administration

Correction

In FR Doc. 78-887 appearing at page 1892 in the issue for Thursday, January 12, 1978, in paragraph (a) under "Addresses", first column, page 1892, the date of the Washington, D.C. hearing, now reading "January 23, 1978", should read "February 2, 1978".

[1505-01]

[45 CFR Part 137]

EDUCATIONAL INFORMATION CENTERS PROGRAM

Administration

Correction

In FR Doc. 78-888 appearing at page 1895 in the issue for Thursday, January 12, 1978, in paragraph (a) under "Addresses", third column, page 1895, the date of the Washington, D.C. hearing, now reading "January 23, 1978", should read "February 2, 1978".

[1505-01]

[45 CFR Part 139]

TRAINING PROGRAM FOR SPECIAL PROGRAMS STAFF AND LEADERSHIP PERSONNEL

Award of Contracts

Correction

In FR Doc. 78-889 appearing at page 1898 in the issue for Thursday, January 12, 1978, the date for the Washington, D.C. hearing, which is printed as January 23, 1978, should be February 2, 1978. The incorrect date appears in the first column of page 1898 in the "Dates" paragraph and also in item A under "Addresses".

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.

[6320-01]

CIVIL AERONAUTICS BOARD

[Docket No. 31914; Order 78-1-45]

AMERICAN AIRLINES, INC. ET AL

Order Dismissing Complaint Regarding U.S. Mainland—Puerto Rico/Virgin Islands, Fare Increase

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of January 1978.

By tariff revisions[1] marked to become effective January 15, 1978, American Airlines, Inc. (American), Eastern Air Lines, Inc. (Eastern), and Pan American World Airways, Inc. (Pan American) propose to increase all fares in the U.S. mainland-Puerto Rico/Virgin Islands market by 3.3 percent. American and Eastern base their proposals on carrier results for the year ended September 1977, applying the ratemaking adjustments set forth in Order 76-12-96. In matching Eastern's filing, American has combined its results with Eastern's and has calculated the entity return on investment (ROI) at 11.6 percent with the proposed increase, projecting costs to February 1, 1978.

The carriers state that they are merely catching-up with the allowable 12-percent ROI; and American alleges that it would not expect to make any further increase effective before May 1, six months after the fare increase authorized when the Board changed its cost-escalation policy in this entity.

The Commonwealth of Puerto Rico (Commonwealth) has filed a complaint against American's proposal claiming that while this would be the first major increase of 1978, it cumulatively represents 14.2 percent in increases since January 1977; this is significantly greater than increases permitted in both the Hawaii and domestic 48-State entities; the realization of public benefit built-in to the anticipation of costs beyond the tariff-effective date is questionable; and the lack of low-fare competition for American and Eastern is at the heart of the Commonwealth's concern about rising air fares.

The Board finds that the complaint does not set forth sufficient facts to warrant investigation and consequently the request for suspension will be denied and the complaint dismissed.

In keeping with the Board's analysis as set forth in the "Mainland U.S.-Puerto Rico/Virgin Islands Fares" case, the combined results of the carriers for the year ended September 1977 have been adjusted to reflect established ratemaking standards to determine ROI from operations in this entity reflecting the proposed increase. Costs have been carried forward to February 1, 1978.[2] The final result reflects an adjusted ROI of 10.5 percent. (See Appendix A). Accordingly, we will permit the proposed increase to become effective.[3]

The results indicate that the entity is experiencing upward cost pressures, both in fuel and non-fuel elements. Fuel costs have jumped nearly 50 percent for American from August through November.[4] The annual rate of increase in non-fuel unit costs has risen to 8.8 percent compared to 7.4 percent for the year ended June 1977.[5]

The Commonwealth correctly recognizes that cost pressures in this market have warrantd larger increases over the past year than in the domestic 48 States.[6] This is exemplified by the difference in the non-fuel unit-cost inflation factor in the Puerto Rico/Virgin Island market of 1.0878 percent compared to 1.0433 percent in the domestic 48-States entity for the year ended September 1977. In addition, although American's fuel increase has been relatively comparable in both entities, the impact is felt much more in the smaller Puerto Rico/Virgin Islands entity, because fares here are based on the costs of only two carriers. Whether additional market competition would change these facts cannot be resolved in this context.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002:

It is ordered, That: 1. The complaints in Docket 31914 are dismissed; and

2. A copy of this order will be served upon American Airlines, Inc., Eastern Air Lines, Inc., Pan American World Airways, Inc., and the Commonwealth of Puerto Rico.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,[7]
Secretary.

[FR Doc. 78-1677 Filed 1-19-78; 8:45 am]

[1] Revisions to American Airlines, Inc. Tariff C.A.B. No. 294, Eastern Air Lines, Inc., Tariff C.A.B. No. 294, and Pan American World Airways, Inc. Tariff C.A.B. No. 53.

[2] February 1, 1978 is three months beyond the date of the last fare increase in this entity (November 1, 1977). It was then that the Board first projected costs beyond the tariff-effective date in this entity (Order 77-10-57), and the carriers characterize this proposal as a "catch-up" to that new policy, as was permitted by Order 77-11-2, after anticipated costs were first recognized in the 48-State entity.

[3] The Board's correction for a mathematical error in Eastern's justification and the updating of fuel costs account for the difference between the Board's and American's calculated ROI. Details of the Board's analysis will be available for public inspection in the Public Reference Room, Room 710.

[4] American's renewal of its contract with its fuel supplier has produced this large increase. American's cost per gallon of fuel for November 1977 was 38.38 cents, rising from 25.80 cents in August. Meanwhile, Eastern's fuel costs have averaged 36.18 cents for the year ended September 1977 *versus* 27.73¢ for American.

[5] Increasing labor costs in Puerto Rico combined with payment of deferred employee compensation by Eastern have contributed to this rising rate.

[6] The increase permitted here brings the level of increases over the past 12 months to 14.2 percent versus seven percent in the domestic 48 States.

[7] All Members concurred.

[6320-01]

[Docket Nos. 24694, 31976; Order 78-1-35]

DELTA AIR LINES, ET AL

Order Regarding Miami-Los Angeles Competitive Nonstop and Low-Fare Cases

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on 11th day of January 1978.

INTRODUCTION

On September 16, 1977, the Board, by Order 77-9-62, solicited comments from parties to this case on the further steps to be taken in light of the remand of the Board's original decision by the U.S. Court of Appeals for the District of Columbia Circuit. *Delta Air Lines, et al.* v. *CAB*, 561 F. 2d 293 (D.C. Cir. 1977). Comments were filed on October 6 and reply comments were submitted by October 18.[1] By and large, the parties present three al-

[1] TWA's comments were filed on October 11, accompanied by a motion for leave to file late. We shall grant the motion.

ternatives. First, Pan American and Western urge the Board to limit the remand to the narrow issue specifically returned by the court, i.e., the choice between Pan American and Western. Delta Air Lines, although originally a losing applicant, now argues that such a limited remand is required by the court's order. Second, Eastern Air Lines, Trans World Airlines, and American Airlines urge the Board to reopen the entire question of carrier selection and permit updating of the record by all interested carriers. Finally, National Airlines, which is the incumbent certificated carrier (Western, the Board's original selection, continues to operate temporarily pending the outcome of the remand), urges the Board to undertake a full-scale reexamination of the need for competition in the market or, at a minimum, to wait until National's petition for certiorari is disposed of by the Supreme Court.[2] National requests oral argument on the scope of the remand.

General Conclusions

We find that Docket 24694 should be reopened for the limited purpose of allowing Pan American an opportunity for adversarial exploration of the developments which have occurred since the close of the record, in accordance with the court's direction. We shall examine these matters through the use of expedited, non-trial procedures, and without a further initial decision. This will allow the Board to move promptly to final decision. At the same time, we shall initiate a new Miami-Los Angeles case to examine whether or not we can secure the introduction of low-fare Miami-Los Angeles service and thus support the movement within the industry from its historic, near-exclusive reliance on service competition to a greater measure of price competition. We shall consider these matters in a new docket. We discuss these two proceedings separately below.

The Current Case

We think it proper to bring the current case to a prompt conclusion. The Board's original decision makes clear that, from the perspective of the traveling and shipping public, no carrier can provide appreciably better service than Western or Pan American. All applicants had proposed two or three daily round trips and none has suggested in the comments that a greater quantum of service is likely to be provided in the primary market. Similarly, no carrier has challenged the Board's earlier finding that Pan American could convenience more beyond traffic than other applicants, notwithstanding its recent reductions in service. Several parties argue that Western's earlier advantage in terms of beyond service has been eroded. This contention is not entirely convincing since Western's impressive route structure beyond Los Angeles remains. We are nonetheless prepared to accept, for present purposes, the argument that Western's beyond-segment capabilities no longer give it a substantial edge over other carriers. Two key underpinnings of the Board's original award, however, continue to distinguish Western from the remaining candidates on the current record—Western's selection is consistent with the Board's historic policy favoring the strengthening of smaller carriers, and Western's dominant position at Los Angeles serves as a counterweight to National's strength at Miami. In such circumstances, and consistently with the mandate of the Court of Appeals, we believe the public interest requires that we update the record but promptly bring this case to a close and select either Western or Pan American to operate pending a more complete examination of low fare options and other applications. This course of action complies with our obligation to accord Pan American the procedural opportunity which the Court of Appeals concluded we had improperly denied it.

We are pleased to see the general willingness of interested parties to utilize expedited nontrial procedures similar to those recently employed successfully in the *Service to Saipan Case*, Docket 24421, and the *Service to Richmond Case*, Docket 24412, and we have decided to use such procedures to decide the limited issue remaining in this case. We shall require, first, that Western file, within 10 days of the service date of this order, the information relating to its actual experience in the market, as requested in the appendix to Pan American's comments of October 6. Upon review of Western's objections, we find ourselves in agreement with Pan American that the court's directive did not circumscribe the Board's power to require the submission of useful evidence. Upon submission of the evidence, Western will have a full opportunity to argue about its relevance to the Board's inquiry. We shall also authorize the simultaneous filing of comments by Western, Pan American, and any other parties on the narrow issue to be considered, along with information, exhibits, and data that they believe necessary or desirable for an informed examination of events subsequent to the close of the original record. Such comments and data shall be due 28 days from the service date of this order. We will also permit the filing of rebuttal comments, information, data, and exhibits. All rebuttal material shall be filed within 28 days of the due date for the filing of the initial material. Finally, briefs to the Board, which shall conform to the requirements of Rule 31, shall be due 14 days after the due date for the filing of rebuttal material. This schedule is designed to bring the case before the Board in about 75 days and we shall endeavor to conclude it no more than 75 days later.

The New Case

The Board is keenly interested in promoting market conditions that provide the increased likelihood of low-fare service. The current and historic load factors in the Miami-Los Angeles market suggests it both needs fare competition and offers a particularly attractive opportunity for getting it promptly. As the data in National's comments show, the carrier is operating a wasteful level of capacity for the traffic it is carrying. During the 18 months ended in July 1977, National's load factor never exceeded 47 percent and was generally lower. Western's have been even lower. Moreover, this situation cannot be attributed to the recent entry of Western. National's oral argument materials demonstrate that the condition is chronic, with load factors occasionally dropping below 35 percent. See charts 1 and 2.

In our judgment there is at least one explanation of National's willingness to operate at chronically low load factors: the fare is so high that its breakeven point is even lower. If fares are reduced, the breakeven point will rise, and National will have to increase its actual load factors, either by reducing frequencies or attracting additional traffic. In our view, a substantial fare reduction is likely to attract sufficient traffic to produce reasonable load factors without any reduction in service perhaps enough to permit an increase in service. Such a prospect in this large and important transcontinental market, so long the recipient of subpar service is, in our view, worth the commitment of time and resources necessary to explore this issue despite the time and effort already expended.

We shall therefore institute a *Miami-Los Angeles Low-Fare Case*, Docket 31976, for the purpose of considering whether the public convenience and necessity require additional carriers between Miami and Los Angeles.

We actively solicit reduced fare proposals from new entrants, National, and whichever carrier is selected in Docket 24694 to compete temporarily with National.[3] We have determined,

[2] National filed its petition on September 21, 1977, arguing that the Court of Appeals exceeded its authority when it limited the remand to the question of carrier selection between Western and Pan American.

[3] We are aware that Western has filed a tariff introducing Super Saver fares, effective January 23, 1978. This development does not dissuade us from the need for a more general route investigation.

as a matter of general policy, that in this and future cases the offer or failure to offer lower prices will be taken into account in determining whether the public convenience and necessity require the award of new or additional authority and, if so, which carrier or carriers should be selected. For these purposes, the Board expects the record to be developed to examine the need for and feasibility of various new price/quality options.

The price options which should be explored include, but are not limited to, reduced normal fares, promotional fares, and off-peak pricing.[4] The quality options which should be considered in order to justify lower prices economically should include, but not be limited to, reduced on-Board amenities, higher seating densities, increased load factors, and improved aircraft utilization. Further, we shall consider how lower prices and price competition can be maintained once a case is concluded, whether by making awards temporary or contingent upon the price performance of the carrier receiving new authority, or by other means. We believe that the grant of temporary authority in Docket 24694, coupled with an examination of the issue of renewal, will serve as a useful spur to the establishment of lower fares by the incumbent carriers.

As we have done before, we shall determine whether any new authority should be permissive; whether, particularly if permissive authority is decided upon, multiple awards should be made; and whether multiple awards, under the present statute, are consistent with encouraging real price competition. See Orders 77-12-50, December 9, 1977, and 77-12-115, December 22, 1977. Nothing in the foregoing discussion should be regarded as indicating that traditional service benefits, or the Board's traditional preference for the renewal of temporary authority, should be disregarded. On the contrary, these are important considerations to be weighed with the price and price/quality considerations discussed above. The bases for new route awards, however, will now include the consideration of realistic, cost-based price proposals.

Accordingly, it is ordered, That:

1. Docket 24694 is reopened for the limited purposes outlined above;

2. Western shall file within 10 days of the service date of this order the information requested in the appendix to Pan American's comments of October 6, 1977.

3. Initial comments concerning changes in circumstances occurring after the close of the original record which may affect the Board's selection of Western or Pan American in docket 24694 may be filed within 28 days of the service date of this order;

4. Rebuttal information and comments may be filed within 28 days of the due date for the filing of the initial material;

5. Briefs to the Board may be filed within 14 days after the due date for the filing of rebuttal material;

6. The motion of Trans World Airlines in Docket 24694 for leave to file late is granted;

7. A proceeding to be known as the *Miami-Los Angeles Low-Fare Case,* Docket 31976, shall be instituted and set for hearing before an administrative law judge of the Board at a time and place to be designated later, as the orderly administration of the Board's docket permits;

8. The proceeding instituted in paragraph 7, above, shall consider whether the public convenience and necessity require: (i) The modification, alteration or amendment of the certificate of the successful applicant in Docket 24694 so as to renew the authority to operate nonstop service between Miami-Ft. Lauderdale, Fla., and Los Angeles-Ontario-Long Beach, Calif., and (ii) the authorization of a different, or an additional, carrier or carriers to engage in nonstop air transportation between Miami-Fort Lauderdale, Fla., and Los Angeles-Ontario-Long Beach, Calif.

9. If the answer to the issues in paragraph 8, above, are in the affirmative, the proceeding shall consider which air carrier or carriers should be authorized, and whether the new or existing authority should be subject to any terms, conditions, or limitations;

10. Any authority awarded in Docket 31976 shall be granted without eligibility for subsidy;

11. Applications and motions to consolidate in connection with Docket 31976 shall be filed within 28 days of the service date of this order and answers thereto shall be filed within 25 days thereafter;

12. Petitions for reconsideration of this order, insofar as it institutes the *Miami-Los Angeles Low-Fare Case,* may be filed by all interested persons within 21 days of the service date of this order.

13. This order shall be subject to any approval deemed necessary by the U.S. Court of Appeals for the District of Columbia Circuit.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

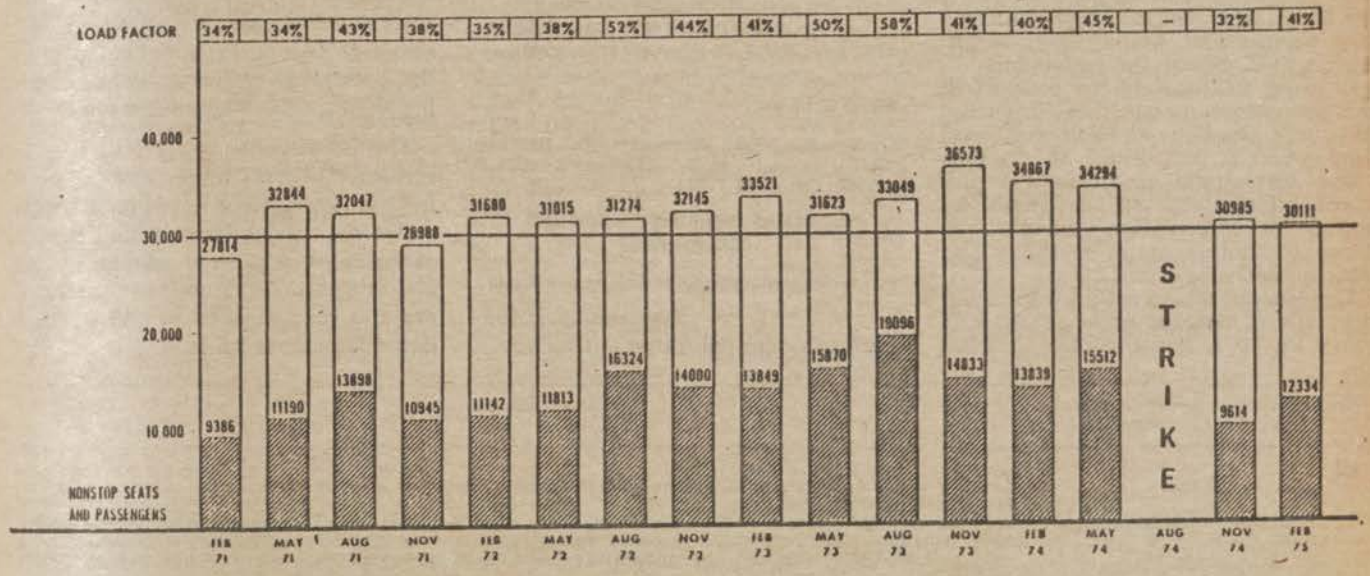
PHYLLIS T. KAYLOR,[5]
Secretary.

[4] Off-peak pricing options should include traditional night coach fares, as well as differential pricing at other slack periods, such as weekends and at certain hours of the day, in order to permit higher load factors and more efficient aircraft utilization.

[5] All Members concurred.

CHART 1

NATIONAL'S FOUR-YEAR NONSTOP LOAD FACTORS



SOURCE: NAL 304 3034 (UPDATED)

CHART 2

MIAMI-LOS ANGELES

ER-586 NONSTOP TRAFFIC

	Departures		Nonstop Seats		O&D Passengers		O&D L/F		O&D Mkt. Share		On-Board Pagrs.		On-Board L/F	
1976	NA	WA	NA	WA	NA	WA	NA	WA	NA	WA	NA	WA	NA	WA
January	116		30,086		11,687		38.8		100.0		11,687		38.8	
February	127		33,247		12,829		38.8				12,897		38.8	
March	132	1/	34,464	1/	13,631	1/	39.6	1/		1/	13,764	1/	39.9	1/
April	130		34,008		14,444		42.5				14,444		42.5	
May	164		42,880		16,858		39.3				17,022		39.7	
June	181		47,747		19,565		41.0				20,083		42.1	
July	186		48,296		21,047		45.4				22,433		46.4	
August	188	121	48,450	30,734	20,391	4,781	42.1	15.6	81.0	19.0	20,899	5,232	43.1	17.0
September	177	119	46,037	30,226	14,038	4,876	30.5	16.1	74.2	25.8	14,485	5,363	31.5	17.7
October	188	122	46,371	30,988	15,299	5,601	33.0	18.1	73.2	26.8	15,760	6,138	34.0	19.8
November	135	120	37,556	30,480	13,868	6,439	36.9	21.1	68.3	31.7	13,905	6,718	37.0	22.0
December	130	124	36,176	31,012	15,971	7,872	44.1	25.4	67.0	33.0	15,984	8,349	44.2	26.9
Aug. Thru Dec.-1976	818	606	214,590	153,440	79,557	29,569	37.1	19.3	72.9	27.1	81,033	31,800	37.8	20.7
1977														
January	124	118	34,730	29,749	14,726	7,758	42.4	26.1	65.5	34.5	15,440	8,588	44.5	28.9
February	111	109	31,156	27,684	11,012	6,203	35.3	22.4	64.0	36.0	11,738	6,726	37.7	24.3
March	124	122	34,634	30,988	12,534	7,718	36.2	24.9	61.9	38.1	13,514	8,674	39.0	28.0
April	121	121	34,222	30,627	13,004	8,795	38.0	28.7	59.7	40.3	14,288	9,474	41.8	30.9
May	124		33,884		11,549		34.1				12,897		38.1	
June	120		33,074		11,773		35.6				13,360		40.4	
July	122		33,566		14,078		41.9				15,501		46.2	
August														
September														
October														
November														
December														
Year - 1977														

1/ Western inaugurated Los Angeles-Miami service on August 1, 1976.

[FR Doc. 78-1530 Filed 1-19-78; 8:45 am]

[6320-01]

[Docket No. 31921]

HOUSTON-TAMPA/ORLANDO INVESTIGATION

Prehearing Conference

Notice is hereby given that a prehearing conference in this proceeding will be held on March 14, 1978, at 9:30 a.m. (local time), in Room 1003, Hearing Room A, Universal North Building 1875 Connecticut Avenue NW., Washington, D.C., before the undersigned.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and four copies to the Judge of: (1) Proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence; (4) statements of positions; and (5) proposed procedural dates.

The Bureau of Operating Rights will circulate its material on or before February 17, 1978, and the other parties on or before March 7, 1978. The submissions of the other parties shall be limited to points on which they differ with the Bureau, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C. January 16, 1978.

RICHARD V. BACKLEY,
Administrative Law Judge.

[FR Doc. 78-16-76 Filed 1-19-78; 8:45 am]

[6320-01]

[Docket No. 30332, Agreement C.A.B. 27085 R-1 through R-3, Agreement C.A.B. 27086; Order 78-1-50]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

JANUARY 12, 1978.

Issued under delegated authority.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreements name four specific commodity rates under existing commodity descriptions as set forth below, reflecting reductions from general cargo rates; and were adopted pursuant to unprotested notice to the carriers and promulgated in IATA letters dated December 29, 1977.

Agreement CAB	Specific commodity item No.	Description and rate
27085:		
R-1	4700	Machinery and tools—excluding steamship and/or motorship machinery parts, 79 cents per kg., minimum weight 250 kgs., from Auckland to Pago Pago.
R-2	6002	Chemicals, dyes, fertilizers, insecticides, paints, pigments, varnishes, drugs, pharmaceuticals and medicines, cosmetics, soaps, toilet preparations and articles, perfumes, essential oils, gums and resins and plastics solely in the form of sheets, slabs, rods, tubings, powder, and other unfinished forms, 80 cents per kg., minimum weight 100 kgs., from Auckland to Pago Pago.
R-3	6810	Plastic articles, 61 cents per kg., minimum weight 100 kgs., from Auckland to Pago Pago
27086	4109	Aircraft engines and parts of aircraft—excluding fuselages, wings, aircraft tail assemblies, stabilizers and/or stabilators, 315 cents per kg., minimum weight 100 kgs., 275 cents per kg., minimum weight 200 kgs., 220 cents per kg., minimum weight 500 kgs., between New York and Addis Ababa.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the agreements are adverse to the public interest or in violation of the Act: *Provided*, That approval is subject to the conditions ordered.

Accordingly, it is ordered, That: Agreements C.A.B. 27085, R-1 through R-3, and C.A.B. 27086 are approved: *Provided*, That (a) approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications; (b) tariff filings shall be marked to become effective on not less than 60 days' notice from the date of filing; and (c) where a specific commodity rate is published for a specified minimum weight at a level lower than the general commodity rate applicable for such weight, and where a general commodity rate is published for a greater minimum weight at a level lower than such specific commodity rate, the specific commodity rate shall be extended to all such greater minimum weights at the applicable general commodity rate level.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-1678 Filed 1-19-78; 8:45 am]

[6320-01]

[Docket Nos. 31810, 31819; Order 78-1-63]

OLYMPIC AIRWAYS, S.A. AND TRANS WORLD AIRLINES, INC.

Order Dismissing Complaints Regarding Transatlantic Passenger Fares Between United States and Greece

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of January 1978.

By tariff revisions filed December 7, 1977, for effectiveness January 6, 1978, Olympic Airways, S.A. (Olympic), and Trans World Airlines, Inc. (TWA), propose new reduced fares in U.S.-Greece markets similar to those recently implemented between the United States and Italy by Alitalia-Linee Aeree Italiane, S.p.A. (Alitalia) and other carriers. The proposals would reduce mormal first-class and economy fares by amounts ranging from $78 to $292, roundtrip, and would replace most existing promotional fares by new 14/60-day excursion and 7/21-day group inclusive-tour (GIT) fares as in the case of the Alitalia filing.[1]

In its justification for the filing, Olympic submits that normal-fare traffic accounts for only about seven percent of its U.S.-Greece passengers, and the reduced normal fares will attract passengers who desire stopovers and previously traveled on the normal fares or the 14/21-day excursion fare, which is to be discontinued; the new excursion fares at $535 winter and $595 peak, New York-Athens, will be more attractive to vacation travelers than the $526 (winter) and $633 (peak)

[1] TWA, however, would retain existing fares alongside the new fares.

existing nonaffinity group fares, which, however, are government-ordered and will be retained; the GIT fare at $495 will be attractive in putting together tourist packages during the winter, when the market is depressed; and both fares will be more remunerative to the carrier and less costly to offer than the recently effective $473 winter super-APEX.

In complaints against both tariffs,[2] Homeric Tours, Inc. (Homeric), and Tourlite International, Inc. (Tourlite), which operate charter tours to Greece, request suspension and investigation of the proposed peak season excursion fares ($595-New York/Athens round-trip) alleging that the proposed fares are predatory and would put U.S.-Greece charter tour operators out of business; and if the fares are approved, the Board should require TWA to amend its charter tariff to waive any cancellation penalties and forfeiture provisions, and require all scheduled carriers to renegotiate all existing charter contracts so that charter tour operators may have the opportunity to minimize their anticipated losses.

In support of their request, the complainants allege that the U.S.-Greece charter market is highly seasonal and in the crucial summer season the proposed $595 excursion fare will prove predatory; this market is family-oriented (30 percent of all charter passengers are children) and with a 50 percent children's discount on the scheduled service excursion fare, a family could save a considerable sum compared to a charter where all passengers pay the full price; the scheduled carriers have a further advantage in that the add-ons they offer for travel to New York from cities with a Greek ethnic market are lower than the full domestic fare which charter passengers must pay; the rules are more liberal on the excursion fare, which has no advance payment feature or cancellation penalty, than on charters; and in 1973 the non-affinity group fare to Greece was $323 and it is now $677, an indication that if competition from charters is eliminated, scheduled fares may again rise.

In answer to the complaints, Olympic states that since the proposed excursion fare would be $62 higher than the already effective super-APEX fare during the winter season, it increases the differential of scheduled over charter fares, and thus can hardly be characterized as predatory; that the minimum tour price applicable to the GIT fare actually boosts its packaged level to over $700; and that the GIT fare would not be available during the peak season, when the large majority of the complainants' charter tours are scheduled to depart.

TWA, in support of its tariff and in answer to the complaints, states that, although it feels there are numerous shortcomings in Olympic's proposal,[3] nevertheless it has chosen to match it because it simplifies the fare structure and limits free stopovers and consequent yield erosion; the reduced New York-Athens normal economy fare at 9.15 cents per-mile would still yield more than the existing New York-London fare at 9.06 cents per-mile; Olympic's filing raises substantially the same issues as Alitalia's recent U.S.-Italy fare structure, which the Board approved; TWA, the largest charter carrier in the New York-Athens market, has no intention of driving out charters, since its contracted U.S.-Greece charter operations for 1978 have tied up a significant amount of its available charter capacity, which probably could not be resold if canceled and TWA would lose regardless of what cancellation penalties it collected; the proposed fares are higher than the current super-APEX fare, are well above prevailing charter rates, and do not present a serious threat to charters; the complaints are a mere subterfuge by which Homeric and Tourlite seek to shift the risk of their 1978 charter programs back to TWA, and Homeric has even agreed to a clause in its charter contract with TWA acknowledging the possibility of new low scheduled fares and agreeing to pay cancellation charges in any event; and consistent enforcement of charter cancellation penalties is necessary to prevent speculative bookings by unreliable tour operators and to avoid tremendous losses by the charter carrier.[4] In their reply, the complainants contend that TWA has misled the Board in alleging that the so-called "rider" to its charter contracts was agreed to by the tour operators.

Upon consideration of the tariffs, complaints and answers, the Board finds that the complaints do not set forth facts sufficient to warrant suspension or investigation; they will therefore be dismissed.

The proposals raise the same issues as were presented in the recent Alitalia case; in fact, Olympic indicates its filing is in direct response to developments in the U.S.-Italy market. These new filings would extend to the U.S.-Greece market improvements similar to the ones in the U.S.-Italy fare structure, which the Board noted with approval in its Order 77-11-78, dismissing complaints against Alitalia's fares. Normal first-class and economy fares would be reduced significantly, the number of fares would be reduced and the overall structure simplified, and strict limitations would be placed on stopovers.[5] Yields per mile under the Olympic fares would be similar to those achieved under Alitalia's fares to Italy.

In these circumstances, the Board would suspend the proposed fares only upon the most convincing showing that they are uneconomic and likely to be predatory with respect to charter services. We cannot make such a finding in this case. Short-run marginal costs would easily be covered by all the proposed fares, and we are not convinced that the new excursion fares present a serious threat to the viability of charter services in this market.

Homeric and Tourlite use a figure of $569 as an average 1978 summer ABC price in the New York-Athens market, but we have been unable to confirm this based on information available to the Board,[6] and as with our consideration of this issue in the Alitalia case there is at present insufficient information to conclude that the proposed fares would be predatory as to charters during the 1978 peak season.[7] The complainants have not supported their estimate that 30 percent of U.S.-Greece charter passengers are children, and in any event the children's discount on scheduled service fares is not a factor unique to this case. Since the adult excursion fares appear to fall above prevailing charter rates, we fail to understand why the complainants waited to raise the issue of children's fares until the last minute. If, as the complainants such as Chicago, Detroit, Washington and Boston, the charter groups would not necessarily have to assemble in New York, and thus the question of scheduled service proportional fares over new York is not particularly germane, and has no bearing on the reasonableness of the proposed transatlantic

[2] On December 27, 1977, the complainants filed a motion for leave to submit a reply to TWA's answer which we will grant.

[3] TWA cites points similar to those raised by its complaint against Alitalia's U.S.-Italy fares. See Order 77-11-78, November 18, 1977.

[4] TWA states that in 1975, when speculative bookings and cancellations were common, unpaid ferry mileage amounted to 14.4 percent in its international charter operations, but through consistent enforcement of penalties unpaid ferry mileage was reduced to 5.6 percent in 1977.

[5] We do have reservations about the necessity for maintaining the nonaffinity group fare, since it would appear that the new promotional fares could probably accommodate the traffic now moving on that fare.

[6] We note, however, that Bamaco Airtours International is marketing ABC's using an Overseas National Airlines DC-10 with weekly departures from May 25 through October 12, 1978, with minimum per-seat prices ranging from $454 to $498.

[7] See Order 77-11-78, page 9.

fare.[8] Concerning advance payments and other rules, the Board recently liberalized its charter rules in several important respects including reducing the ABC advance purchase period to 15 days. Since we are not convinced that the proposed fares are predatory, the lack of an advance purchase requirement on the excursion fare is not sufficient grounds for suspension.

Finally, we would state that our conlusions as to the appropriateness of TWA's charter cancellation charges were not based on that carrier's allegations about the so-called "rider" to its charter contracts, and for this reason, we will not require TWA and other scheduled carriers to waive their charter cancellation fees and abrogate their existing charter contracts, as suggested by Homeric and Tourlite. Although we are not persuaded by TWA that strict enforcement of cancellation penalties was the only factor affecting its unpaid ferry mileage over the last two years, neither are we convinced that the Board should routinely disapprove charter cancellation fees every time a low fare is introduced in scheduled service. The proposed fares do not appear to be predatory against charters and, in these circumstances, the relief sought by the tour operators is excessive and unnecessary.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 102, 204(a), 403, and 1002(j) thereof:

It is ordered, That: 1. Except to the extent granted herein, the complaints of Homeric Tours, Inc. and Tourlite International, Inc., in Dockets 31810 and 31819, respectively, are dismissed; and

2. Copies of this order be served upon Olympic Airways, S.A., Trans World Airlines, Inc., Homeric Tours, Inc., and Tourlite International, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,[9]
Secretary.

[FR Doc. 78-1679 Filed 1-19-78; 8:45 am]

[6320-01]

[Docket No. 31564; Order 78-1-64]

AIR INDIA

Order Vacating Suspension Regarding Transatlantic Super-APEX Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 9th day of January 1978.

By Order 77-10-139, October 25, 1977, the Board suspended, pending investigation, super-APEX (advance-purchase excursion) fares proposed by Air India and other carriers for use between the United States, on the one hand, and various points in Europe/Africa, on the other. The Board stated that it was suspending the fares because the United States had been unable to secure an ad hoc agreement with India which would permit us to suspend the fares after they became effective, and in those circumstances, failure to suspend the fares before they became effective might foreclose any future action by this Government with regard to such fares.

On December 26, 1977, the Government of India signed an ad hoc agreement confirming the right of the United States to take action against the super-APEX fares after they became effective. Thus there is no reason for Air India's fares to countries whose Governments have signed appropriate ad hoc agreements to remain under suspension, and this order will vacate our previous action in that respect.

Accordingly, pursuant to sections 102, 204(a), 403, 801, and 1002(j) of the Federal Aviation Act of 1958.

It is ordered, That:

1. Order 77-10-139 is hereby vacated insofar as it suspends and investigates advance purchase excursion fares as follows:

INTERNATIONAL PASSENGER FARES TARIFF NO. 4, CAB NO. 22, ISSUED BY JOHN M. SAMPSON, AGENT

On 9th and 10th Revised Pages 269 the fares applicable to Air India between Boston and New york, on the one hand, and the following points, on the other:

Algiers, Ankara, Athens, Barcelona, Berlin, Bremen, Bucharest, Cologne, Dusseldorf, Frankfurt, Geneva, Hamburg, Hanover, Helsinki, Istanbul, Madrid, Moscow, Munich, Nuremberg, Rome, Stuttgart, Tunis, and Turin.

On 9th and 10th Revised Pages 270 all basic fares applicable to Air India between Boston and New York, on the one hand, and Venice and Zurich, on the other.

2. This order shall be submitted to the President[1] and shall be effective on January 16, 1978; and

3. Copies of this order shall be filed in the above tariff and served upon Air India.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,[2]
Secretary.

[FR Doc. 78-1680 Filed 1-19-78; 8:45 am]

[6325-01]

CIVIL SERVICE COMMISSION

COMMITTEE ON PRIVATE VOLUNTARY AGENCY ELIGIBILITY

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the U.S. Civil Service Commission announces the following meeting:

COMMITTEE ON PRIVATE VOLUNTARY AGENCY ELIGIBILITY

Date and time: February 7, 1978, 10 a.m.

Place: U.S. Civil Service Commission, 1900 E Street NW., Washington, D.C., room 7B09.

Type of meeting: Open. Any interested person may file a written statement with the Committee in advance of or at the meeting.

Contact person: Margaret Davis, Office of the Assistant to the Chairman, U.S. Civil Service Commission, 1900 E Street NW., Washington, D.C. 20415, telephone 202-632-5564.

Purpose of committee: To make recommendations to the Chairman of the Civil Service Commission regarding eligibility of national voluntary agencies to participate in the Federal fund-raising program.

Agenda: To review applications for fund-raising privileges which have been submitted to voluntary organizations to the Commission in compliance with the Federal Fund-Raising Manual.

Dated: January 20, 1978.

GEORGE J. MCQUOID,
Assistant to the Chairman.

[FR Doc. 78-1651 Filed 1-19-78; 8:45 am]

[6325-01]

CIVIL AERONAUTICS BOARD

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Civil Aeronautics Board to fill by noncareer executive assignment in the excepted service the position of General Counsel, Office of the General Counsel.

[8] Even when the charter group does assemble in new York, the fact that charter passengers traveling by air pay the full domestic fare (compared to a lower add-on for scheduled transatlantic fares) is a situation not unique to the proposed U.S.-Greece excursion fares. Further, we note that Homeric and Tourlite's citations of the add-ons to be used with the proposed fares are incorrect. In addition, their citation of the history of the Greek Government-ordered non-affinity group fare is somewhat confused. In January 1973 the New York-Athens fare, for the basic season, was $320. The complainants compared this fare with the current "peak-of-the-peak" season fare of $673, while the current *basic* season fare is $526. Much of the increase over the last five years is directly attributable to devaluation of the dollar and fuel surcharges; the balance of the price increase can hardly be explained as the action of a monopolist since competition in the form of charter programs has been present throughout the period.

[9] All Members concurred except Member Minetti who did not participate.

[1] This order was submitted to the President on January 10, 1978.

[2] All Members concurred.

For the U.S. Civil Service Commission.

JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 78-1652 Filed 1-19-78; 8:45 am]

[6325-01]

DEPARTMENT OF COMMERCE

Title Change in Noncareer Executive Assignment

By notice of September 10,1976, FR Doc. 76-26177, the Civil Service Commission authorized the Department of Commerce to make a change in title for the position of Deputy Assistant Secretary for Policy Development and Coordination, Office of the Secretary, authorized to be filled by noncareer executive assignment. This is notice that the title of this position is now being changed to Deputy Assistant Secretary for Domestic Economic Policy Coordination, Office of the Secretary.

For the U.S. Civil Service Commission.

JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 78-1653 Filed 1-19-78; 8:45 am]

[6325-01]

DEPARTMENT OF COMMERCE

Title Change in Noncareer Executive Assignment

By notice of July 27, 1974, FR Doc. 74-14742, the Civil Service Commission authorized the Department of Commerce to fill by noncareer executive assignment the position of Deputy Director, Bureau of International Commerce, Domestic and International Business Administration, Office of the Director. This is notice that the title of this position is now being changed to Deputy Director, Bureau of Export Development, Office of the Director, Industry and Trade Administration.

For the U.S. Civil Service Commission.

JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 78-1654 Filed 1-19-78; 8:45 am]

[6325-01]

FEDERAL HOME LOAN BANK BOARD

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Federal Home Loan Bank Board to fill by noncareer executive assignment in the excepted service the position of Director, Federal Savings and Loan Insurance Corporation, Office of the Director, Office of Federal Savings and Loan Insurance Corporation.

For the U.S. Civil Service Commission.

JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 78-1655 Filed 1-19-78; 8:45 am]

[6325-01]

FEDERAL HOME LOAN BANK BOARD

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Federal Home Loan Bank Board to fill by noncareer executive assignment in the excepted service the position of Director, Office of the Community Investment.

For the United States Civil Service Commission.

JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 78-1656 Filed 1-19-78; 8:45 am]

[6325-01]

DEPARTMENT OF THE INTERIOR

Grant of Authority To Make Noncareer Executive Assignment

Under authority § 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—Fish, Wildlife, and Parks, Office the Secretary.

For the U.S. Civil Service Commission.

JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 78-1657 Filed 1-19-78; 8:45 am]

[6325-01]

OFFICE OF MANAGEMENT AND BUDGET

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Office of Management and Budget to fill by noncareer executive assignment in the excepted service the position of Assistant to the Director for Public Affairs, Office of the Director, Executive Office of the President.

For the United States Civil Service Commission.

JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 78-1658 Filed 1-19-78; 8:45 am]

[3510-24]

DEPARTMENT OF COMMERCE

Economic Development Administration

MARILYN HANDBAGS, INC., ET AL.

Petitions for a Determination of Eligibility To Apply for Trade Adjustment Assistance

Petitions were accepted for filing on January 10, 1978, from three firms: (1) Marilyn Handbags, Inc., 1910 Cross Bronx Expressway, Bronx, N.Y. 10473, a producer of handbags; (2) Breezy Bay Inc., 1773 West 33rd Place, Hialeah, Fla. 33012, a producer of women's coats; and (3) Kessler Shoe Manufacturing Co., Inc., 191 Shaeffer Avenue, Westminster, Md. 21157, a producer of children's shoes. The petitions were submitted pursuant to section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the U.S. Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business January 30, 1978.

CHARLES L. SMITH,
Acting Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc. 78-1591 Filed 1-19-78; 8:45 am]

[3510-25]

TELECOMMUNICATIONS EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (1976 ed.), notice is

hereby given that a meeting of the Telecommunications Equipment Technical Advisory Committee will be held on Thursday, February 9, 1978, at 10 a.m. in Room 3817, Main commerce Building, 14th and Constitution Avenue, NW., Washington, D.C.

The Telecommuniations Equipment Technical Advisory Committee was initially established on April 5, 1973. On March 12, 1975 and March 16, 1977, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to telecommunications equipment, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls.

The Committee meeting agenda has six parts:

GENERAL SESSION

(1) Opening remarks by the Chairman.

(2) Presentation of papers or comments by the public.

(3) Review of December 14, 1977 meeting.

(4) Report on recent market developments in USSR and Eastern Europe since the last meeting.

(5) Review of final draft outlines for the annual report.

EXECUTIVE SESSION

(6) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting is open to the public, at which a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (6), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on April 22, 1977, pursuant to section 10(d) of the Federal Advisory committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under ciriteria established by an Executive Order to be kept secret in the interests of national defense or foreign policy. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under the Executive Order. All Committee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Industry and Trade Administration, Room 3012, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Industry and Trade Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-377-4196.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Telecommunications Equipment Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER on May 25, 1977 (42 FR 26682).

Dated: January 17, 1978.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of Trade Regulation, U.S. Department of Commerce.

[FR Doc. 78-1620 Filed 1-19-78; 8:45 am]

[3510-25]

HARDWARE SUBCOMMITTEE OF THE COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (1976 ed.), notice is hereby given that a meeting of the Hardware Subcommittee of the Computer Systems Technical Advisory Committee will be held on Wednesday, February 15, 1978, at 9 a.m. in Room 4833, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974 and January 13, 1977, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act, The Hardware Subcommittee of the Computer Systems Technical Advisory Committee was established on July 8, 1975, with the approval of the Director, Office of Export Administration, pursuant to the Charter of the Committee.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to computer systems, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls. The Hardware Subcommittee was formed to continue the work of the Performance Characteristics and Performance Measurements Subcommittee, pertaining to (a) Maintenance of the processor performance tables and further investigation of total systems performance; and (b) Investigation of array processors in terms of establishing the significance of these devices and determining the differences in characteristics of various types of these devices.

The subcommittee will meet only in executive session to discuss matters properly classified under Executive Order 11652, dealing with the United States and COCOM control program and strategic criteria related thereto.

Written statements may be submitted at any time before or after the meeting.

The Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 27, 1977, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government in the Sunshine Act, Pub. L. 94-409, that the matters to be discussed during the meeting should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an executive order to be kept secret in the interests of national defense or foreign policy. All materials to be reviewed and discussed by the Subcommittee during the meeting have been properly classified under Executive Order 11652. All subcommittee members have appropriate security clearances.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Industry and Trade Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230 telephone: 202-377-4196.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Computer Systems Technical Advisory Committee and of any Subcommittees thereof, was published in the FEDERAL REGISTER on February 2, 1977 (42 FR 6374).

Dated: January 17, 1978.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of Trade Regulation, U.S. Department of Commerce.

[FR Doc. 78-1621 Filed 1-19-78; 8:45 am]

[3510-25]

Industry and Trade Administration

EXPORT MONITORING REPORT FOR COAL AND COKE OF COAL

Week Ending December 9, 1977

On December 7, 1977, the Department of Commerce announced the monitoring of exports and anticipated exports of bituminous coal and coke of coal under section 4(c)(1) of the Export Administration Act of 1969, as amended. This announcement followed by one day the commencement of a United Mine Workers' strike, which began upon the expiration of the union's contract with the Bituminous Coal Operators' Association. Similar monitoring programs were conducted by the Department during the coal strikes of 1974 and 1971. Details of the monitoring program were published in the FEDERAL REGISTER December 12, 1977 (42 FR 62361-2).

Total bituminous coal exports for the week ending December 9 were 679,883 short tons. This level of coal exports is substantially below December weekly exports for prior years. In December 1976, average weekly exports were 1,044,281 short tons and, in December 1975, were 1,023,827 short tons. Export contracts calling for shipment during the next 6 and 12 weeks indicate that, if sufficient coal is available, exports will continue at close to this lower than normal level. The present reduced level of bituminous coal exports reflects the fact that these exports consist primarily of metallurgical grades of coal used in the production of coke, the major energy source in steel-making operations. Reduced steelmaking operations worldwide have resulted in ample stocks of metallurgical coal in most developed countries; and the expectation that foreign steel operations will continue at the current reduced rate has resulted in decreased purchases of U.S. coal. The low level of exports also reflects, in part, efforts by certain major importing countries within recent years to reduce their dependence on the U.S. for metallurgical coal, by purchasing from other countries, such as Canada, Australia, and the Soviet Union.

Low volatile metallurgical coal is a critical ingredient in the coal mix used to produce coke and usually is the most costly coal variety. If the current coal strike continues for an extended period, shortages of this type of coal will probably be the first to occur, since its production is limited and concentrated predominantly in areas heavily impacted by the U.M.W. strike. Moreover, the strike may lead to increased use of lower than normal grades of coal for coke production, and this in turn could increase the demand for low volatile coal for blending with those lower grades in order to achieve desired coke properties.

During this survey period, 199,136 short tons of low volatile metallurgical coal were exported. Projected export data, based upon contracts outstanding at the end of the week, indicate that this level of exports of low volatile coal will continue if supplies are available to the exporters. In the week under review, Asia was the major geographical area importing low volatile coal, taking 111,525 short tons. The remaining exports were divided almost equally between Europe and the Western Hemisphere. Reported export contracts show that exports to Asia and Europe will continue at about this week's level. However, the shipments to the Western Hemisphere, primarily to Canada via the Great Lakes, are expected to drop as the lakes freeze over to a weekly level of 5,000 short tons, or less. The average export price of this coal, which reflects world prices, was $60.38. The high and low prices included in this weighted average were $62.21 and $52.19, respectively.

Medium volatile metallurgical coal exports for the week were 283,420 short tons, and forward contract data indicate that, with adequate coal availability, this export level will continue. Europe was the primary importing region, with 173,711 short tons, followed closely by Asia, with 102,906 short tons. The Western hemisphere accounted for 6,803 short tons of medium volatile metallurgical coal exports. The average price of this coal variety was $53.16, with a high and low price for the week of $59.90 and $42.00, respectively. High volatile metallurgical coal exports for the week were 47,055 short tons. This appears to be a relatively low level of exports for this grade of coal, since contracts calling for export during the next three weeks indicate weekly exports of between 129,000 and 297,000 short tons. This lesser value and quality metallurgical coal faces greater competition from foreign coal producers located closer to the consuming countries. The Western Hemisphere thus accounts for the largest share of U.S. exports of this grade of coal, with significantly lesser quantities being exported to Asia and Europe, where Australian/Chinese and Polish/Russian coal, respectively, are competitive with U.S. production. The average export price of this grade of coal during the week was $47.76, with a high of $53.30 and a low of $43.71.

Other bituminous coal, i.e. steam or boiler coal, is the lowest and least costly grade of bituminous coal. It is also the most readily available and widely consumed grade, being used primarily by electric utilities. Greater foreign availability of this type of coal has resulted in its transportation over the shortest, most economical distance between producer and consumer, with U.S. exports being limited economically to Western Hemisphere destinations. During the week ending December 9, exports of this grade of coal were 129,424 short tons, a somewhat higher figure than projected weekly exports for the next twelve weeks. This comparatively high export level probably reflects power plant stockpiling in anticipation of the current strike. Prices of these coal exports averaged $35.64. The low was $33.53. The high of $58.50 is abnormal, reflecting unusual circumstances applicable to a reported transaction.

Exports of coke of coal during the week were only 3,922 short tons. Future export contracts vary widely, however, ranging between approximately 1,900 and 85,700 short tons. The U.S. is neither a major exporter nor importer of this commodity. Historically, the U.S. exports about 1.3 million short tons of coke of coal per year and imports about 0.2 million short tons. Average prices of U.S. coke exports during the week were $126.84, with a high and low, respectively, of $137.79 and $94.60.

Total bituminous coal imports into the U.S. have historically run about 2.0 million short tons per year (compared to total exports of approximately 60 million short tons) and are not considered significant. Therefore, import data is not being collected on a weekly basis by either the Department of Commerce or the Department of Energy, and weekly import data is not included in this report. Similarly, the Department of Commerce is collecting weekly data on the export of coke, but neither the Department of Commerce nor the Department of Energy is collecting data on coke imports on a weekly basis.

Domestic coal data being developed by the Department of Energy show that total coal production for the

week ending December 10, was 9,100,000 short tons, a drop of 61 percent as a result of the strike, from 14,798,000 short tons produced the preceding week. Coal consumption for the week ending December 10 showed no significant change from weekly averages for the month of December in the two preceding years. Coal stocks, however, increased significantly over prior years in the categories of both metallurgical coal used by the steel industry and steam coal used by electric utilities and general industry. Total domestic stocks of bituminous coal for the week were calculated by the Department of Energy at 171,925,000 short tons, compared with December month-end stocks, in 1976 and 1975, of 134,172,000 and 126,882,000 short tons, respectively.

The Department of Energy is not collecting data on domestic coal prices on a weekly basis. Therefore, price data on coal (f.o.b. mine) and coke (f.o.b. coke plant) presented in the publication "Coal Week" were selected for inclusion in this report. These data show that low volatile metallurgical coal was selling on the domestic spot market, during the week ending December 10, at $44-$51 per short ton, while domestic selling prices under long term contract ranged from $43-$50 a short ton. Medium volatile metallurgical coal domestic selling prices on a spot and contract basis were $31-$37 and $40-$43 a short ton, respectively. High volatile metallurgical coal spot and contract sales prices in the domestic market were $29-$36 and $31-$38, respectively. Other bituminous, or steam, coal was priced on the spot market at $18.87 and, on the contract market, at $19.12 a short ton. Spot market furnace coke, used in steel plant blast furnaces, was priced at $85-$90 per short ton, while spot foundry coke, used in foundry cupolas, was priced at $129-$134 short ton. No unusual movement in coal or coke of coal pricing was noted during the week, with domestic prices for all grades of bituminous coal remaining substantially beneath export prices reported on an f.o.b. port of export basis, while coke prices were nearly comparable.

In general, data developed during the first week of coal export monitoring showed that the strike had not yet had an appreciable impact on exports. If the strike continues, coal and coke of coal exports are expected to continue at near their present levels for two or three more weeks, while coal and coke at port in transit to port of export when the strike began is moved out. Thereafter, exports will probably drop significantly.

Tables of exports; export contracts; exports and imports; production, consumption and stocks; and domestic and export prices follow:

TABLE 1

U.S. Exports and Contracts for Export of Bituminous Coal and Coke of Coal
(in Short Tons)
For Week Ending December 9, 1977

Commodity	Exports				Contracts				
	Dec.1975 Weekly Avg.	Dec.1976 Weekly Avg.	Nov.1977 Weekly Avg.	Week Ending 12/9/77	Week Ending 12/16/77	Week Ending 12/23/77	Week Ending 12/30/77	Week Ending 1/6/78	Week Ending 1/13/78
Low Volatile 1/ Metallurgical Coal	n.a.	n.a.	n.a.	199,136	171,958	128,327	118,074	103,178	166,178
Medium Volatile 2/ Metallurgical Coal	n.a.	n.a.	n.a.	283,420	313,406	269,874	365,306	158,580	190,480
High Volatile 3/ Metallurgical Coal	n.a.	n.a.	n.a.	47,055	129,651	297,132	153,896	31,510	31,510
Total Metallurgical Coal	n.a.	n.a.	n.a.	550,459*	659,266**	695,333	637,276	293,268	388,168
Other Bituminous Coal	n.a.	n.a.	n.a.	129,424	4/ -				
Total Bituminous Coal	1,023,827	1,044,281	n.a.	679,883					
Coke of Coal	16,646	7,287	n.a.	3,922	6,839	2,265	85,698	28,915	1,945

Commodity	Week Ending 1/20/78	Next Six Weeks	Total for 12 Weeks
Low Volatile 1/ Metallurgical Coal	103,178	698,202	1,489,095
Medium Volatile 2/ Metallurgical Coal	300,280	1,698,164	3,296,090
High Volatile 3/ Metallurgical Coal	31,510	279,080	954,289
Total Metallurgical Coal	434,968	2,675,446	5,783,725**
Other Bituminous Coal	4/ -		
Coke of Coal	1,885	36,451	164,018

1/ 22% or less volatile matter
2/ 31% or less and more than 22% volatile matter
3/ More than 31% volatile matter

4/ Less than 100,000 tons. Due to a limited number of firms reporting this data, precise figures have been withheld to prevent disclosure of information deemed to be confidential pursuant to Section 7 (c) of the Export Administration Act of 1969, as amended.

* Includes 20,848 short tons of metallurgical grade coal not identified as to volatility.
** Includes 44,251 short tons of metallurgical grade coal not identified by volatility.
n.a. - not available

SOURCES: Office of Export Administration, and Bureau of the Census

TABLE 2
Exports by Commodity and Area of Destination *
Anticipated Exports by Commodity and Area of Destination
(in Short Tons)
For Week Ending December 9, 1977

Commodity and Area of Destination	Exports: Weekly Average Dec. 1975	Exports: Weekly Average Dec. 1976	Exports: Weekly Average Nov. 1977	Exports: Week Ending 12/9/77	Contracts: Week Ending 12/16/77	Contracts: Week Ending 12/23/77	Contracts: Week Ending 12/30/77	Contracts: Week Ending 1/6/78	Contracts: Week Ending 1/13/78
Low Volatile 1/ Metallurgical Coal									
Asia			7,458	111,525	96,033	83,049	71,289	71,289	94,289
Europe			43,463	40,893	69,039	41,039	42,546	27,650	67,650
Western Hemisphere			82,956	46,718	6,886	4,239	4,239	4,239	4,239
TOTAL	n.a.	n.a.	133,877 ***	199,136	171,958	128,327	118,074	103,178	166,178
Medium Volatile 2/ Metallurgical Coal									
Asia				102,806	116,557	82,598	99,504	23,304	71,304
Europe				173,711	168,097	167,907	246,433	115,907	99,807
Western Hemisphere				6,803	28,752	19,369	19,369	19,369	19,369
TOTAL	n.a.	n.a.	n.a.	283,420	313,406	269,874	365,306	158,580	190,480
High Volatile 3/ Metallurgical Coal									
Asia				11,331	2,500	68,500	67,040	2,500	2,500
Europe				-0-	15,077	80,077	15,077	17,231	17,231
Western Hemisphere				35,724	112,074	148,555	71,779	11,779	11,779
TOTAL	n.a.	n.a.	n.a.	47,055	129,651	297,132	153,896	31,510	31,510
Total Metallurgical Coal									
Asia			337,151	225,762	215,090	234,147	237,833	97,093	168,093
Europe			269,606	214,604	252,213	289,023	304,056	160,788	184,688
Western Hemisphere			224,411	110,093 **	191,963 **	172,163	95,387	35,387	35,387
TOTAL	n.a.	n.a.	889,125 ****	550,459 **	659,266 **	695,333	637,276	293,268	388,168

Commodity and Area of Destination	Contracts: Week Ending 1/20/78	Contracts: Next Six Weeks	Contracts: Total for 12 Weeks
Low Volatile 1/ Metallurgical Coal			
Asia	71,289	450,734	937,972
Europe	27,650	222,034	497,608
Western Hemisphere	4,239	25,434	53,515
TOTAL	103,178	698,202	1,489,095
Medium Volatile 2/ Metallurgical Coal			
Asia	113,504	833,794	1,340,565
Europe	167,407	754,616	1,720,174
Western Hemisphere	19,369	109,754	235,351
TOTAL	300,280	1,698,164	3,296,090
High Volatile 3/ Metallurgical Coal			
Asia	2,500	105,020	250,560
Europe	17,231	103,386	265,310
Western Hemisphere	11,779	70,674	438,419
TOTAL	31,510	279,080	954,289
Total Metallurgical Coal			
Asia	187,293	1,389,548	2,529,097
Europe	212,288	1,080,036	2,483,092
Western Hemisphere	35,387	205,862	771,536 **
TOTAL	434,968	2,675,446	5,783,725 **

n.a. - not available
1/ 22% or less volatile matter
2/ 31% or less and more than 22% volatile matter
3/ More than 31% volatile matter
* The data in this table is based on information obtained from exporters by the Office of Export Administration subject to the confidentiality provisions of the Export Administration Act of 1969, as amended. In a number of instances only one exporter is involved in exports or contracts for export of a stated commodity to a particular country. Publication of the data by country of destination thus could effectively reveal information required to be held confidential. Accordingly, in order to maintain the confidentiality of the information supplied by exporters, this data is published by area of destination or by worldwide total rather than by individual country of destination.
** Includes metallurgical grade coal not identified as to volatility.
*** Partial, in content tons.
****Incl. 17,957 S/T to other destinations.
Sources: Off. Export Admin., Bureau of Census

TABLE 2 (Continued)
Exports by Commodity and Area of Destination *
Anticipated Exports by Commodity and Area of Destination
(in Short Tons)
For Week Ending December 9, 1977

Commodity and Area of Destination	Exports				Contracts				
	Weekly Average Dec. 1975	Weekly Average Dec. 1976	Weekly Average Nov. 1977	Week Ending 12/9/77	Week Ending 12/16/77	Week Ending 12/23/77	Week Ending 12/30/77	Week Ending 1/6/78	Week Ending 1/13/78
Other Bituminous Coal TOTAL	n.a.	n.a.	n.a.	129,424	1/				
Total Bituminous Coal TOTAL	1,023,827	1,044,281	n.a.	679,883					
Coke of Coal TOTAL	16,646	7,287	n.a.	3,922	6,939	2,285	85,898	28,915	1,945

Commodity	Contracts		
	Week Ending 1/20/78	Next Six Weeks	Total for 12 Weeks
Other Bituminous Coal			
Coke of Coal	1,885	36,451	164,018

n.a. - not available

* The data in this table is based on information obtained from exporters by the Office of Export Administration subject to the confidentiality provisions of the Export Administration Act of 1969, as amended. In a number of instances only one exporter is involved in exports or contracts for export of a stated commodity to a particular country. Publication of the data by country of destination thus could effectively reveal information required to be held confidential. Accordingly, in order to maintain the confidentiality of the information supplied by exporters, this data is published by area of destination or by worldwide total rather than by individual country of destination.

1/ Less than 100,000 tons. Due to a limited number of firms reporting this data, precise figures have been withheld to prevent disclosure of information deemed to be confidential pursuant to Section 7(c) of the Export Administration of 1969, as amended.

SOURCES: Office of Export Administration, and Bureau of the Census

TABLE 3

Export Prices of Bituminous Coal and Coke of Coal
(in $ per Short Ton)

Commodity	Dec.1975 Average	Dec.1976 Average	Nov.1977 Average	Week Ending December 9, 1977 Weighted Average	High	Low
Low Volatile Metallurgical Coal 1/	n.a.	n.a.	n.a.	60.38	62.21	52.19
Medium Volatile Metallurgical Coal 2/	n.a.	n.a.	n.a.	53.16	59.90	42.00
High Volatile Metallurgical Coal 3/	n.a.	n.a.	n.a.	47.76	53.30	43.71
Total Metallurgical Coal	n.a.	n.a.	53.84	55.39*	62.21	42.00
Other Bituminous Coal	n.a.	n.a.	35.01	35.64	58.50**	33.53
Total Bituminous Coal	49.24	49.76	50.99	51.51*	62.21	33.53
Coke of Coal	62.91	83.75	79.70	126.84	137.79	94.60

1/ 22% or less volatile matter
2/ 31% or less and more than 22% volatile matter
3/ more than 31% volatile matter
* Excludes 44,251 tons for which price data is not available
** This figure is not characteristic of the price of this commodity due to exceptional circumstances applicable to a reported transaction.
n.a. - not available

SOURCES: Office of Export Administration, and
Bureau of the Census

TABLE 4

U.S. Trade in Bituminous Coal and Coke of Coal
(in Short Tons)
For Week Ending December 9, 1977

	Weekly Average Dec.1975	Weekly Average Dec.1976	Nov.1977 Weekly Avg.	Week Ending 12/09/77
IMPORTS				
Bituminous Coal 1/	20,097	21,452	31,158	n.a.
Coke of Coal	20,774	28,903	41,267	n.a.
EXPORTS				
Bituminous Coal 1/	1,023,827	1,044,281	1,047,451	679,883
Coke of Coal	16,646	7,287	33,179	3,922

1/ includes both metallurgical grade and steam coal
n.a. - not available

SOURCES: Office of Export Administration, and
Bureau of the Census

Table 5

Bituminous Coal and Coke of Coal* Production, Consumption, and Stocks (in1,000 short tons)
For Week Ending December 10, 1977

	Dec. 1975 Weekly Avg.	Dec. 1976 Weekly Avg.	Nov. 1977 Weekly Avg.	Week Ending Dec. 10, 1977
Total Bituminous Coal Production**	12,019	12,593	14,798	9,100
Consumption				
Metallurgical***	1,519	1,568	NA	1,290
Other Bituminous				
Electric Utility	8,414	9,387	NA	9,228
General Industry	1,358	1,421	NA	1,330
Total Other	9,772	10,808	NA	10,558
Total Bituminous	11,291	12,376	NA	11,848
Bituminous Coal Stocks (End of Specified Periods)				
Metallurgical***	8,671	9,804	NA	14,634
Other Bituminous				
Electric Utility	109,707	117,468	NA	147,796
General Industry	8,504	6,900	NA	9,495
Total Other	118,211	124,368	NA	157,291
Total Bituminous	126,882	134,172	NA	171,925

* Data on coke of coal production, consumption, and stocks are not available on a weekly basis.
** More detailed production data are not available.
*** More detailed data in terms of volatile content are not available.

Data source - Department of Energy.

Table 6

Representative Domestic Prices of Bituminous Coal and Coke of Coal
($/short ton f.o.b. Mine or Coke Plant)
For Week Ending December 10, 1977

	December 1975		December 1976		November 1977		Week Ending December 10, 1977	
	Spot	Contract	Spot	Contract	Spot	Contract	Spot	Contract
Metallurgical Coal								
Low Volatile	46.38	NA	33/50	45.75/49.50	42/51	43/50	44/51	43/50
Medium Volatile		NA	28/33	40/46.50	31/37	40/43	31/37	40/43
High Volatile	39.28	NA	27/33	34/40	29/36	31/38	29/36	31/38
Other Bituminous Coal	17.37	NA	16.12	17.37	18.75	18.81	18.87	19.12
Coke								
Furnace	NA	NA	85/97	NA	85/90	NA	85/90	NA
Foundry	110/117	NA	121/125	NA	129/132.50	NA	129/134	NA

Source: McGraw-Hill's "Coal Week".

Prices shown for the years 1975 and 1976 represent single quotes selected at random, as does the price shown for November 1977. Metallurgical coal source is Central Appalachia. Prices for "other bituminous coal" are averaged from Northern Appalachian steam coal quotes.

S. Stanley Katz,
Acting Assistant Secretary, for Industry and Trade.

December 9, 1977.

[FR Doc. 78-1408 Filed 1-19-78; 8:45 am]

[3510-22]

National Oceanic and Atmospheric Administration

NEW ENGLAND FISHERY MANAGEMENT COUNCIL

Public Meeting

The New England Fishery Management Council, established by section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), will meet February 8-9, 1978, at the Holiday Inn, junction of Routes 1 and 128, Peabody, Mass. The meeting starts at 10 a.m. on February 8th and adjourns at approximately 5 p.m.; on February 9th starts at 9 a.m. and adjourns at approximately 5 p.m.

PROPOSED AGENDA

(1) Groundfish Plan for 1978; (2) Herring Plan for 1978; the Council will schedule a public hearing at 1:30 p.m., February 9, 1978, during its regular meeting to receive public comment on the proposed herring management plan seasonal and real quotas.; and (3) other business.

Meeting is open to the public. For more information on seating, changes to the agenda, or written comments, contact Spencer Apollonio, Executive Director, New England Fishery Management Council, Peabody Office Building, One Newbury Street, Peabody, Mass. 01960, telephone: 617: 535-5450.

Dated: January 17, 1978.

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

[FR Doc. 70-1602 Filed 1-19-78; 8:45 am]

[6820-33]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1978

Proposed Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed addition to procurement list.

SUMMARY: The Committee has received a proposal to add to Procurement List 1978 a commodity to be produced by workshops for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: February 22, 1978.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Steet North, Suite 610, Arlington, Va. 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher 703-557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77.

If the Committee approves the proposed addition, all entities of the Federal Government will be required to procure the commodity listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodity to Procurement List 1978, November 14, 1977 (42 FR 59015):

CLASS 1440

Circuit card Assembly, 1440-00-454-8574.

E. R. ALLEY, Jr.,
Acting Executive Director.

[FR Doc. 78-1616 Filed 1-19-78; 8:45 am]

[6820-33]

PROCUREMENT LIST 1978

Proposed Deletions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed deletion from the procurement list.

SUMMARY: The Committee has received a proposal to delete from Procurement List 1978 services provided by workshops for the blind or other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: February 22, 1978.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Va. 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, 703-557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77.

It is proposed to delete the following services from Procurement List 1978, November 14, 1977 (42 FR 59015):

SIC 7349

Janitorial/Custodial, National Marine Fisheries Complex, 2725 Montlake Boulevard East, Seattle, Wash., for the West, Central, East, and Pilot Plant Buildings; and the Behavior Laboratory.

SIC 7641

Furniture Rehabilitation, Rickenbacker Air Force Base, Columbus, Ohio; Wright-Patterson Air Force Base, Dayton, Ohio.

E. R. ALLEY, Jr.,
Acting Executive Director.

[FR Doc. 78-1617 Filed 1-19-78; 8:45 am]

[6820-33]

PROCUREMENT LIST 1978

Deletion

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Deletion from procurement list.

SUMMARY: The Committee has received a proposal to delete from Procurement List 1978 a service provided by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: January 20, 1978.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Va. 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, 703-557-1145.

SUPPLEMENTARY INFORMATION: On November 28, 1977, the Committee for Purchase from the Blind and Other Severely Handicapped published a notice (42 FR 60587) of proposed deletion from Procurement LIst 1978, November 14, 1977 (42 FR 59015).

After consideration of the relevant matter presented, the Committee has determined that the service listed below is no longer suitable for procurement by the Federal Government under 41 U.S.C. 46-48(c), 85 Stat. 77.

Accordingly, the following service is hereby deleted from Procurement List 1978:

SIC 7542

Vehicle Detailing, Duluth, Minn., plus 10-mile radius.

E. R. ALLEY, Jr.,
Acting Executive Director.

[FR Doc. 78-1618 Filed 1-19-78; 8:45 am]

[6820-33]

PROCUREMENT LIST 1978

Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to procurement list.

SUMMARY: This action adds to Procurement List 1978 commodities to be produced by workshops for the Blind or other severely handicapped.

EFFECTIVE DATE: January 20, 1978.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Va. 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, 703-557-1145.

SUPPLEMENTARY INFORMATION: On October 28, 1977 and November 11, 1977, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (42 FR 56772) and (42 FR 58774) of proposed additions to Procurement List 1978, November 14, 1977 (42 FR 59015).

After consideration of the relevant matter presented, the Committee has determined that the commodities listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48(c), 85 Stat. 77.

Accordingly, the following commodities are hereby added to Procurement List 1978:

CLASS 7530

Notebook, Stenographer's (IB), 7530-00-223-7939, quantity increased from 2,100,000 annually to 100 percent of the Government's annual requirements.

CLASS 1670

Message Dropper (SH), 1670-00-797-4495.

E. R. ALLEY, Jr.,
Acting Executive Director.

[FR Doc. 78-1619 Filed 1-19-78; 8:45 am]

[3710-08]

DEPARTMENT OF DEFENSE

Department of the Army

CHEMICAL SYSTEMS LABORATORY HUMAN USE COMMITTEE

Meeting

Notice is hereby given of a meeting of the Chemical Systems Laboratory Human Use Committee from 10 a.m. to 4 p.m. on February 6, 1978, and if necessary because of weather or need for continuation of discussion on February 9, 1978. These meetings will be held in room 14 of the Biomedical Laboratory, building E3100, in the Edgewood area of Aberdeen Proving Ground, Md.

The Committee will review and discuss a protocol for testing the demilitarization protective ensemble in a chemical environment. Meetings will be open to the public, but will be limited to space available.

Col. Francis C. Cadigan, Jr., Director, Biomedical Laboratory, Aberdeen Proving Ground, Md. 21010, 301-671-3018, will furnish summaries of the meetings and rosters of committee members upon request.

Dated: January 16, 1978.

FRANCIS C. CADIGAN, Jr.,
Colonel, MC,
Director, Biomedical Laboratory.

[FR Doc. 78-1649 Filed 1-19-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

VOLUNTARY AGREEMENT AND PLAN OF ACTION TO IMPLEMENT THE INTERNATIONAL ENERGY PROGRAM

Meetings

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (Pub. L. 94-163), notice is hereby provided of the following meetings:

A meeting of Subcommittee A of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held on January 23, 1978, at the offices of Exxon Corp., 1251 Avenue of the Americas, New York, N.Y., beginning at 9:30 a.m. The agenda is as follows:

1. Opening remarks.
2. Finalize proposed test guide for Allocation Systems Test-2 (AST-2) including:
(a) Review comments on preliminary guide made by Reporting Companies and National Emergency Sharing Organizations (NESOs).
(b) Review items covered in Exxon telex dated December 22, 1977, to IEA Secretariat.
(c) Handling of base period final consumption.
3. Review Gulf proposal for data to be used by the Industry Supply Advisory Group (ISAG) in AST-2.
4. Review ISAG work procedures in evaluating Phase 2 offers in AST-2.
5. Review ISAG data formats.
6. Review reference materials required by ISAG in AST-2.
7. Future work program.
(a) Plans for NESO and Reporting Company briefing meetings—schedule, agenda, participation and responsibility.
(b) Schedule for other meetings required prior to AST-2.
(c) Tentative schedule of meetings required following AST-2.

A meeting of Subcommittee A of the Industry Advisory Board to the International Energy Agency (IEA) will be held on January 24 and 25, 1978, at the offices of Exxon Corp., 1251 Avenue of the Americas, New York, N.Y., beginning at 9 a.m. on January 24. The agenda is as follows:

1. Opening remarks.
2. Approve proposed final test guide for AST-2.
3. Review items related to AST-2.
(a) Proposed data to be used by ISAG.
(b) Status of government legal clearances required.
(c) ISAG work procedures for evaluation of Phase 2 offers.
(d) ISAG data formats.
(e) Reference material required by ISAG.
(f) Plans for Reporting Company/NESO briefing meetings.
4. Review Secretariat proposal for revised handling of base period final consumption.
5. Future work program.

A meeting of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held on January 26, 1978, at the offices of Mobil Oil Corp., 150 East 42nd Street, New York, N.Y., beginning at 9:30 a.m. The agenda is as follows:

1. Opening remarks by Chairman including:
(a) Communications to and from IEA.
(b) Report on meeting of the Standing Group on Emergency Questions (SEQ) of December 13, 1977.
2. Matters arising from record note of IAB meeting on December 1, 1977.
3. Position of Reporting Companies under:
(a) EEC competition regulations.
(b) U.S. Voluntary Agreement.
4. Report by IEA Secretariat on status of National Emergency Sharing Organizations (NESOs).
5. Report on and discussion of work of Subcommittee A, including:
(a) Spring 1978 Allocations Systems Test, including:
i. Approval of final test guide and associated procedures.
ii. Review of clearances required for data seen by ISAG members.
iii. Review of status of other governmental or legal clearances required for AST-2.
iv. Future work program.
(b) Review of IEA Secretariat's revised proposal for handling base period final consumption data.
6. Report on and discussion of work of Subcommittee C, including:
(a) Extraordinary and additional costs.
(b) Settlement of disputes.
(c) Pricing in an emergency.
(d) Membership of subcommittee.
7. Report on Industry Supply Advisory Group (ISAG).
8. Dates and venues of future meetings of IAB and subcommittees.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, these meetings will not be open to the public. As provided by section 209.32 of DOE regulations, IEP requirements and unanticipated procedural delays in processing this notice require the usual seven day notice period to be shortened.

Issued in Washington, D.C., January 18, 1978.

WILLIAM S. HEFFELFINGER,
Director of Administration,
Department of Energy.

[FR Doc. 78-1922 Filed 1-19-78; 8:45 am]

[3128-01]

Economic Regulatory Administration

SYSTEM TO MONITOR NO. 2 (HOME) HEATING OIL PRICES

Notice of Adoption

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of adoption of monitoring system.

SUMMARY: The Economic Regulatory Administration ("ERA") of the Department of Energy ("DOE") hereby announces the adoption of a system to be used by ERA to monitor No. 2 heating oil (also referred to as home heating oil) prices during the current heating season (November 1977 through March 1978). The Energy Information Administration ("EIA") of DOE will conduct a survey of sellers of No. 2 heating oil to obtain information on actual prices and gross margins for the refining, wholesaling and retailing sectors and will publish such information monthly. During the current heating season ERA will review this price information and any other available information on the marketing of No. 2 heating oil to determine whether any further regulatory actions are appropriate. DOE will task a subcommittee of its Fuel Oil Marketing Advisory Committee, comprised of representatives from ERA, industry, consumers and State Energy Offices, to advise and assist ERA in its evaluation of the marketing of No. 2 heating oil during the current heating season.

To assist in the evaluation of price increases to nonultimate consumers at the refining level, an index estimating what price levels would have been allowed under continued price controls will be computed and published monthly. To assist in the evaluation of price increases at the wholesaling and retailing levels, ERA will develop benchmark margins for No. 2 heating oil at the wholesaling and retailing levels which will reflect the marketing costs and allow sufficient margins to further the objectives of the Emergency Petroleum Allocation Act of 1973 (Pub. L. 93-159, "EPAA"). DOE will hold a public evidentiary hearing in August 1978 to consider the need for further regulatory action with regard to No. 2 heating oil in light of all available information. In order to ensure that consumer interests are adequately represented at the hearing, representatives of consumer interests are invited to submit applications to the DOE Office of Administrative Review of the ERA for financial assistance to facilitate their participation.

ADDRESSES: Send complaints to: Middle Distillate Complaint Section, Office of Fuels Regulation, Economic Regulatory Administration, Department of Energy, Room 6222, 2000 M Street NW., Washington, D.C. 20461, Telephone: Washington, D.C. metropolitan area, Alaska, and Hawaii: 202-254-8583, all other areas 800-424-8002. Send petitions for intervenor funding to Office of Administrative Review, Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Washington, D.C. 20461, 202-254-5134.

FOR FURTHER INFORMATION CONTACT:

Ed Vilade (Media Relations), Department of Energy, 12th & Pennsylvania Avenue NW., Room 3104, Washington, D.C. 20461, 202-566-9833.

Gerald P. Emmer (Office of Petroleum Allocation), Economic Regulatory Administration, 2000 M Street NW., Room 2304, Washington, D.C. 20461, 202-254-7200.

Ben McRae (Office of General Counsel), Department of Energy, 12th & Pennsylvania Avenue NW., Room 5134, Washington, D.C. 20461, 202-566-9565.

Paul Burke (Office of Fuels Regulation), Economic Regulatory Administration, 2000 M Street NW., Washington, D.C. 20461, 202-254-5338.

William C. Gillespie (Prices, Costs, and Marketing Branch), Energy Information Administration, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, 202-566-9307.

SUPPLEMENTARY INFORMATION:

I. BACKGROUND

II. DISCUSSION OF COMMENTS

III. MONITORING SYSTEM ADOPTED

A. COLLECTION OF DATA

B. PUBLICATION OF DATA

C. EVALUATION OF REFINING, WHOLESALING AND RETAILING SECTORS

1. Refining sector.
2. Wolesaling and retailing sectors.
3. Complaints from the public.
4. Evidentiary hearing.
5. Intervenor funding.

D. REMEDIAL ACTIONS

1. Audits.
2. Hearings.
3. Further measures.
4. Reimposition of controls.

I. BACKGROUND

Following the July 1, 1976 exemption of middle distillates, including No. 2 heating oil and No. 2-D diesel fuel, from price and allocation controls (41 FR 24518, Junde 16, 1976), the Federal Energy Administration ("FEA") instituted a system which monitored the actual average prices of No. 2 heating oil to ultimate consumers and No. 2-D diesel fuel to ultimate consumers for on-highway use on a national and regional level (41 FR 41155, September 21, 1976; 42 FR 9415, February 16, 1977). Pursuant to a commitment given to Congress for the 1976-77 heating season, FEA compared these prices against indices which FEA had developed as estimates of what the national and regional prices of No. 2 heating oil to ultimate consumers and No. 2-D diesel fuel to ultimate consumers for on-highway use would have been if regulatory controls were still in effect, plus a flexibility factor of two cents per gallon. FEA published both the actual prices and the index prices.

In July and August 1977, FEA held regional and national hearings at which consideration was given to what action, if any, should be undertaken with respect to middle distillate prices. In light of the statements presented at these hearings and written comments received with regard to this matter, FEA determined not to reimpose price controls on middle distillates, but to continue the monitoring of middle distillate prices so that the Agency would possess the information with which to determine what further action, if any, would be appropriate with regard to middle distillates.

On September 30, 1977 (42 FR 54444, October 6, 1977), FEA issued a proposed system to monitor middle distillate prices. Under this system, FEA would have continued to survey the prices of No. 2 heating oil and No. 2-D diesel fuel However, since prior hearings and written comments had indicated that the greatest concern of consumers related to residential prices of No. 2 heating oil, FEA proposed calculation and publication of national and regional indices only for residential sales of No. 2 heating oil. These indices would have been calculated in the same manner as the indices for No. 2 heating oil during the 1976-77 heating season except that only residential prices would have been estimated as though controls had been continued and the calculation mechanism would have been refined to reflect criticisms that had been made of specific components thereof.

On October 17 and 20, 1977, regional hearings on this proposed system were held in Boston, Chicago and New York. On October 19 and 20, 1977, a national hearing was held in Washington, D.C. Written comments were requested by October 21, 1977. Following an analysis of the statements made at the hearings and of the written comments, representatives of DOE (which, effective October 1, 1977, had assumed the functions of FEA) met with representatives of the industry, of consumer groups and of the general public in an effort to identify their concerns more precisely. On December 5, 1977, the DOE Fuel Oil Marketing Advisory Committee submitted its extensive White Paper on the competitive viability of independent fuel oil marketers.

II. DISCUSSION OF COMMENTS

In their comments, retailers contended that the market for retail sales of No. 2 heating oil is highly competitive. Retailers generally opposed any index that reflected DOE's calculation of hypothetically controlled prices at the retail level on the grounds that such a system would threaten the economic viability of many retailers by focusing too much public attention on

retail sales and by forcing the freezing of retail margins at an unrealistically low figure. They stated that the monitoring of actual prices at each market level would give DOE adequate information. In addition, retailers commented unfavorable on the reporting burden which the proposed monitoring system would place on them.

Refiners opposed the proposed monitoring system as unnecessary in light of the performance of the industry during the 1976-77 heating season. Moreover, several difficulties with the calculation of the index contained within the proposed system were asserted. Several refiners also indicated that they would prefer a system which would furnish the public with the average prices charged at different market levels.

Consumer groups generally supported the proposed monitoring system as an improvement over the system employed during the last heating season, especially with regard to its emphasis on residential sales and the use of smaller geographic regions. They indicated preference, however, for a system which would produce information of a more current and localized nature with regard to actual prices and stated that the proposed system would not provide sufficient data for distribution levels other than the retail level. They also contended that an analysis based on the margins of firms at each distribution level would provide a more valid indication of possible abuses than a comparison of actual prices against the proposed index at the retail level.

III. Monitoring System Adopted

Based on all the information available, DOE has determined that a program of continued and expanded monitoring of No. 2 heating oil is needed. Accordingly, DOE will implement a program designed to monitor each level of the No. 2 heating oil distribution system—refining, wholesaling, and retailing. Monitoring will be effectuated through a number of approaches. Whenever any element of this process of gathering and evaluating information on the marketing of No. 2 heating oil produces a finding that regulatory action is necessary to achieve the objectives of the EPAA, DOE will undertake appropriate action. This program for monitoring and evaluating the performance of refiners, wholesalers and retailers with regard to the marketing of No. 2 heating oil has been established only for the 1977-1978 heating season. Any program for future heating seasons will be considered in light of the findings on this heating season.

A. COLLECTION OF DATA

To insure that ERA has sufficient information on the prices charged for No. 2 heating oil so that it might determine what action, if any, is appropriate, EIA will collect information with regard to the prices of No. 2 heating oil through the utilization of the following forms: (1) Form P-302-M-1 which surveys all refiners and all resellers and retailers who derive $50 million or more in annual revenues from the sale of petroleum products to determine the amounts sold and the weighted average selling prices for various petroleum products, including No. 2 heating oil, sold at the wholesaling and retailing levels by the reporting firms; (2) Form P-110-M-1 which surveys all refiners to determine the monthly allocation to covered products of increased costs over the base period for calculating the appropriate cost pass through under the regulations; and (3) Form P-112-M-1 which surveys a scientifically selected sample of firms which sell No. 2 heating oil to determine the cost of purchased product, the selling price and the amounts of No. 2 heating oil sold to various categories of buyers by the reporting firms. Form P-302-M-1 is being revised to require disclosure of the percentage of the volume of total refinery output accounted for by No. 2 heating oil, and more complete information on refiners' non-product costs.

B. PUBLICATION OF DATA

DOE believes that both industry and consumers will find the information reported to DOE valuable in evaluating the performance of market forces in establishing the prices charged for residential sales of No. 2 heating oil. Therefore, after EIA has compiled these data, it will publish a summary of its findings with regard to average sales prices and average gross margins at the refining, wholesaling, and retailing levels. This summary will enable consumers to determine the degree to which any increases in price reflect changes in product costs or increases in gross margins. (In any analysis based on gross margins, it should be recognized that average gross margins do not reflect average net profits of said firms, since a firm's average gross margin generally includes various cost elements, such as transportation, storage, wages, insurance, interest expenses, services, etc.) Publication of the summary will necessarily occur two months after the month to which the findings pertain, to allow for the reporting, verification and compilation of the data.

For sales of No. 2 heating oil to non-ultimate consumers by refiners, DOE will publish for the nation and each DOE region (1) the actual average price, (2) the range of prices, and (3) the average gross margin (i.e., the weighted average of the difference between selling prices for sales to non-ultimate consumers and the weighted average cost of crude oil and purchased product for each refiner; Appendix I contains a more detailed explanation of the calculation of this gross margin).

For sales of No. 2 heating oil to non-ultimate consumers (i.e., resellers, retailers, and reseller/retailers) by non-refiners, DOE will publish for the nation and each DOE region (1) actual average prices, (2) the range of prices, and (3) the average gross margin (i.e., the weighted average of the difference between selling prices for sales to non-ultimate consumers and the weighted average cost of purchased product for each nonrefiner; Appendix II contains a more detailed explanation of the calculation of this gross margin).

For residential sales of No. 2 heating oil, DOE will publish for the nation, each DOE region and those states with significant sales of residential No. 2 heating oil (a list of which appears in Appendix V) (1) the actual average prices, (2) the range of prices, and (3) the average gross margin for nonrefiner firms selling to residential users (i.e., the weighted average of the difference between the residential selling price and the weighted average cost of purchased product for each nonrefiner; Appendix III contains a more detailed explanation of the calculation of this gross margin).

DOE recognizes the value of information of a more current and localized nature regarding actual average prices for residential sales of No. 2 heating oil than that which DOE will collect. To that end, DOE has established a pilot program assisting the New England States in pursuing alternative methods of monitoring residential heating oil prices on either a weekly or biweekly basis during the current heating season. These efforts are designed to identify and test methods to be utilized by State Energy Offices in developing price monitoring systems to meet their own state needs. States participating include Vermont, Connecticut, Massachusetts, Rhode Island, New Hampshire, and Maine.

C. EVALUATION OF REFINING, WHOLESALING AND RETAILING SECTORS

1. *Refining sector.* DOE will evaluate the available information on prices charged by refiners for sales of No. 2 heating oil to non-ultimate consumers so that possible unjustified price increases can be identified and appropriate action taken. To aid in this evaluation of prices at the refining level for sales to non-ultimate consumers, DOE will establish an index for the nation and each DOE region which will estimate what price levels would have been allowed under the provisions of 10 CFR 212.83 if price controls had been continued. The indices will be based on June 1977 instead of May 1973) prices adjusted to reflect

changes in crude oil, non-product and purchased product costs, computed in the same manner as in 10 CFR 212.83, plus cost increases not recouped between June 1977 and the month to which the indices refer. (Appendix IV contains a more detailed explanation of these indices.) DOE will compare against these indices the corresponding actual average prices for sales of No. 2 heating oil to non-ultimate consumers by refiners. In order to assist the industry and the public in evaluating the published information on refiner prices, DOE will publish on a national and regional basis the index prices for refiner sales of No. 2 heating oil.

The Office of Fuels Regulation of ERA will analyze refiner prices and gross margins throughout the current heating season, and will present this analysis to a subcommittee of the Fuel Oil Marketing Committee ("Subcommittee"), comprised of representatives of industry, consumer groups, state energy offices, and DOE, established to advise the Office of Fuels Regulation on the evaluation of the marketing of No. 2 heating oil during the current heating season. The Subcommittee will assist the Office of Fuels Regulation in the analysis of refiner prices and gross margins throughout the current heating season. DOE will make available data from its present refinery audit program, and ERA Office of Enforcement or the Office of Special Counsel for Compliance may initiate refinery audits either on their own initiative, or in response to requests by the Subcommittee, State Energy Offices or complaints to DOE.

2. *Wholesaling and retailing sectors.* Section 4(b)(1) of the EPAA sets forth the objectives to be achieved with regard to the allocation and pricing of petroleum products. In order to establish more clearly whether these objectives are being achieved with regard to No. 2 heating oil, the Office of Fuels Regulation will study the marketing of No. 2 heating oil by wholesalers and retailers during the current and prior heating seasons so that trends within the heating oil industry can be identified and their impact on the goals of the EPAA can be analyzed. Inasmuch as the policy stated in section 4(b)(1) of the EPAA contemplates more than equitable price levels, such study will include not only the causes of any price increases for No. 2 heating oil, but also the nature and intensity of competition in the heating oil market and the economic viability of various sectors of that market. Copies of the DOE Fuel Oil Marketing Advisory Committee White Paper analyzing the competitive viability of independent marketers will be available to the public through the Office of Fuels Regulation.

Although this study by the Office of Fuels Regulation will yield a comprehensive analysis of the factors which influence the marketing of No. 2 heating oil by wholesalers and retailers, DOE believes that the wholesale and retail marketing of No. 2 heating oil should be evaluated on a continuous basis throughout the current heating season so that appropriate regulatory actions can be considered on a timely basis. The effectiveness of any action by DOE during the heating season will be dependent on the length of time necessary for an identification and evaluation of indicators of whether the objectives of the EPAA are being achieved. If the marketing of No. 2 heating oil is subject to an event, such as an embargo on foreign crude oil, resulting in a large increase in prices charged for No. 2 heating oil, which is not justified by corresponding increases in product and non-product costs, DOE will immediately undertake the necessary regulatory response, including reimposition of controls. With regard to events for which the causes and effects are not so clear, DOE will not undertake regulatory action without the verification and evaluation of data concerning those events.

The information collected and verified by EIA with regard to prices charged for No. 2 heating oil may indicate possible frustration of the objectives of the EPAA. The timely utilization of this information, however, requires fair benchmarks against which the information can be compared. Therefore, the Office of Fuels Regulation will develop benchmark margins at the wholesaling and retailing levels for the nation and DOE regions for each month of the current heating season. Development of these benchmark margins will seek to accommodate the recoupment of all increased product and non-product costs and allow margins appropriate to the objectives of the EPAA, including preserving the competitive viability of independent marketers.

To insure a balanced analysis of each month's information, the Office of Fuels Regulation will present to the Subcommittee, by the fifteenth day of the month in which EIA publishes survey data on the price of No. 2 heating oil during a particular month of the current heating season, the following information: (1) the initial analysis of published data; (2) identification of distribution levels and/or regions where the data indicate potential unreasonable margin increases; (3) preliminary benchmark margins utilized in its analysis; and (4) the factors included in determining such benchmark margins. The Subcommittee will convene to consider this presentation from the Office of Fuels Regulation. ERA will choose a disinterested mediator who shall guide the discussion so that proper consideration shall be given to the views of each Subcommittee member and qualified nonmember with regard to the cost elements to be considered in determining appropriate benchmrks and the relationship between such benchmarks and actual surveyed gross margins. The Subcommittee will then forward to the Office of Fuels Regulation its recommendations with respect to the reasonableness of gross margins for any particular distribution level or region of the nation. Moreover, the Subcommittee may suggest to the Office of Fuels Regulation the need for audits, conferences, or hearings to clarify discrepancies between actual average prices and benchmarks or to determine the actual wholesaler or retailer costs with regard to a specific item in the benchmark calculation.

After the conclusion of the Subcommittee meeting, the Office of Fuels Regulation will hold a public hearing to allow public comment on the reasonableness of No. 2 heating oil prices and the degree of competition and the viability of the retailing and wholesaling sectors, using the most recently published survey data by EIA on prices of No. 2 heating oil as the basis for such hearings. It is anticipated that the Subcommittee or members thereof may participate in these hearings.

Based on the results of the Subcommittee meeting, public hearings, analyses undertaken as a result of Subcommittee recommendations, and other action undertaken by DOE, the Office of Fuels Regulation will make and publish reports for each month of the heating season. These reports will detail the current status of the development of procedures to construct benchmarks for analyzing the reasonableness of No. 2 heating oil prices at the retailing and wholesaling levels and set forth actual average prices and actual average gross margins as well as benchmark margins for the latest month with regard to which EIA has published information on prices of No. 2 heating oil. A final report will be made on or before June 30, 1978, detailing procedures for the calculations of benchmarks for No. 2 heating oil at the wholesaling and retailing levels and containing benchmarks for each month of the current heating season based upon this procedure.

Moreover, DOE will request the Office of Enforcement to conduct audits of individual wholesalers and retailers in response to requests by the Subcommittee, State Energy Offices, or a significant number of complaints against a particular firm. DOE may also select firms for audit on a basis independent of their inclusion or exclusion for the list of firms which must file Form P-112-M-1.

If an audit discloses that a firm has a gross margin substantially in excess

of its historical gross margin and the gross margin currently employed in calculating the benchmark for that particular distribution level or region, DOE will promptly schedule a conference with that firm to determine whether the firm is charging excessive prices. DOE will attempt to negotiate a remedial course of action with respect to any entity which is found to be charging excessive prices. Moreover, as a result of such audits, DOE may undertake audits and hold hearings concerning the distribution level and/or region or particular area which contains the firm(s) potentially charging excessive prices to determine whether controls should be reimposed upon the particular distribution level and/or region.

3. *Complaints from the public.* To insure the achievement of all of the objectives of EPAA, DOE hereby establishes a mechanism to receive and evaluate complaints from individuals, organizations or State Energy Offices concerning the marketing of No. 2 heating oil. Complaints with respect to prices charged by refiners, wholesalers and retailers should be addressed to: Middle Distillate Complaint Section, Office of Fuels Regulation, Economic Regulatory Administration, Department of Energy, Room 6222, 2000 M Street NW., Washington, D.C. 20461; Telephone: Washington, D.C. metropolitan area, Alaska and Hawaii, 202-254-8583; all other areas, 800-424-8002.

4. *Evidentiary Hearing.* In July 1978, the Office of Fuels Regulation will publish its preliminary findings regarding the reasonableness of No. 2 heating oil prices during the 1977-78 heating season. In August 1978, the Office of Administrative Review will hold an evidentiary hearing to evaluate the performance of all levels of distribution of the heating oil industry and the need for any further regulatory action. The preliminary findings of the study of the marketing of No. 2 heating oil during the current and prior heating seasons by the Office of Fuels Regulation, the June report of the Office of Fuels Regulation on benchmarks for the 1977-78 heating season, and any other information obtained during the 1977-78 heating season will be considered at this hearing. The hearing will be conducted in a manner designed to test the validity of all data and conclusions introduced therein, including cross examination and rebuttal. Petitions which request specific administrative action by DOE with regard to the manner in which the evidentiary hearing will be conducted, or any other matter which bears on the hearing, should be filed with the Office of Administrative Review. With regard to the evaluation of the need for further regulatory action, actual average gross margins in excess of the corresponding benchmarks contained in the final report will create the presumption of a need for further regulatory action. After consideration of the testimony, written comments and other available information, the Office of Administrative Review will transmit its findings to the ERA for a determination by the Administrator as to what further regulatory action, if any, is needed.

5. *Intervenor funding.* In order to ensure that consumer interests are adequately represented at the evidentiary hearing, any non-profit organization whose principal function involves the furtherance of consumer interests may submit an application for financial assistance to the Office of Administrative Review. An application to receive financial assistance to enable the organization to participate in the hearing should be filed in the form of a Petition for Special Redress. Each petition of this type should contain a detailed description of the purposes and functions of the organization which requests financial assistance and should indicate whether the organization operates on a non-profit basis. The Petition should also contain a description of the type of information which the petitioner plans to present at the hearing and the reasons why the petitioner's involvement in the hearing will substantially contribute to a full and fair determination of the complex and important issues to be considered in that proceeding. A budget which itemizes the expenses that the petitioner projects it will incur in order to present its position to the DOE should also be included. Finally, the Petition should be accompanied by documentation which establishes that unless the requested financial assistance is provided the organization involved will be unable to bear the costs of participating in the proceedings. The Petition must be filed with the Office of Administrative Review on or before February 21, 1978. The following Decision and Orders may be consulted for guidance as to the principles which have been applied in the past to applications for financial assistance of this type. *Consumers Union of United States, Inc.*, 5 FEA ¶ 87,014 (February 18, 1977), Supplemental Order, 5 FEA ¶87,014 (March 17, 1977); *Consumer Federation of America*, 5 FEA ¶ 87,034 (April 15, 1977), 5 FEA ¶ 87,040 (May 6, 1977), 5 FEA ¶ 87,051 (June 10, 1977).

D. REMEDIAL ACTIONS

If the analysis of the information supplied by any element of the monitoring system indicates that some price increases for No. 2 heating oil might be unjustified, ERA will undertake appropriate actions with regard to No. 2 heating oil which may include:

1. *Audits.* DOE may, at any time, conduct audits of firms to obtain more detailed information than the monitoring system provides. Firms will be selected for auditing on a basis independent of their inclusion or exclusion from the list of firms which must file Form EIA-9. The information obtained from these audits will be utilized to develop a more comprehensive background on the various factors which influence the price levels for No. 2 heating oil.

In order to have the capability to pursue audits on a timely basis, DOE will complete standby audit plans and designate standby audit groups which will allow such a "quick reaction" capability.

2. *Hearings.* ERA will hold public hearings throughout the current heating season to examine the factors which influence price levels for home heating oil. Such hearings may focus on the entire industry or on a particular market level and/or region. If appropriate, public hearings and audits will be coordinated to insure the inclusion of audit findings in the hearing records. Moreover, no later than August 1978, ERA will hold an evidentiary hearing to evaluate the performance of the industry during the 1977-78 heating season in light of the objectives of section 4(b)(1) of the EPAA and the effectiveness of the monitoring system.

3. *Further Measures.* DOE recognizes that there are other intermediate actions which may be more effective than audits or hearings. If there are significant price increases at any market and/or regional level, ERA may suggest price restraint on a voluntary basis for the appropriate sectors of the industry concerned. If it appears that the degree of voluntary price restraint is insufficient to achieve the goals of the EPAA, DOE will consider reimposition of controls.

4. *Reimposition of Controls.* Unless there is a strong showing that immediate reimposition of partial or complete controls is required to achieve the objectives of the EPAA during the current heating season, taking into account the possible dislocations that might result, ERA would not consider reimposition of controls until possibly the following heating season. Furthermore, ERA may reimpose controls on the entire industry or only on a particular market level and/or region.

In this regard, to the extent that market forces may in some instances be inadequate to restrain prices, ERA believes that individual firms should not be encouraged to charge prices that reflect excessive margins in the belief that excessive revenues obtained during a period of decontrol would be permitted to be retained following the reimposition of controls. Accordingly, should reimposition of controls

become necessary, ERA may require such firms to demonstrate that prices charged during the period of decontrol did not reflect excessive margins. To the extent that firms are found to have charged prices that reflect excessive margins, ERA may (following the reimposition of controls) require such firms to make adjustments to prices to reflect revenues received during the period of decontrol, which are found to have resulted from prices unreasonably in excess of those sufficient to insure the survival of the firm as an economically viable and competitive entity, and reflective of a competitive market place.

Issued in Washington, D.C., January 13, 1978.

JOHN F. O'LEARY.
Deputy Secretary,
Department of Energy.

APPENDIX I.—GROSS MARGIN FOR REFINERS' SALES TO NONULTIMATE CONSUMERS

$$M_n^t = \frac{\sum_{i=1}^{m} N_i^t \left(P_{ni}^t - q_{pi}^t C_{pi}^t - [1-q_{pi}^t] C_{ci}^t\right)}{\sum_{i=1}^{m} N_i^t}$$

Where:

M_n^t = Refiners' average gross margin for sales of No. 2 heating oil to nonultimate consumers.

P_{ni}^t = Average selling price for the i^{th} refiner in month t for all sales of No. 2 heating oil to nonultimate consumers reported on Form EIA-9.

C_{ci}^t = Average per unit cost of crude oil purchased by the i^{th} refiner in month t reported on Form P-110.

q_{pi}^t = Ratio of purchases of No. 2 heating oil to total sales of No. 2 heating oil by the i^{th} refiner in month t. If purchases are greater than sales, then $q_{pi}^t = 1$.

C_{pi}^t = Average per unit cost of No. 2 heating oil purchased by the i^{th} refiner in month t reported on Form EIA-9.

N_i^t = Volume of sales of No. 2 heating oil to nonultimate consumers in month t by the i^{th} refiner as reported on Form EIA-9.

m = Number of refiners with sales to nonultimate consumers as reported on Form EIA-9.

This formula refers to the national average gross margin for sales of refiners to nonultimate consumers. Regional margins would be calculated by using average prices derived for the given region.

APPENDIX II—GROSS MARGIN FOR WHOLESALERS' SALES TO NONULTIMATE COMSUMERS

$$M_w^t = \frac{\sum_{i=1}^{n} W_i^t \left(P_{wi}^t - C_{pi}^t\right)}{\sum_{i=1}^{n} W_i^t}$$

where:

M_w^t = Wholesalers' (i.e., nonrefiners) average gross margin for sales of No. 2 heating oil to nonultimate consumers in month t.

P_{wi}^t = Average selling price for all sales of No. 2 heating oil by the i^{th} nonrefiner to nonultimate consumers in month t as reported on Form EIA-9.

C_{pi}^t = Average per unit cost of No. 2 heating oil purchased by the i^{th} nonrefiner in month t as reported on Form EIA-9.

W_i^t = Volume of sales of No. 2 heating oil to nonultimate consumers in month t by the i^{th} nonrefiner as reported on Form EIA-9.

n = Number of nonrefiners with sales of No. 2 heating oil to nonultimate consumers reporting Form EIA-9.

This formula refers to the national average gross margin for sales by nonrefiners to nonultimate consumers. Regional margins would be calculated by using data only for the given region.

APPENDIX III.—NONREFINERS' GROSS MARGIN FOR RESIDENTIAL SALES OF NO. 2 HEATING OIL

$$M_r^t = \frac{\sum_{i=1}^{n} R_i^t \left(P_{ri}^t - C_{pi}^t\right)}{\sum_{i=1}^{n} R_i^t}$$

Where:

M_r^t = Average gross margin for residential sales of No. 2 heating oil in month t by nonrefiners.

P_{ri}^t = Average selling price in month t for all residential sales of No. 2 heating oil reported by the i^{th} nonrefiner on Form EIA-9.

C_{pi}^t = Average per unit cost of No. 2 heating oil purchased in month t reported by the i^{th} nonrefiner on Form EIA-9.

R_i^t = Volume of sales of No. 2 heating oil to residential users in month t reported by the i^{th} nonrefiner of Form EIA-9.

n = Number of nonrefiner firms with sales of No. 2 heating oil to residential users reporting on Form EIA-9.

This formula refers to the national average gross margin for sales to residential consumers by nonrefiners. Regional margins would be calculated by using data only for the given region.

APPENDIX IV.—GUIDELINE FOR REFINERS' PRICE FOR SALES OF NO. 2 HEATING OIL TO NONULTIMATE CONSUMERS

Guideline Price = June Wholesale Price + Increased Cost (¢/gal) + Accumulated Unrecouped Increased Costs

$$P_a^t = P_a^o + \frac{d^t + B^t}{S^t}$$

Where:

P_a^o = Actual weighted average wholesale price of refiners in June 1977, for No. 2 heating oil, derived from form EIA-9. Only those refiners reporting the form EIA-9 will be included (nearly all refiners that sell No. 2 heating oil report form EIA-9). The wholesale price is the weighted average price for nonultimate consumer sales, which includes rack, delivered, and bulk sales.

P^t = Guideline wholesale price of refiners in month t for sales of No. 2 heating oil to nonultimate consumers.

S^t = Volume of sales of No. 2 heating oil sold by refiners in month t to nonultimate consumers.

d^t = Increased costs over June 1977 in month t allocated by refiners to sales of No. 2 heating oil to nonultimate consumers, computed as follows:

Increased Costs = Percentage of Wholesale Sales Attributable to No. 2 Heating Oil × (Changes in crude costs + Changes in nonproduct Costs) + Changes in purchased product costs

$$d^t = \frac{S^t}{V^t}\left(\left(\frac{Q^{t-1}}{Q^{t-1}}\left(C^{t-1} - \frac{C^o}{Q^o}Q^{t-1}\right) + \left(V_c^{t-1} - \frac{V_c^o}{V^o}V^{t-1}\right)\frac{C^o}{V_c^o}\right) + \left(N_c^{t-1} - \frac{N_c^o}{Q^o}Q^{t-1}\right)\frac{c^o}{q^o}\right)$$

Where:

S^t = Volume of sales of No. 2 heating oil by refiners to nonultimate consumers in month t, reported on form EIA-9.

V^t = Total volume of sales of refined products in month t, reported on form P-302.

Q^{t-1} = Volume of crude oil purchased in month $t-1$, reported on form P-110.

Q^o = Volume of crude oil purchased by refiners in June 1977, reported on form P-110.

C^{t-1} = Total cost of crude oil purchased by refiners in month $t-1$, reported on form P-110.

C^o = Total cost of crude oil purchased by refiners in June 1977, reported on form P-110.

V^{t-1} = Volume of sales of all refined products in month $t-1$, reported on form P-302.

V_c^{t-1} = Volume of sales of controlled products in month $t-1$, reported on form P-302.

V^o = Volume of sales of all refined products in June reported on form P-302.

V_c^o = Volume of sales for controlled products in June 1977 reported on form P-302.

N_c^{t-1} = Increased nonproduct costs for controlled products in month $t-1$, reported on form P-110.

N_c^o = Increased nonproduct costs for controlled products in June 1977, reported on form P-110.

q^{t-1} = Volume of No. 2 heating oil purchased by refiners in month $t-1$, reported on form EIA-9.

q^o = Volume of No. 2 heating oil purchased by refiners in June 1977, reported on form EIA-9.

c^{t-1} = Total cost of No. 2 heating oil purchased by refiners in month $t-1$, reported on form EIA-9.

c^o = Total cost of No. 2 heating oil purchased by refiners in June 1977, reported on form EIA-9.

B^t = Accumulated unrecouped costs applicable to time period t.

Accumulated unrecouped increased costs = Sum of increases in costs attributable to No. 2 heating oil—prior to current month. Sum of increases of revenue obtained from sales of No. 2 heating oil prior to current month.

$$B^t = \sum_{i=0}^{t-1} [d^i - S^i (P_a^i - P_a^o)]$$

Where:

d^t=Increased costs over June 1977 incurred by refiners allocated to sales of No. 2 heating oil to nonultimate consumers in month t.

s^t=Sales of No. 2 heating oil by refiners to nonultimate consumers in month t.

B^t=Accumulated unrecouped costs applicable to time period t.

$P_s{}^t$=Actual weighted average price of refiners in month t for sales of No. 2 heating oil to nonultimate consumers derived from form EIA-9.

$P_s{}^o$=Actual weighted average price of refiners in June 1977 for sales of No. 2 heating oil to nonultimate consumers, derived from form EIA-9.

Symbols used in the formula refer to time periods as follows:

t—Refers to each month accumulated in the summation formula for unrecouped costs.
o—Refers to June 1977.
t—Refers to the month for which the selling price is being computed.
$t-1$—Refers to the month one month before the month for which the selling price is being computed.

Subscripts used in the formulas refer to the following:

a—Refers to actual prices.
c—Refers to controlled products.
r—Refers to residential prices and sales volumes.

These formulas calculate the guideline price for the national average.

The formulas used to calculate the guideline prices for the DOE regions are the same except the June 1977 national price to nonultimate consumers ($P_s{}^o$) would be replaced by average prices to nonultimate consumers for the regions.

These formulas are not entirely consistent with the calculations under 10 CFR 212.83 in that allocations are based on sales of No. 2 heating oil rather than production of No. 2 heating oil, refiners' nonproduct cost increases for No. 2 heating oil are estimated based on refiners' nonproduct cost increases for controlled products reported to the DOE, and the base period is June 1977 rather than May 1973.

The revised form P-302-M-1 will provide information as to the production of No. 2 heating oil and refiners' total nonproduct costs. When this information becomes available, the formulas will be adjusted to make allocations on the basis of production and revised nonproduct cost estimates. The estimated prices for prior months will be recalculated to reflect allocation on the basis of production and revised nonproduct estimates.

APPENDIX V

States with statistically valid residential heating oil survey prices

State	State code	DOE region
Alaska	AK	10
Connecticut	CT	1
Delaware	DE	3
District of Columbia	DC	3
Idaho	ID	10
Illinois	IL	5
Indiana	IN	5

APPENDIX V—Continued

States with statistically valid residential heating oil survey prices

State	State code	DOE region
Maine	ME	1
Maryland	MD	3
Massachusetts	MA	1
Michigan	MI	5
Minnesota	MN	5
New Hampshire	NH	1
New Jersey	NJ	2
New York	NY	2
Ohio	OH	5
Oregon	OR	10
Pennsylvania	PA	3
Rhode Island	RI	1
Vermont	VT	1
Virginia	VA	3
Washington	WA	10
West Virginia	WV	3
Wisconsin	WI	5

[FR Doc. 78-1453 Filed 1-16-78; 12:46 pm]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 846-2]

RECEIPT OF ENVIRONMENTAL IMPACT STATEMENTS

Pursuant to the President's Reorganization Plan No. 1, the Environmental Protection Agency is the official recipient for environmental impact statements (EIS) and is required to publish the availability of each EIS received weekly. The following is a list of environmental impact statements received by the Environmental Protection Agency from January 9 through January 13, 1978. The date of receipt for each statement is noted in the statement summary. Under the Guidelines of the Council on Environmental Quality the minimum period for public review and comment on draft environmental statements is forty-five (45) days from this FEDERAL REGISTER notice of availability (March 6, 1978). The thirty (30) day period for each final statement begins on the day the statement is made available to the Environmental Protection Agency and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies are also available at 10 cents per page from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

Dated: January 17, 1978.

PETER L. COOK,
Acting Director,
Office of Federal Activities.

DEPARTMENT OF AGRICULTURE

Contact: Mr. Brrett Deck, Coordinator, Environmental Quality Activities, U.S. Department of Agriculture, Room 307A, Washington, D.C. 20250, 202-447-6827.

FOREST SERVICE

Draft

Cooperative Gypsy Moth Suppression Program, 1978, January 8: This draft EIS presents the selection criteria for regulatory programs and discusses each viable alternative which may be considered for state-federal cooperative projects in suppressing gypsy moth infestations in the Northeastern United States. Several alternative plans are suggested, utilizing the aerial application of carbaryl, trichlorfon, diflubenzuron, and aceqhate. Adverse impacts include the possible adverse effect of diflubenzuron upon aquatic organisms and carbaryl upon honeybees. (ELR Order No. 80019.)

Tahoe NF Timber Management Plan, several California counties, January 11: Proposed is a revision of the existing Timber Management Plan which establishes a timber harvesting level and schedule for the Tahoe National Forest, Calif., for the next decade beginning FY 1978. Six alternatives are outlined with a yield of between 2,000 million board feet to 1,000 million board feet per decade. Adverse impacts include a possible effect upon water and soil quality, including some erosion; changes in fish and wildlife habitat; and changes in the vegetative structure, microclimate and plant relationships. (ELR Order No. 80032.)

Salt Lake Planning Unit, several Utah counties, January 13: Proposed is a land management plan for the Salt Lake Planning Unit, an area encompassing 138,000 acres of National Forest and other lands in the State of Utah. Four alternative plans outline resource management in areas such as air, water, recreation, wildlife, range forage, timber, insect and disease control, and mineral development. The proposed plan calls for 95 percent of the Unit to remain relatively undisturbed except for trail construction, ski area expansion, and people-use associated with recreation activities. (ELR Order No. 80035.)

Final

Beaver Creek Wilderness, Mineral Prospecting, McCreary County, Ky., January 11: Proposed is the conditional approval, with prescribed modifications, of a prospecting plan submitted by the Greenwood Land and Mining Co. of Parkers Lake, Ky. The Company claims to own mineral rights beneath and around the Beaver Creek Wilderness, and proposes to use motorized equipment to prospect for coal at 22 sites. It also intends to deep and surface mine in the Wilderness, based on information gathered by prospecting. Approximately 11 acres of land surface will be cleared, excavated, regraded and revegetated at 17 prospecting sites within the Wilderness. Comments made by: USDA, COE, DOI, EPA, and State and local agencies. (ELR Order No. 80025.)

Supplement

Naches-Tieton-White River (S-1), several Washington counties, January 13: This statement supplements a draft EIS originally filed with CEQ in August 1977. The Forest Service has subsequently re-inventoried roadless and undeveloped areas within the planning unit and has added 84,970 acres for a total of 375,750 acres under consideration for wilderness study. (ELR Order No. 80038.)

DEPARTMENT OF DEFENSE, ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Department, Attn: DAEN-CWR-P, Office of the Chief of Engineers,

U.S. Army Corps of Engineers, 1000 Independence Avenue, SW., Washington, D.C. 20314, 202-693-6795.

Final

Wilson Lake, O. & M., Russell and Lincoln Counties, Kans., January 11: Proposed is the continued operation and maintenance of Wilson Lake in Russell and Lincoln Counties, Kans. The project consists of water control operations, operation and maintenance of recreation areas, and management of project land and water resources. Adverse impacts, such as loss of vegetation and occurrence of soil erosion, will result from recreational use. (Kansas City District.) Comments made by: USDA, DOT, HUD, USCG, HEW, DOI, EPA, and State and local agencies. (ELR Order No. 80027.)

Supplement

Bear Creek Lake (S-1), Colorado, January 11: This statement supplements a final EIS originally filed with CEQ in February of 1972; changes have occurred in project features, total project lands and the proposed recreation development since completion of the final EIS. Project implementation calls for two separate earthfilled embankments and an emergency spillway; a multipurpose lake with a surface area of 110 acres; a flood control pool of 640 acres; and recreational facilities. Adverse impacts include construction-related pollution; the relocation of Colorado Highway 8; and the inundation of 750 acres of land. (Omaha District.) (ELR Order No. 80029.)

Supplement

Surfside-Sunset and Newport Beach, Orange County, California, January 10: Proposed is a beach nourishment project to restore the eroding Surfside-Sunset Beach shoreline and help maintain the integrity of the sandy beach shoreline downcoast from Surfside-Sunset Beach. The nourishment beach extends along approximately 6,000 feet of the Surfside-Sunset sandy beach shoreline. The nourishment material will be obtained from within a 190-acre subtidal borrow site located about 6,500 feet offshore from the feeder beach. Adverse impacts include the destruction of benthic organisms within the 190-acre offshore borrow site; displacement of fish species; destruction of open coast sandy beach organisms; and construction-related pollution. (L.A. District.) (ELR Order No. 80024.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Peter L. Cook, Acting Director, Office of Federal Activities, Room WSMW 537, 401 M Street, SW., Washington, D.C. 20460, 202-755-0777.

E. Marin-S. Sonoma Wastewater Management Plan (S-1), California, January 11: This statement supplements a draft EIS originally filed with CEQ in November 1977. Proposed is the inclusion of the Greenwood Beach Area in Southern Marin County into the Eastern Marin-Southern Sonoma Wastewater Management Plan. Greenwood Beach is a subdivision in the city of Tiburon containing 20 homes along approximately one mile of Richardson Bay shoreline. (ELR Order No. 80031.)

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410, 202-755-6308.

Draft

Elmwood III Development, Wayne County, Mich., January 9: Proposed is the construction, by the city of Detroit, of 2,100 dwelling units as the final development phase in a cleared 188 acre urban renewal site for subsidized and nonsubsidized rental and sales housing in townhouse, garden apartment, and mid and hi-rise structures. A community center, institutional uses and recreational space are included. Adverse impacts include construction-related pollution; increased noise and air pollution; and redistributed loads on city services. (ELR Order No. 80016.)

Kirby Meadows Subdivision, Shelby County, Tenn., January 9: Proposed is the development of 260 acres in southeast Shelby County, Tenn., into the Kirby Meadows subdivision. Plan implementation calls for the construction of single-family, multifamily, commercial and office structures for a planned community of approximately 1,700 families. Adverse impacts include an increase in storm water runoff; the covering of 6 minor archeological sites; construction-related pollution; and increased levels of air and noise pollution. (ELR Order No. 80021.)

Piper's Meadow Subdivision, Harris County, Tex., January 11: Proposed is the granting of HUD-FHA mortgage insurance for the development of the 282-acre Piper's Meadow Subdivision located in Harris County, Tex. The proposed subdivision will contain approximately 1,000 single family homes, shopping facilities and recreational facilities. Adverse impacts include the loss of agricultural land and an increased demand for fossil fuels through heavy dependence on the automobile for transportation. (ELR Order No. 80033.)

Final

Amberly Subdivision, DeKalb County, Ga., January 11: The proposed project consists of the development of 2 subdivisions, Amberly and Amberly East, approximately 4.5 miles from Stone Mountain, Ga. The plan calls for land uses of 648 single-family detached units, on 283.04 acres and a flood plain of 25.5 acres. Completion of the project will result in increased pressure on community services and facilities, as well as higher levels of air and noise pollution. Comments made by: USDA, HEW, DOI, EPA, GSA, and, State and local agencies. (ELR Order No. 80028.)

Martins Crossing Subdivision, DeKalb County, Ga., January 11: The proposed project is the construction of Martins Crossing Subdivision in DeKalb County, Ga. The 246-acre development has proposed land use of 535 single-family detached units. Common recreational amenities, including a swimming pool, cabana, and tennis courts, will be provided and 76.3 acres will be left in open space. Negative effects include increased traffic; additional demand on utilities, municipal and community services and facilities, and increased surface water run-off. Comments made by: USDA, HEW, DOI, DOT, ERDA, EPA, GSA, FEA, FPC, and State and local agencies. (ELR Order No. 80030.)

Greensbrook and Lake Forest Subdivisions, Harris County, Tex., January 9: The proposed action is for the Department of HUD to accept for HUD-FHA mortgage insurance purposes the Greensbrook and Kings Lake Forest Subdivisions located in the northeast section of Harris County, Tex. When completed in approximately ten years, the subdivisions will contain approximately 2,628 single-family homes plus recreational facilities to serve the subdivisions. Adverse effects include the removal of potential forestland and livestock grazing land from production. Comments made by: EPA, COE, DOT, HEW, AHP, and State and local agencies. (ELR Order No. 80020.)

Camden Park Subdivisions, Harris County Tex., January 9: Proposed is the acceptance of the 311-acre Camden Park Subdivision for mortgage insurance purposes. Project plans call for the development of single-family homes, with some commercial reserves, in Harris County, Texas. Adverse effects include the loss of agricultural land and an increased demand for fossil fuels through heavy dependence on the automobile for transportation. Comments made by: EPA, COE, DOI, USDA, and State and local agencies. (ELR Order No. 80023.)

Westbury Development, Oklahoma City, Canadian County, Okla., January 9: The proposed action is for the Department of HUD to accept part of the undeveloped areas of the Westbury Development in Oklahoma City for HUD-FHA home mortgage insurance purposes. The remaining area will be used for commercial and recreational purposes. The impact of Westbury will be the urbanization of about 1048 acres, formerly used for agriculture and an uncontrolled flood plain. Adverse effects include increased load on schools, possible reduction in air quality, and increased noise levels. Comments made by: EPA, USDA, DOT, AHP, and USDA. (ELR Order No. 80022.)

Final

Jefferson, La.—Marrero to Lafitte Waterline, Jefferson Parish, La., January 9: Proposed is the construction of a water line from Marrero to Lafitte in Jefferson Parish, La., to provide improved water service to the people of Ward Six of the parish and to provide for the area's domestic, recreational, commercial, and industrial needs. The water line would originate as a 36-inch diameter pipe in Marrero and would terminate approximately seventeen miles south near the end of State Highway 45 Lafitte, as an 18-inch diameter pipe. Its size would be reduced sequentially as it moves south from Marrero. Construction of the pipeline will remove approximately 20.4 acres of land from future development. Comments made by: EPA, COE, and concerned groups and individuals. (ELR Order No. 80018.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. Voss A. Moore, Assistant Director for Environmental Projects, P-518, Washington, D.C. 20555, 301-492-8446.

Final

Co-60 Spark-Gap Irradiators, Licensing Exemption, January 9: The statement concerns a proposed amendment to NRC regulations to exempt from requirements for a license the receipt, possession, use, transfer, export, ownership, or acquisition of spark-gap irradiators that contain cobalt-60 for use in spark-ignited fuel-oil burners. About 6000 microcurie of Co-60 could be distributed into the environment in 6,000 discrete sources, each containing no more than 1 microcurie. Estimated external radiation doses to maximally exposed individuals are included. Comments made by: USDA, NRC, ERDA, EPA, HEW, DOT, and State and local agencies. (ELR Order No. 80034.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, SW., Washington, D.C. 20590, 202-426-4357.

FEDERAL AVIATION ADMINISTRATION

Draft

Walker County Airport, Walker County, Ala., January 13: Proposed is the construction of a new Walker County Airport with a basic transport runway which will allow jets to use the airport facility. Plan implementation calls for runways and taxiways, lighting systems, parking, a service hangar, and roads. Adverse impacts include construction-related pollution; increased levels of air and noise pollution; and possible water impacts. (ELR Order No. 80036.)

FEDERAL HIGHWAY ADMINISTRATION

Final

F.A.S. Route 1270, Dundy County, Nebr., January 13: The proposed project consists of the upgrading and placement of a bridge on an 0.8 mile segment of county road (F.A.S. Route 1270) 0.3 mile east of Benkelman. Also included is grading, a gravel surface course, a major 1,700 foot long channel change, and culverts. The proposed improvement is included in Dundy County's One and Six Year Plan with the intent that the completed project will be coordinated in a total intercounty network of roads throughout the state. Between 2.4 and 10 acres of land will be acquired for right-of-way. (Region 7.) Comments made by: COE, DOI, EPA, and USDA. (ELR Order No. 80037.)

Montgomery County, Md., January 11: Proposed is the granting of Federal capital grant assistance to the Washington Metropolitan Area Transit Authority for a Metrobus Garage and Maintenance Facility for 250 buses in Montgomery County, Md. The garage is proposed for suburban bus service particularly in conjunction with the future complementary operation of Metrobus-Metrorail. The EIS reviews 3 alternative sites for the new facility. Adverse impacts include the clearing of some woodlands. Comments made by: DOT, USDA, EPA, AHP, State and local agencies, and concerned interest groups. (ELR Order No. 80026.)

OFFICIAL NOTICE OF RETRACTION

The final EIS prepared by the Corps of Engineers, for Kanapolis Lake, Operation and Maintenance, Elsworth County, Kans., was received by EPA on December 22 and Notice of Availability was published in the December 30, 1977 FEDERAL REGISTER. Since that time it has come to EPA's attention that the FEIS is not available for public distribution at this time. Therefore, EPA officially rescinds the availability date of this statement. When EPA is notified by the Corps of Engineers that the statement is ready for distribution, EPA will at that time republish its availability in the FEDERAL REGISTER.

[FR Doc. 78-1701 Filed 1-19-78; 8:45 am]

[6560.01]

[FRL 845-1; OOP-42045A]

STATE OF ARIZONA

State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides; Approval Status

Section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136 et seq.), and the implementing regulations of 40 CFR Part 171, require each state desiring to certify applicators to submit a plan for such purpose, subject to approval by the Environmental Protection Agency (EPA). On June 20, 1977, a Notice of Intent to Approve the Arizona State Plan was published in the FEDERAL REGISTER (42 FR 31181). Approval was contingent upon promulgation of necessary regulations implementing Arizona legislation. Subsequently, the Arizona Board of Pesticide control, on July 11, 1977, and the Structural Pest Control Board, on September 9, 1977, promulgated final regulations necessary to implement Arizona legislation.

During the comment period following the June 20, 1977, FEDERAL REGISTER notice, EPA received numerous comments from interested parties regarding an error in the FEDERAL REGISTER notice. The notice stated that commercial applicators will be recertified by the Board of Pesticide Control every odd calendar year by written examination. The notice properly should have indicated that the Board of Pesticide Control will relicense (not to be confused with recertification) commercial applicators every odd calendar year by written examination. The Arizona State Plan indicates that specific procedures for recertifying applicators will be developed at a later date. These procedures will require that applicators demonstrate continued competence in applying pesticides in light of changes in technology. At such time as recertification procedures are finalized by Arizona, an appropriate FEDERAL REGISTER notice will be prepared which provides for public comment.

In addition, during the comment period, the Board of Pesticide Control decided to add a new commercial applicator category to their certification program. The new category, Regulatory Pest Control, is consistent with EPA certification requirements. Therefore, the agency does not consider this a sufficient action to warrant additional public comment.

Having reviewed the final regulations to Arizona legislation and finding that all requisite legal authorities required by FIFRA and 40 CFR Part 171 are now enacted and promulgated, the Regional Administrator, EPA, Region IX, hereby gives notice that the Arizona State Plan is now a fully approved State Plan.

Dated: January 6, 1978.

PAUL DE FALCO, Jr.,
Regional Administrator,
Region IX.

[FR Doc. 78-1700 Filed 1-19-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[SS Docket Nos. 78-11, 78-12; File Nos. 381-A-RL-87, 66-A-L-107]

CASPER AIR SERVICE, INC. AND WYOMING CENTRAL AERO-WAYS, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

Adopted: January 11, 1978.

Released: January 16, 1978.

In re application of Casper Air Service, Inc., Casper, Wyo., SS Docket No. 78-11, File No. 381-A-RL-87, Wyoming Central Aero-Ways, Inc., Casper, Wyo., SS Docket No. 78-12, File No. 66-A-L-107, for an Aeronautical Advisory Station to serve Natrona County International Airport, Casper, Wyo.

1. Casper Air Service, Inc. (hereinafter called Casper), and Wyoming Central Aero-Ways, Inc. (hereinafter called Wyoming) have filed an application for authority to operate an aeronautical advisory station at the same airport. Casper seeks renewal of its current station license while Wyoming has filed for a new station authorization. In that § 87.251(a) of the Commission's rules provides that only one aeronautical advisory station may be authorized at a landing area, the above-captioned applications are mutually exclusive. Accordingly, it is necessary to designate these applications for comparative hearing in order to determine which, if any, should be granted.

2. In view of the foregoing: *It is ordered,* That pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, and § 0.331 of the Commission's rules, the above-captioned applications are hereby designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order on the following comparative issues.

(a) To determine which applicant would provide the public with better aeronautical advisory service based on the following considerations;

(1) Location of the fixed-based operation and proposed radio station in relation to the landing area and traffic patterns;

(2) Hours of operation;

(3) Personnel available to provide advisory service;

(4) Experience of applicant and employees in aviation and aviation communications, including but not limited to operation of stations in the Aviation Services (Part 87) that may be or have been authorized to the applicant;

(5) Ability to provide information pertaining to primary and secondary communications as specified in § 87.257 of the Commission's rules;

(6) Proposed radio system including control and dispatch points; and

(7) The availability of the radio facilities to other fixed-based operators;

(b) To determine the manner in which Casper has operated aeronautical advisory station KPO 8 at Natrona County International Airport; and

(c) To determine in light of the evidence adduced on the foregoing issues which of the applications should be granted.

3. *It is further ordered,* That the burden of proof and the burden of proceeding with the introduction of evidence is on each applicant with respect to its application except issue (b) where the burdens are on Casper and issue (c) which is conclusory.

4. *It is further ordered,* That to avail themselves of an opportunity to be heard, Casper and Wyoming, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for hearing and present evidence on the issues specified in this Order. Failure to file a written appearance within the time specified may result in dismissal of the application with prejudice.

CHARLES A. HIGGINBOTHAM,
Chief, Safety and Special Radio Services Bureau.

[FR Doc. 78-1607 Filed 1-19-78; 8:45 am]

[6712-01]

[SS Docket Nos. 78-13, 78-14; File Nos. 145-A-L-57, 49-A-L-67]

JOHNSTOWN AVIATION AND AIR EAST, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

Adopted: January 11, 1978.

Released: January 16, 1978.

In re application of Johnstown Aviation, Johnstown, Pa., SS Docket No. 78-13, File No. 145-A-L-57, Air East, Inc., Johnstown, Pa., SS Docket No. 78-14, File No. 49-A-L-67, for an Aeronautical Advisory Station to serve Johnstown Cambria County Airport, Johnstown, Pa.

1. Johnstown Aviation (hereinafter called Johnstown), and Air East, Inc. (hereinafter called Air East) have filed an application for authority to operate an aeronautical advisory station at the same airport. Johnstown and Air East have both filed for new station authorizations. In that § 87.251(a) of the Commission's rules provides that only one aeronautical advisory station may be authorized at a landing area, the above-captioned applications are mutually exclusive. Accordingly, it is necessary to designate these applications for comparative hearing in order to determine which, if any, should be granted.

2. In view of the foregoing; *It is ordered,* That pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, and § 0.331 of the Commission's rules, the above-captioned applications are hereby designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order on the following comparative issues:

(a) To determine which applicant would provide the public with better aeronautical advisory service based on the following considerations;

(1) Location of the fixed-base operation and proposed radio station in relation to the landing area and traffic patterns;

(2) Hours of operation;

(3) Personnel available to provide advisory service;

(4) Experience of applicant and employees in aviation and aviation communications, including but not limited to operation of stations in the Aviation Services (Part 87) that may be or have been authorized to the applicant;

(5) Ability to provide information pertaining to primary and secondary communications as specified in § 87.257 of the Commission's rules;

(6) Proposed radio system including control and dispatch points; and

(7) The availability of the radio facilities to other fixed-base operators; and

(b) To determine in light of the evidence adduced on the foregoing issues which of the applications should be granted.

3. *It is further ordered,* That the burden of proof and the burden of proceeding with the introduction of evidence is on each applicant with respect to its application except issue (b) which is conclusory.

4. *It is further ordered,* That to avail themselves of an opportunity to be heard, Johnstown and Air East, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for hearing and present evidence on the issues specified in this Order. Failure to file a written appearance within the time specified may result in dismissal of the application with prejudice.

CHARLES A. HIGGINBOTHAM,
Chief, Safety and Special Radio Services Bureau.

[FR Doc. 78-1609 Filed 1-19-78; 8:45 am]

[6712-01]

[SS Docket No. 78-8]

S. C. McCLUNEY

Order Designating Application for Hearing on Stated Issues

Adopted: January 11, 1978.

Released: January 16, 1978.

In the matter of the application of: S. C. McCluney, 1347 South Capitol, Washington, D.C. 20003, SS Docket No. 78-8, for an amateur General Class Operator License and Amateur Radio Station License.

The Chief, Safety and Special Radio Services Bureau, has under consideration the above-captioned application for an Amateur General Class operator license and Amateur Radio Station license, filed by Samuel C. McCluney.

1. McCluney previously was the holder of Amateur Extra Class operator and station licenses, KOECG. An Order to Show Cause why his Amateur Station license should not be revoked was released on June 29, 1972, and, on the same day, the Commission released an order proposing suspension of McCluney's Amateur Extra Class operator license for the remainder of its term. A hearing was held in Jacksonville, Fla., on August 13, 1973. In an Initial Decision released on February 19, 1974, it was concluded that a renewal application which had been filed by McCluney on August 20, 1970, was part of a fraudulent scheme to upgrade McCluney's operator privileges without his having taken and passed the required examination. "Samuel C. McCluney, III," 46 FCC 2d 806, 813 (1974).

2. The Decision also concluded that McCluney deliberately misled and deceived the Commission in his August 20, 1970, application and that he continued the deception in September 3, 1971, and April 20, 1972, letters to the Commission and throughout the hearing. Id. at 814. The Decision ordered McCluney's Amateur station license revoked and his operator's license suspended for the remainder of the license term. Id. at 814.[1] The Initial Decision was affirmed in its entirety by the Review Board in "Samuel C. McCluney, III," 46 FCC 2d 802 (1974). Subsequently, by an Order (FCC 74-1281) released December 3, 1974, the Commission denied McCluney's informal application for review of the Review Board Decision. The revocation and suspension of McCluney's Amateur license KOECG, became effective on that date.

[1] Individual Amateur licensees must hold an operator license and a station license (§§ 97.3(d), 97.37 and 97.40(b) of the Commission's Rules). The station license may be revoked but the operator license may only be suspended. Sections 312(c) and 303(m) of the Communications Act of 1934, as amended; §§ 1.91 and 1.85 of the rules.

3. On August 12, 1977, the Commission administered Amateur Radio operator examinations at the Glade Valley Amateur Radio School in Sparta, N. C. At that time an examinee submitted an application for Amateur Radio operator and station licenses, dated July 15, 1977, which bore the hand-printed name, "S. NMN Copp," and an illegible signature. The applicant's mailing address was listed as "1347 S. Capitol, Washington, D.C. 20003." The applicant's station location for fixed operation was listed as "1919 M Street, Washington, D.C."

4. The "1919 M Street, Washington, D.C." address is that of the Commission. Upon questioning prompted by this address, the applicant produced identification which revealed that he was, in fact, Samuel C. McCluney. Thereupon, a second application, in the name of "S. C. McCluney" was submitted. The "1919 M Street" address was again listed but was changed to "1347 S. Capitol" when the Commission's examination personnel refused to accept the application with the former address. Thus, it appears that McCluney may have attempted to mislead or deceive the Commission in applying for Amateur Radio licenses on August 12, 1977, by concealing his true identity.

5. In view of McCluney's actions on August 12, 1977, his past conduct in obtaining an Amateur license by fraud, and his past attempts to mislead or deceive the Commission, it cannot be determined that a grant of his amended application would serve the public interest, convenience and necessity. Therefore, the Commission must designate the application for hearing.

Accordingly, it is ordered, Pursuant to section 309(e) of the Communications Act of 1934, as amended, and §§ 0.331 and 1.973(b) of the Commission's rules, that the captioned application is designated for hearing at a time and place to be specified by subsequent Order, upon the following issues:

(1) To determine the facts and circumstances surrounding the submission of applications for Amateur Radio Station and Operator Licenses by Samuel C. McCluney on August 12, 1977, at the Glade Valley Amateur Radio School.

(2) To determine, in light of the evidence adduced pursuant to Issue (1), above, whether Samuel C. McCluney attempted to mislead or deceive the Commission in applying for Amateur Radio licenses on August 12, 1977.

(3) To determine, in light of the resolution of Issue (2), above, and in light of the Decision in "Samuel C. McCluney, III," 46 FCC 2d 802 (1974), whether the applicant possesses the requisite character qualifications to be a licensee of the Commission.

(4) To determine whether the public interest, convenience and necessity would be served by a grant of the captioned application.

It is further ordered, That, to avail himself of the opportunity to be heard, the applicant herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within twenty days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intent to appear on the date fixed for hearing and to present evidence on the issues specified in this Order. Failure to file a written appearance within the time specified may result in dismissal of the application with prejudice.

It is further ordered, That a copy of this Order shall be sent by Certified mail—Return Requested to applicant at 1347 South Capitol, Washington, D.C. 20003.

For the Chief, Safety and Special Radio Services Bureau.

GERALD M. ZUCKERMAN,
Chief, Legal, Advisory and Enforcement Division.

[FR Doc. 78-1608 Filed 1-19-78; 8:45 am]

[6712-01]

[Report No. 893]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

JANUARY 16, 1978.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's rules and regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (See section 309(c) of the Communications Act), applications filed under Part 68, applications filed under Part 63 relative to small projects, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and Section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. (See §§ 1.227(b)(3) and 21.30(b) of the Commission's rules.)

For the Federal Communications Commission.

WILLIAM J. TRICARICO,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20611-CD-AL-78 AAA Anserphone, Inc.—Jackson consent to assignment of license from AAA Anserphone, Inc.—Jackson, assignor to L & L Services, Inc. d.b.a. Metro Communication Services, assignee. Station: KRS705, Jackson, Miss.

20612-CD-AL-(2)-78 Eastern Oregon Telephone Co. Consent to assignment of license from Eastern Oregon Telephone Co., assignor to Blue Mountain Telephone, Inc., assignee. Stations: KFL944, Pilot Rock, Oreg. and KRH637, Boardman, Oreg.

20614-CD-AL-78 Office Associates Telephone Answering consent to assignment of license from Office Associates Telephone Answering, assignor to Miami Valley Radiotelephone, assignee. Station: KWU420, Dayton, Ohio.

20615-CD-P-78 General Telephone Co. of California (KUA300) C.P.to relocate facilities and change antenna system operating on 35.22 MHz at Loc. No. 2: 730 Mira Monte Drive, Santa Barbara, Calif.

20619-CD-P-78 The Ohio Bell Telephone Co. (KWU263) C.P. to relocate facilities operating on 152.84 MHz at Loc. No. 4 to be located 2.8 miles SW. (245°) of Carroll, Ohio on Pickerington Rd., 65° North of Lithopolis Rd., Carroll, Ohio.

20620-CD-P-(2)-78 St. John Co-operative Telephone & Telegraph Co. (KRS675) C.P. for additional facilities to on 2118.0 MHz (control) to be located at a new site described as Loc. No. 3: Front Street, St. John; 2168.0 MHz (repeater) at Loc. No. 2: Steptoe Butte, 3.3 miles NE. of Steptoe, Wash.

20621-CD-MP-78 Services Unlimited, Inc. (KUS332) C.P. to relocate facilities operating on 43.22 MHz at Loc. No. 1: Wachovia Building, Winston-Salem, N.C.

20624-CD-P-78 James D. & L. Lawrence D. Garvey d.b.a. Radiofone (KUS290) C.P. for additional facilities to operate on 35.58 MHz at a new site described as Loc. No. 3: 1.5 miles west of Bench Mark 10 Bayou Blue, Houma, La.

20627-CD-AL-78 Lynwood A. Williams d.b.a. Rockfish Radio Telephone Service,

consent of assignment of license from Lynwood A. Williams d.b.a. Rockfish Radio Telephone Service, assignor to Rockfish Radio Telephone Service, Inc., assignee. Station: KUS229, Wallace, N.C.

MAJOR AMENDMENTS

21789-CD-P-77 Advance Business Communications, Inc. (new) Amend application to indicate that the frequency requested is 152.240 MHz instead of 158.70 MHz. All other particulars to remain as reported on PN No. 869 dated August 1, 1977.

20551-CD-P-77 Advanced Electronics, Inc. (new) Amend application to change frequency to 35.22 MHz and to change antenna system. All other particulars to remain the same as reported on PN No. 840 dated January 10, 1977.

CORRECTIONS

20539-CD-P-78 Pacific Northwest Bell Telephone Co. (KOA246) correct entry to read: also additional facilities to operate on 459.625 MHz, test located at 819 SW Oak Street, Portland, Oreg. All other particulars remain as reported on PN No. 891 dated January 3, 1978.

20163-CD-P-78 Radiotelephone Communications of Puerto Rico, Inc. (KQZ767) correct entry to read: 152.24 MHz & 158.70 MHz at a new site described as Loc. No. 5. All other particulars remain as reported on PN No. 883 dated November 7, 1977.

INFORMATIVE

20034-CD-P-78 (KQZ707).

20035-CD-P-78 (KTS281).

South Shore Radio-Telephone, Inc. (formerly William L. Eisele d.b.a. Lake Shore Communications). As listed on PN 10-17-77 the proposed construction has been determined to be a "Major Action" as defined by §1.1305 of the Commission's rules.

It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding Ex-Parte presentations by reason of potential Electrical, interference: Frequency: 43.580 MHz.

Pass Word, Inc., Moscow, Idaho 20333-CD-P-78.

Bestline Answering Service, Inc., Spokane, Wash. 20075-CD-P-78.

KS—943-CF-PO78 Pioneer Telephone Association, Inc. (new), Ryus, 15 miles on azimuth 294° to Ulysses, (Grant) Kans. Lat. 37°29'33" N., Long. 101°06'25" W. C.P. for a new station on frequencies 11545V 11225V MHz toward Satanta, Kans. on azimuth 118.2° and 11505V 11265V MHz toward Ulysses, Kans. on azimuth 294.1°.

KS—944-CF-P-78 Same (new) Kanses Avenue, Ulysses, (Grant) Kans. Lat. 37°34'54" N., Long. 101°21'30" W. C.P. for a new station on frequencies 10815V 11055V MHz toward Ryus, Kans. on azimuth 114.1°.

TX—946-CF-P-78 Big Bend Telephone Co., Inc. (new) Terlingua, Study Butte, (Brewster) Tex. Lat. 29°19'11" N., Long. 103°31'52" W. C.P. for a new station on frequencies 2112.0V 2113.7V MHz toward Terlingua Passive Reflector on azimuth 270.8° and from passive reflector to Nine Point, Tex. on azimuth 22.8°.

TX—947-CF-P-78 Same (WBB264) Nine Point, 50 miles south of Alpine, (Brewster) Tex. Lat. 29°39'16" N., Long. 103°27'46" W. C.P. to add a point of communication on frequencies 2162.0V 2163.7V MHz toward Terlingua Passive Reflector on azimuth 202.8° and from passive reflector to Terlingua, Tex. on azimuth 90.8°; replace antenna on 2162.0H MHz toward Big Bend Pk, Texas.

NY—953-CF-MP-78 New York Telephone Co. (WCF980) Bryns Road, Scriba, (Oswego) N.Y. Lat. 43°25'48" N., Long. 76°28'21" W. Mod. of C.P. (981-CF-P-77) to increase antenna centerline height on frequencies 11365H 11285V MHz toward Oswego, N.Y. on azimuth 306.2°.

PA—955-CF-P-78 The Bell Telephone Co. of Pennsylvania (KIK88) 723 Linden Street, Allentown, (Lehigh) Pa. Lat. 40°36'13" N., Long. 75°28'26" W. C.P. to add frequency 11015V MHz toward Haafsville, Pa. on azimuth 255.7°; replace and move antennas on 10855V 10935V 111175V MHz toward Haafsville.

PA—956-CF-P-78 Same (WAX95) 0.9 Mile SW. of Haafsville, (Lehigh) Pa. Lat. 40°33'59" N., Long. 75°39'52" W. C.P. to add frequencies 6093.5V MHz toward Millbach, Pa. on azimuth 239.3° and 11625V MHz toward Allentown, Pa. on azimuth 75.6°.

PA—957-CF-P-78 Same (WAX96) Millbach, 2 Miles South of Newmanstown, (Lebanon) Pa. Lat. 40°19'22" N., Long. 76°11'51" W. C.P. to add frequencies 6256.5H MHz toward Manada, Pa. on azimuth 282.6° and 6345.5H MHz toward Haafsville, Pa. on azimuth 58.9°.

PA—958-CF-P-78 Same (KYJ37) Manada, 2.7 Miles NW. of Grantville, (Dauphin) Pa. Lat. 40°24'17" N., Long. 76°40'59" W. C.P. to add frequencies 6093.5V MHz toward Harrisburg, Pa. on azimuth 227.4° and 6004.5V MHz toward Millbach, Pa. on azimuth 102.3°.

PA—959-CF-P-78 Same (KYJ36) 210 Pine Street, Harrisburg, (Dauphin) Pa. Lat. 40°15'44" N., Long. 76°53'07" W. C.P. to add frequency 6345.5H MHz toward Manada, Pa. on azimuth 47.3°; move and replace antennas on 6226.9H 6286.2H 6404.8H 11445.0H 11525.0V 11685.0V MHz toward Manada.

OK—970-CF-P-78 Southwestern Bell Telephone Co. (KKB58) 424 South Detroit Street, Tulsa, (Tulsa) Okla. Lat. 36°09'10" N., Long. 95°59'12" W. C.P. to increase structure height, move and replace antenna on frequency 6004.5V MHz toward Bixby, Okla.; add 5945.2V MHz toward Bixby.

OK—971-CF-P-78 Southwestern Bell Telephone Co. (WGG32) 5.2 Miles WNW. of Bixby, (Tulsa) Okla. Lat. 35°58'26" N., Long. 95°58'08" W. C.P. to increase structure height, move and replace antennas for frequencies 6256.5H MHz toward Tulsa, Okla. and 6256.5V MHz toward Stone Bluff, Okla.; add frequencies 6197.2H MHz toward Tulsa and 6197.2V MHz toward Stone Bluff.

OK—972-CF-P-78 Same (WGG33) 3.8 Miles NE. of Stone Bluff, (Wagoner) Okla. Lat. 35°55'46" N., Long. 95°41'43" W. C.P. to increase structure height, move and replace antennas on frequencies 6004.5V MHz toward Muskogee, Okla. and 6004.5H MHz toward Bixby, Okla.; add frequencies 5945.2H MHz toward Bixby and 6945.2V MHz toward Muskogee.

OK—973-CF-P-78 Same (WGG34) 221 North 5th Street, Muskogee, (Muskogee) Okla. Lat. 35°45'05" N., Long. 95°22'20" W. C.P. to increase structure height, replace antennas on frequency 6256.5H MHz toward Stone Bluff, Okla.; add frequencies 6197.2H MHz toward Stone Bluff and 6345.5V MHz toward Porum, Okla.

OK—974-CF-P-78 Same (WBB319) 2.2 Miles SW. for Porum (Muskogee) Okla. Lat. 35°20'36" N., Long. 95°17'53" W. C.P. to add frequencies 6093.5H MHz toward Muskogee, Okla. and 6063.8H MHz toward a new point of communication at Stigler, Okla. on azimuth 121.8°.

OK—975-CF-P-78 Same (new) 201 North Broadway, Stigler, (Haskell) Okla. Lat. 35°15'19" N., Long. 95°07'31" W. C.P. for a new station on frequency 6315.9V MHz toward Porum, Okla. on azimuth 301.9°.

IL—978-CF-P-78 American Telephone and Telegraph Co. (KIM22) 4.5 miles south of Herscher, (Kankakee) Ill. Lat. 41°00'13" N., Long. 88°03'24" W. C.P. to change polarization from Horizontal to Vertical on frequencies 3770 MHz and from Vertical to Horizontal on 3750 3830 3910 3990 4070 4150 4198 MHz toward Verona, Illinois.

PA—952-CF-P-78 The Bell Telephone Co. of Pa. (KOC47) Within territory of the grantee. Application for renewal of developmental radio station license expiring March 11, 1978. Term: March 11, 1978 to March 11, 1979.

MR—994-CF-P-78 Micronesian Telecommunications Corp. (new) Puntan Mucho, Continental Hotel, Garapan, (Saipan) Northern Mariana Islands. Lat. 15°13'00" N., Long. 145°43'00" E. C.P. for a new station on frequency 1955.0H MHz toward Liyang, Northern Mariana Islands on azimuth 199.7°.

MR—9995-CF-P-78 Same (new) Liyang, San Jose, (Tinian) Northern Mariana Islands. Lat. 14°58'00" N., Long. 145°38'00" E. C.P. for a new station on frequency 1875.0H MHz toward Puntan Mucho, Northern Mariana Islands on azimuth 19.7°.

CO—996-CF-P-78 The Mountain States Telephone and Telegraph Co. (WHB70) Mt. Werner, 5.1 Miles east of Steamboat Springs, (Routt) Colo. Lat. 40°27'20" N., Long. 106°44'23" W. C.P. to add a point of communication on frequency 2171.6V MHz toward Phippsburg, Colo. on azimuth 211.7°.

CO—997-CF-P-78 The Mountain States Telephone and Telegraph Co. (new) 1.7 miles ENE. of Phippsburg, (Routt) Colo. Lat. 40°14'28" N., Long. 106°54'44" W. C.P. for a new station on frequencies 2116.6H MHz toward Oak Creek, Colo. on azimuth 315.4° and 2121.6V MHz toward Mt. Werner, Colo. on azimuth 31.6°.

CO—998-CF-P-78 Same (new) Main Street, Oak Creek, (Routt) Colo. Lat. 40°16'33" N., Long. 106°57'25" W. C.P. for a new station on frequencies 2166.6H MHz toward Phippsburg, Colo. on azimuth 135.4°.

OK—999-CF-P-78 Southwestern Bell Telephone Co. (new) Oklahoma City, SE, 2727 SE 89th Street, Oklahoma City, (Oklahoma) Okla. Lat. 35°22'42" N., Long. 97°27'51" W. C.P. for a new station on frequencies 6034.2H MHz toward Horseshoe Lake, Oklahoma on azimuth 55.3°.

OK—1000-CF-P-78 Same (new) 1.4 miles NNW. of Horseshoe Lake, (Oklahoma) Okla. Lat. 35°32'11" N., Long. 97°11'02" W. C.P. for a new station on frequencies 6286.2V MHz toward Oklahoma City SE., Oklahoma on azimuth 235.5° and 6286.2V MHz toward Shawnee, Okla. on azimuth 133.3°.

OK—1001-CF-P-78 Same (new) 521 North Broadway, Shawnee, (Pottawatomie) Okla. Lat. 35°20'03" N., Long. 96°55'22" W. C.P. for a new station on frequencies 6034.2H MHz toward Horseshoe Lake,

Okla. on azimuth 313.5° and 6034.2H MHz toward St. Louis, Okla. on azimuth 172.3°.

OK—1002-CF-P-78 Same (new) 3.2 miles South of St. Louis, (Pottawatomie) Okla. Lat. 35°01'43" N., Long. 96°52'21" W. C.P. for a new station on frequencies 6286.2V MHz toward Shawnee, Okla. on azimuth 352.3° and 6286.2V MHz toward Ada, Okla. on azimuth 148.2°.

OK—1003-CF-P-78 Same (new) 110 West 14th Street, Ada, (Pontotoc) Okla. Lat. 34°46'17" N., Long. 96°40'45" W. C.P. for a new station on frequencies 6034.2H MHz toward St. Louis, Okla. on azimuth 328.3° and 6034.2H MHz toward Tupelo, Okla. on azimuth 127.4°.

OK—1004-CF-P-78 Same (new) 1.9 miles NW. of Tupelo, (Coal) Okla. Lat. 34°37'17" N., Long. 96°26'32" W. C.P. for a new station on frequencies 6286.2V MHz toward Ada, Okla. on azimuth 307.5° and 6286.2H MHz toward Connerville, Okla. on azimuth 216.3°.

OK—1005-CF-P-78 Same (new) 3.1 miles south of Connerville, (Johnston) Okla. Lat. 34°24'12" N., Long. 96°38'06" W. C.P. for a new station on frequencies 6034.2V MHz toward Tupelo, Okla. on azimuth 36.1° and 6034H MHz toward Kingston, Okla. on azimuth 189.7°.

OK—1006-CF-P-78 Same (new) Harney Street, Kingston, (Marshall) Okla. Lat. 35°59'54" N., Long. 96°43'4" W. C.P. for a new station on frequencies 6286.2V MHz toward Connerville, Okla. on azimuth 9.6° and 6286.2V MHz toward Pickwick, Okla. on azimuth 128.0°.

OK—1007-CF-P-78 Same (new) 0.3 mile east of Pickwick, (Bryan) Okla. Lat. 33°52'1" N., Long. 96°31'00" W. C.P. for a new station on frequencies 6034.2H MHz toward Kingston, Okla. on azimuth 308.1° and 6034.2V MHz toward Durant, Okla. on azimuth 41.5°.

OK—1008-CF-P-78 Southwestern Bell Telephone Co. (new) 205 North 6th Street, Durant, (Bryan) Okla. Lat. 33°59'37" N., Long. 96°22'55" W. C.P. for a new station on frequencies 6286.2H MHz toward Pickwick, Okla. on azimuth 221.6°.

OR—900-CF-AL-(5)-78 Beaver State Telephone Co. Consent to assignment of radio station license from Beaver State Telephone Co., assignor to Blue Mountain Telephone, Inc. Assignee for stations KFM93 Round Mountain, Oreg., KFM89 Black Cap Mountain, Lakeview, Oreg., KPT38 Lakeview, Oreg., WAU221 Paisley, Oreg. and WGH99 Chiloquin, Oreg.

TX-907-CF-TC-(16)-78 Big Ben Telephone Co., Inc. Consent to transfer of control from Neville Haynes, transferor to Virginia Haynes, transferee for stations WBB258 Alpine, Tex., WBB259 Alpine, Tex., WBB260 Presidio, Tex., WBB261 Marfa, Tex., WBB262 Presidio, Tex., WBB263 Redford, Tex., WBB264 Alpine, Tex., WBB 265 Alpine, Tex. WBB266 Marathon, Tex., WBB267 Marathon, Tex., WBB268 Marathon, Tex., WBB269 Marathon, Tex., WBB270 Sanderson, Tex., WBB271 Sanderson, Tex., WBB272 Fort Stockton, Tex., and WCT972 Sheffield, Tex.

TF—918-CF-P/ML-78 Wisconsin Telephone Co. (KSE 73) temporary fixed within the territory of the grantee. Construction permit and modification of license to add frequency bands 2110-2130, 2160-2180, 3700-4200 and 10700-11700 MHz.

TF—945-CF-P/L-78 United Wehco, Inc. (new) temporary fixed within the territory of the grantee. Construction permit and license for new station—3700-4200, 5942-6425, and 10700-11700 frequency bands.

LA—948-CF-P/L-78 South Central Bell Telephone Co. (KLW 24) Natchitoche, Touline and Fourth Streets, Natchitoche, La. (Lat. 31°45'37" N., Long. 93°05'26" W.): Construction permit to add 3990V MHz toward Martin, La.

LA—949-CF-P-78 South Central Bell Telephone Co. (KLW 26) 0.5 mile South of Martin, La. (Lat. 32°04'28" N., Long. 93°13'12" W.): Construction permit to add 3950H MHz toward Ringgold, La.

LA—950-CF-P-78 South Central Bell Telephone Company (KLW 25) 5.0 miles SW of Ringgold, La. (Lat. 32°17'09" N., Long. 93°21'41" W.): Construction permit to add 3990V MHz toward Shreveport, La.

LA—951-CF-P-78 South Central Bell Telephone Co. (KLW 77) 602 Crockett Street, Shreveport, La. (Lat. 32°30'37" N., Long. 93°44'56" W.): Construction permit to add 3950V MHz toward Mooringsport, La., on azimuth 318.2°.

[FR Doc. 78-1570 Filed 1-19-78; 8:45 am]

[6712-01]

[Report No. I-428]

COMMON CARRIER SERVICES INFORMATION

International and Satellite Radio Applications Accepted for Filing

JANUARY 16, 1978.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's rules, regulations, and its policies. Final action will not be taken on any of these applications earlier than 31 days following the date of this notice. Section 309(d)(1).

For the Federal Communications Commission.

WILLIAM J. TRICARICO,
Secretary.

SATELLITE COMMUNICATIONS SERVICES

SC—214-DSE-P/L-78 Satcom, Inc., Columbia, S.C. Authority to construct, own, and operate a domestic communications satellite receive-only earth station at this location. Lat. 34°04'21" N., Long. 81°08'48" W. Rec. freq.: 3700-4200 MHz. Emission 36000F9. With a 5.0 meter antenna.

MO—215-DSE-P/L-78 TCI Cablevision, Inc., Moberly, Mo. Authority to construct, own, and operate a domestic communications satellite receive-only earth station at this location. Lat. 39°25'06" N., Long. 92°24'52" W. Rec. freq.: 3700-4200 MHz. Emission 36000F9. With a 5 meter antenna.

IN—216-DSE-P/L-78 New Castle Cable Communications, Inc., New Castle, Ind. Authority to construct, own, and operate a domestic communications satellite receive-only earth station at this location. Lat. 39°56'49" N., Long. 85°21'16" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 5 meter antenna.

IL—217-DSE-P/L-78 Sammons Communications of Illinois, Inc., Morgan County, Ill. Authority to construct, own, and operate a domestic communications satellite receive-only earth station at this location. Lat. 39°42'22" N., Long. 90°16'07" W. Rec. freq.: 3700-4200 MHz. Emission 36000F9. With a 4.5 meter antenna.

TN—218-DSE-P/L-78 American Television & Communications Corp., Lexington, Tenn. Authority to construct, own, and operate a domestic communications satellite receive-only earth station at this location. Lat. 35°41'18" N., Long. 88°21'56" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 5 meter antenna.

IL—221-DSE-P/L-78 Jones Intercable CATV Fund V, Alton, Ill. Authority to construct and operate a domestic communications satellite receive-only earth station at this location. Lat. 38°55'17" N., Long. 90°05'33" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 4.5 meter antenna.

CA—222-DSE-P/L-78 Teleprompter Corp., Yucca Valley, Calif. Authority to construct, own, and operate a domestic communications satellite receive-only earth station at this location. Lat. 34°06'05" N., Long. 116°26'56" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 4.5 meter antenna.

NM—223-DSE-P/L-78 Teleprompter Corp., Silver City, N. Mex. Authority to construct, own, and operate a domestic communications satellite receive-only earth station at this location. Lat. 32°46'20" N., Long. 108°16'19" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 4.5 meter antenna.

AZ—224-DSE-P/L-78 Teleprompter Corp., Prescott, Ariz. Authority to construct, own, and operate a domestic communications satellite receive-only earth station at this location. Lat. 34°32'44" N., Long. 112°28'29" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 4.5 meter antenna.

WY—225-DSE-P/L-78 Teleprompter Corp., Rawlins, Wyo. Authority to construct, own, and operate a domestic communications satellite receive-only earth station at this location. Lat. 41°47'23" N., Long. 107°14'29" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 4.5 meter antenna.

NM—226-DSE-P/L-78 Wentronics, Inc. d.b.a. Gallup Cable TV, Gallup, N. Mex. Authority to construct, own, and operate a domestic communications satellite receive-only earth station at this location. Lat. 35°31'30" N., Long. 108°44'34" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 4.5 meter antenna.

FL—227-DSE-P/L-78 Digital Communications, Inc., St. Petersburg, Fla. Authority to construct, own, and operate a domestic communications satellite receive-only earth station at this location. Lat. 27°45'22" N., Long. 82°38'15" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 4.5 meter antenna.

NJ—228-DSE-P/L-78 Telco Cablevision of Asbury Park, Inc., Wanamassa, N.J. Authority to construct, own, and operate a domestic communications satellite receive-only earth station at this location. Lat. 40°14'21" N., Long. 74°02'54" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 5 meter antenna.

CA—230-DSE-P/L-78 Cal Nor Cableview, Inc., McCloud, Calif. Authority to construct, own, and operate a domestic com-

munications receive-only earth station at this location. Lat. 41°51'54" N., Long. 122°08'15" W. Rec. freq: 3700-4200 GHz. With an emission of 36000F9. With a 4.5 meter antenna.

MS—231-DSE-P/L-78 Fulton TV Cable Co., Inc., Fulton, Miss. Authority to construct, own, and operate a domestic communications satellite receive-only earth station at this location. Lat. 34°16'15" N., Long. 88°23'40" W. Rec. freq: 3700-4200 MHz. Emission 36000Fp. With a 5 meter antenna.

GA—232-DSE-P/L-78 Cal-Nor Cableview, Inc., Atlanta, Ga. Authority to construct, own, and operate a domestic communications satellite receive-only earth station at this location. Lat. 41°36'16" N., Long. 120°32'20" W. Rec. freq: 3700-4200 GHz. Emission 36000F9. With a 4.5 meter antenna.

SSA-2-78 American Telephone & Telegraph Co., Hawley, Pa. (WB30). Special temporary authority to conduct tests of high digital bit rate transmission on Comstar satellite transponders at the Hawley, Pa., earth station.

AMENDMENT

111-DSE-P-77 RCA Alaska Communications, Inc., Tanana, Alaska. Amended to reflect a change in the diameter of the antenna from 10 meters to 5 meters, to change the geographic location to: Lat. 65°10'24" N., Long. 152°04'38" W. and a change in trnsmitting equipment from FM/FDM to single channel per carrier (SCPC) and other related changes.

[FR Doc. 78-1571 Filed 1-19-78; 8:45 am]

[6712-01]

[Docket No. 19660, RM-690, FCC 77-805]

INTERNATIONAL RECORD CARRIERS

Memorandum Opinion and Order

Adopted: November 30, 1977.

Released: January 6, 1978.

INTRODUCTION

In the matter of International Record Carriers' scope of operations in the Continental United States, including possible revisions to the formula prescribed under section 222 of the Communications Act, Docket No. 19660. RM-690.

1. In our *Report and Order and Notice of Proposed Rulemaking* in Docket No. 19660, 57 FCC 2d 190 (1975), we: (1) Ruled that the then existing formula prescribed pursuant to section 222(e)(3) of the Communications Act of 1934, as amended, to govern the distribution of outbound unrouted telegraph messages among the international record carriers (IRCs) was unjust, unreasonable, inequitable, and not in the public interest; (2) instituted a proposed rulemaking examining the legal, economic, and operational implications of placing traffic distribution on a required customer routing basis; and (3) prescribed an interim formula pending the outcome of the inquiry looking into the all routed system of distribution. RCA Global Communications, Inc. (RCA Globcom), appealed our decision to the U.S. Court of Appeals for the Second Circuit. On July 27, 1977, the Court issued an opinion vacating our decision and remanding the case for further proceedings consistent with the standards set forth in section 222(e)(3) of the Communications Act, 47 U.S.C. 222(e)(3).[1] Thereupon, the Commission, TRT Telecomunications Corp. (TRT) and ITT World Communications, Inc. (ITT Worldcom), requested rehearing. On October 5, 1977, the Court granted the petitions for rehearing and issued a stay of its mandate. See *RCA Global Communications, Inc.*, Case No. 522.

2. In granting the petitions for rehearing the Court remanded the case for further proceedings primarily to examine "whether the promulgation of the interim formula (for distribution of outbound, unrouted international telegram messages among the international record carriers) has, in the opinion of the FCC, a factual basis in the record independent of the FCC's tentative preference for an all routed system." The court also asked us to determine whether "the interest of the telegram sending public may be ascertained with respect to an all routed requirement."

3. Pursuant to a suggestion from the Court, we invited the parties to the proceeding to file comments on the above issues. Comments have now been filed by RCA Globcom, ITT Worldcom, TRT, Western Union International, Inc. (WUI), and the Western Union Telegraph Co. (Western Union). In addition to these pleadings, we have the benefit of statistical reports filed with us and the parties by the International Quota Bureau showing the distribution of outbound international telegraph messages under the interim formula during the period January 1, 1977, to June 30, 1977. Based on the views of the parties, the background of the formula, present circumstances in the international telegraph service, and the facts and statistical records before us, we find that the following actions will serve the public interest: (1) The rulemaking looking toward designating a new formula shall be terminated without prescribing an all routed formula; and (2) the interim formula which allocates to each IRC a portion of unrouted traffic in the ratio it receives customer routed messages will be prescribed on a permanent basis.[2]

ALL ROUTED FORMULA

4. Our review of the comments filed by the parties, and the operating results under the interim formula persuades us that a prescription of the all routed formula is not necessary to achieve our basic public interest objectives and indeed would not be "just, reasonable, equitable, and in the public interest." At the time we called for comments on the all routed proposal, we indicated our preference for a system of traffic distribution based completely on customer choice, as a stimulus to greater competition which we believe would better serve the public interest. At paragraph 44 of the "Report and Order," we stated, however, that the record then before us was inadequate to adopt the all routed method of distribution. Instead, we prescribed the interim formula for the distribution of international message telegraph traffic until we were in a position to determine whether the all routed method of distribution would in fact result in better service to the public without, inter alia, proving to be an undue economic burden to the carriers.

5. Based on the comments we have received, we do not find sufficient merit in the all routed formula to warrant its prescription. ITT Worldcom, RCA Globcom, and TRT oppose prescription of the all routed formula since they believe that the added costs to the carriers and consequently to the public arising from the implementation of or reliance upon the all routed formula would yield no real benefit to the public generally or to those customers—representing approximately one-third of international message telegraph market—who do not route and to whom the all routed formula is directed. Likewise, Western Union opposes the all routed formula and concludes that it is uneconomic and, more than likely, unworkable due to the vast number of unrouted messages. Western Union, however, points out that under the interim formula it has recently initiated a system of distributing unrouted traffic among the IRCs on an automated basis and that this system is functioning smoothly. It further states "that the operating expenses required to continue to distribute traffic automatically are relatively minor (approximately $50,000 per

[1] Section 222(e)(3), 47 U.S.C. 222(e)(3), states that whenever: "the Commission finds that any such distribution of telegraph traffic among telegraph carriers or any such division of charges for such traffic, which is being made or which is proposed to be made, is or will be unjust, unreasonable, or inequitable, or not in the public interest, the Commission shall by order prescribe the distribution of such traffic, or the division of charges therefore, which will be just, reasonable, equitable, and in the public interest, and will be, so far as is consistent with the public interest, in accordance with the existing contractual rights of the carriers." See 41 FR 51648, November 23, 1976.

[2] The background of this decision is set forth in our report and order and in the Court's decisions.

year) when compared to the millions of dollars required to implement an all-routed solution."[3] Since so many users are satisfied to place these messages with Western Union, we do not now believe that an all routed formula would add significant public benefits, whereas it could add to customer costs and even disrupt the convenient service through Western Union to which the public has become accustomed. Accordingly, we will terminate the proceeding without further action with respect to an all routed distribution system.

THE INTERIM FORMULA

6. When we prescribed the interim formula we were confident that it would be a vast improvement over the 1943 formula (although we had hopes that the all routed method would prove to be even better). Appendix A of this decision sets forth the interim formula in its entirety. The formula provides a direct ratio method for distribution by Western Union among the IRCs of outbound international message telegraph traffic. It allocates unrouted traffic among the IRCs in proportion to the share of specifically routed traffic to a particular destination country each IRC receives from its users.

7. Under the interim formula, a carrier is entitled to handle any specifically routed traffic to any destination area for which it has a tariff on file. A message is considered specifically routed if it is filed at a carrier's office by the sender in person, by telephone or other electronic means, or at a Western Union office so long as the particular IRC is designated by the sender and the carrier is authorized to serve the destination point sender.

8. A message is considered unrouted anytime the sender does not specify a carrier.[4] Each IRC is entitled to receive from Western Union unrouted traffic for each destination point in the carrier's effective outbound message telegraph traffic whether service to the destination is direct or by interconnection. A carrier's quota of unrouted traffic to a destination point is derived from the ratio of the number of routed messages to that point handled by the carrier during the base period to the total number of messages to the destination handled by all the carriers serving that point during the base period. Unassigned traffic is allocated to each carrier without regard to its length or its category in the message telegraph service on a rotational basis.

THE PLEADINGS

9. The primary question the Court has asked us to determine is whether the interim formula may be justified outside of its role as precurser to an all routed allocation formula. At our invitation the parties have filed comments respecting the question of independent justification for the interim formula.

A. COMMENTS BY RCA GLOBCOM

10. RCA does not believe that sufficient independent support exists to retain the interim formula. It argues that the interim formula during its year of operation has disserved the public interest by imposing unnecessary costs on the industry and by shifting traffic to less efficient routes. In the first place, according to RCA Globcom, the public interest is affected adversely by the wasteful spending on advertising that is encouraged by the interim formula since its market research shows that in excess of 90 percent of all social traffic and approximately 65 percent of all business traffic transferred to RCA Globcom is unrouted. Following implementation of the interim formula, RCA Globcom doubled its combined advertising and marketing expenditures devoted to international telegram service, from approximately $340,000 in 1976 to approximately $670,000 (annualized in 1977). However, despite its substantial increase in marketing effort, it states that there has been no discernable effect on the volume of unrouted traffic generated by the public. In addition, RCA Globcom states that a minimum nationwide marketing and advertising campaign would require an expenditure of $2,007,000.

11. RCA's second argument concerns inefficient routing of unrouted traffic. It contends that the interim formula has caused a shift of over 50,000 message transfers by Western Union from international carriers with direct international circuits to specified destination points to carriers with only indirect capability to the customer's desired point. This has resulted in less efficient traffic handling, an increased payout of $130,000 by the IRCs to foreign correspondents, and the idling of communications capacity which RCA Globcom has in place. Thus, RCA Globcom points out that this effect of the interim formula is inconsistent with our position in the gateway proceeding where we stated that

> An authorization * * * to provide service * * * on a direct basis rather than an indirect basis * * * should improve efficiency to the extent that traffic no longer must be switched through (a second country's) switching system and be hauled between (a second country and its ultimate destination) over landline facilities. *International Record Carrier's Communications*, 58 FCC 2d 250, 257 (1976).

From this, RCA Globcom concludes that essentially the same considerations mitigate against the use of indirect, less efficient routing as fostered by the interim formula.

12. RCA Globcom also challenges our position that the additional degree of competition the interim formula fosters will serve the public interest. RCA Globcom states that the interim formula creates incentives which encourage the IRCs to seek to increase their share of unrouted traffic, not by pursuing the occasional hinterland customer who does not route, but by intensifying their solicitation efforts to change the routing of large business customers already routing traffic and located in the gateways and in other major metropolitan centers. This emphasis on customers already routing traffic, according to RCA Globcom, arises from the feature of the interim formula which rewards a carrier for every routed message with two or three other messages. RCA Globcom states that this effect is inconsistent with our expressed desire to promote "customer choice" and thus to achieve a consequential reduction in unrouted traffic.

13. In addition to the absence of benefits accruing to the public, RCA Globcom states that the interim formula abruptly and unfairly shifts large blocks of traffic from RCA Globcom to other carriers. RCA Globcom submits that such action can only be justified on a finding that the carrier potentially losing traffic has misused or abused its position, thereby rendering the operation of the formula "unjust, or unreasonable or inequitable or not in the public interest." Likewise RCA Globcom further contends that in virtually all cases in which one carrier or another received, under the prior formula, most of the unrouted traffic to a given area, that carrier occupied its lead position before section 222 was enacted. Thus, just as its competitors' efforts may have been hampered by the formula so too was the competitive effort of the carrier responsible for transmission of the major portion of traffic. With respect to the effect of the formula on its own operations, RCA Globcom estimates it will "lose approximately 400,000 messages in 1977 and substantial unrecoverable revenues from the formula change on authorized traffic alone." Finally, RCA expects its total traffic and revenue losses to grow if the interim formula remains operative since it states that "outbound traffic to a major extent affects the amount of in-

[3] While making plain that it favors a formula mode of distributing traffic over the all routed approach, Western Union takes no position as to the precise formula to be prescribed or the appropriateness of the interim formula per se.

[4] Traffic specifically routed to a sender by way of a carrier to a point not tariffed by the carrier is also considered unrouted and is allocated under the formula to a carrier serving that point.

bound traffic carriers receive from overseas."

14. Following its arguments that the interim formula is neither fair to the carriers nor in the public interest, RCA Globcom proposes alternate approaches to revising the formula. It argues that each alternative will minimize or eliminate the detrimental effects it sees arising from the interim formula. First, RCA Globcom suggests a phased-in approach to implement the interim formula. This approach would provide whatever long-term benefits we see flowing from the interim formula, while allowing management to adjust to reasonably predictable changes and to minimize short term idling of capacity. Another alternative RCA Globcom suggests is a formula using only traffic generated in the gateways as the allocation base. This approach would encourage limiting marketing efforts resulting from the formula change to an area where the IRCs currently are authorized to provide full direct service, maintain offices and where the bulk of their marketing efforts are concentrated. Since each of the carriers operate in the same gateways, RCA Globcom submits that this approach equalizes their competitive positions and would eliminate the need for a competitive response to another carrier's solicitation efforts in those areas outside the gateways. Finally, RCA Globcom urges us to reconsider our action denying the IRCs direct access to customers outside the gateways. In support, RCA Globcom states that it is likely that if direct access were permitted, a larger fraction of the overseas messages would be routed according to customer choice since many customers outside the gateways already route their messages directly to the IRCs at their own additional expense.

B. COMMENTS BY WUI

15. WUI also opposes adoption of the interim formula on a permanent basis. WUI argues that a large shift of traffic from one carrier to another would leave the carrier losing traffic with substantial unused switching and transmission capacity, and could overload the recipient's facilities leading to a reduced quality of service. Further, WUI claims that these dual effects are contrary to our policy that carriers "utilize their investment in the most economical, cost efficient manner in order to generate sufficient revenues to cover their embedded costs." See AT&T Series 1000, Docket No. 21417, released October 21, 1977.

16. With respect to the competitive incentive contained in the interim formula, WUI's vice president of sales in an affidavit states "that the intensity of competition in terms of selling and marketing activities and precise offerings was no less under the original formula than they are under the interim formula." The reason for this, according to WUI, is that outbound traffic generates inbound traffic and a customer satisfied with WUI's message telegraph service is likely a customer for WUI's other services.

C. COMMENTS BY ITT WORLDCOM

17. Contrary to the views of RCA Globcom and WUI, both ITT Worldcom and TRT argue that the interim formula possesses an independent justification supporting its retention. These carriers point to their experience with the interim formula during the past year as sufficient support for its justification. ITT Worldcom believes that the interim formula provides a significant improvement for the public interest and that it produces an allocation of traffic which is clearly "just, reasonable and equitable" on the record before us and on operating experience to date. In ITT Worldcom's opinion our primary responsibility is the development of a formula which provides a fair allocation of traffic among each of the participating carriers. It states that the interim formual is administratively simpler than the original formula and, consequently, that there is substantially less chance for error on the part of the Quota Bureau or Western Union in calculating the allocation to each carrier. Moreover, since Western Union has automated the distribution of unrouted traffic, according to ITT Worldcom, as a result of the adoption of the interim formula, the unrouted traffic can now be distributed faster and more efficiently and ultimately at a lower cost to the carriers.

18. ITT Worldcom has submitted an affidavit by its executive vice president and general manager describing several improvements it has undertaken since the adoption of the interim formula and which it states were in part due to the incentives created by that formula. According to this statement, ITT has already undertaken a program of improvement in its overseas message service with the goal of increasing its share of routed messages traffic and thereby increasing its share of unrouted traffic pursuant to the formula. ITT Worldcom lists the following service improvements as resulting at least in part from the formula's implementation.

(a) June 1977—placed into service a new duplex international message switch to provide standby capability to enhance reliability and access time for customer transmissions. This first phase of improvement increased in-service time for message switching from approximately 95 percent to 98.5 percent. When full duplex capability is completed at the end of 1977, then inservice time for the switch is expected to be 99.9 percent.

(b) July 1977—implementation via the new message switch of automatic processing of virtually all routed and unrouted traffic from the Western Union system.

(c) September 1976—provided a full speed interface for West Coast TWX subscribers of Western Union wishing to file message traffic directly with ITT Worldcom. This change permits a 50 percent decrease in a customer's transmission time. A similar capability is scheduled to go into service by January, 1978 for Atlantic Coast subscribers.

(d) 1976—instituted a service available twelve hours each day to answer questions from customers sending messages directly via telex or TWX or via the Western Union system, to answer questions about rates, to provide assistance in message tracing, and to answer other questions. This service is available free throughout the country by way of inbound WATS.

(e) July 1977—expanded on-line message storage capability of the message switch from one half day of on-line traffic storage to approximately 30 days. This change also provides virtually instantaneous on-line retrievals. Retrieval time is now two seconds as opposed to the formerly variable time which, dependent on load, could run from minutes to hours.

(f) September 1977—undertook steps to speed up operator processing for messages filed with ITT Worldcom by telephone.

(g) November 1977—made facility changes improving access for all gateway subscribers and for all Western Union TWX originated traffic into the new message switch.

The affidavit states that without the incentive provided by the interim formula much of the allocation of resources and manpower which went toward improving the efficiency of its message telegraph service might have been channeled to other services.

D. COMMENTS BY TRT

19. TRT in supporting retention of the interim formula asks us not to disregard the important public interest element supporting that formula or to misconceive the public interest responsibilities delegated to us by section 222 of the Act. TRT states that the interim formula performs an important public service by which the choices of knowledgeable consumers can be extended to those consumers who have inadequate overseas communication requirements to become sufficiently informed about the merit of particular carriers. Moreover, TRT argues that the formulation of a device which allows the free functioning of a competitive market, in and of itself, serves the public interest, unless the parties supporting retention of the former scheme can bring forward specific justifications which outweigh the implementation of a competitive policy. TRT contends that there is nothing in the basic purpose or language of section 222 suggesting that it was designed to repress fair competition among the carriers permitted pursuant to section 214 to enter the market once Western Union had divested its international operations and the possibility of anticompetitive abuses had passed.

20. Next TRT states that in its experience the implementation of the interim formula has not caused the carriers to embark on a course of undue promotional expenditures. Rather, TRT itself has aimed its promotional efforts at high-volume users who subscribe to telex services of either the IRCs or Western Union, and has not undertaken any significant effort to obtain routed traffic from those who customarily do not route messages. Thus, according to an affidavit filed by its vice president of marketing, TRT has not altered its "sales and marketing approach with respect to industry-wide marketing and sales efforts."

21. TRT also states that implementation of the interim formula has not increased the IRCs' operational costs. With a single exception it has transmitted all traffic received under the interim formula via circuits then in place or necessitated by the commencement of direct circuit operations to a new overseas point. Nor has TRT been obliged to employ additional message operators as a result of the interim formula. Finally, TRT states that the capacity of its automated message switch has been adequate to handle the additional volumes of traffic that have been generated by TRT's participation in the new formula. In sum, TRT has experienced no increase in either promotional or operating expenses as a result of the adoption of the interim formula. According to TRT, its experience stands as a clear demonstration that there is no reason whatsoever to believe that the interim formula may cause increased promotional or operational expenses among the carriers in providing the public with message telegraph service.

E. COMMENTS BY WESTERN UNION

22. Western Union has filed a letter stating that the existing formula mode of routing international message traffic should be continued. However, it takes no position as to the precise formula to be implemented or the appropriateness of the interim formula.

DISCUSSION

23. Our review of the comments filed by RCA Globcom and WUI opposing a permanent prescription of the interim formula shows that these carriers essentially have raised three possible defects in the formula. We will address each of these matters separately.

24. The first alleged defect arising from the operation of the interim formula is that it requires potentially millions of dollars in additional advertising and marketing costs to be incurred by the IRCs. RCA Globcom rests this argument on an analysis of the cost of a nationwide marketing and advertising campaign. It states that the cost of such an effort for itself would be $2,007,000. Despite this projection, it is plain to us that no carrier including RCA Globcom plans to undertake such an effort. RCA Globcom indicates it has budgeted $670,000 for solicitation of message telegraph traffic. While this is a substantial increase over its prior message service marketing expenditures, we find no indication in RCA Globcom's pleadings that it is considering increasing its solicitation expenditures to the scale it claims is necessary for nationwide coverage. In any event, RCA does not advance specific facts to show that the public interest would be disserved by increased marketing efforts. Indeed, it appears that the basis for RCA's increased solicitation efforts lies in its recognition that the interim formula has brought about greater competitive efforts by the IRCs and that to expand its volume of message traffic, or to retain its substantial standing in the market it must increase its marketing efforts. We believe that this added emphasis on marketing will soon give rise to efforts, like those of ITT Worldcom, to improve, where possible, the facilities underlying service to the public. In sum, as the Court in its decision granting rehearing has noted the purpose of the original formula

> cannot be stretched to giving RCA a right in perpetuity to a fixed share of the telegraphic market regardless of changing conditions and circumstances. It certainly could not have been the intention of the Congress or the FCC to permit RCA to sit back and do nothing to counteract tactics by its competitors and rely upon the 'formula' to give it the lion's share of the unrouted business.

Accordingly, we reject this argument.

25. Secondly, both RCA Globcom and WUI argue that the interim formula diminishes use of existing circuitry of communications and consequently may cause the idling of direct circuit capacity already in place. The point that RCA and WUI are attempting to make is that the implementation of the interim formula has resulted in a shift of traffic from carriers with a direct circuit to a particular destination point to carriers which cannot directly serve that point but, instead, must interconnect with another entity before handing over the message for ultimate delivery. RCA Globcom estimates that in 1977 over 50,000 messages will be shifted to carriers lacking direct service capability to the 21 countries RCA Globcom has indicated. Moreover, RCA Globcom estimates that this reliance on indirect service will result in an increased payout of $130,000 to foreign carriers.

26. We find no significant merit in this argument. At paragraphs 49 and 50 of our "Report and Order, we considered a proposal to allocate unrouted traffic on a country by country basis among only those IRCs authorized direct circuits to a customer's desired points. Nevertheless, we chose to base distribution of unrouted traffic on the destinations a carrier is authorized to serve via direct circuits or by interconnection. One reason we rejected the direct circuit approach is because it would leave significant gaps in the distribution of unrouted traffic since there are numerous foreign destinations points which no carrier serves directly. We also rejected this proposal because it would deny substantial portions of unrouted traffic to small carriers who serve a higher percentage of their service points through intermediate connections. We believe that those carriers now providing indirect service will seek authorization to serve those points directly if the demand for their services to a particular destination point becomes sufficient. Moreover, we note that the 50,000 messages which RCA becomes sufficient. Moreover, we note that the 50,000 messages which RCA Globcom states have been shifted to indirect circuits due to the formula, amount to less than one half of one percent of the 7,887,664 worldwide annual messages the carriers transmit. This de minimis shift of traffic to indirect service is not in our opinion a threat to the public interest.

27. Finally, RCA Globcom contends that the interim formula encourages the IRCs to concentrate their efforts on existing customers who already route traffic. Here, TRT as well as our review of RCA Globcom's marketing experience to date underlines the validity of RCA Globcom's claim. However, we do not find anything in this marketing approach that persuades us to set aside the interim formula. Western Union's study shows that in 1974 three quarters of the international message traffic handled by it was unrouted. Much of this traffic appears to be originated by persons with only an occasional use for message telegraph traffic.

28. We emhasize that our goal is to encourage the carriers to continually strive to offer the public the best service possible at the lowest possible rates. The interim formula is a powerful incentive towards achievement of this goal. As RCA has noted, the interim formula rewards a carrier for every routed message with two or three unrouted messages. In contrast, the 1943 formula did not reward improvements in services or prices at all, but stood as a disincentive to such improvements.[5] The customers who do route their traffic, for the most part business cus-

[5] See p. 201 of the report and order demonstrating that "the ultimate effect (of the original formula) was that the carrier with the largest deficiency eventually came to receive all unrouted traffic to a given destination."

tomers, are keenly interested in the best service for the lowest cost and do educate themselves about the IRCs.[6] By correlating the distribution of unrouted messages with routed messages, we insure that improvements in service or prices which earn the business of knowledgable users will also be rewarded by unrouted messages. Thus, the incentive to provide the very best is maximized, and the public interest will benefit accordingly. The service and price improvements made to attract knowledgable users also enhance the quality of service to casual users since the facilities making up the service are blind to the identity of customers and to the manner in which the message came to be the responsibility of the carrier. In this regard it is particularly interesting to note that ITT Worldcom while making no representation concerning its present marketing efforts has by affidavit described the service improvements which in the judgment of its chief executive officer have been brought about in part due to the additional degree of competitive incentives contained in the interim formula.

29. In sum, we cannot find that RCA Globcom's reduction in routed messages is a sufficient reason to bar or defer the operation of the interim formula. As we stated at paragraph 53 of the "Report and Order".

> RCA appears to be asserting that its quota gives it a claim to a guaranteed amount of traffic. The present formula does not guarantee any carrier that it will receive traffic. As more customers routed messages and the unrouted pool shrank, traffic available for distribution became inadequate to satisfy quotas. Such changes in the marketplace can hardly be said to have wronged RCA particularly since its own increases in self generated traffic and the benefits it received under schedule B (special provisions applying to RCA) contributed to this process.

In this instant proceeding, RCA has brought forward nothing to cause us to modify that finding. Moreover, we can find no indication by RCA that the quality of service it provides to the public would suffer in any way by retention of the interim formula.

RCA Globcom's Proposed Alternative Formulas

30. In addition to opposing retention of the interim formula, RCA Globcom has suggested various alternative proposals which it believes to be more equitable among the carriers and to better serve the public interest. It recommends: (1) Consideration of a phase-in period for the interim formula, (2) limiting the formula's operations to traffic originating in the gateway cities, or (3) if the interim formula remains in effect, permitting the carriers at their expense to serve directly message telegraph customers located outside the gateways.

31. We are of the opinion that these alternatives are unnecessary to the implementation of the interim formula or would fail to serve the public interest as positively as the interim formula. Therefore, we shall reject them. In the first place, we are satisfied based on our own expertise and the remarks the carriers have filed concerning the actual operation of the interim formula that it is functioning smoothly. Indeed, we have seen no persuasive evidence that a phase-in period is necessary for the carriers to provide their services to the public. Aside from the wholly unsupported claim of adverse financial impact RCA Globcom has alleged, it appears that only minor short term adjustments such as a slightly greater reliance on indirect circuits, and consequent pay-outs have occurred due to the implementation of the interim formula. In sum, the actual experience of the IRC under the interim formula persuades us that a phase-in period is totally unnecessary and would disserve the public interest by delaying the incentives the IRCs have under the formula to improve their services and to offer them at the lowest possible rates.

32. Likewise, we can find no merit in artifically limiting the competitive incentive of the carriers to customers located in the gateways. We recognize that much of the carriers present solicitation efforts are directed toward customers in those discrete areas and may continue to be at least in the short run. However, to focus the efforts of the carrier on these points would go far toward institutionalizing the very criticism RCA Globcom has put forward supporting rejection of the interim formula, since the carriers would then be free to concentrate their efforts on those major customers located in the gateways without any incentive whatsoever to take into consideration the needs of the public outside the gateways. In this regard, we specifically affirm our findings in the "Report and Order" at paragraph 51 with respect to inclusion of all areas of the Continental United States in the formula. We stated that

> [w]e believe that the volume (for inclusion in the quota base) should be based on all routed traffic. This includes direct pickups, direct access and routed WU transfers. This is the most likely way to achieve the goal of distributing unrouted traffic on the same basis as routed. Direct pickups (traffic routed directly to the designated carrier by a customer located either inside or outside the gateways) are by definition specifically routed and represent a significant portion of overall traffic. Therefore, to ignore such traffic would be unrealistic and contrary to our policy herein.

33. Finally, we deny RCA Globcom's request that we revisit our action rejecting the tariffs underlying the free direct access concept in International Carriers Communication, 40 FCC 2d 1082 (1973). In that case we found that the IRCs must file applications pursuant to section 222 to expand their operations beyond the gateways rather than proceeding by tariff because adoption of "free direct access would alter the structure of the industry by altering the relationships between the domestic and the international carriers as to the handling of international traffic." Thus, we have already concluded that the filing of applications justifying any expansion of operations outside the gateways is a prerequiste to any proposed expansion. We will not entertain RCA Globcom's suggestion here. It is sufficient to note we are considering the application and comments RCA Globcom has filed in Docket No. 19660.

Findings Regarding Interim Formula's Operations

34. In our "Report and Order" we found that the interim formula provides the carriers with an equitable means of distribution, focusing on customer selection and giving each carrier an opportunity to increase its share of unrouted traffic. The interim formula, by functioning in a direct ratio method has simplified administration of routing allocations to the carriers and eliminated many of the sources of controversies found in the original formula. This simplification is accomplished through treating all classes of messages as a whole rather than retaining the aspect of the original formula which required allocation of unrouted traffic to be made according to the various classifications of the messages in the message telegraph service, and which also necessitated separate treatment of gateway and non-gateway traffic. Instead, the interim formula treats all message traffic generated in the continental United States in the same way, distinguishing only between route and unrouted messages.

35. It remains Western Union's function to distribute specifically routed traffic to the designated carriers. The unrouted traffic Western Union receives is distributed to the IRCs in the ratio each receives specifically routed traffic. Rotational distribution of messages to the carriers as they are received by Western Union insures that over the long run each carrier receives the revenues to which it is entitled under the formula. The deletion of the balancing provisions, since there is no longer any need or justification for them, eliminates distortions in distribution as well as long term accumulation of averages and deficiencies. Short run imbalances arising due to traffic variations are corrected by ad-

[6] Whether customers learn of the advantage of using an individual IRC by solicitation, advertisement, or customer word-of-mouth is not a matter of concern to us.

justment of the carriers' ratios. The provision for periodically adjusting the ratios assures that traffic distribution remains responsive to changing conditions brought about customer selection.

36. Under the interim formula each carrier receives unrouted traffic to all points it is authorized to serve. If a carrier adds a new service point, the formula is adjusted to include that carrier in the distribution of unrouted traffic according to the amount of traffic specifically routed through it to that point. Since adjustments concerning new points of service are made at six month intervals, Western Union has added certainty in meeting its responsibilities under the formula and is spared too frequent changes in its distribution practices. The Quota Bureau calculates the IRC's ratios of unrouted traffic for each country of destination by determining the number of messages specifically designated by customers to a particular carrier. The individual carrier figures are then totalled every six months for each destination and each carrier's figures compared to that total. The resulting ratios represent each carrier's share of routed traffic for each destination point and therefore, its portion of unrouted traffic under the interim formula to that point.

INDEPENDENT JUSTIFICATION OF THE INTERIM FORMULA

37. The interim formula provides each carrier with the same opportunity as every other carrier to share in the pool of unrouted overseas messages Western Union receives. Through the mechanism of distributing these unrouted messages to carriers in direct proportion to the number each receives to various overseas destinations, the formula encourages each carrier to strive to secure as many messages on a routed basis as possible. In other words, a carrier's share of total message traffic is dependent upon its success in persuading users of the service to place messages directly with it. This method of distribution provides a simple means for the Quota Bureau to administer the formula and for Western Union to distribute traffic. Since all messages originating in the continental United States are treated the same, rotational distribution of messages insures a random distribution among the carriers. The direct ratio mechanism ensures that the formula will generate few compliants about the number of unrouted messages allocated to the individual carriers. As a result, Western Union may meet its allocation responsibilities through an automated distribution system, thereby greatly reducing its own administrative costs and limiting the need for the Quota Bureau to resolve complaints. Those few complaints the carriers bring to the Quota Bureau, and none have been brought to our attention in the pleadings, may be equitably disposed of since the formula leaves little room for dispute once the facts, based on the Quota Bureau statistical reports are ascertained and the straight forward allocation system we have prescribed is applied to those facts. Disputes which the Quota Bureau cannot resolve are referred to us for action.

38. The improvements already made by ITT Worldcom under the interim formula are of the type we anticipated the formula would inspire, and provide concrete confirmation of the new formula's service to the public interest. We expect that once the formula is accepted as the rule, such further improvements will soon be forthcoming from all the carriers. All the IRCs, whether opposing or favoring retention of the interim formula, acknowledge that it maintains or increases the incentive to secure as many direct routings as possible. Our past experience in other areas, confirmed now by ITT's actions under the interim formula, has shown that carriers competing in this fashion must out of self interest strive to improve service efficiency and to keep charges as low as is feasible. Such improvements benefit all customers, routing and non-routing alike, because the facilities provide the same service to both without distinction. Therefore, we find that the interim formula is just, equitable, reasonable and in the public interest on its own merits and that it is in no way dependent for its justification on a required routing system of distributing international message telegraph traffic.[7]

39. *Accordingly, it is ordered,* Pursuant to sections 1, 4(i), 4(j), 201, 222(e)(1), 222(e)(3), and 403 of the Communications Act of 1934, as amended, that the formula set forth in the Appendix[8] hereto is prescribed as the distribution formula for outbound international message telegraph traffic.

40. *It is further ordered,* That this proceeding is terminated without further action concerning the proposed required routing formula for the distribution of outbound international message telegraph traffic.

For the Federal Communications Commission.[9]

WILLIAM J. TRICARICO,
Acting Secretary.

[FR Doc. 78-1099 Filed 1-19-78; 8:45 am]

[7] We will continue to closely monitor the carriers' activities in the messages telegraph service, and remain ready to further modify the formula should the public interest so require.

[8] Appendix was filed as a part of the original document.

[9] Commissioner Brown not participating.

[1] Certain sections of the Commission's rules have been renumbered, revised or deleted. The rules cited herein are those which were in effect at the time of the radio operation.

[6712-01]

[SS Docket Nos. 78-4-78-7]

JOHN N. SICHERT

Order Designating Application for Hearing on Stated Issues

Adopted: January 12, 1978.

Issued: January 16, 1978.

In the matter of revocation of license of John W. Sichert, 2704 Spencerville Road, Burtonsville, Md. 20730, SS Docket No. 78-4, licensee of Station KSL-5113 in the citizens band radio service; revocation of license of John W. Sichert, 2704 Spencerville Road, Burtonsville, Md. 20730, SS Docket No. 78-5, licensee of Station WB3CMR in the amateur radio service; suspension of license of John W. Sichert, 2704 Spencerville Road, Burtonsville, Md. 20730, SS Docket No. 78-6, amateur novice class operator licensee; application for technician class operator license of John W. Sichert, 2704 Spencerville Road, Burtonsville, Md. 20730, SS Docket No. 78-7.

The Chief, Safety and Special Radio Services Bureau, has under consideration the license for Citizens Band radio station KSL-5113, licensed to John W. Sichert, as well as Sichert's license for Amateur radio station WB3CMR. Also under consideration is Sichert's Novice Class operator license and his application for a Technician Class operator license.

John W. Sichert is the licensee of Citizens Band radio station KSL-5113, granted on July 25, 1975, and Amateur radio station WB3CMR, granted on June 18, 1976.

On September 22, 1976, Sichert transmitted radio communications on the frequency 27.655 MHz, which is not authorized for use in the Citizens Band but is in the band of frequencies allocated to the United States Government, in willful violation of § 95.41(d) of the Commission's rules.[1]

It appears, That Sichert's radio transmissions on September 22, 1976, were not identified by a call sign issued by the Commission but instead were identified by the designation "7W198," in violation of § 95.95(c) of the Commission's rules.

It further appears, That the radio transmissions specified above, identified by the designation "7W198," demonstrate that Sichert has participated in an organized scheme to operate radio transmitting apparatus illegally and to avoid detection.

It further appears, That on September 22, 1976, Sichert's station was operated with a transmitter equipped to operate on frequencies not assigned to the Citizens Band Radio Service, in violation of § 95.55(c)(4) of the Commission's rules.

It further appears, That on September 22, 1976, Sichert's station was operated with a transmitter equipped with controls allowing it to be operated in violation of the Commission's Technical regulations regarding the Citizens Band Radio Service, in violation of § 95.55(e) of the Commission's rules.

It further appears, That during his radio operation on September 22, 1976, Sichert operated with transmitter output power greater than that allowed by § 95.43(b) of the Commission's rules.

As a result of his radio operation on September 22, 1976, Sichert was convicted on March 28, 1977, in the United States District Court, District of Maryland, under 47 U.S.C. 502 upon his plea of guilty to violations of 47 CFR 95.41(d).

It appears, That thereafter, on April 22 and 28, 1977, Sichert transmitted radio communications on the frequencies 145–148 MHz, which frequencies are not authorized for Novice Class licensees, in willful violation of § 97.7 of the Commission's rules.

It further appears, That Sichert's conduct described herein is contrary to the public interest, convenience and necessity standards provided for in section 307(a) of the Communications Act of 1934, as amended, and raises substantial questions regarding his qualifications to remain a licensee of the Commission.

It further appears, That, in view of the above, the Commission would be warranted in refusing to grant an application filed by the licensee if his original application were now before it.

Accordingly, it is ordered, Pursuant to section 312(a) (2), (4), and (c) of the Communications Act of 1934, as amended, and § 0.331 of the Commission's rules, that Sichert show cause why the licenses for Citizens Band radio station KSL–5113 and Amateur radio station WB3CMR should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place before an Administrative Law Judge, to be specified by a subsequent order. (See Enclosures 1, 2.)

It is further ordered, That the rule violation of which Sichert was convicted shall be res judicata in this proceeding.

It is further ordered, Under authority contained in section 303(m)(1)(A) of the Communications Act of 1934, as amended and § 0.331 of the Commission's rules, that the Novice Class Amateur Operator license of John W. Sichert is suspended for the remainder of the license term; and,

It is further ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended and § 1.973(b) and 0.331 of the Commission's rules, that Sichert's application for Technician Class Amateur operator license is designated for hearing, at a time and place to be specified by subsequent Order, upon the following issues:

(1) To determine whether John W. Sichert operated radio transmitting equipment in violation of §§ 95.41(d), 95.95(c), 95.55(c)(4), 95.55(e), and 97.7 of the Commission's Rules.

(2) To determine the effect of Sichert's conviction in United States District Court on March 28, 1977, for violation of 47 CFR 95.43(b) on his qualifications to be a Commission licensee.

(3) To determine, in light of the facts adduced under issues (1) and (2), whether Sichert possesses the requisite qualifications to be a licensee of the Commission.

(4) To determine, in light of the foregoing issues, whether the public interest, convenience and necessity would be served by a grant of the Technician Class operator application of John W. Sichert.

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof for revocation of station licenses (Docket Nos. 78–4 and 78–5) and suspension of operator license (Docket No. 78–6) is on the Bureau, pursuant to section 312(d) of the Communications Act of 1934, as amended; and the burden of introduction of evidence and the burden of proof for grant of the application (Docket No. 78–7) is on the respondent, pursuant to section 309(e) of the Act.

It is further ordered, That § 1.85 of the Commission's rules, which requires that persons whose operator licenses are suspended must, in order to have a hearing on the matter, file an application for a hearing within fifteen days, is waived; and

It is further ordered, That § 1.221(c) of the Commission's Rules, which requires that applicants whose applications are designated for hearing file a notice of appearance within 20 days in order to have a hearing on the issues, is waived; and

It is further ordered, That, in order to obtain a hearing on the suspension matter, Sichert shall, within 30 days after receipt of the suspension order, make a written request for a hearing, whereupon the suspension will be held in abeyance until the conclusion of the proceedings on the suspension; that if Sichert elects not to make such a request, he shall mail his Amateur Radio Operator license to the Comission in Washington, D.C., before the expiration of thirty days. (See Enclosure 3.)

It is further ordered, That, in order to obtain a hearing on his application, Sichert, in person or by attorney, shall within thirty days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intent to appear on a date fixed for hearing to present evidence on the issues specified in the foregoing paragraph. Failure to file a written appearance within the time specified will result in the dismissal of the application with prejudice. (See Enclosure 4.)

It is further ordered, Pursuant to the provisions of § 1.227 of the Commission's rules, that the proceedings on the above-stated issues regarding the Order to Show Cause, the Suspension and the Application are consolidated for hearing.

It is further ordered, That a copy of this Order shall be sent by Certified Mail—Return Receipt Requested and by Regular Mail to the licensee at his address of record as shown in the caption.

For the Chief, Safety and Special Radio Services Bureau.

GERALD M. ZUCKERMAN,
Chief, Legal, Advisory and Enforcement Division.

ENCLOSURE 1

RESPONDENT'S REPLY TO ORDER TO SHOW CAUSE WHY CITIZENS BAND RADIO STATION LICENSE KSL–5113 SHOULD NOT BE REVOKED

SECRETARY,
Federal Communications Commission,
Washington, D.C.

In the matter of revocation of license of John W. Sichert, 2704 Spencerville Road, Burtonsville, Md. 20730, SS Docket No. 78–4, licensee of Station KSL–5113 in the citizens band radio service; revocation of license of John W. Sichert, 2704 Spencerville Road, Burtonsville, Md. 20730, SS Docket No. 78–5, licensee of Station WB3CMR in the amateur radio service; suspension of license of John W. Sichert, 2704 Spencerville Road, Burtonsville, Md. 20730, SS Docket No. 78–6, amateur novice class operator licensee; application for technician class operator license of John W. Sichert, 2704 Spencerville Road, Burtonsville, Md. 20730, SS Docket No. 78–7.

In response to the above-mentioned Order to Show Cause, Respondent hereby informs the Commission, by the placing of a check mark in the appropriate block below, which course of action he will take in the above-entitled matter:

(*See Page 3*)

☐ 1. Respondent will appear and present evidence at the hearing.

☐ 2. Respondent waives his right to a hearing in the above-entitled matter and does not submit a written statment.

☐ 3. Respondent waives his right to a hearing in the above-entitled matter and submits the attached written statement.[2]

Respectfully submitted,

Date: ————, 1978.

JOHN W. SICHERT,
Respondent.

Section 1.91 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard in a hearing presided over by an Administrative Law Judge, shall file with the Commission, within 30 days after service of the Order to Show Cause, a written statement that he will appear at the hearing and present evidence on the matter specified in the Order. If Respondent is unable to appear at a hearing held in Washington, D.C., he may request that the hearing be held at a location near his residence. Any such request should contain whatever facts Respondent feels necessary in support of his request.

The right to a hearing is waived if the licensee (1) fails to file a timely written appearance, or (2) files with the Commission, within the time specified for a written appearance, a written statement expressly waiving the right to a hearing. When hearing is waived, the licensee, within the time specified for a written appearance, may submit to the Commission a written statement denying or seeking to mitigate or justify the circumstances or conduct complained of in the Order to Show Cause. When a hearing is waived, the Chief Administrative Law Judge will issue an order certifying the case to the Commission. Thereupon, the matter normally will be handled by the Chief, Safety and Special Radio Services Bureau, under applicable delegations of authority, who will make a determination, on the basis of all information available, including statements filed by the respondent, respondent's past violation record, etc., whether a revocation order should be issued or whether the matter should be dismissed.

ENCLOSURE 2

RESPONDENT'S REPLY TO ORDER TO SHOW CAUSE WHY AMATEUR RADIO STATION LICENSE WB3CMR SHOULD NOT BE REVOKED

In the matter of revocation of license of John W. Sichert, 2704 Spencerville Road, Burtonsville, Md. 20730, SS Docket No. 78-4, licensee of Station KSL-5113 in the citizens band radio service; revocation of license of John W. Sichert, 2704 Spencerville Road, Burtonsville, Md. 20730, SS Docket No. 78-5, Licensee of Station WB3CMR in the amateur radio Service; suspension of license of John W. Sichert, 2704 Spencerville Road, Burtonsville, Md. 20730, SS Docket No. 78-6, Amateur novice class operator licensee; application for technician class operator license of John W. Sichert, 2704 Spencerville Road, Burtonsville, Md. 20730, SS Docket No. 78-7.

In response to the above-mentioned Order to Show Cause, Respondent hereby informs the Commission, by the placing of a check mark in the appropriate block below, which course of action he will take in the above-entitled matter:

(*See Page 3*)

☐ 1. Respondent will appear and present evidence at the hearing.

☐ 2. Respondent waives his right to a hearing in the above-entitled matter and does not submit a written statement.

☐ 3. Respondent waives his right to a hearing in the above-entitled matter and submits the attached written statement.[2]

Respectfully submitted,

Date: ————, 1978.

JOHN W. SICHERT,
Respondent.

Section 1.91 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard in a hearing presided over by an Administrative Law Judge, shall file with the Commission, within 30 days after service of the Order to Show Cause, a written statement that he will appear at the hearing and present evidence on the matter specified in the Order. If Respondent is unable to appear at a hearing held in Wasington, D.C., he may request that the hearing be held at a location near his residence. Any such request should contain whatever facts Respondent feels necessary in support of his request.

The right to a hearing is waived if the licensee (1) fails to file a timely written appearance, or (2) files with the Commission, within the time specified for a written appearance, a written statement expressly waiving the right to a hearing. When hearing is waived, the license, within the time specified for a written appearance, may submit to the Commission a written statement denying or seeking to mitigate or justify the circumstances or conduct complained of in the Order to Show Cause. When a hearing is waived, the Chief Administrative Law Judge will issue an order certifying the case to the Commission. Thereupon, the matter normally will be handled by the Chief, Safety and Special Radio Services Bureau, under applicable delegations of authority, who will make a determination, on the basis of all information available, including statements filed by the respondent, respondent's past violation record, etc., whether a revocation order should be issued or whether the matter should be dismissed.

ENCLOSURE 3

RESPONDENT'S REPLY TO ORDER SUSPENDING NOVICE CLASS AMATEUR RADIO OPERATOR LICENSE

In the matter of revocation of license of John W. Sichert, 2704 Spencerville Road, Burtonsville, Md. 20730, SS Docket No. 78-4, Licensee of Station KSL-5113, in the citizens band radio service; revocation of license of John W. Sichert, 2704 Spencerville Road, Burtonsville, Md. 20730, SS Docket No. 78-5, Licensee of Station WB3CMR in the Amateur Radio Service; suspension of license of John W. Sichert, 2704 Spencerville Road, Burtonsville, Md. 20730, SS Docket No. 78-6, Amateur novice class operator licensee; application for technician class operator license of John W. Sichert, 2704 Spencerville Road, Burtonsville, Md. 20730, SS Docket No. 78-7.

In response to the above-mentioned Order, Respondent hereby informs the Commission, by the placing of a check mark in the appropriate block below, which course of action he will take in the above-entitled matter:

☐ 1. Respondent will appear at a hearing on the suspension order.

☐ 2. Respondent does not desire a hearing on the suspension order, and encloses his Amateur Radio Operator license to be held by the Commission for duration of the suspension.

Respectfully submitted,

Date: ————, 1978.

JOHN W. SICHERT,
Respondent.

ENCLOSURE 4

RESPONDENT'S REPLY TO THE ORDER DESIGNATING TECHNICIAN CLASS OPERATOR APPLICATION FOR HEARING

In the matter of revocation of license of John W. Sichert, 2704 Spencerville Road, Burtonsville, Md. 20730, SS Docket No. 78-4, Licensee of Station KSL-5113, in the citizens band radio service; revocation of license of John W. Sichert, 2704 Spencerville Road, Burtonsville, Md. 20730, SS Docket No. 78-5, Licensee of Station WB3CMR in the Amateur Radio Service; suspension of license of John W. Sichert, 2704 Spencerville Road, Burtonsville, Md. 20730, SS Docket No. 78-6, Amateur novice class operator licensee; application for technician class operator license of John W. Sichert, 2704 Spencerville Road, Burtonsville, Md. 20730, SS Docket No. 78-7.

In response to the above-mentioned Order, Respondent hereby informs the Commission, by the placing of a check mark in the appropriate block below, which course of action he will take in the above-entitled matter:

☐ 1. Respondent will appear on the date fixed for the hearing and present evidence on the issues specified in the order of designation.

☐ 2. Respondent will not present evidence on the issues specified in the order of designation and understands that, as a result, his application will be dismissed with prejudice.

Respectfully submitted,

Date: ————, 1978.

JOHN W. SICHERT,
Respondent.

[FR Doc. 78-1572 Filed 1-19-78; 8:45 am]

[2] If this statement is intended to be in mitigation, it should include information as to (1) the corrective action, if any, that has been taken in connection with each of the related violations; (2) the reasons, if any, why you believe that your radio station license should not be revoked.

[2] If this statement is intended to be in mitigation, it should include information as to (1) the corrective action, if any, that has been taken in connection with each of the related violations; (2) the reasons, if any, why you believe that our radio station license should not be revoked.

[6720-01]

FEDERAL HOME LOAN BANK BOARD

[H. C. No. 236]

HOME INSURANCE CO.

Receipt of Application for Permission to Acquire Control of Southern California Savings and Loan Association

JANUARY 17, 1978.

Notice is hereby given that the Federal Savings and Loan Insurance Corp., has received an application from The Home Insurance Co., New

York, N.Y., a New Hampshire corporation, for approval of acquisition of control of Southern California Savings and Loan Association, Los Angeles, Calif., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730(a)(e)), and § 584.4 of the regulations for Savings and Loan Holding Companies, said acquisition to be effected through the purchase of all the guarantee stock of Southern California Savings and Loan Association. The entire guarantee stock of Southern California Savings and Loan Association is owned by City Investing Co., New York, N.Y., a Delaware corporation. City Investing Co. is a diversified registered savings and loan holding company. The Home Insurance Co. also is a subsidiary of City Investing Co. Comments on the proposed acquisition should be submitted to the Director, or Deputy Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20522, on or before February 21, 1978.

RONALD A. SNIDER,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc. 78-1624 Filed 1-19-78; 8:45 am]

[4110-88]

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

ADVISORY COMMITTEES

Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory bodies scheduled to assemble during the month of February 1978:

NATIONAL ADVISORY COUNCIL ON DRUG ABUSE

Date and time: February 2-3; 9:30 a.m.
Place: Conference Room 10-04, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857.
Closed—February 2; 9:30 a.m.-noon.
Open—Otherwise.
Contact—Ms. Pamela Thurber, Room 10A-23, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-6618.

Purpose. The National Advisory Council on Drug Abuse advises and makes recommendations to the Secretary, Department of Health, Education, and Welfare, the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, and the Director, National Institute on Drug Abuse, on the development of new initiatives and priorities and the efficient administration of drug abuse research, training, demonstration, prevention and community services programs. The Council also gives advice on policies and priorities for drug abuse grants and contracts and reviews and makes recommendations on grant applications.

Agenda. From 9:30 a.m. to 12 noon, February 2, the meeting shall be closed for final review of grant applications for Federal assistance in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552b(c)(6), Title 5, U.S. Code Section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

The remainder of the meeting from 1:00 p.m. on February 2 until 5:00 p.m. on February 3 will be open to the public for a discussion of issues in the field of drug abuse, orientation to the programs of the Institute, development of priorities for action by the Council, and administrative announcements.

METROPOLITAN MENTAL HEALTH PROBLEMS REVIEW COMMITTEE

Date and time: February 2-4; 9:00 a.m.
Place: Suite C-130, Shoreham Americana, Connecticut Avenue at Calvert Street, Washington, D.C.
Open—February 2, 9-9:30 a.m.
Closed—Otherwise.
Contact—Mrs. Phyllis Pinzow, Room 15-99, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3373.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to metropolitan mental health problems and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9:00 a.m. to 9:30 a.m., February 2, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

DEVELOPMENTAL PROBLEMS RESEARCH REVIEW COMMITTEE

Date and time: February 2-4, 9 a.m.
Place: Lobby Room, Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, Md. 20015.
Open—February 2, 9-10 a.m.
Closed—Otherwise.
Contact—Mrs. Diana Souder, Room 10-104, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3566.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to the developmental growth of juveniles and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9:00 a.m. to 10:00 a.m., February 2, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

DRUG ABUSE RESEARCH REVIEW COMMITTEE

Date and time: February 6-10; 9 a.m.
Place: Conference Rooms M, J, and L, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857.
Open—February 6, 9-9:30 a.m.
Closed—Thereafter.
Contact: Mrs. Lucy Stevens, Room 9-46, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-6664.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute on Drug Abuse relating to research activities and makes recommendations to the National Advisory Council on Drug Abuse for final review.

Agenda. From 9 a.m. to 9:30 a.m., February 6, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552b(c)(6), Title 5, United States Code, section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

PRECLINICAL PSYCHOPHARMACOLOGY RESEARCH REVIEW COMMITTEE

Date and time: February 9-10; 9 a.m.
Place: Dupont Plaza Hotel, Capital Suite, 1500 New Hampshire Avenue, Washington, D.C. 22036.
Open—February 9, 9-9:30 a.m.
Closed—Otherwise.
Contact: Nina Young, Room 9-97, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3454.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to preclinical psychopharmacology research and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 a.m. to 9:30 a.m., February 9, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552b(c)(6), Title 5, United States Code, and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

SOCIAL SCIENCES TRAINING REVIEW COMMITTEE

Date and time: February 9, 10, 11; 9 a.m.
Place: Sheraton Silver Spring Hotel, 8727 Colesville Road, Silver Spring, Md.
Open—February 9, 9-11 a.m.
Closed—Otherwise.
Contact: Barbara Friedland, Room 9C-09, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3857.

Purpose. The Committee is charged with the initial review of grant applications for

Federal assistance in the program areas administered by the National Institute of Mental Health relating to social science training and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 a.m. to 11 a.m., February 9, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552b(c)(6), Title 5, United States Code, and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

RESEARCH SCIENTIST DEVELOPMENT REVIEW COMMITTEE

Date and time: February 9-11; 9 a.m.
Place: Board Room, Ramada Inn, Rosslyn, 1900 North Fort Meyer Drive, Arlington, Va. 22209.
Open—February 9, 9-10 a.m.
Closed—Otherwise.
Contact: Marjorie Cross, Room 9C-18, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4347.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to developmental research and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 a.m. to 10 a.m., February 9, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552b(c)(6), Title 5, United States Code, and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

SOCIAL PROBLEMS RESEARCH REVIEW COMMITTEE

Date and time: February 9-11; 9 a.m.
Place: Plaza Room, Dupont Plaza Hotel, 1500 New Hampshire Avenue NW., Washington, D.C. 20036.
Open—February 9, 9-9:30 a.m.
Closed—Otherwise.
Contact: Mrs. Vi Kemp, Room 10-104, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4843.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to the field of social problems and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 a.m. to 9:30 a.m., February 9, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552b(c)(6), Title 5, United States Code, and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

EXPERIMENTAL PSYCHOLOGY RESEARCH REVIEW COMMITTEE

Date and time: February 15-18; 9 a.m.
Place: Suite B-120, Shoreham Americana Hotel, 2500 Calvert Street NW., Washington, D.C. 20008.
Open—February 15, 9-9:30 a.m.
Closed—Otherwise.
Contact: John T. Hammack, Room 10-95, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3936.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to experimental psychology research and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 a.m. to 9:30 a.m., February 15, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552b(c)(6), Title 5, United States Code, and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

NEUROPSYCHOLOGY RESEARCH REVIEW COMMITTEE

Date and time: February 16-18; 9 a.m.
Place: Holiday Inn, 8120 Wisconsin Avenue, Bethesda, Md. 20014.
Open—February 16, 9-10 a.m.
Closed—Otherwise.
Contact: Muriel Smith, Room 10C-06, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3942.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 a.m. to 10 a.m., February 16, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552b(c)(6), Title 5, United States Code, and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

PERSONALITY AND COGNITION RESEARCH REVIEW COMMITTEE

Date and time: February 16-18; 9 a.m.
Place: North Scott Room, Gramercy Inn, 1616 Rhode Island Avenue NW., Washington, D.C. 20036.
Open—February 16; 9-10 a.m.
Closed—Otherwise.
Contact: Shirley Maltz, Room 10C-06, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-2942.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Insitute of Mental Health relating to research activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 a.m. to 10 a.m., February 16, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552b(c)(6), Title 5, United States Code, and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

SOCIAL SCIENCES RESEARCH REVIEW COMMITTEE

Date and time: February 16-18; 9 a.m.
Place: Capital Room, Dupont-Plaza Hotel, Dupont Circle NW., Washington, D.C. 20036.
Open—February 16, 9-9:30 a.m.
Closed—Otherwise.
Contact: Marilyn Andersen, Room 10-95, Parklawn building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3936.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to social science research and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 a.m. to 9:30 a.m., February 16, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552b(c)(6), Title 5, United States Code, and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

CLINICAL PROGRAM-PROJECTS RESEARCH REVIEW COMMITTEE

Date and time: February 17-18; 9 a.m.
Place: Ramada Inn Rosslyn, 1900 Fort Meyer Drive, Arlington, Va. 22209.
Open—February 17, 9-10 a.m.
Closed—Otherwise.
Contact: Mrs. Eileen Nugent, Room 10C-25, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4707.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to social science research and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 a.m. to 10 a.m., February 17, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to

the provisions of section 552b(c)(6), Title 5, United States Code, and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

PSYCHIATRY EDUCATION REVIEW COMMITTEE

Date and time: February 21-24; 10 a.m.
Place: Conference Room C, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857.
Open—February 21, 10-10:30 a.m.
Closed—Otherwise.
Contact: Ms. Connie Verney, Room 8C-06, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-2120.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to psychiatry education and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 10 a.m. to 10:30 a.m., February 21, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552b(c)(6), Title 5, United States Code, and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

ALCOHOL RESEARCH REVIEW COMMITTEE

Date and time: February 22-24; 9 a.m.
Place: Embassy Row Hotel, Washington, D.C.
Open—February 22; 9-10 a.m.
Closed—Otherwise.
Contact: Dr. James C. Teegarden, Room 16C-26, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4223.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute on Alcohol Abuse and Alcoholism relating to research activities and makes recommendations to the National Advisory Council on Alcohol Abuse and Alcoholism for final review.

Agenda. From 9 a.m. to 10 a.m., February 22, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552b(c)(6), Title 5, United States Code, and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

BIOLOGICAL SCIENCES TRAINING REVIEW COMMITTEE

Date and time: February 22-25; 8:30 a.m.
Place: Conference Room H, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857.
Open—February 22; 8:30-9:30 a.m.
Closed—Otherwise.
Contact: Donna Spain, Room 9C-09, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3855.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to biological sciences research training and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 8:30 a.m. to 9:30 a.m., February 22, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552b(c)(6), Title 5, United States Code, and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

CLINICAL PSYCHOPHARMACOLOGY RESEARCH REVIEW COMMITTEE

Date and time: February 23-24; 9 a.m.
Place: The Wellington Holiday Inn, 2505 Wisconsin Avenue NW., Washington, D.C.
Open—February 23, 9-10 a.m.
Closed—Otherwise.
Contact: Jane Gascoyne, Room 9-105, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3568.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities, and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 a.m. to 10 a.m., February 23, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance, and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552b(c)(6), Title 5, United States Code, and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

COMMUNITY ALCOHOLISM SERVICES REVIEW COMMITTEE

Date and time: February 24-March 1; 9 p.m.
Place: Linden Hill Hotel, 5400 Pooks Hill Road, Bethesda, Md. 20014.
Open—February 24; 9 p.m.-11 p.m.
Closed—Otherwise.
Contact: Mr. Sidney Leopold, Room 11-10, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute on Alcohol Abuse and Alcoholism relating to alcoholism services activities and makes recommendations to the National Advisory Council on Alcohol Abuse and Alcoholism for final review.

Agenda. From 9 p.m. to 11 p.m., February 24, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552b(c)(6), Title 5, United States Code, and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

Attendance by the public will be limited to space available. Substantive program information may be obtained from the contact person listed above.

The NIDA Information Officer who will furnish summaries of the meeting and rosters of the committee is Mr. Kenneth Howard, Program Information Officer for Drug Abuse, NIDA, Room 10A-56, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-6500. The NIMH Information Officer who will furnish upon request summaries of the meeting and rosters of the committee members is Dr. Jacquelyn Hall, Acting Chief, Public Information Branch, Division of Scientific and Public Information, NIMH, Room 15C-17, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4573. The NIAAA Information Officer who will furnish upon request summaries of the meeting and rosters of the committee members is Mr. Harry Bell, Associate Director, Office of Public Affairs, NIAAA, Room 11A-17, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3306.

NOTE.—Less than 15 days notice is provided for the first meetings in the month due to a delay in mail deliveries.

Dated: January 16, 1978.

CAROLYN T. EVANS,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 78-1810 Filed 1-19-78; 8:45 am]

[4110-86]

Center for Disease Control

CENTER FOR DISEASE CONTROL PROGRAMS AND POLICIES ADVISORY COMMITTEE (AD HOC)

Establishment

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. Appendix I, the Center for Disease Control (CDC) announces the establishment by the Secretary, Department of Health, Education, and Welfare, on December 19, 1977, of the following advisory committee:

Designation: CDC Programs and Policies Advisory Committee (Ad Hoc).
Purpose: The CDC Programs and Policies Advisory Committee (Ad Hoc) will review solicited responses from professionals in the fields of public health and preventive medicine and based on these responses, current data on morbidity and mortality, and their own expertise make recommendations to the Secretary, HEW, the Assistant Secretary for Health, and the Director, CDC, pertaining to future direction, programs, and policies for CDC.

Authority for this Committee will expire April 30, 1978, unless the Secretary formally determines that continuance is in the public interest.

Dated: January 6, 1978.

WILLIAM C. WATSON, Jr.,
Acting Director,
Center for Disease Control.

[FR Doc. 78-1598 Filed 1-19-78; 8:45 am]

[4110-86]

CENTER FOR DISEASE CONTROL PROGRAMS AND POLICIES ADVISORY COMMITTEE (AD HOC)

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Center for Disease Control announces the following Committee meeting:

Name: Center for Disease Control (CDC) Programs and Policies Advisory Committee (Ad Hoc).

Dates: February 21-23, 1978.

Place: Room 207, Building 1, Center for Disease Control, 1600 Clifton Road, NE., Atlanta, Ga. 30333.

Time: 9 a.m.

Type of Meeting: Open.

Contact Person: Ms. Patsy Whitesell, Executive Secretary of Committee, Bureau of Training, Center for Disease Control, 1600 Clifton Road, NE., Atlanta, Ga. 30333. Phone: AC/404 633-3311, Extension 6502, FTS: 236-6502.

Purpose: The CDC Programs and Policies Advisory Committee (Ad Hoc) will make recommendations to the Secretary, the Assistant Secretary for Health, and the Director, Center for Disease Control, pertaining to future direction, programs, and policies for CDC.

Agenda: The Committee will review solicited suggestions on the future direction of CDC from professionals in the fields of public health and preventive medicine, and will develop recommendations based on these responses, current morbidity and mortality data, and their own expertise.

Agenda items are subject to change as priorities dictate.

The meeting is open to the public for observation and participation. Anyone wishing to have a question answered during the meeting by a scheduled speaker should submit the question in writing, along with his or her name and affiliation, through the Executive Secretary to the Chairperson. At the discretion of the Chairperson and as time permits, appropriate questions will be asked of the speakers.

A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: January 6, 1978.

WILLIAM C. WATSON, Jr.,
Acting Director,
Center for Disease Control.

[FR Doc. 78-1599 Filed 1-19-78; 8:45 am]

[1505-01]

[Docket No. 77N-0239]

PROPOSED MODEL RETAIL FOOD STORE SANITATION ORDINANCE

Availability

Correction

In FR Doc. 77-30809, appearing at page 56367 in the issue of Tuesday, October 25, 1977, the "Date" paragraph should read "DATE: Comments by January 23, 1978." and the third line of the last full paragraph, top of the third column, should read, "January 23, 1978 to the office of the Hear-".

[4110-03]

SYNTEX AGRIBUSINESS, INC.

Bon-Premix Medicated; Withdrawal of Approval of New Animal Drug Application

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document withdraws approval of a new animal drug application (NADA) for Bon-Premix Medicated which contains buquinolate for the prevention of coccidiosis.

EFFECTIVE DATE: January 20, 1978.

FOR FURTHER INFORMATION CONTACT:

Andrew J. Beaulieu, Bureau of Veterinary Medicine (HFV-214), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3183.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-351 (21 U.S.C. 360b(2)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), the following notice is issued:

Syntex Agribusiness, Inc. (formerly Hoffman-Taff, Inc.), P.O. Box 1246, Springfield, Mo. 65805, has requested that its NADA 42-857V be withdrawn in accordance with § 514.115(d) (21 CFR 514.115(d)) on the grounds that the drug is no longer being marketed. Notice is given that approval of NADA 42-857V for Bon-Premix Medicated which contains buquinolate for the prevention of coccidiosis is hereby withdrawn, effective January 20, 1978.

Dated: January 12, 1978.

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

[FR Doc. 78-1432 Filed 1-19-78; 8:45 am]

[4110-03]

Food and Drug Administration

PANEL ON REVIEW OF MISCELLANEOUS EXTERNAL DRUG PRODUCTS

Renewal

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announces the renewal of the Panel on Review of Miscellaneous External Drug Products by the Secretary, Department of Health, Education, and Welfare.

DATE: Authority for this committee will expire on February 28, 1978, unless the Secretary formally determines that continuance is in the public interest.

FOR FURTHER INFORMATION CONTACT:

Richard L. Schmidt, Committee Management Officer (HFS-20), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-2765.

Dated: January 12, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Compliance.

[FR Doc. 78-1468 Filed 1-19-78; 8:45 am]

PANEL ON REVIEW OF ORAL CAVITY DRUG PRODUCTS

Renewal

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announces the renewal of the Panel on Review of Oral Cavity Drug Products by the Secretary, Department of Health, Education, and Welfare.

DATE: Authority for this committee will expire on February 28, 1978, unless the Secretary formally determines that continuance is in the public interest.

FOR FURTHER INFORMATION CONTACT:

Richard L. Schmidt, Committee Management Officer (HFS-20), Food and Drug Administration, Depart-

ment of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-2765.

Dated: January 12, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc. 78-1467 Filed 1-19-78; 8:45 am]

[1505-01]

PANEL ON REVIEW OF BLOOD AND BLOOD DERIVATIVES

Renewal

Correction

In FR Doc. 77-32810 appearing on page 59118 in the issue for Tuesday, November 15, 1977, in the "Summary" paragraph, the date "October 6, 1973" should have read "October 6, 1972".

[1505-01]

[Docket No. 77N-0343; DESI 5554]

POVIDONE INJECTION AND GELATIN INJECTION

Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Applications

Correction

In FR Doc. 77-34267 appearing at page 61308 in the issue for Friday, December 2, 1977, make the following changes:

(1) On page 61309, middle column, in the item numbered "17", "45:959-962" should have read "45:958-962".

(2) In column three on the same page, in the 16th line of the second full paragraph, ". . . from products . . ." should have read ". . . for products . . .".

[1505-01]

[Docket No. 77N-0085]

SACCHARIN AND ITS SALTS

Tentative Guidelines

Correction

In FR Doc. 77-33060 appearing at page 59119 in the issue for Tuesday, November 15, 1977, in the "Supplementary Information" paragraph, the 8th line now reading "...ered into interstate commerce on or af-..." should have read "...ered for introduction into interstate commerce on or af-...".

[4110-08]

National Institutes of Health

REPORT ON BIOASSAY OF ISOPHOSPHAMIDE FOR POSSIBLE CARCINOGENICITY

Availability

Isophosphamide has been tested for cancer-causing activity with rats and mice in the Carcinogenesis Program, Division of Cancer Cause and Prevention, National Cancer Institute. A report is available to the public.

Summary: A bioassay of the anticancer drug isophosphamide for possible carcinogenicity was conducted by injecting the test chemical intraperitoneally into Sprague-Dawley rats and B6C3F1 mice.

Groups of 35 rats and 35 mice of each sex were given the injections at one of two doses three times per week for 52 weeks. Doses for rats were either 6 or 12 mg/kg, and for mice either 10 or 20 mg/kg. After the period of administration of the isophosphamide, the surviving rats were observed for 31 weeks and the mice for 28 weeks. Untreated controls as well as vehicle controls (buffered saline) were used. The matched vehicle-control groups each consisted of 10 rats or 15 mice of each sex; pooled vehicle-control groups, used for statistical evaluation, consisted of the matched vehicle controls of each species combined with 20 male and 20 female matched vehicle-control rats or 15 male and 15 female matched vehicle-control mice from a similar bioassay of another test chemical. All surviving rats were killed at 79-84 weeks, all surviving mice at 79-81 weeks.

Mean body weights of the high-dose rats of either sex were lower than those of the matched vehicle controls after approximately 25 weeks on study. Survival was low among the high-dose male and female rats, but in the low-dose groups it was adequate for meaningful statistical analyses of the incidences of tumors. Mean body weights of the mice did not show any consistent effect from the isophophamide treatment. Survival was adequate for meaningful statistical analyses in both groups of female mice, while survival of the males was 31 percent for both treated groups at the end of the study.

In male rats, tumors of the hematopoietic system included six malignant lymphomas and two granulocytic leukemias. With the unadjusted analysis, these tumors showed a dose-related trend in male rats using pooled vehicle controls (controls 0/29, low-dose 3/32, high-dose 5/34, $P = 0.032$) and a higher incidence in the high-dose males than in the pooled vehicle controls ($P = 0.040$). These tumors were not significant when compared with matched vehicle controls using adjusted analyses, and they cannot clearly be associated with treatment. However, it should be noted that five rats with these tumors were observed in the high-dose group whose median survival was only 35 weeks.

In female rats, the incidence of uterine leiomyosarcoma was significant in the low-dose group using pooled vehicle controls (controls 0/27, low-dose 15/32, $P < 0.001$). There was also a significant incidence of mammary fibroadenoma among low-dose females using pooled vehicle controls (controls 8/28, low-dose 28/33, $P<0.001$). The incidence of each tumor was also significant when compared with matched vehicle controls using time-adjusted analyses. The low survival of the high-dose group (median time on study, 35 weeks) may explain the lower incidences of the uterine leiomyosarcomas and the mammary fibroadenoma in this group. In some rats, the leiomyosarcomas metastasized to the lungs, urinary bladder, spleen, and other abdominal sites.

In female mice, the incidence of malignant lymphoma of the hematopoietic system showed a significant dose-related trend using either matched vehicle controls (controls 0/14, low-dose 3/32, high-dose 13/34, $P = 0.001$) or pooled vehicle controls (controls 1/29, $P < 0.001$). Further, incidences of this tumor in the high-dose females were significantly higher than incidences in the matched vehicle ($P = 0.005$) or pooled vehicle ($P = 0.001$) controls.

It is concluded that under the conditions of this bioassay, isophosphamide was not carcinogenic in male Sprague-Dawley rats or in male B6C3F1 mice. However, the incidence of leiomyosarcomas of the uterus indicates that isophosphamide was carcinogenic in female Sprague-Dawley rats, and the incidence of fibroadenoma of the mammary gland in female rats was associated with treatment with isophosphamide. Isophosphamide was carcinogenic in female B6C3F1 mice, producing malignant lymphomas of the hematopoietic system.

Single copies of the report are available from the Office of Cancer Communications, National Cancer Institute, Building 31, Room 10A21, National Institutes of Health, Bethesda, Md. 20014.

(Catalogue of Federal Domestic Assistance Program Number 13.393, Cancer Cause and Prevention Research.)

Dated: January 10, 1978.

DONALD S. FREDRICKSON,
Director,
National Institutes of Health.

[FR Doc. 78-1063 Filed 1-19-78; 8:45 am]

[4110-12]

Office of the Secretary

ADVISORY COMMITTEE ON NATIONAL HEALTH INSURANCE ISSUES

Meeting

Notice of the establishment of the Advisory Committee on Nation Health Insurance Issues was published in the April 21, 1977, FEDERAL REGISTER (Vol. 42, No. 77, Pages 20675 and 20676).

Pursuant to the Pub. L. 92-463, notice is hereby given of one meeting of the Advisory Committee to be held on Friday, February 10, 1978, and another on Saturday, February 11, 1978.

The February 10 meeting will be held from 9 a.m. to 12:30 p.m. and from 1:30 p.m. to 5 p.m. The February 11 meeting will be held from 9 a.m. to 1 p.m. Both meetings are to be held in the Hubert H. Humphrey Building Auditorium at 200 Independence Avenue, SW., Washington, D.C.

The purpose of the meetings is to discuss issues related to the development of a National Health Insurance Proposal.

These meetings are open to the public.

Further information on these meetings may be obtained from Dr. James J. Mongan in Washington, D.C. on 202-245-6275.

Dated: January 16, 1978.

JAMES J. MONGAN,
Deputy Assistant Secretary for Health, National Health Insurance.

[FR Doc. 78-1603 Filed 1-19-78; 8:45 am]

[4410-01]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 77-12]

LANDON BOYCE SNAPP, II

Revocation of Registration

On March 7, 1977, the Administrator of the Drug Enforcement Administration (DEA) issued an Order to Show Cause to Landon Boyce Snapp, II, M.D. (Respondent), giving the Respondent an opportunity to show cause why his DEA Certificate of Registration, No. AS0367044, should not be revoked, and why his application for registration dated January 20, 1977, should not be denied, for reason that on March 4, 1977, in the United States District Court for the Middle District of Tennessee, the Respondent was convicted of 25 counts of unlawfully distributing and dispensing controlled substances and one count of conspiracy, all felonies relating to controlled substances, and for further reason that by order of the same Court, the Respondent had been prohibited from practicing medicine, thereby depriving him of his authorization to prescribe, administer, dispense or otherwise handle controlled substances. Simultaneously, the Administrator suspended the Respondent's registration pending the outcome of the proceedings initiated by the Order to Show Cause. The Respondent, through counsel, requested a hearing on the issues raised by the Order to Show Cause.

Following the exchange of written prehearing statements, a prehearing conference was held by telephone, the Administrative Law Judge and counsel for the Government and for the Respondent participating. At the outset of that conference, the Respondent's attorney requested that the administrative hearing be postponed pending the Respondent's challenges, in Tennessee, to various aspects of the District Court's order and to the action of the State Board of Medical Examiners in revoking the Respondent's license to practice medicine. With the agreement of the parties hereto, the Administrative Law Judge entered an Order staying these proceedings pending a final decision by the Federal courts and the courts of Tennessee. By stipulation, the suspension of the Respondent's DEA registration remained in effect and unchallenged while these proceedings were stayed.

On November 2, 1977, the Government filed with the Administrative Law Judge a motion to vacate the stay and a motion to terminate proceedings then pending before the Judge, together with supporting memoranda. Counsel for the Respondent not responding to these motions, the Administrative Law Judge concluded that the Respondent had conceded to the motion and that there were no valid grounds for opposing them.

On December 30, 1977, the Administrative Law Judge, pursuant to 21 CFR 1316.65, transmitted to the Administrator the record of these proceedings together with his report containing recommended findings of fact and conclusions of law. Judge Young concluded that in an Order of Revocation entered April 20, 1977, the Tennessee Board of Medical Examiners revoked the license of the Respondent to practice medicine in the State of Tennessee; that in the instant administrative proceeding, the Government has served on the Respondent's attorney a motion to terminate these proceedings based upon the aforesaid order of the Tennessee Board of Medical Examiners; that the Respondent has been given ample opportunity to oppose or make other response to the Government's motion, but that the Respondent has failed to do so; that the record in this matter indicates that there is no genuine issue as to any material fact with respect to Respondent's entitlement to a DEA registration as a practitioner pursuant to 21 U.S.C. 823(f), because the record reveals that he is not authorized to dispense controlled substances under the law of the State of Tennessee in which, heretofore, he practiced medicine; that there is a lawful basis for revoking the Respondent's registration and for denying his pending application; and that since the Respondent is no longer licensed to practice medicine in Tennessee, his DEA registration must be revoked and his pending application denied.

The Administrator hereby adopts the findings of fact and conclusions of law recommended to him by the Administrative Law Judge. For reason that the Respondent is no longer licensed to practice medicine, nor is he authorized to dispense controlled substances, in the State of Tennessee, the State in which he heretofore practiced and was registered with the Drug Enforcement Administration, and for further reason that the Respondent stands convicted of numerous felony offenses related to controlled substances, a fact which he cannot refute or deny, it is the Administrator's decision that the Respondent's registration must be revoked and his pending application for registration denied.

Therefore, pursuant to the authority vested in the Attorney General by sections 823 and 824 of Title 21, United States Code, and redelegated to the Administrator of the Drug Enforcement Administration, the Administrator orders that Certificate of Registration No. AS0367044, previously issued to Landon Boyce Snapp, II, M.D., be, and it hereby is, revoked. The Administrator further orders that the pending application for registration of the said Landon Boyce Snapp, II, M.D., be, and it hereby is, denied, effective immediately.

Dated: January 16, 1978.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.

[FR Doc. 78-1625 Filed 1-19-78; 8:45 am]

[4510-30]

DEPARTMENT OF LABOR

Employment and Training Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations

listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is caculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Employment and Training, 601 D St., NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 16th day of January 1978.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

APPLICATIONS RECEIVED DURING THE WEEK ENDING JANUARY 13, 1978

Name of applicant, location of enterprise, and principal product or activity

Vermont Industrial Products, Inc., Morrisville, Vt. Manufacture of fireproof building material.
Vacation Health Resorts Ltd., Frederickstead, Virgin Islands. Health resort.
Moog Inc., Town of Elma, N.Y. Precision controls and related products.
American Pipe & Plastics, Inc., Kirkwood, N.Y. Manufacture of polyethylene tubing and PVC pipe.
Milodon Engineering, Inc., Petersburg Airport, Va. Manufacture of gear drives, oil systems, and related products.
Mullenax Lumber Co., Inc., Parsons, W. Va. Sawmill.
Morgantown Mountaineer Motel, Inc., Morgantown, W. Va. Motel.
Ryder Contracting, Inc., Minnehaha Springs, W. Va. Excavation-road building.
The Austin Co., Inc., Greeneville, Tenn. Redried tobacco packing.
Seaway Freezing Co., Biloxi, Miss. Freezer for shrimp industry.
Boyce Industries, Inc., Kingston Springs, Tenn. Fabricated steel.
Beechmont Hardware & Building Supply, Inc., Muhlenberg County, Ky. Construction of housing and sales of hardware.
Evans Buick, Howell, Mich. Retail sales of new and used automobiles.
Reedsburg Foods Corp., Reedsburg, Wis. Processor of canned vegetables.
North Central Plastics (Tenant of City of Ellendale), Ellendale, Minn. Fabricator of plastic products.
Fluid Measurement Systems, Inc., Claremore, Okla. Manufacture of meter provers and related products.
Giant Industries, Inc., Farmington, N. Mex. Petroleum refinery.
Sierra Hotel, Inc. Ruidoso, N. Mex. Hotel and racquet club.
New Sheridan Hotel and Bar, Ltd. Telluride, Colo. Hotel.
JO G. & Beatrice Brown, Rangely, Colo. Motel.
Red Samm Construction, Inc./Juneau Racquet Club, City and Borough of Juneau, Alaska. Recreational facility.
Lakeside Grocery, Inc., Sitka, Alaska. Grocery store.

[FR Doc. 78-1478 Filed 1-19-78; 8:45 am]

[4510-30]

FEDERAL SUPPLEMENTAL BENEFITS (EMERGENCY UNEMPLOYMENT COMPENSATION)

Availability of Federal Supplemental Benefits in the State of Vermont

This notice announces the beginning of a new Federal Supplemental Benefit Period in the State of Vermont, effective on January 15, 1978. The new benefit period will terminate on January 28, 1978, however, because of the termination of the Federal Supplemental Benefits Program.

BACKGROUND

The Emergency Unemployment Compensation Act of 1974 (Pub. L. 93-572, enacted December 31, 1974) (the Act) created a temporary program of supplementary unemployment benefits (referred to as Federal Supplemental Benefits) for unemployed individuals who have exhausted their rights to regular and extended benefits under State and Federal unemployment compensation laws. Federal Supplemental Benefits are payable during a Federal Supplemental Benefit Period in a State which has entered into an Agreement under the Act with the United States Secretary of Labor. A Federal Supplemental Benefit period is triggered on in a State when unemployment in the State or in the State and the nation reaches the high levels set in the Act. During a Federal Supplemental Benefit Period the maximum amount of Federal Supplemental Benefits which are payable under the current law to eligible individuals are up to 13 weeks.

There is a Federal Supplemental Benefit "on" indicator in a State for a week if the United States Secretary of Labor determines with respect to the State that, (a) there is a State or National "on" indicator for the week, as determined for the purposes of payment of extended benefits under the Federal-State Extended Unemployment Compensation Act of 1970, as amended, and (b) the employment security agency of the State has determined that the average rate of insured unemployment in the State for the period consisting of that week and the immediately preceding twelve weeks equalled or exceeded 5.0 percent. The Federal Supplemental Benefit Period actually begins with the third week following the week for which there is an "on" indicator, and under the current law lasts for a minimum period of not less than 13 weeks or until the termination of the program, whichever occurs first. Since the program terminates with the last week that ends on or before January 31, 1978, the new benefit period in Vermont will end on January 28, 1978.

DETERMINATION OF "ON" INDICATOR

The Secretary of Labor has determined under section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970, as amended, that there is a National "on" indicator in effect which is applicable to every State, as announced in the notice published in the FEDERAL REGISTER on September 9, 1977, at 42 FR 45387. The employment security agency of the State of Vermont has determined under the Act and 20 CFR

618.19(a)(2) (published in the FEDERAL REGISTER on March 23, 1976, at 41 FR 12151, 12157) that the average rate of insured unemployment in the State for the period consisting of the week ending on December 31, 1977, and the immediately preceding twelve weeks, equalled or exceeded 5.0 percent.

Therefore, I have determined in accordance with the Act and 20 CFR 618.19(a), and as authorized by the Secretary of Labor's Order 4-75, dated April 16, 1975 (published in the FEDERAL REGISTER on April 28, 1975, at 40 FR 18515), that there was a Federal Supplemental Benefit "on" indicator in the State of Vermont for the week ending on December 31, 1977, and that a Federal Supplemental Benefit Period therefore commenced in that State with the week beginning on January 15, 1978.

INFORMATION FOR CLAIMANTS

The duration of Federal Supplemental Benefits payable in the new Federal Supplemental Benefit Period, and the terms and conditions on which they are payable, are governed by amendments to the Act in Pub. L. 95-19 (91 Stat. 39), including the termination of the Program in Vermont on January 28, 1978.

The State employment security agency will furnish a written notice of potential entitlement to Federal Supplemental Benefits to each individual who has a previously established Federal Supplemental Benefit Account in which there is any balance as of the beginning of the new Federal Supplemental Benefit Period.

Persons who believe they may be entitled to Federal Supplemental Benefits in the State of Vermont, or who wish to inquire about their rights under this program, should contact the nearest Local Office of the Vermont Department of Employment Security in their locality.

Signed at Washington, D.C., on January 16, 1978.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

[FR Doc. 78-1683 Filed 1-19-78; 8:45 am]

[4510-30]

SUBCOMMITTEE ON EQUAL APPRENTICESHIP OPPORTUNITY FEDERAL COMMITTEE ON APPRENTICESHIP

Meeting

Pursuant to section 10 (a) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App.) of October 6, 1972, notice is hereby given of a meeting of the Subcommittee on Equal Apprenticeship Opportunity to be held on February 23, 1978, at the Americana Hotel, Oceanfront at 9701 Collins Avenue, Miami Beach, Fla. The meeting will be in session from 10:30 a.m. until 4:00 p.m., approximately.

The agenda for the meeting includes a review of proposed agenda items previously initiated regarding modification of new language of affirmative action procedures in 29 CFR Part 30, Equal Employment in Apprenticeship Programs.

Members of the public are invited to attend the proceedings. Any member of the public who wishes to file written data, views, or arguments pertaining to the agenda may do so by furnishing it to the Executive Secretary at any time prior to the meeting. Thirty duplicate copies are needed for the members and for inclusion in the minutes of the meeting.

If time permits, members may be permitted to address the Subcommittee on the above issues.

Any member of the public who wishes to speak at this meeting should so indicate in a written statement, also the nature of intended presentation and amount of time needed. The Chairman will announce at the beginning of the meeting the extent to which time will permit the granting of such requests.

Communications to the Executive Secretary should be addressed as follows:

Mrs. M. M. Winters, Bureau of Apprenticeship and Training, ETA, U.S. Dept. of Labor, 601 D Street NW., (Room 5434), Washington, D.C. 20213.

Signed at Washington, D.C., this 17th day of January 1978.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training Administration.

[FR Doc. 78-1682 Filed 1-19-78; 8:45 am]

[4510-26]

Occupational Safety and Health Administration

[V-77-9]

WEST CO.

Grant of Variance

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

ACTION: Grant of Variance.

SUMMARY: This notice announces the grant of a variance to The West Co. from certain standards prescribed in 29 CFR 1910.217 (c)(3)(i)(e) and (c)(3)(ii) concerning the guarding of mechanical power presses.

DATES: The effective date of the variance is January 20, 1978.

FOR FURTHER INFORMATION CONTACT:

James J. Concannon, Director, Office of Variance Determination, Occupational Safety and Health Administration, U.S. Department of Labor, 3rd Street and Constitution Avenue N.W., Room N-3668, Washington, D.C. 20210, telephone 202-523-7121.

or the following Regional and Area Offices:

U.S. Department of Labor, Occupational Safety and Health Administration, Gateway Building, Suite 2100, 3535 Market Street, Philadelphia, Pa. 19104.

U.S. Department of Labor, Occupational Safety and Health Administration, William J. Green, Jr., Federal Building, 600 Arch Street, Room 4256, Philadelphia, Pa. 19106.

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, 519 Federal Street, Room 408, Camden, N.J. 08101.

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, 113 West 6th Street, North Platte, Nebr. 69101.

U.S. Department of Labor, Occupational Safety and Health Administration, 1375 Peachtree Street N.E., Suite 587, Atlanta, Ga. 30309.

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Office Building, Room 406, 310 New Bern Avenue, Raleigh, N.C. 27601.

U.S. Department of Labor, Occupational Safety and Health Administration, 1000 North Ashley Drive, Room 918, Tampa, Fla. 33602.

I. BACKGROUND

The West Co., West Bridge Street, Phoenixville, Pa., 19460, 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 for an interim order pending a decision on the application for a variance, from the safety standards prescribed in 29 CFR 1910.217(c)(3)(i)(e). The standard requires that the two-hand tripping controls be located at such a distance from the point of operation that the slide completes its downward motion or stops before the operator can reach into the point of operation. As part of its guarding method, the applicant has developed a sliding barrier which is similar to, but does not comply with, those discussed in 29 CFR 1910.217(c)(3)(ii). Therefore, a variance from is sought in lieu of complying with § 1910.217(c)(3)(ii) or the distance requirements of § 1910.217(c)(3)(i)(e).

The facilities affected by this application are:

The West Co., Inc., West Bridge Street, Phoenixville, Pa. 19460.

The West Co., Inc., 10th and G Streets, Millville, N.J. 08332.
The West Co., Inc., P.O. Box 698, Kearney, Nebr. 68847.
The West Co., Inc., North Carolina State Road, Kinston, N.C. 28501.
The West Co., Inc., 5111 Park Street, North Petersburg, Fla. 33709.

Notice of the application, and of the granting of an interim order, was published in the FEDERAL REGISTER on July 1, 1977 (42 FR 33816). The notice invited interested persons; including affected employers and employees, to submit written data, views, and arguments regarding the grant or denial of the variance requested. In addition, affected employers and employees were notified of their right to request a hearing on the application for a variance. No written comments or requests for a hearing have been received.

II. FACTS

The applicant operates mechanical power presses in the manufacture of molded rubber pharmaceutical products. The presses used are equipped with full revolution clutches with three engaging points per revolution. The trips are two-hand, single stroke, non-repeat type.

The presses are operated in a slow manner. Preparation time of up to 45 seconds–1 minute is required to dip the sheets of rubber in water and glycerine and rub the rubber sheet into place on the die. Most of the presses are then operated at 90 RPM, and a few 40 RPM. Due to the slow speed of the press, the two-hand trips must be located at distances of 35" to 79" from the point of operation in order to comply with § 1910.217(c)(3)(i)(*e*). The employees are on straight time, rather than incentive pay.

Because of the length of time the operator's hands are in the die area during preparation for the stroke, the applicant has developed the use of safety blocks to guard against injury in the event of a mulfunction. The safety blocks, which consist of 2 pieces of 2" pipe approximately 9" long, are placed between the upper and lower die shoes before the operator reaches into the die area. When preparations are completed, the applicant removes the safety blocks from between the dies and uses them to press the two-hand trips. These two-hand trips are located closer to the die area than permitted under § 1910.217(c)(3)(i)(*e*).

In order to prevent damage or hazard if an unintentional stroke should occur while the safety blocks are in position, the presses are equipped with lightened flywheels, and with a reduced number of drive belts. The drive belts are loosened, allowing them to slip if there should be an incident which strains the motor.

In order to provide additional safety to the employees the applicant has developed a sliding barrier which is tripped by an air cylinder actuated by the same valves that trip the press. The barrier drops by gravity with a spring assist so that it falls well ahead of the slide and prevents the operator from reaching into the point of operation. The barrier is automatically raised by the ram at the end of the stroke, allowing the operator to place the safety blocks between the die shoes and prepare for the next stroke. The barrier is made of clear plastic with a rubber gasket across the bottom to prevent injury if it should strike an employee's hand.

III. DECISION

Section 1910.217(c)(3)(i)(*e*) requires, among other things, that two-hand trips be located at such distance from the point of operation that the slide completes its downward travel before the operator can reach into the point of operation.

The applicant's press operations differ greatly from the usual metal stamping operation. This is a slow operation requiring extensive manipulation of the rubber material in the die prior to each stroke, while metal stamping is a much more repetitive operation.

Because the applicant's power presses operate at slow speeds of 40 and 90 RPM, compliance with this standard would require the trips to be located at such distances from the point of operation that they would no longer be solely under the operator's control. There would then be the added hazard of a passerby tripping the press without the operator's knowledge.

In order to provide for safe operation of these presses, the applicant has developed a system of dual safeguards using safety blocks and a sliding barrier to safeguard employees during preparation time and during the stroke.

Strict operating procedures require that two pieces of 2" pipe each approximately 9" long (called safety blocks) be placed between the two shoes of the die before the operator reaches into the point of operation. These safety blocks are removed after the preparation is complete, and are used to press the two-hand trips. They are then replaced between the die shoes. In this way the safety blocks are always in position to prevent the die from closing while the operator's hands are in the point of operation. The applicant has long experience and a good safety record using these safety blocks. This long history of strictly enforcing their use contributes significantly to the safety of this procedure, as used by this applicant.

In addition to this method which is dependent on proper operating procedures, the applicant has developed a sliding barrier which falls ahead of the slide and prevents the operator from reaching into the point of operation during the stroke. This barrier does not meet the requirements of § 1910.217(c)(3)(ii) in that it does not enclose the point of operation before the stroke can be initiated. Rather, the barrier is tripped by an air cylinder activated by the same valves that trip the press. The barrier then falls rapidly enough to prevent the operator, who is holding the safety blocks in his hands, from reaching into the point of operation.

Section 1910.217(c)(3) permits, among other things, the point of operation to be safeguarded either by (1) two-hand trips properly located or (2) by Type A or Type B gates. In this instance the applicant is partially using both methods. While neither of the applicant's methods by itself totally meets the requirements of the standards, the combination of the two, which would be used by the applicant, would provide safety to the employees.

The applicant's press operators are paid hourly wages rather than by piecework. Thus there is not the incentive for the operator to attempt to speed up production, perhaps bypassing some of the safety procedures.

Accordingly, it has been determined that the use of the safety blocks in combination with a sliding barrier, as described, will provide employment as safe as that which would be obtained by complying with the standard.

The State of North Carolina has reviewed the variance application. The State's comments were considered in reaching this decision. Accordingly, the State of North Carolina is made a party to this decision.

IV. ORDER

Pursuant to authority in section 6(d) of the Occupational Safety and Health Act of 1970, and in Secretary of Labor's Order No. 8-76 (41 FR 25059), it is ordered that The West Co. be, and it is hereby, authorized to operate its power presses using safety blocks in combination with a sliding barrier in lieu of complying with the distance requirement in 29 CFR 1910.217(c)(3)(i)(*e*) or 29 CFR 1910.217(c)(3)(ii), with the following conditions:

(1) The employer shall assure that two pieces of 2" pipe each approximately 9" long (called safety blocks) are available at each press, and that they are placed between the upper and lower die shoes before the operator's hands enter the point of operation;

(2) The employer shall assure that the safety blocks are removed and used to press the two-hand trips which activate the press;

(3) The presses shall be equipped with lightened flywheels and with the minimum number of drive belts re-

quired to stroke the press. These drive belts shall be loosened to allow slippage if the press should stroke while the blocks were in place;

(4) The presses shall be equipped with a sliding barrier which drops when the press is tripped, preventing access to the die area;

(5) The barrier shall drop by gravity assisted by springs; it shall fall freely; and the closing time for the barrier shall be .20 seconds ± .05 seconds. These items shall be routinely checked as part of the maintenance checks and necessary adjustments or repairs made to maintain the closing speed;

(6) Two-hand trips shall be the only method of actuating the press;

(7) The operating procedures for use of these safety blocks and the sliding barrier on the power presses shall be written and shall be strictly enforced. All press operators shall be trained in the procedures, and supervisory personnel shall be responsible for assuring that the procedures are observed at all times;

(8) The presses shall not operate at less than 40 RPM;

(9) The two-hand trips shall be located at such distance from the barrier that the falling of the barrier would prevent the operator from reaching into the die; and,

(10) The operators shall be assured of sufficient time to safely perform each press operation.

As soon as possible The West Co. shall give notice to affected employees of the terms of this order by the same means required to be used to inform them of the application for variance.

Effective date. This order shall become effective on January 20, 1978, and shall remain in effect until modified or revoked in accordance with section 6(d) of the Occupational Safety and Health Act of 1970.

Signed at Washington, D.C., this 16th day of January 1978.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc. 78-1684 Filed 1-19-78; 8:45 am]

[4510-28]

Office of the Secretary

[TA-W-1534]

BETHLEHEM STEEL CORP. SPARROWS POINT PLANT, BALTIMORE, MD.

Revised Determination

Following a Department of Labor investigation under section 222 of the Trade Act of 1974 and in accordance with section 223 of the Act, the Department of Labor on August 26, 1977, issued a notice of determinations regarding eligibility to apply for worker adjustment assistance applicable to workers and former workers of the Sparrows Point plant of the Bethlehem Steel Corp., engaged in employment related to the production of nails and staples, wire, cold-rolled sheet, and hot-rolled sheet. The notice was published in the FEDERAL REGISTER on September 9, 1977 (42 FR 45390).

At the request of the United Steelworkers of America the Department re-opened its investigation to determine whether workers and former workers producing tin plate, galvanized sheet, pipe and tubing at the Sparrows Point plant of Bethlehem Steel Corp., are eligible to apply for worker adjustment assistance as prescribed in section 22 of the Act.

The information upon which the determination was made was obtained principally from officials of the Bethlehem Steel Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met with regard to workers engaged in employment related to the production of pipe and tubing. The investigation also revealed that without regard to whether any of the other criteria have been met, criterion (4) has not been met for workers engaged in employment related to the production of tin plate or galvanized sheet.

A. PIPE AND TUBING

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Pipe and tubing at Sparrows Point is produced on the electric resistance-weld pipe mill and the continuous-weld pipe mill. Employment of workers at both pipe mills declined in the 4th quarter of 1975 compared to the like quarter in 1974 and from 1975 to 1976.

SALES OR PRODUCTION OR BOTH, HAVE DECREASED ABSOLUTELY

Sales and production of both continuous-weld and electric-weld pipe and tubing declined in the 4th quarter of 1975 compared to the like quarter of 1974 and from 1975 to 1976.

INCREASED IMPORTS

Imports of welded carbon steel pipe and tube increased from 1,207.3 thousand tons in 1975 to 1,499.5 thousand tons in 1976. Imports increased from 1,060.8 thousand tons in the first nine months of 1976 to 1354.4 thousand tons in the first nine months of 1977. The ratio of imports to domestic shipments increased from 33.6 percent in 1975 to 50.7 percent in 1976. The ratio increased from 46.8 percent in the first nine months of 1976 to 52.1 percent in the first nine months of 1977.

CONTRIBUTED IMPORTANTLY

A survey of some of the customers of the Sparrows Point plant purchasing each of the types of pipe and tubing was conducted by the Department. Among the customers responding to the survey several had decreased purchases from Bethlehem and switched to imports in 1976.

B. TIN PLATE

A survey of some of the customers of the Sparrows Point plant that purchase tin plate was conducted by the Department. None of the customers that responded to the survey decreased purchases from Bethlehem in 1976 compared to 1975.

C. GALVANIZED SHEET

A survey of some of the customers of the Sparrows Point plant that purchase galvanized sheet was conducted by the Department. Only one customer that responded to the survey had decreased purchases from 1975 to 1976 and this customer represented a very small decline.

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 pipe and tubing produced at the Sparrows Point, Md., plant of Bethlehem Steel Corp., contributed importantly to the total or partial separations of workers engaged in the production of those products at that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Sparrows Point, Md., plant of Bethlehem Steel Corp., engaged in employment related to the production of continuous-weld or electric-weld pipe and tubing who became totally or partially separated from employment on or after November 15, 1975 are eligible to apply for adjustment assistance under Title II. Chapter 2, of the Trade Act of 1974.

It is further concluded that increased imports of articles like or directly competitive with tin plate and galvanized sheets produced at the Sparrows Point plant of the Bethlehem Steel Corp., did not contribute importantly to the total or partial separation of workers producing those products in the 4th quarter of 1975 and the full year 1976. Therefore, all workers at the Sparrows Point plant engaged in employment related to the production of tin plate or galvanized sheet who were separated from employment on or after November 15, 1975 and before December 31, 1976 are denied eligibility to apply for adjustment assistance.

Signed at Washington, D.C. this 11th day of January 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-1687 Filed 1-19-78; 8:45 am]

[4510-28]

[TA-W-2399]

CHARMIL SPORTSWEAR, INC., BOSTON, MASS.

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-2399: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 29, 1977, in response to a worker petition received on September 27, 1977, which was filed on behalf of workers and former workers of Charmil Sportswear, Inc., Boston, Mass.

During the investigation, it was determined that women's sportswear, primarily skirts since 1975, are produced by Charmil Sportswear.

The notice of investigation was published in the FEDERAL REGISTER on October 14, 1977 (42 FR 55314). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Charmil Sportswear, Inc., its customers, the National Cotton Council of America, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (2) has not been met.

The Department's investigation revealed that company sales increased 7 percent in quantity in 1976 compared to 1975, then increased 12 percent in the January-October period in 1977 compared to the like 10 month period in 1976. Sales increased in quantity in each quarter beginning in the third quarter of 1976 through the third quarter of 1977 when compared to each like quarter in the previous year.

Charmil Sportswear is a contractor. As such, all production is to order from the manufacturer, so production is equal to sales.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that sales or production of women's sportswear produced by Charmil Sportswear, Inc., Boston, Mass., have not declined as required for certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 11th day of January 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-1668 Filed 1-19-78; 8:45 am]

[4510-28]

[TA-W-2223]

COLORITE TEXTILE PRINTWORKS, INC. BROOKLYN, N.Y.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2223: 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 25, 1977, in response to a worker petition received on July 22, 1977, which was filed by the Amalgamated Clothing and Textile Workers Union of America on behalf of workers and former workers producing prints on bedspreads, drapes, and quilts at Colorite Textile Printworks, Inc., Brooklyn, N.Y.

During the investigation, it was determined that Colorite produces printed fabric which finds its end uses primarily in draperies and bedspreads.

The notice of investigation was published in the FEDERAL REGISTER on August 9, 1977 (42 FR 40286). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Colorite Textile Printworks, Inc., its customers, the American Textile Manufacturers Institute, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in 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 (4) has not been met.

The Department's investigation revealed that Colorite Textile Printworks, Inc., Brooklyn, N.Y., is a commission fabric printer. Manufacturers and fabric converters send unfinished material to Colorite. Colorite prints the fabric and returns the finished fabric to the customers.

Customers of Colorite who reduced purchases from the company in 1976 or the first half of 1977 compared to the like periods in the previous year were surveyed. They stated that they did not purchase imported printed fabric nor contract fabric printing work offshore. Customers which are fabric converters experienced increased sales in 1976 compared to 1975 and in the first nine months of 1977 compared to the like period in 1976.

Inasmuch as all types of finished fabric, flocked, dyed and printed, are

generally interchangeable and substitutable in their end uses, all types of finished fabric may be considered like or directly competitive with the fabric printed at Colorite.

Aggregate imports of finished fabric (including dyed, printed, and flocked), in absolute terms, declined from 1972 to 1973, declined from 1973 to 1974, and increased from 1974 to 1975. Imports increased 20 percent from 1975 to 1976.

Imports of finished fabric declined in each quarter of 1976 when compared to the previous quarter. Imports declined 38 percent in the first six months of 1977 compared to the like period of 1976.

Since 1973 the ratio of imports to domestic production has not exceeded 2.0 percent.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with fabric printed at Colorite Textile Printworks, Inc., Brooklyn, N.Y., did not contribute importantly to the decline in sales or production and to the total or partial separation of the workers of that firm as required for certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 13th day of January 1978.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc. 78-1689 Filed 1-19-78; 8:45 am]

[4510-28]

[TA-W-2422]

COPPER QUEEN BRANCH OF PHELPS DODGE CORP., BISBEE, ARIZ.

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-2422: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 5, 1977 in response to a worker petition received on September 30, 1977, which was filed by the United Steel Workers of America on behalf of workers and former workers producing copper ore and refined copper at the Copper Queen, Bisbee, Ariz., Branch of Phelps Dodge Corp.

The notice of investigation was published in the FEDERAL REGISTER on October 25, 1977 (42 FR 56374). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Phelps Dodge Corp., the U.S. Department of Commerce, the U.S. International Trade Commission, the Department of the Interior, The American Metals Market, Metal Bulletin, and Metals Week, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that without regard to whether the other criteria have been met, the fourth criterion has not been met.

The Copper Queen Branch of Phelps Dodge located in Bisbee, Ariz., was founded in 1878 as Phelps Dodge's first copper mine. Until December 1974, the branch operated two copper mines: an open pit mine and an underground mine as well as a concentrator. The branch produced copper concentrate which was shipped to Phelps' smelter at Douglas to be transformed into copper anode. In December, 1974 the open pit mine became exhausted and it was permanently shut down. At this time the mine also shut down its concentrator and ceased production of copper concentrate. In June, 1975 the underground mine became exhausted and it was also shut down.

Thus, from July, 1975 to the present, the Copper Queen Branch has produced cement copper only, which is shipped to Phelps Dodge's smelter at Douglas.

The Copper Queen Branch produces cement copper by irrigating copper materials, low grade ore and rocks, which are spread on the open grounds at the property. The water, with its copper content (approximately 4 pounds of copper per 1000 gallons of water), is conducted through pipes and deposited into big cement containers located in the property. Once there, the copper is precipitated by dumping pieces of iron into the containers.

The process of production for cement copper has the following characteristics: (1) It is a very slow process, which serves to produce copper that would be uneconomical to obtain by other processes of production, (2) it requires a fairly steady labor force, (3) its output (as well as employment) is not affected by demand for cement copper from the smelter, but by working conditions, such as whether conditions, which complicate the process of gathering and/or irrigating the copper materials. Leaching and precipitating copper at Copper Queen is therefore, a slow and comparatively inexpensive procedure, through which the company is able to obtain the last vestiges of copper from nearly exhausted resources.

Decreases in employment of production workers at Bisbee are attributed mainly to the conclusion of salvage operations related to the closing of the two mines and the concentrator, and, to a lesser degree, to changes in working conditions, such as weather.

CONCLUSION

After careful review of the facts obtained in the investigation, it is concluded that increased imports of articles like or directly competitive with cement copper produced at the Copper Queen, Bisbee, Ariz., Branch of Phelps Dodge Corp., did not contribute importantly to the decline in production or to the total or partial separation of workers at that branch as required for certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 13th day of January 1978.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc. 78-1690 Filed 1-19-78; 8:45 am]

[4510-28]

[TA-W-2322]

CORY-ERIC, FARMINGVILLE, N.Y.

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-2322: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 12, 1977, in response to a worker petition received on September 6, 1977, which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers at the Cory-Eric, Farmingville, plant. The petition incorrectly states that the Cory-Eric plant was located in Farmingdale, N.Y. Cory-Eric was located in Farmingville, N.Y.

The notice of investigation was published in the FEDERAL REGISTER on October 4, 1977 (42 FR 54031). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Micky Blumfield Enterprises, the International Ladies' Garment Workers' Union, 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 revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Although the average number of production workers employed at Cory-Eric increased by 23 percent from 1975 to 1976, the average number of production workers declined in the last half of 1976 and the first two months of 1977 compared to the same periods in the previous years by 29 percent and 49 percent, respectively.

SALES OR PRODUCTION OF BOTH, HAVE DECREASED

Production (assembly) of women's leather coats declined 37 percent in quantity in 1976 compared to 1975. Production declined in the last half of 1976 and the first two months of 1977 compared to the same period in the previous years by 70 percent and 58 percent, respectively.

INCREASED IMPORTS

Imports of women's, misses' and children's leather coats and jackets increased in absolute terms, from 1972 to 1973, decreased from 1973 to 1974, and increased from 1974 to 1975. Imports increased 48.5 percent from 1975 to 1976. The ratios of imports to domestic production and consumption increased from 38.9 percent and 28.0 percent, respectively, in 1975 to 57.5 percent and 36.5 percent, respectively in 1976.

CONTRIBUTED IMPORTANTLY

The Department interviewed the apparel manufacturer who accounted for approximately 100 percent of Cory-Eric's business from 1970 to 1977. The manufacturer reported that it had decreased its orders to Cory-Eric for women's leather coats and had increased its purchases of imported women's leather coats.

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's leather coats produced at Cory-Eric, Farmingville, N.Y., contributed importantly to the decline in production and to the total or partial separation of the workers of the plant. In accordance with the provisions of the Act, I make the following certification:

All workers at Cory-Eric, Farmingville, N.Y., who became totally or partially separated from employment on or after September 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 13th day of January 1978.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc. 78-1691 Filed 1-19-78; 8:45 am]

[4510-28]

[TA-W-2420]

DOUGLAS REDUCTION WORKS OF PHELPS DODGE CORP., DOUGLAS, ARIZ.

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-2420: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 5, 1977, in response to a worker petition received on September 30, 1977, which was filed by the United Steel Workers of America on behalf of workers and former workers producing refined copper at the Douglas Reduction Works of Phelps Dodge Corp., Douglas, Ariz.

The notice of investigation was published in the FEDERAL REGISTER on October 25, 1977 (42 FR 56374). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Phelps Dodge Corp., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, Department files, the Department of Interior, The American Metal Market, Metal Bulletin and Metals Week.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers at the Douglas Reduction Works decreased in 1976 compared to 1975 and in the first three quarters of 1977 compared to the same quarters in 1976. Production workers were on strike from July 1, 1977 through August 11, 1977. Layoffs equal to or greater than 5 percent of average employment occurred in the September-December 1976 period, January 1977 and August 1977. Production increases coincident with employment declines are explained by the company's policy of first laying off those workers not directly involved in the production process (e.g. the removal of waste ore from the mine vicinity).

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production of anode copper at the Douglas Reduction Works declined in each of the first three quarters of 1977 compared to the like quarters in 1976.

INCREASED IMPORTS

U.S. imports of refined copper increased from 192 thousand short tons in 1972 to 203 thousand short tons and 314 thousand short tons, respectively, in 1973 and 1974. U.S. imports declined to 147 thousand short tons in 1975 before increasing to 384 thousand short tons in 1976. U.S. imports declined from 313 thousand short tons in

the first three quarters of 1976 to 275 thousand short tons in the first three quarters of 1977. U.S. imports increased from 101 thousand short tons in the third quarter of 1976 to 111 thousand short tons in the third quarter of 1977.

The ratio of imported refined copper to domestic production increased from 8.6 percent in 1972 to 9.0 percent and 15.2 percent, respectively, in 1973 and 1974. The ratio of imports to domestic production declined to 8.6 percent in 1975 before increasing to 21.0 percent in 1976. The ratio of imports to domestic production declined from 23.9 percent in the first six monts of 1976 to 14.8 percent in the first six months of 1977.

Contributed Importantly

The evidence developed during the Department's investigation revealed that while imports of refined copper had increased by 161 percent in 1976 compared to 1975, domestic demand increased at only a fraction of that rate. Inventory levels of domestic and imported copper on consignment at domestic refineries in December 1976 were 31.4 percent above December 1975 levels and were 143.2 percent above December 1974 levels. Phelps Dodge and other domestic producers of refined copper lost sales in 1977 because of the excessive inventories of domestic and imported refined copper.

Imports of copper are affected by the differential between the domestic price of copper established by COMEX (Commodity Metal Exchange) and the price established by the LME (London Metals Exchange). When the LME price drops more than the estimated transportation costs of 5 to 8 cents per pound below the COMEX price, the demand for imported copper increases. During May and June 1977 the LME price was almost 11 cents per pound below the COMEX price and in July and August 1977 the LME price was almost 12 cents per pound below the COMEX price. At the same time, the abundant supply of copper stocks in the forseeable future provides no reason for domestic consumers of copper to maintain ties with domestic producers for purposes of a guarantee against copper shortages. Consequently, in the third quarter of 1977, when many domestic copper producers curtailed production because of the depressed market price for copper, imports of refined copper increased 9.9 percent compared to the third quarter of 1976.

Price pressure from imported copper has reduced the ability to profitably mine domestic ore and convert it to copper concentrate and refined copper. Industry sources state that the weighted average production costs of the lowest cost domestic copper mines are 63 cents per pound. The weighted average costs for the highest cost domestic copper mines are $1.05 per pound. Thus, with a current domestic market price of 60 cents per pound, domestic producers lose, on the average, 3 to 45 cents on each pound of copper they choose to sell.

Phelps Dodge's decision to lay off workers and reduce its smelting operations at Douglas was based mainly on an attempt to minimize losses which the company could not avoid were it to run at normal production levels at the current market prices for copper.

Comments made by customers purchasing copper from Phelps Dodge substantiate the fact that increased imports have contributed to record inventory levels which have driven the price of domestic copper below the level at which many domestic firms can profitably produce copper.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with anode copper produced by the Douglas Reduction Works, Douglas, Ariz., facility of Phelps Dodge Corp., contributed importantly to the decline in production and to the total or partial separation of the workers at that facility.

In accordance with the provisions of the Act, I make the following certification:

All employees at the Douglas Reduction Works, Douglas, Ariz., facility of Phelps Dodge Corp., who became totally or partially separated from employment on or after September 20, 1976, and before July 1, 1977, and all employees at the Douglas Reduction Works, Douglas, Ariz., facility of Phelps Dodge Corp., who became totally or partially separated from employment on or after August 12, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

It is further concluded that all employees separated on or after July 1, 1977, and before August 12, 1977, are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade of 1974.

Signed at Washington, D.C., this 11th day of January 1978.

James F. Taylor,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-1692 Filed 1-19-78; 8:45 am]

[4510-28]

[TA-W-2484]

HECLA MINING CO., CASA GRANDE, ARIZ.

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-2482: investigation regarding certification of eligibility to apply for worker adjustment assistance prescribed in section 222 of the Act.

The investigation was initiated on October 19, 1977 in response to a worker petition received on October 13, 1977 which was filed by the United Steel Workers of America on behalf of workers and former workers producing refined copper at the Casa Grande, Ariz. properties of Hecla Mining Co.

The notice of investigation was published in the Federal Register on December 6, 1977 (42 FR 61666). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Hecla Mining Co., the U.S. Department of Commerce, the U.S. Interantional Trade Commission, the U.S. Department of Interior, the American Metal Market, Metal Bulletin, Metals Week, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

Significant Total or Partial Separations

Layoffs occurred at the Hecla Mining Co.'s Lakeshore Mine Operations in Casa Grande, Ariz. in October 1976 and continued in 1977. Separations occurred prior to production declines because of the company's policy of laying off those workers not directly involved with the production process whose duties can be performed at other times (e.g. the removal of waste ore from the mine vicinity). Most production workers were laid off on September 15, 1977 when the operations were shut down. No date has yet been set for reopening the operations.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production at the Lakeshore Mine declined in the third quarter of 1977 compared to the third quarter of 1976. The operations were shut down on September 15, 1977.

INCREASED IMPORTS

U.S. imports of refined copper increased from 192 thousand short tons in 1972 to 203 thousand short tons and 314 thousand short tons, respectively, in 1973 and 1974. U.S. imports declined to 147 thousand short tons in 1975 before increasing to 384 thousand short tons in 1976. U.S. imports declined from 313 thousand short tons in the first three quarters of 1976 to 275 thousand short tons in the first three quarters of 1977. U.S. imports increased from 101 thousand short tons in the third quarter of 1976 to 111 thousand short tons in the third quarter of 1977.

The ratio of imported refined copper to domestic production increased from 8.6 percent in 1972 to 9.0 percent and 15.2 percent, respectively, in 1973 and 1974. The ratio of imports to domestic production declined to 8.6 percent in 1975 before increasing to 21.0 percent in 1976. The ratio of imports to domestic production declined from 23.9 percent in the first six months of 1976 to 14.8 percent in the first six months of 1977.

CONTRIBUTED IMPORTANTLY

The evidence developed in the Department's investigation revealed that while imports of refined copper had increased by 161 percent in 1976 compared to 1975, domestic demand increased at only a fraction of that rate. Inventory levels of domestic and imported copper on consignment at domestic refineries in December 1976 were 31.4 percent above December 1975 levels and were 143.2 percent above December 1974 levels. Hecla and other domestic producers of refined copper lost substantial sales in 1977 because of the excessive inventories of domestic and imported refined copper.

Imports of copper are affected by the differential between the domestic price of copper established by COMEX (Commodity Metal Exchange) and the price established by the LME (London Metals Exchange). When the LME price drops more than the estimated transportation costs of 5-8 cents per pound below the COMEX price, the demand for imported copper increases. During May and June 1977 the LME price was almost 11 cents per pound below the COMEX price and in July and August 1977 the LME price was almost 12 cents per pound below the COMEX price. At the same time, the abundant supply of copper stocks in the foreseeable future provides no reason for domestic consumers of copper to maintain ties with domestic producers for purposes of a guarantee against copper shortages. Consequently, in the third quarter of 1977, when many domestic copper producers curtailed production because of the depressed market price for copper, imports of refined copper increased 9.9 percent compared to the third quarter of 1976.

Price pressure from imported copper has reduced the ability to profitably mine domestic ore and convert it to copper concentrate and refined copper. Industry sources state that the weighted average production costs of the lowest cost domestic copper mines are 63 cents per pound. The weighted average costs for the highest cost domestic copper mines are $1.05 per pound. Thus, with a current domestic market price of 60 cents per pound, domestic producers lose, on the average, 3 to 45 cents on each pound of copper they choose to sell.

Comments made by customers purchasing copper from Hecla Mining Co. substantiate the fact that increased imports have contributed to record inventory levels which have driven the price of domestic copper below the level at which many domestic firms can profitably produce copper.

Hecla's decision to lay off workers and reduce its mining operations and shut down the Lakeshore Mine in September 1977 was based mainly on an attempt to minimize losses which the company could not avoid were it to run at normal production levels at the current market price for copper.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with refined copper produced by Lakeshore Mine Operations of Hecla Mining Co. in Casa Grande, Ariz. contributed importantly to the decrease in company production and to the total or partial separation of the workers at that firm.

In accordance with the provisions of the Act, I make the following certification:

All employees at the Casa Grande, Ariz. property of Hecla Mining Co.'s Lakeshore Mine Operations 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 10th day of January 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-1693 Filed 1-19-78; 8:45 am]

[4510-28]

INVESTIGATIONS REGARDING CERTIFICATIONS OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade 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 January 30, 1978.

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 January 30, 1978.

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 5th day of January 1978.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles Produced
Alan Wood Steel Co. (workers).	Union, N.J.	Dec. 19, 1977	Dec. 12, 1977	TA-W-2,852	Sales office employees.
Armco Steel Corp., Sand Springs Works (USWA).	Sand Springs, Okla	do	Dec. 15, 1977	TA-W-2,853	Hot rolled and cold rolled steel, reinforcing bars, and fence posts.
Armco Steel Corp., Marion Works (USWA).	Marion, Ohio	do	do	TA-W-2,854	Hot rolled bars, reinforcing bars, and steel posts for fences.
Jones & Laughlin Steel Corp. (USWA).	Hammond, Ind.	do	do	TA-W-2,855	Steel reinforcing bars.
Kathryn Marie (workers)	North Truro, Mass	Dec. 14, 1977	Dec. 13, 1977	TA-W-2,856	Scalloping and ground fishing.
Penn-Dixie Steel Corp. (company).	Kokomo, Ill	Dec. 19, 1977	Nov. 28, 1977	TA-W-2,857	Wire and merchant products.
Penn-Dixie Steel Corp. Joliet Bar Mill Division (company).	Joliet, Ill	do	do	TA-W-2,858	Hot rods, steel bars and structural shapes.
Penn-Dixie Steel Corp. Centerville Div. (company).	Centerville, Iowa	do	do	TA-W-2,859	Hog panels and barb wire.
Penn-Dixie Steel Corp. Blue Island Fine & Specialty Wire Div. (company).	Blue Island, Ill	do	do	TA-W-2,860	Wire and wire products.
National Garment (ILGWU)	Hammonton, N.J	Dec. 12, 1977	Dec. 9, 1977	TA-W-2,861	Ladies outerwear and sportswear.
Robert Shoe Co., Inc. (workers).	Lancaster, N.H	Dec. 19, 1977	Dec. 12, 1977	TA-W-2,862	Women's street boots and athletic shoes.
Superior cutting Die Co. (International Association of Machinists & Aerospace Workers).	St. Louis, Mo	Dec. 20, 1977	do	TA-W-2,863	Cutting dies used in the production of leather garments and shoes.
Union Electric Steel Corp. Carnegie Plant (USWA).	Carnegie, Pa	Dec. 19, 1977	Dec. 15, 1977	TA-W-2,864	Forge-hardened steel rolls.
Union Electric Steel Corp. Harman Creek plant (USWA).	Burgettstown, Pa	do	do	TA-W-2,865	Melts steel and produces forging.
U.S. Steel Corp., Saxonburg Plant (USWA).	Saxonburg, Pa	Dec. 9, 1977	Dec. 7, 1977	TA-W-2,866	Cindering raw materials for blast furnaces.

[FR Doc. 78-1685 Filed 1-19-78; 8:45 am]

[4510-28]

[TA-W-1981]

MILLER ABATTOIR CO., NORTH BERGEN, N.J.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1981: 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 14, 1977, in response to a worker petition received on April 13, 1977 which was filed on behalf of former workers slaughtering, cutting and shipping meat at Miller Abattoir Co., North Bergen, N.J.

The Notice of Investigation was published in the FEDERAL REGISTER on April 29, 1977 (42 FR 21874). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Miller Abattoir Co., its customers, the U.S. Department of Agriculture, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (4) has not been met.

Miller Abattoir Co. was established in 1937 in North Bergen, N.J. as a meat processing plant. About 90 percent of the meat handled at the plant was lamb, the rest beef. Miller Abattoir Co. closed in May 1976.

Miller Abattoir was primarily a kosher slaughterhouse which supplied kosher lamb cuts (forequarters) to kosher butcher shops in the New York City area. Industry analysts indicate, however, that all imported lamb is shipped frozen and consists of the non-kosher cuts, that is, of the hindquarters of the lamb.

Customers surveyed who decreased purchases from Miller Abattoir Co. in 1975 and 1976 did not purchase imported lamb or beef during this period.

The red meat market is composed of beef, veal, lamb, and pork. In recent years lamb has accounted for a decreasing share of the total red meat market. The downward trend in lamb meat production may be largely attributed to consumer preferences and to the relatively high price of lamb meat compared to the price of other competitive meats. Due to the growing popularity of the fast foods industry, it has become increasingly difficult for lamb meat to compete effectively with

other red meats, especially ground beef.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of articles like or directly competitive with lamb and beef meat processed by Miller Abattoir Co., North Bergen, N.J. did not contribute importantly to the decline in sales or production or to the total or partial separations of workers of that firm as required for certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 13th day of January 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-1694 Filed 1-19-78; 8:45 am]

[4510-28]

[TA-W-2423]

MORENCI BRANCH OF PHELPS DODGE CORP. MORENCI, ARIZ.

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-2423: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 5, 1977, in response to a worker petition received on September 30, 1977, which was filed by the United Steel Workers of America on behalf of workers and former workers producing anode copper at the Morenci, Ariz., Branch of Phelps Dodge Corp.

The notice of investigation was published in the FEDERAL REGISTER on October 25, 1977 (42 FR 56374). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Phelps Dodge Corp., the U.S. Department of Commerce, the U.S. International Trade Commission, The Department of the Interior, The American Metals Market, Metal Bulletin, Metals Week, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Production workers were on strike from July 1, 1977, through August 11, 1977. Layoffs equal to or exceeding 5 percent of average employment began at the Morenci Branch of Phelps Dodge Corp. in August 1977 subsequent to the strike and continued in September 1977. Additional layoffs are imminent.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production of anode copper at the Morenci Branch declined in the first 9 months of 1977 compared to the like period in 1976. Projected production levels for the last quarter of 1977 are lower than the same quarter in 1976.

INCREASED IMPORTS

U.S. imports of refined copper increased from 192 thousand short tons in 1972 to 203 thousand short tons and 314 thousand short tons, respectively, in 1973 and 1974. U.S. imports declined to 147 thousand short tons in 1975 before increasing to 384 thousand short tons in 1976. U.S. imports declined from 313 thousand short tons in the first three quarters of 1976 to 275 thousand short tons in the first three quarters of 1977. U.S. imports increased from 101 thousand short tons in the third quarter of 1976 to 111 thousand short tons in the third quarter of 1977.

The ratio of imported refined copper to domestic production increased from 8.6 percent in 1972 to 9.0 percent and 15.2 percent, respectively, in 1973 and 1974. The ratio of imports to domestic production declined to 8.6 percent in 1975 before increasing to 21.0 percent in 1976. The ratio of imports to domestic production declined from 23.9 percent in the first 6 months of 1976 to 14.8 percent in the first 6 months of 1977.

CONTRIBUTED IMPORTANTLY

The evidence developed during the Department's investigation revealed that while imports of refined copper had increased by 161 percent in 1976 compared to 1975, domestic demand increased at only a fraction of that rate. Inventory levels of domestic and imported copper on consignment at domestic refineries in December 1976 were 31.4 percent above December 1975 levels and were 143.2 percent above December 1974 levels. Phelps Dodge and other domestic producers of refined copper lost sales in 1977 because of the excessive inventories of domestic and imported refined copper.

Imports of copper are affected by the differential between the domestic price of copper established by COMEX (Commodity Metal Exchange) and the price established by the LME (London Metals Exchange). When the LME price drops more than the estimated transportation costs of 5-8 cents per pound below the COMEX price, the demand for imported copper increases. During May and June 1977 the LME price was almost 11 cents per pound below the COMEX price and in July and August 1977 the LME price was almost 12 cents per pound below the COMEX price. At the same time, the abundant supply of copper stocks in the foreseeable future provides no reason for domestic consumers of copper to maintain ties with domestic producers for purposes of a guarantee against copper shortages. Consequently, in the third quarter of 1977, when many domestic copper producers curtailed production because of the depressed market price for copper, imports of refined copper increased 9.9 percent compared to the third quarter of 1976.

Price pressure from imported copper has reduced the ability to profitably mine domestic ore and convert it to copper concentrate and refined copper. Industry sources state that the weighted average production costs of the lowest cost domestic copper mines are 63 cents per pound. The weighted average costs for the highest cost domestic copper mines are $1.05 per pound. Thus, with a current domestic market price of 60 cents per pound, domestic producers lose, on the average, 3 to 45 cents on each pound of copper they choose to sell.

Phelps Dodge's decision to lay off workers and reduce its Morenci Branch's mining operations in August and September 1977 was based mainly on an attempt to minimize losses which the company could not avoid were it to run at normal production levels at the current market prices for copper.

Comments made by customers purchasing copper from Phelps Dodge substantiate the fact that increased imports have contributed to record inventory levels which have driven the price of domestic copper below the level at which many domestic firms can profitably produce copper.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with anode copper produced by the Morenci, Ariz., Branch of Phelps Dodge Corp. contributed importantly to the decline in production and to the total or partial separation of the workers at that branch.

In accordance with the provisions of the Act, I make the following certification:

All employees at the Morenci, Ariz., Branch of Phelps Dodge Corp. who became totally or partially separated from employment on or after August 12, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 13th day of January 1978.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc. 78-1695 Filed 1-19-78; 8:45 am]

[4510-28]

[TA-W-2421]

NEW CORNEALIA BRANCH OF PHELPS DODGE CORP., AJO, ARIZ.

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-2421: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 5, 1977, in response to a worker petition received on September 30, 1977, which was filed by the United Steel Workers of America on behalf of workers and former workers producing anode copper at the New Cornelia, Ajo, Ariz., Branch of Phelps Dodge Corp.

The notice of investigation was published in the FEDERAL REGISTER on October 25, 1977, (42 FR 56374). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Phelps Dodge Corp., the U.S. Department of Commerce, the U.S. International Trade Commission, the Department of the Interior, The American Metals Market, Metal Bulletin, Metals Week, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Production workers at the New Cornelia Branch were on strike from July 1, 1977, through August 11, 1977. Layoffs equal to or exceeding 5 percent of average employment began in August and September of 1977, subsequent to the strike. Employment of production workers declined in the third quarter of 1977 compared to the third quarter of 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production of anode copper at the New Cornelia Branch declined in the first six months of 1977 compared to the same period in 1976, and then ceased entirely from August 12, 1977, to October 1, 1977, immediately after the strike, due to lack of demand.

INCREASED IMPORTS

U.S. imports of refined copper increased from 192 thousand short tons in 1972 to 203 thousand short tons and 314 thousand short tons, respectively, in 1973 and 1974. U.S. imports declined to 147 thousand short tons in 1975 before increasing to 384 thousand short tons in 1976. U.S. imports declined from 313 thousand short tons in the first three quarters of 1976 to 275 thousand short tons in the first three quarters of 1977. U.S. imports increased from 101 thousand short tons in the third quarter of 1976 to 111 thousand short tons in the third quarter of 1977.

The ratio of imported refined copper to domestic production increased from 8.6 percent in 1972 to 9.0 percent and 15.2 percent, respectively, in 1973 and 1974. The ratio of imports to domestic production declined to 8.6 percent in 1975 before increasing to 21.0 percent in 1976. The ratio of imports to domestic production declined from 23.9 percent in the first six months of 1976 to 14.8 percent in the first six months of 1977.

CONTRIBUTED IMPORTANTLY

The evidence developed during the Department's investigation revealed that while imports of refined copper had increased by 161 percent in 1976 compared to 1975, domestic demand increased at only a fraction of that rate. Inventory levels of domestic and imported copper on consignment at domestic refineries in December 1976 were 31.4 percent above December 1975 levels and were 143.2 percent above December 1974 levels. Phelps Dodge and other domestic producers of refined copper lost sales in 1977 because of the excessive inventories of domestic and imported refined copper.

Imports of copper are affected by the differential between the domestic price of copper established by COMEX (Commodity Metal Exchange) and the price established by the LME (London Metals Exchange). When the LME price drops more than the estimated transportation costs of 5 to 8 cents per pound below the COMEX price, the demand for imported copper increases. During May and June 1977 the LME price was almost 11 cents per pound below the COMEX price and in July and August 1977 the LME price was almost 12 cents per pound below the COMEX price. At the same time, the abundant supply of copper stocks in the forseeable future provides no reason for domestic consumers of copper to maintain ties with domestic producers for purposes of a guarantee against copper shortages. Consequently, in the third quarter of 1977, when many domestic copper producers curtailed production because of the depressed market price for copper, imports of refined copper increased 9.9 percent compared to the third quarter of 1976.

Price pressure from imported copper has reduced the ability to profitably mine domestic ore and convert it to copper concentrate and refined copper. Industry sources state that the weighted average production costs of the lowest cost domestic copper mines are 63 cents per pound. The weighted average costs for the highest cost domestic copper mines are $1.05 per pound. Thus, with a current domestic market price of 60 cents per pound, domestic producers lose, on the average, 3 to 45 cents on each pound of copper they choose to sell.

Phelps Dodge's decision to lay off workers and reduce its New Cornelia Branch's mining operations in August and September 1977, was based mainly on an attempt to minimize losses which the company could not avoid were it to run at normal production levels at the current market prices for copper.

Comments made by customers purchasing copper from Phelps Dodge substantiate the fact that increased imports have contributed to record in-

ventory levels which have driven the price of domestic copper below the level at which many domestic firms can profitably produce copper.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with anode copper produced by the New Cornelia, Ajo, Ariz. Branch of Phelps Dodge Corp., contributed importantly to the decline in production and to the total or partial separation of the workers at that branch.

In accordance with the provisions of the Act, I make the following certification:

All employees at the New Cornelia, Ajo, Ariz. Branch of Phelps Dodge Corp., who became totally or partially separated from employment on or after August 12, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 11th day of January 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-1696 Filed 1-19-78; 8:45 a.m.]

[4510-28]

[TA-W-2040]

PRAIRIE MANUFACTURING CO., EAST PRAIRIE, MO.

Revised Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor issued a Notice of Negative Determination on August 31, 1977, published in the FEDERAL REGISTER on September 20, 1977, (42 FR 47276), regarding eligibility to apply for adjustment assistance applicable to former workers producing men's slacks, jeans, and uniforms at the Prairie Manufacturing Co., of East Prairie, Mo.

On the basis of additional information provided by workers of the Prairie Manufacturing Co., the Office of Trade Adjustment Assistance initiated a review investigation.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of 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 reinvestigation has revealed that all four criteria have been met.

The original investigation had established the fact that: Average employment of production workers had fallen 10.3 percent in the first quarter of 1977 compared to the same period in 1976 and average weekly hours declined in the same period by 9.4 percent; production had fallen in 1976 compared to 1975 and in the first quarter of 1977 compared to the same period a year earlier; and that imports of men's and boys' dress and sport trousers and shorts had increased absolutely and relative to domestic production in 1976 compared to 1975, and increased absolutely in the first quarter of 1977 compared to the first quarter 1976.

Prairie Manufacturing Co. produces men's dress slacks, jeans and men's uniform slacks for one customer. This customer reduced purchases from Prairie in 1976 compared to 1975 and in the first quarter of 1977 compared to the same period in 1976. In early 1977 this customer began significant purchases of imported jeans directly competitive with articles made by Prairie. The purchases continued over a period of several months in 1977.

CONCLUSION

After careful review of the facts obtained in the reinvestigation I conclude that increases of imports of articles like or directly competitive with the jeans produced at the Prairie Manufacturing Co., contributed importantly to the total or partial separations of the workers of that firm. In accordance with the provisions of the Trade Act of 1974, I hereby issue the following revised determination:

All workers at the Prairie Manufacturing Co., of East Prairie, Mo., engaged in employment related to the production of jeans who became totally or partially separated from employment on or after January 8, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 13th day of January 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-1697 Filed 1-19-78; 8:45 am]

[4510-28]

[TA-W-2145]

RCA CORP., CLARK, N.J.

Reopening of Investigation

The Notice of Termination of Investigation published in the FEDERAL REGISTER on December 16, 1977 (42 FR 63489) is hereby withdrawn. The investigation based on the worker petition received on June 6, 1977, has been reopened.

Signed at Washington, D.C., this 12th day of January 1978.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc. 78-1698 Filed 1-19-78; 8:45 am]

[4510—28]

[TA-W-2424]

TYRONE BRANCH OF PHELPS DODGE CORP. TYRONE, N. MEX.

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-2424: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 5, 1977, in response to a worker petition received on September 30, 1977, which was filed by the United Steel Workers of America on behalf of workers and former workers producing copper ore and refined copper at the Tyrone, N. Mex. Branch of Phelps Dodge Corp.

The notice of investigation was published in the FEDERAL REGISTER on October 25, 1977 (42 FR 56374). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Phelps Dodge Corp., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, Department files, Department of Interior, The American Metals Market, Metal Bulletin and Metals Week.

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, the first criterion has not been met.

From January, 1976 through September, 1977, the only layoffs at the Tyrone Branch took place in September, 1977. These layoffs amounted to only 1.3 percent of the average number of production workers employed in that month, and were less than 50 workers.

In addition, in 1976 and the first nine months of 1977, the average weekly hours worked were not reduced to 80 percent or less of the normal work week at Tyrone.

From January 1976, through September 1977, employment declines of over 5 percent occurred only in the third quarter of 1976 and the third quarter of 1977, compared to the same quarters of the previous year. These declines are attributable to quits by college students employed for the summer, who usually leave in August.

There is no indication that current workers are threatened with any involuntary total or partial separations from employment at the Tyrone Branch.

CONCLUSION

After careful review of the facts obtained in the investigation, it is concluded that a significant number or proportion of workers at the Tyrone, N. Mex. Branch of Phelps Dodge Corp., have not become totally or partially separated and are not threatened to become totally or partially separated as required for certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 13th day of January 1978

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc. 78-1699 Filed 1-19-78; 8:45 am]

[4510-30]

VIRGIN ISLANDS UNEMPLOYMENT COMPENSATION LAW

Approval

The Government of the Virgin Islands of the United States, in December 1977, submitted its unemployment compensation law, which is entitled the "Virgin Islands Unemployment Insurance Act," for approval under section 3304(a) of the Internal Revenue Code of 1954, 26 U.S.C. 3304(a), as most recently amended by Pub. L. 94-566, approved October 20, 1976 (90 Stat. 2667), and Pub. L. 95-19, approved April 12, 1977 (91 Stat. 39).

Pursuant to section 3304(a) of the Internal Revenue Code of 1954, amended as set forth above, and in accordance with the delegation of authority in Secretary's Order 4-75, dated April 16, 1975 (40 FR 18515), the Employment and Training Administration in this Department examined the Virgin Islands law submitted for approval and found that it contains among its words and phrases all of the provisions required by said section 3304(a) to be contained therein, and which were to be in effect from and after January 1, 1978, or at an earlier date. Accordingly, the Assistant Secretary for Employment and Training approved the Virgin Islands law under section 3304(a) as of December 31, 1977.

In accordance with section 116(g) of Pub. L. 94-566 (90 Stat. 2673), and as a condition of the approval under section 3304(a), the Governor of the Virgin Islands, by approval of the Virgin Islands law, has approved the transfer to the Federal unemployment trust fund established by section 904 of the Social Security Act of an amount equal to the dollar balance credited to the unemployment subfund of the Virgin Islands established under section 310 of title 24 of the Virgin Islands Code.

In view of the foregoing, I hereby confirm the approval of the Virgin Islands Unemployment Insurance Act under section 3304(a) of the Internal Revenue Code of 1954, subject to the provisions of subsections (c) and (d) of section 3304, as of the date of such approval by the Assistant Secretary for Employment and Training.

Signed at Washington, D.C., on January 13, 1978.

RAY MARSHALL,
Secretary of Labor.

(FR Doc. 78-1686 Filed 1-19-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON THE MAINE YANKEE NUCLEAR PLANT

Meeting

The ACRS Subcommittee on the Maine Yankee Nuclear Plant will hold a meeting on February 4, 1978 in Room 1046, 1717 H Street NW., Washington, D.C. 20555 to review the request of the Maine Yankee Atomic Power Corp. for a power level increase for this plant.

In accordance with the procedures outlined in the FEDERAL REGISTER on October 31, 1977, page 56972, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows:

SATURDAY, FEBRUARY 4, 1978

8:30 A.M. UNTIL THE CONCLUSION OF BUSINESS

The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Subcommittee will hear presentations by and hold discussions with representatives of the NRC Staff, the Maine Yankee Atomic Power Corp., and their consultants, pertinent to this review.

The Subcommittee may then caucus to determine whether the matters identified in the initial session have been adequately covered and whether the project is ready for review by the full Committee.

In addition, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with Subsection 10(d) of Pub. L. 92-463, that, should such sessions be required, it is necessary to close these sessions to protect proprietary information (5 U.S.C. 552b(c)(4)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Mr. Elpidio G. Igne, (telephone 202-634-1920) between a.m. and 5 p.m., e.s.t.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H Street NW., Washington, D.C. 20555 and at the Wiscasset Public Library, High Street, Wiscasset, Maine 04578.

Dated: January 16, 1978.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc. 78-1594 Filed 1-19-78; 8:45 am]

[7590-01]

[Docket No. 50-389A]

FLORIDA POWER & LIGHT CO. (ST. LUCIE PLANT, UNIT 2)

Order

On October 19, 1977, the Commission decided to review ALAB-420, and requested briefing on questions set out in the order of that date. Oral argument in this case, previously set down for Thursday, January 12, 1978, has been rescheduled. The Commission will hear oral argument on Tuesday, January 24, 1978, at 9:30 a.m., in the Commission's conference room, 11th floor, 1717 H Street NW., Washington, D.C. As indicated in the Commission's order dated December 29, 1977, the parties should be prepared to address whether and how licensing boards might take into account the lateness of a request for an antitrust hearing in (1) determining the scope of the hearing, and (2) granting relief. The parties should also discuss whether the Licensing Board, in view of the lateness of the request for hearing, should have looked behind the allegations contained in the Florida Cities affidavits filed with the Board in determining whether good cause existed to have a late antitrust hearing. As previously indicated, the order and time limits for argument will be as follows:

Florida Power & Light Co.—20 minutes.
The Florida Cities[1]—20 minutes.
NRC Staff and U.S. Department of Justice—20 minutes, to be divided by them by agreement. If there is no agreement, then divided equally.

Each party may elect to reserve a portion of its allotted time for rebuttal. It is so ordered.

Dated at Washington, D.C., on this 17th day of January, 1978.

By the Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc. 78-1813 Filed 1-19-78; 8:45 am]

[1] The "Florida Cities" is the collective name used in this litigation for 21 Florida municipalities and utility commissions and the Florida Municipal Utilities Association. The individual names have been specified in previous filings before the Commission and in Commission orders.

[7590-01]

[Docket No. 50-302]

FLORIDA POWER CORP. ET AL.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 11 to Facility Operating License No. DPR-72, issued to the Florida Power Corp., City of Alachua, City of Bushnell, City of Gainesville, City of Kissimmee, City of Leesburg, City of New Smyrna Beach and Utilities Commission, City of New Smyrna Beach, City of Ocala, Orlando Utilities Commission and City of Orlando, Sebring Utilities Commission, Seminole Electric Cooperative, Inc., and the City of Tallahassee (the licensees) which revised Technical Specifications for operation of the Crystal River Unit No. 3 Nuclear Generating Plant located in Citrus County, Fla. The amendment is effective as of the date of issuance.

This amendment resolves conflicting requirements with respect to the Reactor Building Purge Exhaust Duct Monitor trip setpoints, amplifies an emergency feedwater pump surveillance requirement, corrects typographical errors and deletes improperly characterized valves from a table of containment isolation valves.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated July 15, 1977, (2) Amendment No. 11 to License No. DPR-72, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Crystal River Public Library, Crystal River, Fla. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 11th day of January 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 78-1595 Filed 1-19-78; 8:45 am]

[7590-01]

[Docket No. 50-333]

POWER AUTHORITY OF THE STATE OF NEW YORK

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 32 to Facility Operating License No. DPR-59, issued to the Power Authority of the State of New York (the licensee), which revised Technical Specifications for operation of the James A. FitzPatrick Nuclear Power Plant (the facility) located in Oswego County, N.Y. The amendment is effective as of its date of issuance.

The amendment provides for changes in the Technical Specifications which (1) utilize words from Regulatory Guide 1.16 instead of referencing the Guide and (2) delete the requirement for an Annual Operating Report.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment submitted by letter dated November 2, 1977, (2) Amendment No. 32 to License No. DPR-59, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H

Street, NW., Washington, D.C. and at the Oswego County Office Building, 46 E. Bridge Street, Oswego, N.Y. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 13th day of January 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 78-1596 Filed 1-19-78; 8:45 am]

[7590-01]

[Dockets Nos. 50-280, 50-281]

VIRGINIA ELECTRIC AND POWER CO., SURRY POWER STATION, UNITS NOS. 1 AND 2

Order for modification of license

I. Virginia Electric and Power Co. (the licensee), is the holder of Facility Operating Licenses Nos. DPR-32 and DPR-37 which authorizes the operation of two nuclear power reactors known as Surry Power Station, units Nos. 1 and 2 (the facility) at steady state reactor power levels not in excess of 2441 thermal megawatts (rated power). The reactors are pressurized water reactors (PWR) located at the Licensee's site in Surry County, Va.

II. On August 24, 1977, the Commission authorized the installation of flow-limiting orifices in the discharge of the outside recirculation spray pumps for the facility and imposed limitations on certain operating parameters for the facility. These limitaions were designed to assure adequate minimum flow of the containment recirculation spray pumps for design basis Loss of Coolant Accident (LOCA) conditions. One of these limitations was a minimum service water temperature of 550° F. On October 17, 1977, we authorized lowering the minimum limit to 35° F. The service water cools, through heat exchangers, the recirculating containment spray water. Adequate service water cooling serves to limit the recirculating containment spray water temperature. The lower limit on temperature was intended to assure that containment depressurization rate did not result in an inadequate net positive suction head (NPSH).

By letter dated September 12, 1977, the licensee submitted the results of more complete analyses regarding the available net positive suction head for the low head safety injection pumps for interim operation of the plants. The methods used to calculate the containment pressure, containment sump temperature, and available NPSH have been reviewed for the North Anna plant and found to be acceptable. The same methods were used in the calculations for Surry.

By letter dated December 28, 1977, the licensee submitted the results of similar analyses regarding the lowering of the minumum service water temperature from 35° F to 25° F. Technical Specification 3.14, Circulating and Service Water Systems, provides a requirement for two operable service water flow paths to the recirculation spray system. The definition of "operable" includes a requirement that the service water is unfrozen and available for use. The Technical Specification requires plant shutdown should the flow paths not be operable. The following discussion indicates that the recirculating spray system would perform its required safety functions even if the service water reached 25° F, a physically unattainable lower value, since the freezing point for the service water is approximately 29° F.

The analyses in the December 28th letter indicate the effects of 25° F service water temperature on minimum available net positive suction head (NPSH) on the containment recirculation spray (RS) pumps and the low head safety injection (LHSI) pumps. The most severe operating condition provides sufficient NPSH and is therefore acceptable.

The decrease in service water temperature below 35° F provides added assurance that the containment will depressurize within one hour in the unlikely event of a loss of coolant accident.

For the foregoing reason, it is concluded that deleting the minimum service water temperature limit will still provide adequate recirculation spray pump flow to assure that continued operation will not impose an undue threat to public health and safety.

Copies of the following documents are available for public inspection in the Commission's Public Document Room, 1717 H Street NW.,Washington D.C. 20555, and at the Swem Library, College of William and Mary, Williamsburg, Va.: (1) Letters from Licensee dated September 12, and December 28, 1977, and (2) this Order for Modification of License, In the matter of Virginia Electric and Power Co., Surry Power Station units Nos. 1 and 2, Dockets Nos. 50-280 and 50-281.

III. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR Parts 2 and 50:

It is ordered, That Facility Operating Licenses Nos. DPR-32 and DPR-37 are hereby amended by supplementing our August 24, 1977 Order for Modification of License to include the following limits on operation, effective immediately:

Maximum service water temperature 85° F.

Containment temperature 100° to 125° F.

Containment air partial maximum pressure 9.3 PSIA at 85° F service water temperature and 45° F RWST temperature. This value will vary in a manner similar to existing Technical Specification 3.8

Dated in Bethesda, Md. this 10th day of January 1978.

For the Nuclear Regulatory Commission.

VICTOR STELLO, Jr.,
Director, Division of Operating Reactors, Office of Nuclear Reactor Regulation.

[FR Doc. 78-1597 Filed 1-19-78; 8:45 a.m.]

[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 January 11, 1978 (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.

Request for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

NEW FORMS

NATIONAL SCIENCE FOUNDATION

User Survey, Technical Report Author Survey, survey of federally funded projects, single time, individuals, Laverne V. Collins, 395-3214, Office of Federal Statistical Policy and Standard.

U.S. INTERNATIONAL TRADE COMMISSION

(1) U.S. Producers' and (2) U.S. Importers' Questionnaires on Stainless Steel Table Flatware, single time, producers and importers of stainless steel flatware, C. Louis Kincannon, 395-3211.

GENERAL SERVICES ADMINISTRATION

Claim for Exemption From Submission of Certified Cost or Pricing Data, OF-277, on occasion, suppliers of commercial items, Office of Federal Procurement Policy, 395-3436.

TENNESSEE VALLEY AUTHORITY

Commercial and Industrial Interview Guide, 6252, 6252A, single time, larger accounts, C. Louis Kincannon, 395-3211.

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation, Farm Crop Insurance Survey, single time, farm product producers, Lowry, R. L., 395-3772.

DEPARTMENT OF COMMERCE

Bureau of Census Income Supplement Test—April 1978, CPS-1, 665, single time, 7,000 households in April 1978 CPS, Strasser, A., 395-6132, Office of Federal Statistical Policy and Standard.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development:
- Title IX Coordinator Questionnaire, OS-20-77-A, single time, title IX coordinators in local educational agencies, Laverne V. Collins, 395-3214.
- Administrative Official Questionnaire, OS-20-77-B, single time, administrative officials in local educational agencies and educational agencies, Laverne V. Collins, 395-3214.

Social Security Administration, Survey of Medically Denied SSI Disability Applicants, SSA-3747, single time, adult denied applicants of SSI disability benefits, Caywood, D. P., 395-3443, Human Resources Division.

DEPARTMENT OF LABOR

Employment and Training Administration, Impact Research of Youth Incentive Entitlement Pilot Projects, ETA-13, single time, youth and parents in pilot and control sites, Strasser, A., 395-6132.

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation, Questionnaire—Lake Mead Fishing Survey for Nevada Department of Fish and Game, single time, fishermen and recreationalists visiting Lake Mead, Ellett, C. A., 395-6132.

REVISIONS

RAILROAD RETIREMENT BOARD

Application for Widows and Child's Insurance Annuities, AA-18, on occasion, applicants for RRA benefits, Caywood, D. P., 395-3443.

Application for Child's Insurance Annuity, AA-19, on occasion, applicants for RRA benefits, Caywood, D. P., 395-3443.

DEPARTMENT OF COMMERCE

Maritime Administration, Application for Admission to the United States Merchant Marine Academy, KP-2-65, on occasion, candidates for admission, Lowry, R. L., 395-3772.

Bureau of Census, Census Employment Inquiry, BC170-A, on occasion, applicants for special censuses, Strasser, A., Office of Federal Statistical Policy and Standard, 395-6132.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, 1978 Study of Survivor Families with Children, SSA-3457, single time, families with material or paternal orphans, Caywood, D. P., Human Resources Division, 395-3443.

National Institute of Education, Registry of Research Organizations in Education, NIE-174, single time, Research Admins. in Insts. which conduct, Laverne V. Collins, 395-3214.

Social Security Administration, Employment or Self-employment Outside the United States, SSA-7163, on occasion, claimant's residing outside United States, Caywood, D. P., Human Resources Division, 395-3443.

DEPARTMENT OF LABOR

Bureau of Labor Statistics, Information for the International Price Competitiveness Program Import Interview Form; International Commodity Price Information, Import Commodity Information, BLS3007A BLS3007C, annually, importers, Strasser, A., Office of Federal Statistical Policy and Standard, 395-6132.

EXTENSIONS

DEPARTMENT OF STATE (EXCL. AID AND ACTION)

Exchange-visitor Program Application, DSP-37, on occasion, non-govt. organizations and insts., Marsha Traynham, 395-3773.

VETERANS ADMINISTRATION

State Home Report and Statement of Federal Aid Claimed (Care of War Veterans in Home Facilities), 10-5588, monthly, State veterans' home, Caywood, D.P., 395-3443.

EMPLOYMENT AND TRAINING ADMINISTRATION

State and National Apprenticeship Data System (SNAPS), MA 5-125, semi annually, Marsha Traynham, 395-3773.

DEPARTMENT OF AGRICULTURE

STATISTICAL REPORTING SERVICE:
- Wool Sales and Price Inquiry, annually, wool co-ops, pools and buyers, Ellett, C.A., Office of Federal Statistical Policy and Standard 395-6132.
- Cranberry Grower Inquiries, other (See SF-83), cranberry growers, Ellett, C.A., Office of Federal Statistical Policy and Standard 395-6132.
- Mushroom Processor Inquiry, annually, mushroom processors, Ellett, C.A., Office of Federal Statistical Policy and Standard 395-6132.
- Mushroom Grower Survey, annually, mushroom growers, Ellett, C.A., Office of Federal Statistical Policy and Standard 395-6132.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Management, operating budget forms and summary budget, HUD-52564, HUD-52566, HUD-52567, HUD-52571, HUD-52573, annually, local housing authorities, Caywood, D. P., Housing, Veterans and Labor Division, 395-3443.

Policy Development and Research, housing assistance supply experiment—survey of landlords, single time, owners of real estate in one SMSA, Housing, Veterans and Labor Division, Caywood, D. P., 395-3532.

DEPARTMENT OF LABOR

Employment and Training Administration, State and National Apprenticeship Data System (SNAPS), MA 5-125, semiannually, Federal and State Apprenticeship and Training Reps., Strasser, A., 395-6132.

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration, motor vehicle information request, on occasion, vehicle owner, lease rental agencies, new car dealers, Strasser, A., 395-6132.

Federal Aviation Administration, notice of landing area proposal (establishment, alteration, or deactivation), FAA 7480-1, on occasion, private enterprise, Strasser, A., 395-6132.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc. 78-1836 Filed 1-19-78; 8:45 am]

[3110-01]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on January 5, 1978 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

NEW FORMS

DEPARTMENT OF ENERGY

Epidemiology Survey on Magnetic Effects on Human Health (questionnaire), XBG-504-510, single time, individuals exposed to magnetic fields and control group, Richard Eisinger, 395-3214.

ACTION

Making It Work Better: UYA Survey of Project Director on Activities and Effects, annually, directors of UYA projects, Human Resources Division, Reese, B. F., 395-3532.

Making It Work Better: VISTA Survey of Project Director and Volunteer Supervisors/Activities and Effects, annually, directors and supervisors of VISTA projects, Human Resources Division, Reese, B. F., 395-3532.

DEPARTMENT OF AGRICULTURE

Economic Research Service, Cotton Survey, single time, cotton producers, Lowry, R. L., Office of Federal Statistical Policy and Standard, 395-3772.

DEPARTMENT OF COMMERCE

Bureau of Census:
Methods Test Questionnaires, MTP-1, 2, and 3, monthly, households in four areas, Reese B. F., Office of Federal Statistical Policy and Standard, 395-3211.
Conventional Address Register Listing Pages 1980 Census Dress Rehearsal (part of the 1980 Decennial Census), DX-104A(X), D-1044B(X), single time, all households in the conventional dress rehearsal area, Reese B. F., Office of Federal Statistical Policy and Standard, 395-3211.
Domestic and International Business Administration, Survey of Women Business Owners, single time, women business owners, C. Louis Kincannon, Lowry, R. L., 395-3211.
Bureau of Census, Post Enumeration Survey Current Household Roster and Roster of Relatives, Census of Oakland, DH-844, single time, households in Oakland, Calif., Reese, B. F., Office of Federal Statistical Policy and Standard, 395-3211.
Domestic and International Business Administration:
Underground Coal Mining Machinery, ITA-9012, single time, mining machinery manufacturers, C. Louis Kincannon, 395-3211.
Water and Wastewater Treatment Equipment, ITA-9009, single time, water and wastewater treatment equipment manufacturers, C. Louis Kincannon, Ellett, C. A., 395-3211.
Bureau of Census:
Mail Screening International Victimization Survey, IVS-1, IVS-1L1, IVS-1L2, single time, Households in three SMSA's and two rural PSU's, Laverne V. Collins, Office of Federal Statistical Policy and Standard, 395-3214.
Census of Irrigation (pretest), single time, irrigation organizations, Lowry, R. L., Office of Federal Statistical Policy and Standard, 395-3772.
Economic Development Administration, Alert Letter—MBE 10% Participation, 531-A, 531—L, on occasion, minority business enterprises, Lowry, R. L., 395-3772.
Bureau of Census, Census of Irrigation—Follow-on Survey (test), 77-A62-T1, single time, irrigated farms with sales of $2,500 and over, Lowry, R. L., Office of Federal Statistical Policy and Standard, 395-3772.

DEPARTMENT OF DEFENSE

Departmental and Other Military Health Care Survey, single time, retired military personnel and survivors, Richard Eisinger, Office of Federal Statistical Policy and Standard, 395-3214.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education, Pupil Survey and Measure of English Language Proficiency, NIE-178A-B-C, single time, parents, Office of Federal Statistical Policy and Standard, Laverne V. Collins, 395-3214.
Health Care Financing Administration (Medicare), RACC Long-Term Care Survey, HCFA-19T, single time, director of nursing/charge nurse in hospitals, Human Resources Division, Richard Eisinger, 395-3532.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Administration (Office of Assistant Secretary), Minority Business Participation Report, HUD-525, on occasion, State governments, Caywood, D. P., 395-3443.

DEPARTMENT OF LABOR

Employment and Training Administration, Study of the Program for Persons of Limited English-Speaking Ability, MT-284, single time, prime sponsor, project subcontractor staff, Strasser, A. and Laverne V. Collins, 395-6132.

DEPARTMENT OF THE TREASURY

Departmental and Other, Special Summary Steel Invoice, on occasion, foreign shipper, seller, or manufacturer, C. Louis Kincannon, 395-3211.

REVISIONS

U.S. COMMISSION ON CIVIL RIGHTS

Undocumented Workers Project—Interview Guide, CR-311-9 and 1, on occasion, aliens, school superintendents, Laverne V. Collins and Maria Gonzalez, 395-3214.

UNITED STATES INTERNATIONAL TRADE COMMISSION

Synthetic Organic Chemicals—Monthly Report on Production, CD-M1, monthly, original manufacturers of synthetic organic chemicals, C. Louis Kincannon, 395-3211.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Peanut Variety Survey—Virginia, annually, peanut growers, Lowry, R. L., 395-3772.

DEPARTMENT OF COMMERCE

Economic Development Administration, Pretest: (a) Request for Employee Address Report, (b) Local Public Works Employee Survey, ED-748QA, ED-748QB, single time, on-site employees of local public works, Strasser, A., 395-6132.
Bureau of Census, Advance Letter to "Special Places"—1977 Census of Oakland, Calif. (1980 Census Pretest), DH-25, single time, managers and administrators, Office of Federal Statistical Policy and Standard, Reese, B. F., 395-3211.
Economic Development Administration, Local Public Works Payroll Reporting Form, ED-746, weekly, construction (sub) contractors, Strasser, A., 395-6132.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health, Cancer Research Project Registration Form, OS-NIH-CA-, on occasion, cancer researchers, Richard Eisinger, 395-3214.
Health Resources Administration, Faculty Evaluation Form—National Health Service, Corps Scholarship Program, HRABHM 0610, on occasion, faculty and dean, Richard Eisinger, 395-3214.
Health Care Financing Administration (Medicare), Chronic Renal Disease Medical Evidence Report Form, SSA 2728, on occasion, physicians, Human Resources Division, Richard Eisinger, 395-3532.

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration, National Prisoner Statistics—Admission and Release Report, NPS-2, NPS-3, on occasion, State corrections agencies, Office of Federal Statistical Policy and Standard, Laverne V. Collins, 395-3214.

EXTENSIONS

ENVIRONMENTAL PROTECTION AGENCY

Cost or Price Summary Format for Subagreements, Under U.S. EPA Grants, on occasion, contractors under EPA grants, Ellett, C. A., 395-6132.

NATIONAL GALLERY OF ART

Report on Extension Service Lecture Use, NGA-224, on occasion, professors and teachers, Warren Topelius, 395-6132.

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Questionnaire for National Endowment for the Humanities, Journalism Fellows, annually, journalists, Lowry, R. L., 395-3772.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Offeror's Analysis of Cost Proposal, AID1420-18, on occasion, contractors for contracts over $100,000, Warren Topelius, 395-6132.
Schedule D—Ocean Transport—Part I and II (Commodities, Shipped), AID1550-9, AID1550-8, annually, voluntary agencies, C. Louis Kincannon, 395-3211.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Fruit Inquiries—Growers, monthly, fruit growers, Ellett, C. A., 395-6132.

DEPARTMENT OF COMMERCE

Maritime Administration, Financial Statements and Vessel Performance Reports, GO 12, semi-annually, subsidized U.S. steamship operators, Lowry, R. L., 395-3772.
Bureau of Economic Analysis, Survey of Visitors Travel Expenses in the United States, BE 572GF, monthly, foreign visitors, Office of Federal Statistical Policy and Standard, C. Louis Kincannon, 395-3211.

DEPARTMENT OF DEFENSE

Departmental and other, Value Engineering Program Requirements, MIL-V-38352, other (see SF-83), DOD contractors, Marsha Traynham, National Security Division, 395-3773.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration, Hospital Request for Methadone for Analgesia in Severe Pain and for Detoxification and Temporary Maintenance Treatment, FD-2636, on occasion, hospitals that treat narcotic addicts, Richard Eisinger, 395-3214.
Health Resources Administration:
Addition of Uniform Hospital Discharge Data Set Items to Hospital Discharge Survey, HSM88-1, annually, national sample of short-stay hospitals, Richard Eisinger, Office of Federal Statistical Policy and Standard, 395-3214.
Forms and Reports for Health Professions Student Assistance Program, NIH-1614, annually, student borrowers, financial aid officers, Richard Eisinger, 395-3214.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration, Request for Grant-in-Lieu, HUD 495, on occasion, State and local governments in disaster areas, Budget Review Division, 395-4775.

DEPARTMENT OF LABOR

Employment and Training Administration, Trade Readjustment Allowance Activities and Employability Services, ETA 5-63, monthly, SESA's for petitions under the Trade Act, Budget Review Division, 395-4775.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc. 78-1835 Filed 1-19-78; 8:45 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 5897; 18-5]

COVINGTON AND BURLING RETIREMENT PLAN

Filing of Application for an Order Exempting From Provisions of Interests or Participations in Covington and Burling Retirement Plan

JANUARY 12, 1978.

Notice is hereby given that Covington and Burling ("Applicant"), 888 Sixteenth Street, NW., Washington, D.C. 20006, a law firm organized as a partnership under the laws of the District of Columbia, has, by letter dated July 29, 1977, applied for an exemption from the registration requirements of the Securities Act of 1933 (the "Act") for participations or interests issued in connection with The Covington and Burling Retirement Plan (the "Plan"). All interested persons are referred to that document, which is on file with the Commission, for the facts and representations contained therein, which are summarized below.

I. INTRODUCTION

Applicant's Plan provides that partners of the Applicant (except senior partners who no longer have the obligation to practice law) and employees of the Applicant (except employees whose employment depends primarily on legal education, such as lawyers and law clerks who are not partners) are eligible for participation therein if they are at least 25 years of age and have completed one year of service with the Applicant. Participation in the Plan begins on the January 1, or July 1, next succeeding the date on which a person first becomes eligible for participation. As of January 1, 1977, approximately 68 partners and 186 employees were eligible to participate in the Plan. The Plan is of the type commonly referred to as a "Keogh" plan, which covers persons (in this case, certain of Applicant's partners and employees) who are employees within the meaning of Section 401(c)(1) of the Internal Revenue Code of 1954 (the "Code"), and, therefore, is excepted from the exemption provided by Section 3(a)(2) of the Act for interests or participations in certain employee benefit plans of corporate employers. Section 3(a)(2) of the Act provides, however, "the Commission, by rules and regulations or order, shall exempt from the provisions of section 5 of the Act any interest or participation issued in connection with a stock bonus, pension, profit-sharing or annuity plan which covers employees some or all of whom are employees within the meaning of section 401(c)(1) of the Code, if and to the extent that the Commission determines this to be necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act."

II. DESCRIPTION AND ADMINISTRATION OF THE PLAN

Applicant represents that the Plan was originally established effective January 1, 1960, as a fixed benefit plan for non-legal employees (i.e., employees other than partners, associates or law clerks) and all contributions to the Plan were made by the Applicant, there being no provision for voluntary employee contributions. Effective as of January 1, 1968, the Plan was amended to provide for participation by partners, for annual contributions by Applicant of a fixed percentage of earnings of each participant, or for benefits to non-legal personnel on either a money purchase or a fixed benefit basis, whichever provision would produce the highest benefits. At that time the Plan was also amended to provide for voluntary contributions by participants of 1 percent to 10 percent of annual earnings, as defined in the Plan, to provide benefits on a money purchase basis. The Plan and related trust agreement have been amended effective January 1, 1976. These amendments were designed primarily for the purpose of complying with the Employment Retirement Income Security Act of 1974 ("ERISA"), to which the Plan is subject. The Internal Revenue Service has issued a determination letter to the effect that the Plan and trust agreement, as amended to date, continue to meet the requirements of section 401(a) of the Code and that the trust remains tax exempt under section 501(a) of the Code.

Applicant states that under the Plan, Applicant contributes to American Security Bank, N.A. (the "Trustee") with respect to each participant in the Plan an amount equal to 7½ percent of the participant's "earnings" (not in excess of $100,000) from Applicant in every calendar year in which a participant has at least 1,000 hours of service unless the participant's participation commenced on July 1 in which case Applicant contributes in that year 3¾ percent of such earnings. Each participant under the Plan is permitted, at his option, to make voluntary contributions in an amount not less than 1 percent nor more than 10 percent of his earnings (not in excess of $100,000) from the Firm for each calendar year. The amount of the voluntary contributions by participants during each fiscal year of the Applicant is also limited as required by section 415 of the Internal Revenue Code.

Applicant represents that the Plan is administered by Applicant's Pension Committee (the "Committee"), appointed by Applicant's Management Committee and consisting, as presently constituted, of three partners of the Applicant. The Committee is responsible for the day-to-day administration of the Plan, including the making and enforcement of rules relating to administration, interpretation of the Plan, determining the eligibility of each employee, authorizing disbursements, etc.

Applicant states that the assets of the Plan are to be held by the Trustee pursuant to a trust agreement between the Trustee and Applicant. The Committee is authorized to establish one or more trust funds and to allocate assets of the trust and contributions of the Applicant and the employees to such trust funds. Applicant represents that the trust agreement contemplates that there may be a discretionary fund managed by the Trustee, a directed fund to be managed by an "investment manager" as defined in ERISA, and a segregated fund to be managed by some other designated fiduciary. Applicant further represents that initially T. Rowe Price Associates has been designated an investment manager of a directed fund to hold substantially all Plan assets except assets which may be invested on a short-term basis by the Trustee. To the extent that a fund is managed by a person other than the Trustee, the Trustee has no investment discretion except as it may be requested to handle short-term investments.

Applicant represents that the Committee is authorized to establish general policy guidelines for the investment of Plan assets and to the extent that the Trustee, an investment manager, or a designated fiduciary acts in compliance with such guidelines, they are relieved of responsibility.

The Plan authorizes the Trustee to invest in collective or commingled funds containing assets other than assets of the Plan but the Committee will establish a policy guideline permitting such investment only if interests or participations in such fund are effectively registered under the Act. The Trustee currently has such a fund for investment of assets of Keogh plans. The provision for a segregated fund to be managed by a designated fiduciary was included to enable the Committee to direct application of

assets of the Plan to insurance or annuity contracts to provide Plan benefits.

Applicants state that the Committee is responsible for the funding policy of the Plan, but does not exercise investment discretion. The Committee also has authority to employ actuaries, accountants and other experts to assist in the administration of the Plan.

Applicant further submits that as an "employee pension benefit plan" within the meaning of ERISA, the Plan is subject to certain reporting and disclosure requirements.

Applicant contends that the exemption from registration under Section 3(a)(2) of the Act would clearly be available if Applicant were incorporated, for there would be no section 401(C)(1) employees. Applicant argues that merely because Applicant is unincorporated is no reason for subjecting such interests and participations to the registration requirements of the Act. Similarly, were partners of Applicant excluded from participation, the exemption would clearly be available. Again there would seem to be no policy basis for requiring registration simply because the principals responsible for establishing and administering the Plan, that is, the partners, are included as participants.

Applicant concludes that under the circumstances, granting the requested exemptive order would be appropriate in the public interest, consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given, that any interested person may, not later than January 30, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-1563 Filed 1-19-78; 8:45 am]

[8010-01]

[File No. 81-298]

CUMMINS INTERNATIONAL FINANCE CORP.

Application and Opportunity for Hearing

JANUARY 12, 1978.

Notice is hereby given, that Cummins International Finance Corp. ("Applicant") has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended, (the "1934 Act"), for an order exempting the Applicant from the provisions of Section 13 of that Act.

Section 13 of the 1934 Act provides that every issuer of a security registered pursuant to Section 12 of that Act, shall file with the Commission, in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate for the proper protection of investors and to insure fair dealing in the security, such information and documents as the Commission shall require to keep reasonably current the information included in the registration statement, and such annual and quarterly reports the Commission may prescribe.

Section 12(h) of the 1934 Act empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the periodic reporting provisions of section 13 of the 1934 Act, if the Commission finds by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of trading interest in the securities, the nature and extent of the activities of the issuer, or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The Applicant states, in part: (1) The Applicant is a wholly-owned subsidiary of Cummins Engine Co., Inc., and was incorporated to assist in financing Cummins' foreign operations.

(2) The Applicant's 5% Subordinated Guaranteed Convertible Debentures due 1988 (the "Eurodollar Debentures") are the only class of securities issued by the Applicant which is registered under the 1934 Act. The Eurodollar Debentures are listed on the New York Stock Exchange where negligible trading has occurred since they were admitted to trading in 1968.

(3) The Eurodollar Debentures are guaranteed by Cummins and are convertible into Cummins Common Stock. None of the securities of Applicant (other than the Eurodollar Debentures) are presently held by any person other than Cummins.

(4) The holder of Eurodollar Debentures can be fully informed as to their investment by the reports required to be filed by Cummins pursuant to section 13 of the 1934 Act.

For a more detailed statement of the information presented, all persons are referred to the application which may be examined at the Commission's Public Reference Section, 1100 L Street NW., Washington, D.C.

Notice is further given, that any interested person, not later than Feb. 6, 1978, may submit to the Commission in writing his view or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed to Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. Persons who requst 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. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-1564 Filed 1-19-78; 8:45 am]

[8010-01]

[File No. 81-264]

CYANAMID INTERNATIONAL DEVELOPMENT CORP.

Application and Opportunity for Hearing

JANUARY 9, 1978.

Notice is hereby given, that Cyanamid International Development Corp. ("Applicant") has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended, (the "Exchange Act") seeking an exemption from the requirement to file reports pursuant to section 13 of the Exchange Act.

Section 12(b) of the Exchange Act provides that an issuer may register securities on a national securities exchange by filing a registration statement with both the exchange and the Securities and Exchange Commission, which registration statement contains information as to the issuer and any person directly or indirectly controlling or controlled by the issuer as the

commission may require for the protection of investors or in the public interest.

Section 13 of the Exchange Act requires that issuers of securities registered pursuant to section 12 must file certain periodic reports with the Commission for the protection of investors and to insure fair dealing in the security.

Section 12(h) of the Exchange Act empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the periodic reporting provisions of section 13, if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, income or assets of the issuer or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The Applicant states, in part: 1. Applicant, a New Jersey corporation, is wholly-owned subsidiary of American Cyanamid Co. ("Cyanamid"). The Applicant was formed by Cyanamid for the principal purpose of obtaining funds for foreign subsidiaries and affiliated companies of Applicant and Cyanamid.

2. In September 1965, Applicant issued $20,000,000 principal amount of 5¾% Guaranteed Sinking Fund Debentures due 1980 (the "Debentures").

3. The Debentures are unconditionally guaranteed as to the payment of principal, premium, if any, and sinking fund by Cyanamid.

4. The Debentures were offered abroad to foreign nationals and sales were not effected to or for the account of United States citizens or persons normally resident in the United States.

5. The Debentures are listed on the New York Stock Exchange and are registered pursuant to section 12(b) of the Exchange Act.

In the absence of an exemption, Applicant is required to file certain periodic reports with the Commission pursuant to Section 13 of the Exchange Act because the Debentures are registered both with the New York Stock Exchange and the Commission.

Applicant contends that the exemptive order requested is appropriate in view of the fact that none of the securities of the Applicant (other than the Debentures) are held by any person other than Cyanamid; that since the Debentures are unconditionally guaranteed by Cyanamid it is the reports of Cyanamid in which investors would be primarily interested; and because there has only been very limited and occasioned trading in the Debentures on the New York Stock Exchange since their listing.

For a more detailed statement of information presented, all persons are referred to the application which is on file in the offices of the Commission at 500 North Capitol Street, Washington, D.C. 20549.

Notice is further given that any interested person not later than February 3, 1978, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed to: Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert.

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. At any time after said date, an order granting an application may be issued upon request or upon the Commission's own motion.

By the Commission.

GEORGE F. FITZSIMMONS,
Secretary.

[FR Doc. 78-1565 Filed 1-19-78; 8:45 am]

[8010-01]

[Rel. No. 20377, 70-6108]

INDIANA & MICHIGAN ELECTRIC CO.

Proposed Issuance and Sale at Competitive Bidding of First Mortgage Bonds and Cumulative Preferred Stock

JANUARY 12, 1978.

Notice is hereby given, that Indiana and Michigan Electric Co. ("I&M"), 2101 Spy Run Avenue, Fort Wayne, Indiana 46801, an electric utility subsidiary company of American Electric Power Company, Inc. ("AEP"), a registered holding company, has filed with this Commission an application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(b) and 12(c) of the Act and Rules 42 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

I&M proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, up to $100,000,000 aggregate principal amount of its first mortgage bonds of a new series ("Bonds"), having a maturity date of March 1, 2008. The interest rate (which will be expressed in a multiple of ⅛ of 1 percent) and the price to be paid to I&M for the Bonds (which shall not be less than 100 percent, unless I&M shall authorize a lower percentage not less than 99 percent, and shall not exceed 102¾ percent) will be determined by competitive bidding. None of the Bonds may be redeemed prior to March 1, 1983, if such redemption is for the purpose of refunding such Bond through the use, directly or indirectly, of borrowed funds at an effective interest cost less than the effective interest cost of the Bonds.

I&M also proposes to issue and sell at competitive bidding up to 1,600,000 shares of a new series of its cumulative preferred stock ("Preferred Stock"), par value $25 per share. The price to be paid to I&M shall be $25 per share, which shall also be the price at which the Preferred Stock shall be initially offered to the public. The dividend rate (which will be expressed in a multiple of $.01) and the amount per share to be paid by I&M as compensation to the purchasers will be determined by competitive bidding. None of the shares of the Preferred Stock may be redeemed prior to March 1, 1983, if such redemption is for the purpose of refunding such stock, directly or indirectly, through the incurring of debt or the issuance of stock ranking equally with or prior to the Preferred Stock at an effective interest cost or effective dividend cost less than the effective dividend cost of the Preferred Stock. The terms of the Preferred Stock may also include a sinking fund provision pursuant to which I&M would retire at $25 per share, commencing no earlier than five years after the sale, not more than 5 percent annually of the number of shares initially issued, with the non-cumulative option on any sinking fund date of redeeming at $25 per share an additional like number of shares and with the option to credit against any sinking fund requirement the shares of Preferred Stock theretofore purchased or otherwise acquired by I&M. It is proposed that I&M will decide upon the necessity for a sinking fund provision at a subsequent date and notify prospective bidders of its decision by telegram reasonably in advance of, but not less than 72 hours prior to, the bidding date.

It is stated that no condition is to be contained in the Bond purchase contract requiring the issuance and sale of the Preferred Stock, nor is any condition to be contained in the Preferred Stock purchase contract requiring the issuance and sale of the Bonds. Neither the Bonds nor the Preferred Stock will, however, be issued and sold unless I&M shall receive prior to such sale one or more cash capital contributions in an aggregate amount of $40,000,000 from AEP. The making of such cash capital contributions by

AEP is the subject of a separate application with this Commission (File No. 70-6082).

The proceeds from the sale of the Bonds and/or Preferred Stock will be used to repay unsecured short-term indebtedness and to reimburse I&M's treasury for expenditures incurred in connection with its construction program. As of December 14, 1977, I&M had approximately $111,151,000 principal amount of short-term debt outstanding, and it is anticipated that at the time of the sale of the Bonds and/or Preferred Stock approximately $120,000,000 principal amount of such unsecured short-term debt will be outstanding. I&M estimates its 1978 construction costs will be approximately $181,000,000 (exclusive of construction costs of approximately $39,600,000 of its generating subsidiary).

The fees and expenses to be incurred in connection with the proposed transactions will be supplied by amendment. It is stated that the Public Service Commission of Indiana and the Michigan Public Service Commission have jurisdiction over the proposed transactions. No other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given, that any interested person may, not later than February 7, 1978, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-1566 Filed 1-19-78; 8:45 am]

[8010-01]

[Release No. 20382; 70-5999]

MIDDLE SOUTH UTILITIES, INC. AND ARKANSAS POWER & LIGHT CO.

Post-Effective Amendment Regarding Issuance and Sale of Common Stock by Subsidiary to Holding Company

JANUARY 12, 1978.

Notice is hereby given that Middle South Utilties, Inc. ("Middle South"), 225 Baronne Street, New Orleans, La. 70112, a registered holding company, and its electric utility subsidiary company, Arkansas Power & Light Co. ("Arkansas"), First National Building, Little Rock, Ark. 72203, have filed with this Commission a post-effective amendment to the application in this proceeding pursuant to sections 6(b), 9(a), and 10 of the Public Utility Holding Company Act of 1935 ("Act") regarding the following proposed transaction. All interested persons are referred to the amended application, which is summarized below, for a complete statement of the proposed transaction.

By order in this proceeding dated May 16, 1977 (HCAR No. 20028), the Commission authorized Arkansas to issue and sell to Middle South, and Middle South to acquire from Arkansas, from time to time until December 31, 1977, at the price of $12.50 per share, or $30,000,000 in the aggregate, 2,400,000 presently authorized but unissed shares of the common stock of Arkansas, $12.50 par value. At that time, Arkansas had outstanding 29,436,773 shares of common stock, $12.50 par value, having an aggregae par value on its books of $367,959,662.50, all of which shares were owned by Middle South.

The post-effective amendment states that, on May 18, 1977, Arkansas issued and sold to Middle South 1,200,000 shares of its common stock for a purchase price of $15,000,000 and that, subsequently, Arkansas has not issued and sold any additional shares of common stock. Arkansas and Middle South now believe it is in their best interest that the additional 1,200,000 shares of common stock be sold and delivered by Arkansas to Middle South from time to time through and including June 30, 1978, in increments to be determined by Arkansas and Middle South.

The Arkansas Public Service Commission and the Tennessee Public Service Commission have authorized the issuance and sale of the new common stock by Arkansas. No other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than February 8, 1978, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the applicant which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as now amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-1567 Filed 1-19-78; 8:45 am]

[8010-01]

[Release No. 14371, SR-MSE-77-37]

MIDWEST STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

JANUARY 12, 1978.

On October 27, 1977, the Midwest Stock Exchange, Inc. ("MSE"), 120 South LaSalle Street, Chicago, Ill. 60603, filed with the Commission, pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act"), and Rule 19b-4 thereunder, copies of a proposed rule change which makes technical changes to MSE's rule governing Withdrawal of Approval of Underlying Securities. These changes would permit the MSE to prohibit, if necessary, any opening purchase transactions in a previously opened series of options if the underlying stock does

not meet current standards for continued listing of options thereon or other Exchange requirements and would permit the MSE to make an application to the Securities and Exchange Commission to strike from trading and listing the option contracts whose underlying stock does not meet such current standards or other Exchange requirements.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34-14232, December 5, 1977) and by publication in the FEDERAL REGISTER (42 FR 62587, December 13, 1977).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of section 6 and the rules and regulations thereunder.

It is therefore ordered, Pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-1568 Filed 1-19-78; 8:45 am]

[8010-01]

[Rel. No. 10091; 811-2400]

PROFESSIONAL INVESTMENT CO., INC.

Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

JANUARY 12, 1978.

Notice is hereby given that Professional Investment Co., Inc. ("Applicant"), 1013 New York Avenue, Alamogordo, N. Mex. 88310, a New Mexico corporation registered as an open-end, diversified management company under the Investment Company Act of 1940 ("Act"), filed an application on November 18, 1977, pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant was organized on October 15, 1962 and registered under the Act on August 20, 1973. On February 15, 1977, Applicant's shareholders voted to dissolve the corporation and liquidate its assets. Applicant represents that the assets of the corporation were liquidated and a liquidation dividend was paid to all shareholders of record. Applicant states that the sum of $721.46, representing liquidation dividends and previous uncashed dividend checks for shareholders who could not be located, has been deposited with the State Treasurer of New Mexico. Applicant represents that it filed Articles of Dissolution with the New Mexico State Corporation Commission on September 23, 1977, and that it now has no stockholders, assets, liabilities, or business activities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the effectiveness 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 February 6, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant(s) at the address(es) stated above. Proof of such service (by affidavit, or in 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. 70-1569 Filed 1-19-78; 8:45 am]

[8025-01]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1413]

Kansas

Declaration of Disaster Loan Area

The listing below of the 34 counties and adjacent counties within the State of Kansas constitutes a disaster area as a result of natural disasters as indicated:

County	Natural disaster(s)	Date(s)
Butler	Drought	1976 to spring of 1977.
	Excessive rainfall.	6 mos. of 1977.
	Hail	May 28-29, 1977.
Chase	Wet weather	June 10 to July 5, 1977.
	Flooding	June 19 and July 3, 1977.
	Hail	June 17, 1977.
Chautauqua	Flooding	June 21, 1977.
Cherokee	do	June 18-30, 1977.
Cheyenne	Hail storm	June 19, 1977.
	Snow storm	Mar. 11, 1977 starting 4 a.m. (lasting 32 hrs.).
Clay	Drought	1976 to spring of 1977.
	Hail and excessive rainfall.	June of 1977.
Cloud	Hailstrom	June 1, 13, 17 and 18, 1977.
Coffey	Hail and wind storms.	Oct. 31, 1977.
Cowley	Heavy rain and flood.	June 21, 1977.
Dickinson	Extensive hail, rain and wind storms.	June 17-30, 1977.
Elk	Excessive rainfall.	June 21, 1977.
Franklin	Hail	Nov. 1, 1977.
Grant	do	May 1, 16, 18, and 20, 1977.
	Tornado	May 18, 1977.
Greeley	Hail	May 29, 1977.
Jewell	Drought conditions.	Fall of 1976 to spring of 1977.
Kingman	Hail	May 22, 1977.
Kiowa	Hailstorm	Do.
Labette	Flood	June 1977.
Linn	do	June 22-28, 1977.
Marion	Hail, rain and wind.	June 17, 18, 21, 24 and July 2, 1977.
McPherson	Drought winterkill.	Fall of 1976 through spring of 1977.
	Excessive rainfall.	June 1977.
	Hail	June 1 and 6, 1977.
Meade	do	May 29, 1977.
Miami	Excessive rainfall, wind, hail, and flooding.	Month of June 1977.
Montgomery	Excessive rainfall.	June 21, 1977.
Morris	Wind Erosion damage.	February and March 1977.
	Excessive rainfall.	May and June 1977.
	Hail	June 17 and July 2, 1977.
Morton	do	May 18, June 1, and July 1, 1977.
Osage	do	Oct. 31 to Nov. 1, 1977.
Ottawa	Excessive rainfall.	June and July 1, 1977.
	Hail	June 1, 17, and 18, 1977.
Pratt	Excessive rainfall and hailstorm.	May 22, 1977.
Reno	Hail	Do.
Saline	Drought	Fall of 1976 to spring 1977.
	Winterkill, excessive moisture.	June 1977.

County	Natural disaster(s)	Date(s)
Stevens	Hail and Tornadoes.	May 1 and 18, 1977.
Thomas	Hail storms	July 15 and Aug. 1, 1977.
Wabaunsee	Excessive rainfall and flooding.	Latter part of June 1977 and 1st part of July 1977.

Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on July 10, 1978, and for economic injury until the close of business on October 10, 1978, at:

Small Business Administration, District Office, Main Place Building, 110 East Waterman Street, Wichita, Kans. 67202.

Small Business Administration, District Office, 12 Grand Building, 5th Floor, 1150 Grand Avenue, Kansas City, Mo. 64106.

or other locally announced locations:

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: January 6, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-1382 Filed 1-19-78; 8:45 am]

[Declaration of Disaster Loan Area No. 1367, Amdt. No. 2]

MISSISSIPPI

Declaration of Disaster Loan Area

The above numbered Declaration (see 42 FR 45977) and amendment No. 1 (42 FR 58472), are amended by adding the following counties:

County	Natural disaster(s)	Date(s)
Alcorn	Drought	Jan. 1 to Aug. 31, 1977.
Do	Excessive rainfall.	Sept. 13, to Sept. 25, 1977.
Amite	Drought	May 6 to July 15, 1977.
Attala	do	Apr. 15 to July 10, 1977.
Benton	do	Jan. 1 to Sept. 1, 1977.
Bolivar	do	Apr. 19 to Sept. 12, 1977.
Calhoun	do	Apr. 1 to July 11, 1977.
Chickasaw	do	May 15 to July 15, 1977.
Clarke	do	Apr. 15 to July 15, 1977.
Do	Excessive rainfall.	July 22 to Sept. 1, 1977.
Forrest	Drought	Apr. 1 to July 31, 1977.
Franklin	do	May 8 to July 12, 1977.
George	do	May 1 to July 8, 1977.
Greene	do	May 4 to July 7, 1977.
Grenada	do	Apr. 10 to June 30, 1977.
Do	Excessive rainfall.	Nov. 4 to Nov. 29, 1977.
Hancock	Drought	May 1 to July 5, 1977.
Do	Excessive rainfall.	July 25 to Sept. 17, 1977.
Harrison	Drought	May 8 to July 11, 1977.
Humphreys	Extreme heat and drought.	May 13 to July 9, 1977.
Do	Drought	Aug. 12 to Sept. 9, 1977.
Issaquena	do	May 1 to Sept. 1, 1977.
Itawamba	do	May 1 to Aug. 31, 1977.
Jackson	do	May 1 to July 5, 1977.
Jasper	do	May 1 to June 30, 1977.
Jefferson	do	May 1 to July 10, 1977.
Jefferson Davis.	do	Do.
Jones	do	May 1 to July 5, 1977.
Lafayette	Dry weather	May 1 to July 15, 1977.
Lamar	Drought	May 1 to July 6, 1977.
Do	Excessive rainfall.	July 15 to Sept. 15, 1977.
Lauderdale	Drought	Apr. 15 to July 8, 1977.
Lawrence	do	May 5 to June 30, 1977.
Leake	do	Apr. 15 to July 10, 1977.
Lee	do	Apr. 23 to July 15, 1977.
Do	Insects	Sept. 1 to Oct. 10, 1977.
Lincoln	Drought	May 1 to July 15, 1977.
Madison	do	Apr. 1 to July 25, 1977.
Marion	do	May 1 to July 4, 1977.
Marshall	do	May 1 to Aug. 31, 1977.
Montgomery	do	Apr. 1 to July 9, 1977.
Monroe	do	Apr. 4 to July 10, 1977.
Neshoba	do	Apr. 1 to Aug. 10, 1977.
Newton	do	Apr. 15 to July 14, 1977.
Pearl River	do	May 1 to July 5, 1977.
Do	Excessive rainfall.	July 25 to Sept. 17, 1977.
Pike	Drought	May 2 to July 7, 1977.
Pontotoc	do	Apr. 10 to Sept. 6, 1977.
Prentiss	do	Jan. 1 to Sept. 15, 1977.
Sharkey	do	May 1 to Sept. 1, 1977.
Smith	do	Apr. 23 to July 12, 1977.
Stone	do	May 8 to July 11, 1977.
Sunflower	do	May 15 to Aug. 18, 1977.
Do	Excessive rainfall.	July 10 to Aug. 10, 1977.
Tallahatchie	Drought	Apr. 3 to Sept. 30, 1977.
Tippah	do	Mar. 1 to July 19, 1977.
Tishomingo	do	May 8 to Sept. 1, 1977.
Union	do	May 1 to Sept. 15, 1977.
Walthall	do	May 1 to July 2, 1977.
Warren	do	May 1 to July 30, 1977.
Do	Excessive rainfall.	Sept. 1 to Oct. 15, 1977.
Washington	Drought	May 1 to Aug. 30, 1977.
Wayne	do	Apr. 1 to July 11, 1977.
Webster	do	Apr. 4 to July 8, 1977.
Wilkinson	do	May 2 to July 8, 1977.
Winston	do	Apr. 10 to July 10, 1977.
Do	Excessive rainfall.	July 11 to Nov. 15, 1977.
Yalobusha	Drought	1976 through Aug. 31, 1977.
Do	Early frost	Oct. 12, 1977.
Yazoo	Drought	Apr. 22 to July 9, 1977.

and adjacent counties within the State of Mississippi, as a result of natural disasters as indicated. The time for filing applications is extended to July 3, 1978, for physical damage and October 3, 1978, for economic injury.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: January 10, 1978.

PATRICIA M. CLOHERTY,
Acting Administrator.

[FR Doc. 78-1383 Filed 1-19-78; 8:45 am]

[4910-22]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

NATIONAL ADVISORY COMMITTEE ON UNIFORM TRAFFIC CONTROL DEVICES, SUBCOMMITTEE ON CONSTRUCTION AND MAINTENANCE

Open Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the ad hoc Task Force on Fundamental Principles of Traffic Control for Construction Zones, Subcommittee on Construction and Maintenance, National Advisory Committee on Uniform Traffic Control Devices. This meeting will be held in Room 3442, Nassif Building, 400 7th Street SW., Washington, D.C., on February 6 and 7, 1978, beginning at 9 a.m., and will be open to the public. The Task Force will review related material and prepare recommendations for the revision of Part VI, Manual on Uniform Traffic Control Devices to include consideration of basic principles related to the safe handling of traffic through construction zones.

For further information contact R. E. Conner, Executive Director, National Advisory Committee on Uniform Traffic Control Devices, Office of Traffic Operations, Federal Highway Administration, 400 7th Street SW., Washington, D.C. 20590, 202-426-0411.

Dated: January 18, 1978.

J.J. CROWLEY,
Director, Office of Traffic Operations.

[FR Doc. 78-1834 Filed 1-19-78; 8:45 am]

[4810-31]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 78-2]

ADVISORY COMMITTEE ON EXPLOSIVES TAGGING

Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a closed meeting of the Advisory Committee on Explosives Tagging will be held on March 1, 1978, at the Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., room 5041, beginning at 9:30 a.m. (e.s.t.).

The Advisory Committee will discuss detailed proprietary scientific and technical data concerning various candidate explosive tagging systems that can be used in the detection and identification of explosives. The information which will be presented and discussed during the meeting will constitute trade secrets and commercial or financial information obtained from a person and privileged or confidential within the ambit of Title 5, United States Code, section 552b(c)(4). Accordingly, the meeting of the Advisory Committee will, under authority of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463), not be open to the public.

All communications regarding this Advisory Committee meeting should be addressed to the Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226, Attention: Mr. Robert F. Dexter, Committees Manager, Technical Services Division, Explosives Technology Branch, room 8233.

Signed: January 12, 1978.

REX D. DAVIS,
Director.

[FR Doc. 78-1650 Filed 1-19-78; 8:45 am]

[4830-01]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

DEPARTMENT OF LABOR

Pension and Welfare Benefit Programs

PROPOSED CLASS EXEMPTION TO PERMIT PLANS TO PURCHASE CUSTOMER NOTES FROM EMPLOYERS MAINTAINING PLANS

Hearing

By notice published in the FEDERAL REGISTER (42 FR 55321, October 14, 1977), the Department of Labor and the Internal Revenue Service (hereinafter collectively referred to as the agencies), announced the pendency of a proposed class exemption from the restrictions of sections 406 and 407(a) of the Employment Retirement Income Security Act of 1974, and from the taxes imposed by section 4975 (a) and (b) of the Internal Revenue Code of 1954. The proposed exemption would permit employee benefit plans to purchase certain notes from employers any of whose employees are covered by the plan where the employers receive such notes from their customers in the ordinary course of their business and other conditions of the exemption are satisfied.

A public hearing on the proposed class exemption will be held on March 9, 1978, beginning at 10 a.m. in the Internal Revenue Service Auditorium, Seventh Floor, 7100 Corridor, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C. 20224.

Any interested person who desires to present oral comments at the hearing and who wishes to be assured of being heard should submit a statement to that effect, an outline of the topics to be discussed (at least six copies), and the time to be allocated to each topic by 3:30 p.m. on February 14, 1978. The statement and outline should be submitted to the Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, Attention: E:EP:PT, Application No. D-639 Hearing.

An agenda will be prepared containing the order of presentation of oral comments and the time allotted to each commentator. Information with respect to the contents of the agenda may be obtained on or after February 24, 1978, by telephoning Charles Scalera, Washington, D.C., 202-566-3045. This is not a toll free number.

At the conclusion of oral comments by persons listed in the agenda, to the extent time permits, other persons will be permitted to make oral comments. The public hearing will be transcribed.

Persons making oral comments should be prepared to answer questions relating to the pending exemption and their comments.

Signed at Washington, D.C., this 16th day of January 1978.

ALVIN D. LURIE,
Assistant Commissioner (Employee Plans and Exempt Organizations), Internal Revenue Service United States Department of Treasury.

IAN D. LANOFF,
Administrator of Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 78-1440 Filed 1-19-78; 8:45 am]

[4810-25]

Office of the Secretary

ASSET DEPRECIATION RANGE GUIDELINES

Study of Assets Used in Contract Construction (Including Offshore Oil and Gas Drilling)

The Office of Industrial Economics (OIE) of the Office of the Secretary of the Treasury has initiated a study of the guideline depreciation periods and repair allowance percentages for assets used in contract construction (including offshore oil and gas drilling). These assets are currently included in asset guideline classes 15.1 and 15.2 (Rev. Proc. 77-10, 1977-1 C.B. 548) of the Class Life Asset Depreciation Range System (IRC Secs. 167(m) and 263(e) and Reg. Sec. 1.167(a)-11).

All persons interested in this study may submit comments in writing to OIE. Information from all interested persons is solicited. All mail concerning this study should be addressed to:

Office of Industrial Economics, Contract Construction Project, P.O. Box 28018, Washington, D.C. 20005.

Dated: January 17, 1978.

Approved by:

KARL RUHE,
Director, Office of Industrial Economics.

[FR Doc. 78-1623 Filed 1-19-78; 8:45 am]

[4810-25]

MOTORCYCLES FROM JAPAN

Antidumping: Extension of Investigatory Period

AGENCY: U.S. Customs Service, Treasury Department.

ACTION: Extension of Antidumping investigatory period.

SUMMARY: This notice is to advise the public that the Secretary of the Treasury has determined that a tentative determination as to whether sales at less than fair value of motorcycles from Japan have occurred cannot reasonably be made in six months. This decision will be made in not longer than nine months from the date of the initiation of the investigation. Sales at less than fair value generally occur when the price of merchandise sold for exportation to the United States is less than the price of such or similar merchandise sold in the home market or to third countries.

EFFECTIVE DATE: January 20, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Edward F. Haley or Mr. Anthony L. Russo, Operations Officers, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C.

Avenue, NW., Washington, D.C. 20229, telephone 202-566-5492.

SUPPLEMENTARY INFORMATION: On June 8, 1977, information was received in proper form pursuant to sections 153.26 and 153.27, Customs Regulations (19 CFR 153.26 and 153.27), indicating that motorcycles from Japan are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was submitted by counsel acting on behalf of the Harley-Davidson Motor Co., Inc., a subsidiary of AMF, Inc. On the basis of this information and subsequent preliminary investigation by the Customs Service, an "Antidumping Proceeding Notice" was published in the FEDERAL REGISTER of July 15, 1977 (42 FR 36584).

For purposes of this notice, the term "motorcycles" means those motorcycles having engines with total piston displacement over 90 cubic centimeters, whether for use on or off the road.

Pursuant to section 201(b)(2) of the Act (19 U.S.C. 160(b)(2)), notice is hereby given that the Secretary concludes that the determination provided for in section 201(b)(1) of the Act (19 U.S.C. 160(b)(1)), cannot reasonably be made within six months. The determination under section 201(b)(1) of the Act (19 U.S.C. 160(b)(1)) will, therefore, be made within no more than nine months.

The reasons and bases for the above conclusion are as follows: The need for the collection and analysis of further information, particularly with respect to the issue of the comparability of the merchandise sold in the relevant markets and with respect to the prices of similar merchandise sold to appropriate third countries, makes it inadvisable to take tentative action at this time.

This notice is published pursuant to section 201(b)(2) of the Act (19 U.S.C. 160(b)(2)).

Dated: January 17, 1978.

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

[FR Doc. 78-1615 Filed 1-19-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Notice No. 569]

ASSIGNMENT OF HEARINGS

JANUARY 17, 1978.

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 103066 (Sub 58), Stone Trucking Co., now assigned January 18, 1978, at Columbus, Ohio, is canceled, application dismissed.

MC 43867 (Sub-No. 36), A. Leander McAlister Trucking Co., and MC 114211 (Sub-No. 318), Warren Transport, Inc., now being assigned March 10, 1978 (1 day), for hearing in San Francisco, Calif., in a hearing room to be later designated.

MC 66886 (Sub 56), Belger Cartage Service, Inc., now assigned February 2, 1978, at Birmingham, Ala., is canceled, application dismissed.

MC 100449 (Sub 75), Mallinger Truck Line, Inc., now being assigned March 14, 1978 (1 day), at Kansas City, Mo., in a hearing room to be later designated.

MC 134755 (Sub 109), Charter Express, Inc., now being assigned March 15, 1978 (1 day), at Kansas City, Mo., in a hearing room to be later designated.

MC-F-13153, McCarthy Truck Line, Inc.—Control—(B) East Nebraska Motor Freight Inc., and (BB) Kruse Transportation Co., Inc.; and MC 121586 (Sub 2), Kruse Transportation Co., Inc.; MC-F-13168, McCarthy Truck Line—Control—Nebraska Iowa Missouri Express, Inc.; MC-F-13419, McCarthy Truck Line Inc.—Investigation of control—East Nebraska Motor Freight Inc., Kruse Transportation Co., Inc., Nebraska Iowa Missouri Express, Inc., and Dewayne Marley, d.b.a. Pike Truck Line; and MC 121540 (Sub 4), East Nebraska Freight, Inc., now assigned March 20, 1978 (1 week), at Lincoln, Nebr., in a hearing room to be later designated.

MC-F-12753, Whitfield Transportation, Inc.—Purchase—Haywood L. Washum, d.b.a. Los Angeles-Yuma Freight Lines, and MC 108461 (Sub 126), Whitfield Transportation, Inc., now assigned March 14, 1978, at Phoenix, Ariz., will be held at the Hyatt Regency, Second and Adams Streets.

MC-F-13020, Gray Moving & Storage, Inc.—Purchase—American Security Van Lines, and MC 112070 (Sub 14), Gray Moving & Storage, Inc., now assigned March 1, 1978, at Denver, Colo., will be held in Room 158, U.S. Customs House, 721 19th Street.

MC 120981 (Sub 22), Bestway Express, Inc., now assigned February 27, 1978, at Nashville, Tenn., will be held in Room A-961, U.S. Courthouse, 801 Broadway, and February 28, 1978, through March 3, 1978, in Room 115, U.S. Courthouse, 801 Broadway.

MC 115826 (Sub 272), W. J. Digby, Inc., now assigned February 28, 1978, at Denver, Colo., will be held in Room 158, U.S. Customs House, 721 19th Street.

MC 57697 (Sub 7), Lester Smith Trucking, Inc., now assigned March 8, 1978, at Denver, Colo., will be held in Room 158, U.S. Customs House, 721 19th Street.

MC 114632 (Sub 120), Apple Lines, Inc., now assigned March 6, 1978, at Denver, Colo., will be held in Room 158, U.S. Customs House, 721 19th Street.

MC 143112, Western Kansas Express, Inc., now assigned February 22, 1978, at Wichita, Kans., will be held in Room 501C, West Towers, Federal Building, 401 North Market.

MC 143633, James E. Ashley, d.b.a. Ashley Hauling Equipment Co., now being assigned March 16, 1978 (2 days), at Kansas City, Mo., in a hearing room to be later designated.

MC 143749, Garwood Wrecker Service, now being assigned March 22, 1978 (3 days), at Kansas City, Mo., in a hearing room to be later designated.

MC 139999 (Sub 25), Redfeather Fast Freight, Inc., and MC 114632 (Sub 111), Apple Lines, Inc., now being assigned March 20, 1978 (2 days), at Kansas City, Mo., in a hearing room to be later designated.

MC 133937 (Sub 20), Carolina Cartage Co., Inc., now assigned February 27, 1978, at Columbia, S.C., is canceled, application dismissed.

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

[FR Doc. 78-1664 Filed 1-19-78; 8:45]

[7035-01]

[No. 570]

ASSIGNMENT OF HEARINGS

JANUARY 17, 1978.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

CORRECTION

MC 114632 (Sub-No. 111), Apple Line, Inc., published in the FEDERAL REGISTER of December 28, 1977, page 64755, now assigned for hearing on December 27, 1978, at Kansas City, Mo., is to be disregarded.

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

[FR Doc. 78-1668 Filed 1-19-78; 8:45 am]

[7035-01]

[Docket No. AB-1 (Sub-No. 29)

CHICAGO & NORTH WESTERN TRANSPORTATION CO.

Notice of Findings

Chicago & North Western Transportation Co. abandonment between Hayward and Bayfield, also between Ashland Junction and Ashland, all in Sawyer, Ashland, and Bayfield Counties, Wis.

Notice is hereby given pursuant to section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on October 25, 1977, a finding, which is administratively final, was made by the Administrative Law Judge, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line Railroad Abandonment—Goshen*, 354 ICC 76(1977) and for public use as set forth in said order, the present and future public convenience and necessity permit the abandonment by the Chicago & North Western Transportation Co. of its line of railroad between Hayward and Ashland Junction, and between Washburn and Bayfield, Wis. A certificate of abandonment will be issued to the Chicago & North Western Transportation Co. based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

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

[FR Doc. 78-1665 Filed 1-19-78; 8:45 am]

[7035-01]

[Finance Docket No. 28657]

CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD CO.

Trackage Rights

Chicago, Milwaukee, St. Paul & Pacific Railroad Co.—trackage rights—over Chicago & North Western Transportation Co. between Lakeland Junction and Bayport, Minn., and East St. Paul, Minn., and Eau Claire, Wisc., and over Burlington Northern, Inc., at East St. Paul, Minn.

Chicago, Milwaukee, St. Paul & Pacific Railroad Co., 516 West Jackson Boulevard, Chicago, Ill. 60606, represented by Thomas H. Ploss, general attorney and commerce counsel; William L. Phillips, attorney; Rodger K. Johnson, general attorney; and William C. Sippel, attorney, all of 516 West Jackson Boulevard, Chicago, Ill. 60606, bereby give notice that on the 30th day of December 1977 it filed with the Interstate Commerce Commission at Washington, D.C., an application under section 5(2) of the Interstate Commerce Act for an order approving and authorizing the acquisition of trackage rights over the lines of the Chicago & North Western Transportation Co. (C&NW), between Lakeland Junction, Minn., and Bayport, Minn. (a distance of 3.38 miles), and between East St. Paul, Minn., and Eau Claire, Wis. (a distance of 87.3 miles), and over a line of the Burlington Northern, Inc. (BN), at East St. Paul, Minn. (less than 1 mile), which application is assigned Finance Docket No. 28657.

The counties through which the proposed trackage rights operations will occur are: Washington and Ramsey Counties, Minn., and St. Croix, Dunn, Chippewa, and Eau Claire Counties, Wis.

Operation over BN trackage at East St. Paul, Minn., is only necessary to provide an appropriate connection between applicant's lines and the C&NW line to Eau Claire, Wis. A trackage right agreement between applicant and BN, a constituent part of this application, is in the final stages of negotiation and will be filed with the Commission as Exhibit 9-b.

The purposes sought to be accomplished by the proposed transaction are the effectuation of economies in operation, in that Milwaukee road's own lines would require an estimated $6,800,641 to upgrade to FRA Class 2 standards, and operations over the Winona Bridge railway and BN trackage between Winona, Minn., and Trevino, Wis., at an annual expense of $61,800, may be avoided through grant of the instant trackage rights application; elimination of excess facilities, in that C&NW's trackage is adequate to accommodate all traffic presently enjoyed by both C&NW and Milwaukee road in the territory involved; and improved financial viability of both Milwaukee road and C&NW, in that rail traffic will be concentrated on fewer lines, yielding future savings in maintenance and operation expenditures over those required in the maintenance and operation of separate trackage and facilities serving the same points.

This application is made contingent upon the issuance of an appropriate certificate of public convenience and necessity by the Commission in Docket No. AB-7 (Sub-No. 44) wherein the Chicago, Milwaukee, St. Paul & Pacific Railroad Co. request abandonment of operations over the line of the Winona Bridge Railway Co. extending from a point in Winona, Winona County, Minn., in an easterly direction over Mississippi River crossing to the connection with the Burlington Northern, Inc., near East Winona, Buffalo county, Wis., a distance of 1 mile; and also to discontinue its operation over the line of the Burlington Northern, Inc., extending from railroad milepost 325 near East Winona in a northeasterly direction to railroad milepost 362 near Trevino, Buffalo County, Wis., a distance of 37 miles, and AB-7 (Sub-No. 45) wherein the Chicago, Milwaukee, St. Paul & Pacific Railroad Co. request abandonment of its line of railroad known as the "St. Croix Junction to Bayport Branch" extending from railroad milepost 0.0 near St. Croix Junction in a northerly direction to railroad milepost 22.5 near Bayport, a distance of 22.5 miles, in Washington County, Minn.

In the opinion of the applicant, the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the commission's regulations (49 CFR 1108.8) in Ex Parte No. 55 (Sub-No. 4), *Implementation—National Environmental Policy Act, 1969*, 352 ICC 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See Implementation—National Environmental Policy Act, 1969, supra, at p. 487.

Interested persons may participate formally in a proceeding by submitting

written comments regarding the application. Such submissions shall indicate the proceeding designation Finance Docket No. 28657 and the original and two copies thereof shall be filed with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, not later than 45 days after the date notice of the filing of the application is published in the FEDERAL REGISTER. Such written comments shall include the following: The person's position, e.g., party protestant or party in support, regarding the proposed transaction; specific reasons why approval would or would not be in the public interest; and a request for oral hearing if one is desired. Additionally, interested persons who do not intend to formally particpate in a proceeding but who desire to comment thereon, may file such statements and information as they may desire, subject to the filing and service requirements specified herein. Persons submitting written comments to the Commission shall, at the same time, serve copies of such written comments upon the applicant, the Secretary of Transportation and the Attorney General.

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

[FR Doc. 78-1659 Filed 1-19-78; 8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 17, 1978.

These applications for long- and short-haul relief have been filed with the ICC.

Protests are due at the ICC by February 6, 1978.

FSA No. 43490, Star Lines Overseas Shipping Ltd.'s No. 1, on intermodal rates on general commodities, between rail carriers terminals at U.S. Pacific and Gulf Coasts, on the one hand, and, on the other, ports on the Mediterranean Sea, or on waters adjacent or tributary thereto, in its tariffs Nos. 1 and 2, ICC Nos. 1 and 2, respectively, to become effective February 4, 1978, and later.

Grounds for relief—water competition.

FSA No. 43491, North Pacific Coast Freight Bureau, Agent's No. 78—1, on rates on barley and wheat, from stations in Montana, to Malden, Wash., in sup. 5 to its tariff 13-J, ICC 1342, to become effective February 18, 1978.

Grounds for relief—motor-truck competition.

By the Commission.

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

[FR Doc. 78-1660 Filed 1-19-78; 8:45 am]

[7035-01]

[Docket No. AB-2 (Sub-No. 16)]

LOUISVILLE AND NASHVILLE RAILROAD CO.

Abandonment Between McKinnon and Big Sandy, Houston and Benton Counties, Tenn.; Findings

Notice is hereby given pursuant to Section 1a of the Interstate Commerce Act (49 U.S.C. 1a) that by an Certificate and Order dated December 16, 1977, a finding, which is administratively final, was made by the Commission, Division 3, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in Oregon Short Line R. Co.—Abandonment—Goshen, 354 I.C.C. 76 (1977) and for public use as set forth in said order, the present and future public convenience and necessity permit the abandonment by the Louisville and Nashville Railroad Co. of its line of railroad beginning at milepost F-218.3 at McKinnon, Tenn., extending to milepost F-229.8 near Big Sandy, Tenn., a distance of 11.5 miles. A certificate of public convenience and necessity permitting abandonment was issued to the Louisville and Nashville Railroad Co. Since no investigation was instituted, the requirement of § 1121.38(a) of the Regulations that publication of notice of abandonment decisions in the FEDERAL REGISTER be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (§ 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served no later than February 6, 1978. The offer, as filed, shall contain information required pursuant to § 1121.38(b) (2) and (3) of the regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective March 6, 1978.

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

[FR Doc. 78-1666 Filed 1-19-78; 8:45 am]

[7035-01]

[Notice No. 2TA]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 6, 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 26396 (Sub-No. 163TA), filed December 16, 1977. Applicant: POPELKA TRUCKING CO., d.b.a. THE WAGGONERS, P.O. Box 990, Livingston, Mont. 59047. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Burns Harbor and Gary, Ind., to Mills, Wyo., for 180 days. Supporting shipper: Robert W. Eckhart, Material Control Manager, Western Oil Tool & Mfg. Co., Inc., P.O. Box 260, Casper, Wyo. 82602. Send protests to: District Supervisor Paul J. Lane, Interstate Commerce Commission, 2602 First Avenue North, Billings, Mont. 59101.

No. MC 52917 (Sub-No. 65 TA), filed December 8, 1977. Applicant: CHESAPEAKE MOTOR LINES, INC., 6748 Dorsey Road, Baltimore, Md. 21740. Applicant's representative: Charles E. Creager, Esq., 1329 Pennsylvania, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods and Foodstuffs (except bananas) in vehi-*

cles equipped with temperature control, between points in Frederick, Anne Arundel, Howard, Prince George's, Washington, and Baltimore counties, Md., Delaware; New Jersey; Baltimore, Md.; Washington, D.C.; New York, N.Y.; Nassau, Suffolk, and Westchester counties, N.Y.; points in Stafford, Prince William, and Fairfax counties, Va., west of U.S. Interstate Route 95; and points in Pennsylvania east of the Susquehanna River, restricted against the transportation of canned goods from Cheriton and Hopeton, Va., to points in New York, New Jersey, and Pennsylvania, and further restricted against the transportation of frozen foods from points in New Jersey and Pennsylvania (except Philadelphia) to points in New York, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately (16) statements of support attached to this application which may be examined at the field office named below. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814-B Federal Building, Baltimore, Md. 21201.

No. MC 55896 (Sub-No. 59TA), filed December 14, 1977. Applicant: R-W SERVICE SYSTEM, INC., 20225 Goddard Road, Taylor, Mich. 48180. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, Transporting: *Coke*, in bulk, in dump equipment from the Toledo-Lucas County Port Authority Toledo, Ohio, to all points in Illinois, Indiana, Michigan, and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Miller & Co., 55 East Monroe Street, Chicago, Ill. 60603, Elmer Oison, Materials Distribution Manager. Send protests to: Erma W. Gray, Secretary, Interstate Commerce Commission, Bureau of Operations, 604 Federal Building and U.S. Courthouse, 231 West Lafayette Boulevard, Detroit, Mich. 48226.

No. MC 80430 (Sub-No. 164TA), filed December 2, 1977. Applicant: GATEWAY TRANSPORTATION CO., INC., 455 Park Plaza Drive, P.O. Box 851, La Crosse, Wis. 54601. Applicant's representative: F. Neil Aschemeyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the facilities of General Foods Corp., at or near Bettendorf, Iowa, to points in Indiana, Michigan, Ohio, and points in that part of Pennsylvania on and west of a line beginning at the Pennsylvania-Maryland State line (near Hancock, Md.), thence along U.S. Highway 522 to junction U.S. Highway 322 (near Lewiston, Pa.), thence along U.S. Highway 322 to junction Pennsylvania Highway 144 (at Potters Mills), thence along Pennsylvania Highway 144 to U.S. Highway 6, thence along U.S. Highway 6 to Pennsylvania Highway 449, thence along Pennsylvania Highway 449 to the Pennsylvania-New York State line (near Genesee, Pa.), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: General Foods Corp., 250 North Street, White Plains, N.Y. Send protests to: Ronald A Morken, District Supervisor, Interstate Commerce Commission, 139 West Wilson Street, Room 202, Madison, Wis. 53703.

No. MC 91811 (Sub-No. 15 TA), filed December 6, 1977. Applicant: MILTON K. MORRIS, INC., 2307 Bristol Pike, P.O. Box 56, Croydon, Pa. 19020. Applicant's representative: Gerald K. Gimmel, 4 Professional Drive, Suite 145, Gaithersburg, Md. 20760. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in or used in the operations of the wholesale retail and chain store grocery business* (except commodities in bulk, fresh fruits and vegetables, and frozen foods), from plantsite and storage facilities of The Clorox Co. at Jersey City, N.J., to Philadelphia, Pa., and points in its commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Clorox Co., 1221 Broadway, Oakland, Calif. 94612. Send protests to: T. M. Esposito, Transportation Assistant, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 96697 (Sub-No. 9 TA), filed December 9, 1977. Applicant: CITY FREIGHT LINES, 22560 Lucerne Avenue, Carson, Calif. 90745. Applicant's representative: Gregory L. Owen, 22560 Lucerene Avenue, Carson, Calif. 90745. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, except those of unusual values, household goods as defined by the Commission, commodities in the bulk, and commodities requiring special equipment.* Regular route: Between all points on the following named highway: (a) State Highway 62 between Twenty-nine Palms and its junction with interstate Highway 10 near Whitewater, including the off-route points of Desert Hot Springs and Pioneer Town. (b) Unnumbered county road between its junction with Interstate Highway 10 near Palm Springs and North Palm Springs. Irregular route territory: All points and places within the following described territory: Beginning at the intersection of Yucaipa Boulevard and Interstate Highway 10; northwesterly along Redlands Boulevard to Barton Road; westerly along Barton Road to La Cadena Drive; southerly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to State Highway 60; southeasterly along State Highway 60 and U.S. Highway 395 to Nuevo Road; easterly along Nuevo Road via Nuevo and Lakeview to State Highway 79; southerly along State Highway 79 to State Highway 74; thence westerly to the corporate boundary of the City of Hemet; southerly, westerly, and northerly along said corporate boundary to The Atchison, Topeka and Santa Fe right-of-way; southerly along said right-of-way to Washington Road; southerly along Washington Road through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to Winchester Road (State Highway 79) to Jefferson Avenue; southerly along Jefferson Avenue to U.S. Highway 395; southerly along U.S. Highway 395 to the Riverside County-San Diego County boundary line; easterly along said boundary line to U.S. Highway 99; northerly along U.S. Highway 99 to the State Highway 195; northerly and easterly on State Highway 195 to its intersection with State Highway 111 to its intersection with Interstate Highway 111 to its intersection with Interstate Highway 10 to point of beginning, for 180 days. Supporting shippers: There are approximately (16) statements of support attached to this application which may be examined at the field office named below. Send protests to: Walter W. Strakosch, Interstate Commerce Commission, Room 1321 Federal Building, 300 N. Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 107403 (Sub-No. 1048TA), filed December 7, 1977. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: Martin C. Hynes, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and dry fertilizers and fertilizer materials*, in bulk, in tank or hopper vehicles, from Monroe, La., to Arkansas, Mississippi, and points in Texas on and east of U.S. Highway 75 from the Oklahoma line through Dallas and Houston, Tex., to the Gulf of Mexico, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: W. R. Grace & Co., South Central Division, 7018 Red Barn Road, Freeport, Tex. 77541. Send protests to: T. M. Esposito, Transportation Assistant, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 108393 (Sub-No. 131TA), filed December 1, 1977. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 East Ogden Avenue, Hinsdale, Ill. 60521. Applicant's representative: Thomas B. Hill, 201 East Ogden Avenue, Hinsdale, Ill. 60521. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpet, ceiling, tile, floor covering and floor tile and materials, supplies and equipment used in the installation and maintenance of carpet, ceiling tile, floor covering and floor tile*, between Marietta, Lancaster, and Landisville, Pa., on the one hand, and, on the other points in Boone, Cook, DuPage, Kankakee, Kendall, Lake, McHenry, Will, and Winnebago Counties, Ill., and Lake County, Ind., for 180 days. Supporting shipper: 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, Bureau of Operations, 219 South Dearborn Street, Room 1386, Chicago, Ill. 60604.

No. MC 108449 (Sub-No. 406TA), filed December 16, 1977. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizers*, in bulk in tank vehicles, from Alexandria, Minn., to all points in the States of North Dakota and South Dakota, for 180 days. Supporting shipper: Agrico Chemical Co., Box 3166, Tulsa, Okla. 74101. Send protests to: Marion L. Cheney, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn.

No. MC 109397 (Sub-No. 377TA), filed December 16, 1977. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113 (business route I-44 east), Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products*, from points in Arizona, Colorado, and Utah to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin, for 180 days. Supporting shipper: Kaibab industries, Inc., P.O. Box 20506, Phoenix, Ariz. 85036. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission-BOp, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 109708 (Sub-No. 78TA), filed December 13, 1977. Applicant: INDIAN RIVER TRANSPORT CO., d.b.a. INDIAN RIVER TRANSPORT, INC., P.O. Box AG, 2580 Executive Road, Dundee, Fla. 33828. Applicant's representative: Bruce A. Bullock, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Brandy, wine, neutral spirits and rum*, from Lake Alfred, Fla., to Linden, Dayton, and Lawrenceville, N.J.; Peoria, Pekin, and Chicago, Ill.; Cleveland and Cincinnati, Ohio; Lawrenceburg, Ind.; Clermont and Louisville, Ky.; Cambridge and Boston, Mass.; Baltimore, Md.; Detroit and Allen Park, Mich.; and Port Sulphur, La.; (2) *Brandy, wine and neutral spirits*, from Auburndale, Fla.; to Peoria, Ill.; Philadelphia and Schenley, Pa.; Lawrenceville and Scobeyville, N.J.; Louisville Ky.; Detroit, Mich.; Baltimore and Relay, Md.; and Cincinnati, Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Florida Distillers Co., Division of Tod Hunter International, Inc., 530 Dakota Avenue, P.O. Box 1447, Lake Alfred, Fla. 33850, and Jacquin Florida Distillers, Inc., 425 Recker Highway, Auburndale, Fla. 33823. Send protest to: Donna M. Jones, Transportation Assistant, Interstate Commerce Commission-BOp, Monterey Building, Suite 101, 8410 NW. 53d Terrece, Miami, Fla. 33166.

No. MC 110420 (Sub-No. 773TA), filed December 7, 1977. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Paririe, Wis. 53158. Applicant's representative: Joseph K. Reber (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, between Gurnee, Ill., on the one hand, and, on the other, Macon, Ga., for 180 days. Applicant has also filled an underlying ETA seeking up to 90 days of operationg authority. Supporting shipper: The Proctor & Gamble Co., William J. Payne, P.O. Box 599, Cincinnati, Ohio 45201. Send protest to: Mrs. Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 110686 (Sub-No. 53TA), filed December 7, 1977. Applicant: McCORMICK DRAY LINE, INC., Route 220, Avis, Pa. 27721. Applicant's representative: Jay H. McCormick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, building panels, building parts, and materials, accessories and supplies used in the installation, erection, and construction of buildings, building panels, and building parts* (except commodities in bulk), from the plantsite and storage facilities of Butler Manufacturing Co., at or near Annville, Lebanon County, Pa., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Indiana, Illinois, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Carolina, South Dakota, Texas, and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Bulter Manufacturing Co., 1020 South Henderson Street, Galesburg, Ill. 61401. Send protest to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 314 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 110988 (Sub-No. 3532TA), filed December 13, 1977. Applicant: SCHNEIDER TANK LINES, INC., 4321 West College Avenue, Giltedge Building, Appleton, Wis. 54911. Applicant's representative: Paul Schneider (same address as applicant). Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Terre Haute, Ind., to points in Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Weston Paper & Manufacturing Co., P.O. Box 539, Terre Haute, Ind. 47808 (E. B. Weston). Send protest 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.

No. MC 112617 (Sub-No. 380TA), filed December 16, 1977. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, 1292 Fern Valley Road, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizers*, in bulk, from the plantsite of Agrico Chemical Co., Melbourne, Ky., to points in Illinois, Indiana, Kentucky, Ohio, Virginia, Michigan, and West Virginia, for 180 days. Supporting shipper: Agrico Chemical Co., P.O. Box 3166, Tulsa, Okla. 74101. Send protests to: Linda H. Sypher, District Supervisor, Interstate Commerce Commission, 426 U.S. Post Office Building, Louisville, Ky. 40202.

No. MC 113678 (Sub-No. 711TA), filed December 14, 1977. Applicant: CURTIS, INC., 4810 Pontiac Street,

P.O. Box 16004, Stockyards Station, Commerce City (Denver), Colo. 80216. Applicant's representative: Roger M. Shander (same address as applicant). Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Textiles, rugs, carpets, carpeting and materials and supplies used or useful in the installation thereof* (except commodities in bulk) from (1) Winchester, Tenn., to points in California and Colorado, and (2) from Dalton, Ga., to points in California, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: E and B Carpet Mills, Inc., 901 Showalter Avenue, Dalton, Ga. 30720. Send protests to: District Supervisor, H. C. Ruoff, 492 U.S. Customs House, 721 19th Street, Denver, Colo. 80202.

No. MC 114457 (Sub-No. 342TA), filed December 14, 1977. Applicant: DART TRANSIT CO. 2102 University Avenue, St. Paul, Minn. 55114. Applicant's representative: James H. Wills (same address as applicant). Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry dog food*, from the facilities of Sunshine Feed Mills, Inc., at Tupelo, Miss,. and Red Bay, Ala., to points in Milan, Peoria, Aurora, Elgin, East St. Louis, Springfield, Skokie, Waukegan, Wheaton, and Chicago, Ill.; St. Louis, Carthage, Independence, Hazelwook, Cape Girardeau, Joplin, and Kansas City, Mo.; Detroit, Livonia, Grand Rapids, Benton Harbor, Flint, Lansing, Port Huron, and Ann Arbor, Mich., and Indianapolis, Terre Haute, Plymouth, Hammond, Michigan City, and Fort Wayne, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Sunshine Feed Mills, Inc., P.O. Drawer S, Red Bay Ala. 35882. Send protests to: Marion L. Cheney, District Supervisor, ICC, BOp, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, Minn. 55401.

No. MC 114569 (Sub-No. 204TA), filed December 5, 1977. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: N. L. Cummins, P.O. Box 418, New Kingstown, Pa. 17072. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise used by, dealt in, or distributed by wholesale or retail grocery, department, drug, and variety stores and institutional supply firms*, from Byhalia, Miss., to Alabama; Phoenix and Tucson, Ariz.; Bentonville, Little Rock, and Harrison, Ark.; California; Denver, Colo.; Florida, Georgia, Idaho, Illinois, Indiana; Bettendorf and Des Moines, Iowa; Kansas, Kentucky, Louisiana; Baltimore, Silver Spring, and Landover, Md.; Detroit and Grand Rapids, Mich., Minneapolis, St. Cloud, and St. Paul, Minn.; Missouri; Billings, Butte, and Great Falls, Mont.; Lincoln and Omaha, Nebr.; Las Vegas, Reno, and Sparks, Nev.; New Jersey; Albuquerque, N. Mex.; New York, North Carolina, North Dakota, Ohio; Portland, Oreg.; Pennsylvania; Columbia, S.C.; Knoxville and Nashville, Tenn.; Texas; Salt Lake City, Utah; Virginia; Seattle and Spokane, Wash.; Washington, D.C.; Wisconsin; and Rock Springs, Laramie, and Cheyenne, Wyo.; (2) *Supplies and materials used in the manufacture and sale of such merchandise* described in (1) above to Byhalia, Miss., from Hoboken, N.J.; El Paso, Tex.; Faribault, Minn.; Chicago, Ill.; Racine, Wis.; and Atlanta, Ga. Restricted to traffic originating or terminating at Byhalia, Miss., for 180 days. Supporting Shipper(s): RJR Foods, Inc., P.O. Box 3037, Winston Salem, N.C. 27102; Professional Mixers, Inc., Chesterfield, Mo. 63101; Gem, Inc., Memphis, Tenn. 38118. Send protests to: Charles F. Myers, District Supervisor, Interstate Commerce Commission, P.O. Box 869, Federal Square Station, Harrisburg, Pa. 17108.

No. MC 115331 (Sub-No. 442TA), filed December 6, 1977. Applicant: TRUCK TRANSPORT, INC., 29 Clayton Hills Lane, St. Louis, Mo. 63131. Applicant's representative: Herman Galligos, 230 St. Clair Avenue, East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal and hickory chips*, from the facilities of Floyd Charcoal Co. at or near Howes, Mo., to points and places in Illinois, Indiana, North Dakota, and South Dakota, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Kingsford Co., 940 Commonwealth Building, Louisville, Ky. 40201. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Room 1465, 210 North 12th Street, St. Louis, Mo. 63101.

No. MC 117686 (Sub-No. 197TA), filed December 8, 1977. Applicant: HIRSCHBACH MOTOR LINES, INC., 5000 South Lewis Boulevard, P.O. Box 417, Sioux City, Iowa 51102. Applicant's representative: George L. Hirschback, 5000 South Lewis Boulevard, P.O. Box 417, Sioux City, Iowa 51102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packing houses as described in Section A and C of Appendix I to the report in Description in Motor Carrier Certificates*, 61 MCC 209 and 766 (except hides and commodities in bulk). From the plantsite and cold storage facilities utilized by Iowa Beef Processors, Inc., at or near Dakota City, Nebr., to points in California. Restriction: Restricted to the transportation of traffic originating at the named origins and destined to the above described State, for 180 days. Applicant has filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately (2) statements of support attached to this application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 119176 (Sub-No. 18TA), filed December 13, 1977. Applicant: THE SQUAW TRANSIT CO., P.O. Box 9368, Tulsa, Okla. 74107. Applicant's representative: Clint Oldham, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and machinery, materials, equipment and supplies used in or in connection with the construction operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof; Earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe incidental to, used in, or in connection with* (a) the Transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells; between points in Oklahoma, Texas, Louisiana, Kansas, Arkansas, New Mexico, and Colorado, on the one hand, and, on the other, Maine, New Hampshire, Vermont, Connecticut, Rhode Island, Massachusetts, New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, North Carolina, and South Carolina, for 180 days. Supporting Shippers: Shell Oil Co., P.O. Box 2099, Houston, Tex. 77001; Gulf Oil Co.-U.S., P.O. Box 3076, Houston, Tex. 77001; The Crosby Group, P.O. Box 3128, Tulsa, Okla. 74101; The Bovaird

Supply Co., P.O. Box 2590, Tulsa, Okla. 74102; and Lee C. Moore Corp., 1105 North Peoria Avenue, Tulsa, Okla. 74101. Send protests to: Connie Stanley, Transportation Assistant, Room 240 Old Post Office and Court House Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 119493 (Sub-No. 173TA), filed December 7, 1977. Applicant: MONKEM, INC., P.O. Box 1196, West 20th Street Road, Joplin, Mo. 64801. Applicant's representative: Lawrence F. Kloeppel, P.O. Box 1196, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Flour, corn meal and grits*, from Buhler and Inman, Kans., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, except Alaska, Hawaii, Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Texas, Virginia, and West Virginia; (2) *Flour*, from McPherson, Kans., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, except, Alaska, Hawaii, Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Texas, Virginia, and West Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: (1) Buhler Mills, P.O. Box 345, Buhler, Kans. 67522 and (2) Wall Rogalsky Milling Co., P.O. Box 828, McPherson, Kans. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 119619 (Sub-No. 118TA), filed December 6, 1977. Applicant: DISTRIBUTORS SERVICE CO., 2000 West 434d Street, Chicago, Ill. 60609. Applicant's representative; Arthur J. Piken, Esq., One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen Bakery goods*, from Buffalo, N.Y., to points in, and including the commercial zones thereof as defined by the Commission, Detroit Grand Rapids and Lansing, Mich., and Columbus, Cincinnati, and Cleveland, Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Able's Bagels, Inc., Sam Solodky, Chief Executive Officer, 75 Empire Drive, Buffalo, N.Y. 14224. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations-EMD Building, Room 1386, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 119789 (Sub-No. 397TA), filed December 8, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr., P.O. Box 6188 (for telegrams—605 South Loop 12), Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Spring assemblies, davenport*, or *sofa bed*. (2) *Steel assemblies*. (1) Spring assemblies, davenport, or sofa bed, from Ennis, Tex. to Atlanta, Ga. (2) Steel assemblies from Simpsonville, Ky. to Ennis, Tex., for 180 days. Supporting shipper: Leggett and Platt, Inc., 903½ South Kaufman, Ennis, Tex. 75119. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75242.

No. MC 121630 (Sub-No. 6TA), filed December 13, 1977. Applicant: LEMORE TRANSPORTATION, INC., d.b.a. ROYAL TRUCKING CO., 1420 Royal Industrial Way, P.O. Box 6085, Concord, Calif. 94524. Applicant's representative: Daniel W. Baker, 100 Pine Street, San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry general commodities*, in bulk, in dump vehicles (other than pneumatic tank-type vehicles) between points in California, on the one hand, and, on the other hand points in Oregon and Washington; restricted against the transportation of the following: (1) *Beet pulp and beet pulp pellets* from points in Washington and Oregon to points in California; (2) *Sodium phosphate* from Long Beach, Calif., to points in Oregon and Washington; (3) *Sodium chlorate* from Portland, Oreg., to points in California; (4) *Dry Glue* from Santa Clara, Calif., to points in Oregon; (5) *Salt cake* from Trona, Calif., to points in Oregon and Washington, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Phillip Brothers, 1221 Avenue of the Americas, New York, N.Y. 10020; Interpace Corp., 3502 Breakwater Court, Hayward, Calif. 94545; Lone Star Industries, Inc., 2800 Campus Drive, San Mateo, Calif.; Miller & Co., 3868 Carson Street, Torrance, Calif. 90503; and Allied Chemical Corp., 100 Pine Street, San Francisco, Calif. 94111. Send protests to: District Supervisor, A. J. Rodriguez, 211 Main-Suite 500, San Francisco, Calif. 94105.

No. MC 125777 (Sub-No. 205TA), filed December 16, 1977. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46403. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coke*, in bulk, in dump vehicles, between Toledo, Ohio, on the one hand, and, on the other, points in Kentucky, Michigan, Ohio, and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Derby & Co., Inc., Frederick O. Frey, Traffic Manager, 400 Holiday Drive, Pittsburgh, Pa. 15220. Send protests to: Transportation Assistant Patricia A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, Ill. 60604.

No. MC 126118 (Sub-No. 156 TA), filed December 6, 1977. Applicant: CRETE CARRIER CORP., P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Duane W. Acklie (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid cleaning compounds, floor wax, floor polishers, carpet washers, cleaning systems, vacuum cleaner bags, and related items including advertising displays and promotional materials* moving in mixed shipments (except in bulk) between French Lick, Ind., and Castleton, Ind., on the one hand, and, on the other, points in the United States on and west of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada (except Wyoming, Montana, and Alaska), restricted to traffic originating at or destined to the facilites of the Earl Grissmer Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Roberts Owens, Traffic Manager, Earl Grissmer Co., Inc., 7950 Castleway Drive, Indianapolis, Ind. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, 285 Federal Building, 100 Centennail Mall North, Lincoln, Nebr. 68508.

NOTE.—Applicant conducts dual operations in MC-128375 as a contract carrier and in MC 126118 as a common carrier. As pertinent herein applicant holds authority in MC 128375 Sub 102TA which underlies Sub 104 permanent authority. The latter has been denied as it would cause applicant to serve more than a limited number of persons. Applicant is filing a series of conversion applications eliminating contract carriage. MC 126118 Sub 43 is the corresponding permanent application to the instant application.

No. MC 128940 (Sub-No. 32 TA), filed December 19, 1977. Applicant: RICHARD A. CRAWFORD, d.b.a. R. A. Crawford Trucking Service, Post Office Box 722, 9327 Riggs Road, Adelphi, Md. 20783. Applicant's representative: Edward N. Button, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier*, motor vehicle, over irregular routes, transporting: *Laboratory reagents and culture media*, from Cockeysville, Md., and its commercial zone to points in Louisiana, Texas, Alabama, Ohio, Kentucky, Missouri, North Carolina, Tennessee, Mississippi, Georgia, Florida, Michigan, Virginia, Pennsylvania, and New York, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: BBL Micro Biological Systems, 250 Schilling Circle, Cockeysville, Md. 21030. Send protests to: Interstate Commerce Commission, 12th and Constitution Avenue NW., Room 1413, District Supervisor W.C. Hersman, Washington, D.C. 20423.

No. MC 133233 (Sub-No. 56TA), filed December 20, 1977. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, I-80 and Highway 50, P.O. Box 37308, Omaha, Neb. 68137. Applicant's representative: Donna Ehrlich, I-80 and Highway 50, P.O. Box 37308, Omaha, Neb. 68137. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, and building materials*, from Phillipsburg, Mont., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Oklahoma, Texas, and Wisconsin, under a continuing contract with New Idria Mining and Chemical Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Lee Ekman, Sales Studs Division, P.O. Box 517, Afton, Wyo. 83110. Send protests to: Carroll Russell, District Supervisor, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 134323 (Sub-No. 101TA), filed December 6, 1977. Applicant: JAY LINES, INC., 720 North Grand Street, Amarillo, Tex. 79107. Applicant's representative: Gailyn Larsen, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automotive care and maintenance supplies* (except commodites in bulk) (1) from the plantsite and storage facilities of or utilized by Union Carbide Corp., at or near Edison, N.J., to Kansas City, Mo.; Dallas, Tex.; Atlanta, Ga.; Los Angeles, Calif.; Cleveland, Ohio; Chicago, Ill.; and Milwaukie, Oreg.; (2) from the plantsite and storage facilities of or utilized by Union Carbide Corp., at or near Chicago and Danville, Ill., and Holland and Owasso, Mich., to Edison, N.J.; (3) from the plantsite and storage facilities of or utilized by Union Carbide Corp., at or near Chicago and Danville, Ill.; Camden, N.J.; and Holland and Owasso, Mich., to Los Angeles, Calif., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days operating authority. Supporting shipper: Union Carbide Corp., 270 Park Avenue, New York, N.Y. 10017. Send protest to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations Box H-4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 134375 (Sub-No. 16TA), filed December 16, 1977. Applicant: ELDON GRAVES, d.b.a. ELDON GRAVES TRUCKING, P.O. Box 3044, Union Gap, Wash. 98903. Applicant's representative: Philip G. Skofstad, P.O. Box 594, Gresham, Oreg. 97030. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood fibre products, that is, silva fibre, silva wood, and silvacel*, from Snoqualmie and Longview, Wash., to points in California, for 180 days. Supporting shipper: H. J. Stoll & Sons, 2320 Southeast Grand Avenue, Portland, Oreg. 97214. Send protests to: District Supervisor R. V. Dubay, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 134477 (Sub-No. 204TA), filed December 7, 1977. Applicant: SCHANNO TRANSPORTATION, INC., P.O. Box 3496, St. Paul, Minn. 55165. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Such *commodities as are dealt in by retail department stores* (except foodstuffs, those of unusual value, explosives, commodities in bulk, those requiring special equipment), (1) from points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, to points to Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming, and (2) from points in Illinois, Indiana, Michigan, Ohio, and Wisconsin to points to Colorado, Kansas, Minnesota, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas. Restricted in (1) and (2) above to shipments originating at the above named origins and destined to the facilities of or utilized by Gamble-Skogmo, Ill., and its divisions and subsidiaries at the above named destinations, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Gamble-Skogmo, Inc., 5100 Gamble Drive, Minneapolis, Minn. 55416. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 135221 (Sub-No. 6TA), filed December 13, 1977. Applicant: DICK SIMON TRUCKING, INC., a Utah corporation, 3700 South 4355 West, Salt Lake City, Utah 84120. Applicant's representative: Chester A. Zyblut, 366 Executive Building, 1030 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cosmetics, tiolet preparations, and materials, supplies and equipment, componentry and compounds used in the manufacture, packaging, and distribution of the aforesaid commodities, in vehicles equipped with mechanical refrigeration:* (a) Between Des Plaines, Ill.; Clearfield, Utah; and Hawthorne, Gardena, and Compton, Calif.; on the one hand, and, on the other, New York, Mamaroneck and Forest Hills, N.Y.; Newark, North Bergen, Kearny, Belleville, Secaucus, and South Plainfield, N.J.; Ashland, Ohio; Philadelphia, Pa.; Baltimore, Md.; Bridgeport, Conn.; Des Paines, Ill.; Milwaukee, Wis.; Clearfield, Utah and Hawthorne, Gardena and Compton, Calif.; and points in their respective commercial zones; (b) from Clearfield, Utah; to Dallas, Tex.; Atlanta, Ga.; Maspeth, N.Y.; Coldwater, Mich.; Chicago, Ill.; and Minneapolis, Minn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Max Factor & Co., Freight Center Building A-16F, Clearfield, Utah 84016, F. Clent Lewis, Transportation Analyst. Send protest to: District Supervisor, Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 135513 (Sub-No. 9TA), filed December 6, 1977. Applicant: ECHO TRUCKING CO., P.O. Drawer AY, Benson, Ariz. 85602. Applicant's representative: Earl H. Carroll, 363 North First Avenue, Phoenix, Ariz. 85003. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in

bulk, from a mine location in Mexico, approximately 5 miles south of Naco, Ariz., to Bisbee, Ariz., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Phelps Dodge Corp., P.O. Drawer 1199, Douglas, Ariz. 85607. Send protest to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 2020 Federal Building, 230 North First Avenue, Phoenix, Ariz. 85025.

No. MC 135684 (Sub-No. 59TA), filed December 16, 1977. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Old Croton Road, Flemington, N.J. 08822. Applicant's representative: Herbert A. Dubin, 1320 Fenwick Lane, Silver Spring, Md. 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from the facilities of Midland Glass Co., Inc., at or near Warner Robins, Ga., to the plantsite and storage facilities of Anheuser-Busch, Inc., at or near Williamsburg, Va. for 180 days. Supporting shipper(s): Midland Glass Co., Inc., P.O. Box 557, Cliffwood, N.J. 07721. Send protest to: District Supervisor, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 135797 (Sub-No. 89TA), filed December 13, 1977. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, U.S. Highway 71, Lowell, Ark. 72745. Applicant's representative: Paul A. Maestri, P.O. Box 200, Lowell, Ark. 72745. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wire tire cord, steel*, from Detroit, Mich. (origin Guelph, Ontario, Canada), Mount Joy, Pa., and Columbiana, Ala., to Stillwater, Okla., and from Stillwater, Okla., to Columbiana, Ala. Restricted to traffic originating at and destined to the plantsite and warehouse facilities of National-Standard Co. and moving in van-type equipment; (2) *powdered processing materials*, in drums from Homer, N.Y., and Coal City, Ill., to Stillwater, Okla. Restricted to traffic destined to the plantsite and warehouse facilities of National-Standard Co., and moving in van-type equipment, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: National-Standard Co., P.O. Box 867, Stillwater, Okla. 74074. Send protests to: District Supervisor, William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 135874 (Sub-No. 94TA), filed December 20, 1977. Applicant: LTL PERISHABLES, INC., 550 East Fifth Street South, South St. Paul, Minn. 55075. Applicant's representative: K. O. Petrick, 550 East Fifth Street South, South St. Paul, Minn. 55075. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except commodities in bulk), from the facilities of Terminal Ice and Cold Storage at or near Bettendorf, Iowa, to points in the States of Indiana, Kentucky, Michigan, Ohio, and points in that part of Pennsylvania on and west of a line beginning at the Pennsylvania-Maryland State line (near Hancock, Md.), thence along U.S. Highway 522 to junction U.S. Highway 322 (near Lewiston, Pa.), thence along U.S. Highway 144 (at Potters Mills), thence along Pennsylvania Highway 144 to U.S. Highway 6, thence along U.S. Highway 6 to Pennsylvania Highway 449, thence along Pennsylvania-New York line (near Genessee, Pa.), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: General Foods Corp., 250 North Street, White Plains, N.Y. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building, U.S. Court House, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 136371 (Sub-No. 29TA), filed December 7, 1977. Applicant: CONCORD TRUCKING CO., INC., 1 Scout Avenue, South Kearny, N.J. 07032. Applicant's representative: Steven Kalish, 1750 Pennsylvania Avenue NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in or used by discount department stores* (except foodstuffs and commodities in bulk), between the facilities of Charming Shoppes of Delaware, Inc., located at Cornwells Heights, Pa., on the one hand, and, on the other hand, points in Kentucky and South Carolina, under a continuing contract or contracts with Charming Shoppes of Delaware, Inc., for 180 days. Supporting shipper: Charming Shoppes of Delaware, Inc., 3100 Marwin Avenue, Cornwells Heights, Pa. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Newark, N.J. 07102.

No. MC 139495 (Sub-No. 295TA), filed December 16, 1977. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, 1501 East Eighth Street, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, Suite 1000, Federal Bar Building West, 1819 "H" Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drug, industrial, and scientific chemicals and related laboratory instruments and kits* (except commodities in bulk), from the facilities of Mallinckrodt, Inc., located at or near Paris, Ky., to points in California, Washington, and Oregon, for 180 days. Supporting shipper: Mallinckrodt, Inc., 675 Brown Road, P.O. Box 5840, St. Louis, Mo. 63134. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Building, 110 North Market, Wichita, Kans. 67202.

No. MC 139584 (Sub-No. 12TA), filed December 14, 1977. Applicant: JOHN BUSCH, Box 211, Conyngham, Pa. 18219. Applicant's representative: Joseph F. Hoary, 121 South Main Street, Taylor, Pa. 18517. Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, wood turnings used in the manufacture of furniture, cutting board, and unfinished wood products*, from West Hazleton, Pa., to Michigan, Indiana, Iowa, Alabama, Arkansas, Florida, Kentucky, Mississippi, Tennessee, New Jersey, New York, Maine, Virginia, North Carolina, South Carolina, Ohio, Colorado, Texas, California, and Illinois, and materials and supplies on return, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: D & W Products, Inc., Lions Drive, Valmont Industrial Park, West Hazleton, Pa. 18201. send protests to: Paul J. Kenworth, District supervisor, Interstate Commerce Commission, Bureau of Operations, 314 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 140464 (Sub-No. 2TA), filed December 7, 1977. Applicant: DX TRUCKING, INC., an Ohio corporation, 2532 Sylvania Avenue, Toledo, Ohio 43614. Applicant's representative: Michael M. Briley, 300 Madison Avenue, 12th floor, Toledo, Ohio 43604. Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass*, uncrated, from (1) the plantsite and facilities of Guardian Industries Corp., located at or near Carleton. Mich., to the ports of entry between the United States and Canada located at the international boundary line at the St. Clair, Detroit, Niagara, and St. Lawrence Rivers; and (2) from the ports of entry between the United States and Canada located at the international boundary line at the St. Clair, Detroit, Niagara, and St. Lawrence Rivers to points in the States of Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, Wisconsin, Minnesota, Iowa, Missouri, Ken-

tucky, Tennessee, North Carolina, and Washington, D.C. Authority under Part (2) above is restricted to transportation of shipments originating at the plantsite and facilities of Pilkington Brothers (Canada) Ltd., and Pilkington Glass, Ltd., located at Toronto, Ontario, Canada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shippers: Guardian Industries Corp., 14600 Romine Road, Carleton, Mich. 48117; Pilkington Brothers (Canada) Ltd., Pilkington Glass, Ltd., 101 Richmond Street West, Toronto, Ontario, Canada M5H1V9. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations-ICC, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 141534 (Sub-No. 4TA), filed December 6, 1977. Applicant: IREDELL MILK TRANSPORTATION, INC., Route 3, Box 3268, Mooresville, N.C. 28115. Applicant's representative: George W. Clapp, P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Raw apple juice,* in bulk, in tank vehicles from Ranson, W. Va., to Hendersonville, N.C. for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ranson Fruit Co., Inc., Fairfax Boulevard, Ranson, W. Va. 25438. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Building, Charlotte, N.C. 28205.

No. MC 141853 (Sub-No. 2TA), filed December 15, 1977. Applicant: M. A. CREEKMORE, AND JASPER V. BENNETT, C-B-C Transport Co., 845 Percy Street, P.O. Box 1143, Greenville, Miss. 38701. Applicant's representative: Douglas C. Wynn, P.O. Box 1295, Greenville, Miss. 38701. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* except cement in containers, commodities in bulk, household goods as defined by the Commission, and commodities which, because of size, weight, or value require the use of special equipment, (1) between points in Washington and Bolivar Counties, Miss.; (2) between points in Washington and Bolivar Counties, Miss., on the one hand, and on the other, points in Mississippi on and west of U.S. Highways 51 and I-55 and on and north of U.S. Highways 80 and I-20; (Continued on attached sheet), for 180 days. Supporting shippers: There are (51) statements of support attached to this application which may be examined at the field office named below. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 142262 (Sub-No. 3TA), filed December 20, 1977. Applicant: BERNARD PAVELKA TRUCKING, INC., Route 1, Box 122, Glenvil, Nebr. 68941. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Malt beverage* (except in bulk), from Milwaukee, Wis., and Peoria, Ill., to Hastings and McCook, Nebr., under a continuing contract or contracts, with Nebraskaland Distributors, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Nebraskaland Distributors, Inc., Thomas J. Lauvetz, President, 1019 West Second Street, Hastings, Nebr. 68901. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, 285 Federal Building, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 142268 (Sub-No. 32TA), filed December 7, 1977. Applicant: GORSKI BULK TRANSPORT, INC., Rural Route No. 4, Harrow, Ontario, Canada NOR 1GO. Applicant's representative: Thad. A. Gorski, 843 Central Avenue, Windsor, Ontario, Canada N8Y 4S2. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen egg beaters* from St. Louis, Mo., to ports of entry on United States-Canada boundary line, located in Michigan and New York, restricted to shipments destined to Toronto, Ontario and Montreal, Quebec, Canada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Standard Brands Ltd., One Dundas Street West, Toronto, Ontario, Canada, William Norton, Senior Rate Analyst. Send protests to: Erma W. Gray, Secretary, Interstate Commerce Commission, Bureau of Operations, 604 Federal Building and U.S. Courthouse, 231 West Lafayette Boulevard, Detroit, Mich. 48226.

No. MC 143147 (Sub-No. 2TA), filed December 16, 1977. Applicant: WALLACE I. HARRIS, JR., d.b.a. W & R TRUCKING, R.D. 1, Box 295, Millington, Md. 21651. Applicant's representative: Wallace I. Harris (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lumber,* from Queen Anne's County, Md., to Tampa, Fla., for 150 days. Supporting shipper: Michael D. Pearce, owner, H & M Lumber, R.D. 1, Box 120, Chestertown, Md. 21620. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814-B Federal Building, Baltimore, Md. 21201.

No. MC 143328 (Sub-No. 3TA), filed December 14, 1977. Applicant: EUGENE TRIPP TRUCKING, P.O. Box 2730, Missoula, Mont. 59801. Applicant's representative: David A. Sutherland, Fulbright & Jaworski, Suite 400, 1150 Connecticut Avenue NW., Washington, D.C. 22036. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Floor covering and materials, equipment and supplies used in the installation thereof,* from points in California to points in Montana, for 180 days. Supporting shipper: Ernest M. Smith, president, S & D Flooring Distributors, Inc., 1939 South Avenue West, Missoula, Mont. 59801. Send protests to: District Supervisor, Paul J. Labane, Interstate Commerce Commission, 2602 First Avenue North, Billings, Mont. 59101.

No. MC 143533 (Sub-No. 1TA), filed December 9, 1977. Applicant: DIXON LEASING CO., INC., 2620 Old Egg Harbor Road, Lindewold, N.J. 08021. Applicant's representative: Robert B. Einhorn, Esq., 3220 P.S.F.S. Building, 12 South 12th Street, Philadelphia, Pa. 19107. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Insulating materials in forms, shapes, and blocks, and materials used in the installation thereof,* (1) From Berlin, N.J., to points in Maryland and Virginia on west of U.S. 15, District of Columbia, Pennsylvania, Louisiana, Arkansas, Missouri, Iowa, Minnesota, Kansas, Oklahoma, Texas, New Mexico, Maine, Vermont, New Hampshire, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Kentucky, Indiana, Ohio, Illinois, Michigan, and Wisconsin, (2) from plantsite of Fibreboard Corp., at or near Grambling, La., to points in Maine, Vermont, Connecticut, New Hampshire, Rhode Island, Massachusetts, New York, New Jersey, Pennsylvania, Delaware, West Virginia, Virginia, Maryland, Ohio, and District of Columbia, for 180 days. Supporting shippers: There are approximately (2) statements of support attached to this application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 143813TA, filed December 2, 1977. Applicant: P/C TRANSPORTATION LINES, INC., 850 West Fifth Avenue, Columbus, Ohio 43212. Applicant's representative: A. Charles Tell, Esq., George, Greek, King, McManon & McConnaughey, Columbus Center, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to oper-

ate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Show or display cases and parts thereof, and materials used in the manufacture, distribution, or sale thereof*, between Bellevue and Columbus, Ohio, on the one hand, and, on the other, points in the United States, including Alaska but excluding Hawaii. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with The Columbus Show Case Co. of Columbus, Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Columbus Show Case Co., 850 West Fifth Avenue, Columbus, Ohio 43212. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

No. MC 143946 (Sub-No. 2TA), filed December 14, 1977. Applicant: ROYAL TRANSPORT, INC., P.O. Box 4097, Irving, Tex. 75061. Applicant's representative: Don Garrison, 324 North Second Street, Rogers, Ark. 72756. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals NOI, Esters (fatty acid of animal oils NOI), esters (fatty acid of vegetable oils NOI), fatty alcohol NOI, inedible fatty alcohol, coconut oil, softeners textile NOI, cleaning and washing compounds NOI (liquid), lubricating oils NOI (other than petroleum), lubricating oil NOI (petroleum), wax NOI and fireproofing compounds* (except in bulk), from Mauldin, S.C., Lock Haven, Pa., Linden, N.J., and Santa Fe Springs, Calif., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Emery Industries, Inc., P.O. Box 628, Mauldin, S.C. 29662. Send protests to: Opal M. Jones, Transport Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75242.

No. MC 143973 (Sub-No. 1TA), filed November 23, 1977. Applicant: JAN-AIR DELIVERY, INC., BAC Building, Greater Buffalo International Airport, Cheetktowaga, N.Y. 14225. Applicant's representative: William J. Hirsch, Suite 1125, 43 Court Street, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between airfreight facilities at or near the Greater Buffalo International Airport, Buffalo, N.Y., on the one hand, and, on the other, points in Allegany, Cattaraugus, Chautauqua, Erie, Genesse, Livingston, and Wyoming counties, N.Y., and points in Elk, McKean, and Warren Counties, Pa. restrictions: (1) restricted to the transportation of shipments having an immediate prior or subsequent movement by air. (2) Restricted to the transportation of shipments to be picked up and delivered on the same day, for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately (12) statements of support attached to this application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Anne Siler, Interstate Commerce Commission, Bureau of Operations, 910 Federal Building, 111 West Huron Street, Buffalo, N.Y. 14202.

No. MC 144035 (Sub-No. 1TA), filed December 7, 1977. Applicant: MINUTE AIR, INC., 6 Northway Lane, Latham, N.Y. 12110. Applicant's representative: John J. Ingemie (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General Commodities*, except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, restricted to the transportation of traffic having an immediately prior or subsequent movement by air, between Albany County Airport, Albany, N.Y., and Latham, N.Y., on the one hand, and, on the other, points in Ulster and Dutchess Counties, N.Y., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Rotron, Inc., Woodstock, N.Y. 12498; Boice Gage, Division of MTI, 10 Boice Road, Hyde Park, N.Y.; Western Publishing Co., Inc., North Road, Poughkeepsie, N.Y. 12601; Delaval Separator Co., Poughkeepsie, N.Y. 12602; National Micronetics, Inc., Route 28, West Hurley, N.Y. 12491; Superior Concrete Accessories, Inc., 64 South Broadway, Red Hook, N.Y. 12571; Hucktrol, Inc., 85 Grand Street, Kingston, N.Y. 12401; Airborne Freight Corp., Albany County Airport, N.Y. Send protest to: Robert A. Radler, District Supervisor, P.O. Box 1167, Albany, N.Y. 12201.

No. MC 144066 TA, filed December 7, 1977. Applicant: GORDON A. PADGETT TRUCKING, INC., 306 Production Drive, Fairfield, Ohio 45014. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Slag*, in bulk, in dump vehicles, from the plantsites of Amercian Materials Corp., in Bulter County, Ohio, to the plantsite of Johns-Manville Products Corp., at or near Alexandria, Ind., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operationg authority. Supporting shippers: James L. Leugers, Assistant District Manager, American Materials Corp., P.O. Box 291, 600 Augsperger Road, Hamilton, Ohio 45012. Send protest to: Paul J. Lowry, District Supervisor, Bureau of Operations-ICC, 5514-B Federal Building, 550 Mann Street, Cincinnati, Ohio 45202.

No. MC 144067 TA, filed December 6, 1977. Applicant: HARTFORD CITY WRECKER SERVICE, State Road 26, West, R.R. No. 2, Hartford City, Ind. 47348. Applicant's representative: Robert G. Forbes, Esq., 300 South Jefferson Street, Hartford City, Ind. 47348. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled vehicles* (primarily semitractors) between points in the States of Indiana, Illinois, Michigan, Wisconsin, Iowa, Missouri, Kentucky, Tennessee, Ohio, Pennsylvania, New York, New Jersey, Virginia, Minnesota, South Dakota, Maryland, Delaware, North Carolina, West Virginia, Georgia, Alabama, Mississippi, Texas, Oklahoma, Kansas, and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: McCammon Trucking, Inc., Road 400 North, Hartford City, Ind. 47348. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, Ind. 46802.

No. MC 144068 TA, filed December 9, 1977. Applicant: RUSSELL GRILLS, d.b.a. GRILLS TRUCKING, 2225 East 33 Avenue, Vancouver, British Columbia, Canada. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98174. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Shakes and shingles* from ports of entry on the U.S. international boundary line at or near Blaine, Wash., to points in California, restricted to traffic moving under a continuing contract or contracts with Bestwood Industries Ltd. Traffic will originate at Vancouver, B.C., Canada. *Foundry supplies, in sacks*, and *drums, including moulding sand, coal dust, sea coal, and carbon raiser from Oakland*, Ione and Rodeo, Calif., to ports of entry on the U.S.-Canada boundary line at or near Blaine, Wash., moving under a continuing contract or contracts with Balfour Guthrie (Canada) Ltd. Traffic

destined for Vancouver, B.C. for 180 days. Supporting shippers: There are approximately (2) statements of support attached to this application which may be examined at the field office named below. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations, ICC, 858 Federal Building, Seattle, Wash. 98174.

No. MC 144069 TA, filed December 7, 1977. Applicant: FREIGHTWAYS, INC., P.O. Box 5204, Charlotte, N.C. 28225. Applicant's representative: Ralph McDonald, P.O. Box 2246, Raleigh, N.C. 27602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prestressed concrete building members*, from the plantsite of Gifford-Hill & Co., Inc., Charlotte, N.C., to Bristol, Tenn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Giffqrd-Hill & Co., Inc., P.O. Box 5204, Charlotte, N.C. 28225. Send protests to: District Supervisor, Terrell Price, 800 Briar Creek Road, Room CC516, Mart Office Building, Charlotte, N.C. 28205.

No. MC 144100 TA, filed December 16, 1977. Applicant: CIVIC CENTER TOWING, 1960 Hayes Street, San Francisco, Calif. 94117. Applicant's representative: James C. Clay, 3106 Fillmore Street, San Francisco, Calif. 94117. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Towing of wrecked and disabled motor coaches* for Greyhound Lines West, Inc., from all points in Washington, Oregon, Utah, Nevada, and Idaho, to San Francisco, Calif., under a continuing contract, or contracts, with Greyhound Lines, Inc., for 180 days. Supporting shipper: Greyhound Lines, Inc., Western Division, 480 Irwin Street, San Francisco, Calif. 94107. Send protests to: District Supervisor Michael M. Butler, 211 Main, Suite 500, San Francisco, Calif. 94105.

PASSENGER APPLICATION

No. MC 144086 TA, filed December 2, 1977. Applicant: MANUEL VERA, d.b.a. SOUTHERN TRANSPORTATION (Transportes de Sur), 620 North Lincoln Avenue, Aurora, Ill. 60505. Applicant's representative: William F. Castillo, 10 North Spring Street, Elgin, Ill. 60120. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and baggage of passengers in the same vehicle:* and also special and charter operations, in vehicles with 13 passenger seating capacity, not including drivers, between Aurora, Kane County, Ill., and Laredo, Tex., for 180 days. Supporting shipper(s): There are approximately (50) statements of support attached to this application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, EMD Building, 219 South Dearborn Street, Room 1386, Chicago, Ill. 60604.

By the Commission.

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

[FR Doc. 78-1661 Filed 1-19-78; 8:45 am]

[7035-01]

[Notice No. 168 TA]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 28, 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 2392 (Sub-No. 108TA), filed December 8, 1977. Applicant: WHEELER TRANSPORT SERVICE, INC., 7722 F Street, P.O. Box 14248, West Omaha Station, Omaha, Nebr. 68114. Applicant's representative: Keith D. Wheeler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Resin* and; (2) *resin-water soluable*, in bulk, in tank vehicles, from Detroit, Mich., to Denver, Colo.; Chicago, Decatur, Mapleton, Moline, Peoria, and Rockford, Ill.; Elkhart, Gary, Hammond, Indianapolis, Kendallville, Mishawaka, South Bend, and Warsaw, Ind.; Bettendorf, Cedar Rapids, Davenport, Dubuque, and Waterloo, Iowa; Kansas City and Wichita, Kans.; Beatrice, Lincoln, and Omaha, Nebr.; Defiance, Lima, and Toledo, Ohio; Beloit, Kenosha, Madison, Milwaukee, and Racine, Wis., and their respective commercial zones on all of the above cities listed, for 180 days. Supporting shipper(s): Frank P. Tobakos, General Manager, IMC Foundry Products, 17350 Ryan Road, Detroit, Mich. 48212. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 32882 (Sub-No. 89TA), filed November 23, 1977. Applicant: MITCHELL BROS. TRUCK LINES, 3841 North Columbia Boulevard, P.O. Box 17039, Portland, Oreg. 97217. Applicant's representative: Edward G. Rawle, P.O. Box 17039, Portland, Oreg. 97217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and pipe fittings, couplings, connections, and accessories* (except iron or steel and commodities because of size or weight require the use of special equipment), from the plant or warehouse sites of Armco Steel Corp., Metal Products Division, in Madera County, Calif., to points in Arizona, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, restricted to traffic originating at the above plant or warehouse sites and destined to points indicated above, and further restricted against the transportation of oilfield commodities as defined in Mercer-Extension-Oilfield Commodities, 74 MCC 459, for 180 days. Supporting shipper: Armco Steel Corp., 24 North Main Street, Middletown, Ohio 45043. Send protests to: R. V. Dubay, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 49387 (Sub-No. 51TA), filed November 25, 1977. Applicant: ORSCHELN BROS. TRUCK LINES, INC., U.S. Highway 24 East, P.O. Box 658, Moberly, Mo. 65270. Applicant's representative: Frank W. Taylor, Jr., Suite 680, 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise* dealt in by wholesale, retail, chain grocery and food business houses, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the plant and warehouse facilities of Kraft, Inc., at Springfield, Mo., to points in Arkansas, Kansas, Oklahoma, Texas, and New Mexico, restricted to traffic originating at the above-named origin and destined to the above-named destination states, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kraft, Inc., 500 Peshtigo Court, Chicago, Ill. 60690. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo.

No. MC 61231 (Sub-No. 113TA), filed December 8, 1977. Applicant: ACE LINES, INC., 4143 East 43d 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: *Irrigation systems and parts of irrigation systems*, from Brooten, Minn., to points in Arizona, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming, for 180 days. Supporting shipper(s): Valmont Industries, Inc., Valley, Nebr. 68064. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 82079 (Sub-No. 57TA), filed December 9, 1977. Applicant: KELLER TRANSFER LINE, INC., 5635 Clay Avenue, SW., Grand Rapids, Mich. 49508. Applicant's representative: Edward Malinzak, 900 Old Kent Building, Grand Rapids, Mich. 49503. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in mechanically refrigerated vehicles, (except in bulk), from the plantsites and warehouse facilities of General Foods Corp. in Bettendorf, Iowa, to points in Indiana and Michigan, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): General Foods Corp., White Plains, N.Y. 10605. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 100666 (Sub-No. 372TA), filed December 12, 1977. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, 1129 Grimmett Drive, Shreveport, La. 71107. Applicant's representative: William P. Barker, 3535 Northwest 58th Street, National Foundation Life Building, Suite 280, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from the facilities of MacMillan Bloedell, Inc., located at Ashtabula, Ohio, to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): MacMillan Bloedell, Inc., 6540 Powers Ferry Road, Atlanta, Ga. 30339. Send protests to: Ray C. Armstrong, Jr., District Supervisor, T-9038 U.S. Postal Service Building, New Orleans, La. 70113.

No. MC 107403 (Sub-No. 1049TA), filed December 12, 1977. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Landsdowne, Pa. 19050. Applicant's representative: Martin C. Hynes, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent aluminum chloride*, in bulk, in tank vehicles, from Freeport, Tex., to Baton Rouge and Bayou Sorrel, La., restricted to the transportation of shipments moving in carbo-glass lined trailers, for 180 days. Supporting shipper(s): Kaiser Aluminum & Chemical Corp., P.O. Box 1031, Baton Rouge, La. 70821. Send protests to: T. M. Esposito, Transportation Assistant, 600 Arch Street, Room 3238, Washington, D. C. 20423.

No. MC 110525 (Sub-No. 1218TA), filed December 8, 1977. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancasger Avenue, P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Photographic products and chemicals* (except in bulk), from Rochester, N.Y., to points in New Jersey, restricted to traffic handled in continuous movement with Liquid Chemicals, in Bulk, in Sealed tanks, from Graselli, N.J., to Rochester, N.Y., for 180 days. Supporting shipper(s): E. I. DuPont deNemours & Co., 1007 Market Street, Wilmington, Del. 19898. Send protests to: T. M. Esposito, Transportation Assistant, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 111729 (Sub-No. 721TA), filed December 12, 1977. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, records, and audit and accounting media of all kinds*, between Birmingham, Ala., on the one hand, and, on the other, Louisville, Owensboro, and Paducah, Ky., for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): (1) Durr-Fillauer Medical, Inc., 645 South McDonough Street, Montgomery, Ala. (2) South Central Bell Telephone Co., 302 Phoenix Building, 1706 2d Avenue North, Birmingham, Ala. 35203. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 112989 (Sub-No. 56TA), filed November 23, 1977. Applicant: WEST COAST TRUCK LINES, INC., 85647 Highway 99 South, Eugene, Oreg. 97405. Applicant's representative: John W. White, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and pipe fittings, couplines, connections, and accessories* (except iron or steel and commodities because of size and weight, require the use of special equipment), from the plant or warehouse sites of Armco Steel Corp., Metal Products Division, in Madera County, Calif., to points in Arizona, Colorado, Idaho, Kansas Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, restricted to traffic originating at the above plant or warehouse sites and destined to points indicated above, and further restricted against the transportation of oil field commodities as defined in Mercer-Extension-Oilfield Commodities, 74 MCC 459, for 180 days. Supporting shipper: Armco Steel Corp., 24 North Main Street, Middletown, Ohio 45043. Send protests to: District Supervisor A. E. Odoms, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, 555 Southwest Yamhill Street, Portland, Oreg. 97204.

No. MC 116110 (Sub-No. 24TA), filed November 25, 1977. Applicant: P.C. WHITE TRUCK LINE, INC., P.O. Box 1488, Murray Rd., Donthan, Ala. 36301. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel doors, mirrors, plastic articles, moldings and metal shapes, and materials and accessories* thereto, and

items used in the installation thereof, from the plantsite of Slimfold Manufacturing Co., Inc., located at or near Dothan, Ala., to points in the United States (except Alaska and Hawaii), and (2) *materials, equipment, and supplies* used or useful in the manufacture or installation of the commodities described in (1) above, from points in the United States (except Alaska and Hawaii), to the plantsite or storage facilities of Slimfold Manufacturing Co., Inc., located at nor near Dothan, Ala., for 180 days. Supporting shipper: Slimfold Manufacturing Co., Inc., P.O. Box 6416, Dothan, Ala. 37301. Send protests to: Mable E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 133937 (Sub-No. 23TA), filed November 25, 1977. Applicant: CAROLINA CARTAGE CO., INC., P.O. Box 45096, Atlanta Airport, Atlanta, Ga. 30320. Applicant's representative: Henry P. Willimon, P.O. Box 1075, Greenville, S.C. 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, on hangers, in polyethlene bags, flats, racks, and packs, (1) between points in Alabama, Florida, Georgia, Mississippi, and Tennessee, on the one hand, and, on the other, Dallas, and Fort Worth, Tex., Houston, Tex., New Orleans, La., St. Louis and Kansas City, Mo., Detroit, Mich., Los Angeles and San Francisco, Calif., and Chicago, Ill., and (2) between points in Alabama, Florida, Mississippi, and Tennessee, on the one hand, and, on the other, Atlanta, Ga., for 180 days. Supporting shippers: There are approximately 18 statements of support attached to the application. Send protests to: Sara K. Davis, Transportation Assistant, Interstate Commerce Commission, 1252 West Peachtree Street, NW., Room 300, Atlanta, Ga. 30309.

No. MC 134105 (Sub-No. 224TA), filed November 23, 1977. Applicant: Celeryvale Transport, Inc., 1318 East 23d Street, Chattanooga, Tenn. 37402. Applicant's representative: Daniel O. Hands, Suite 200, 205 West Touhy Avenue, Park Ridge, Ill. 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products and articles* distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk) from the plantsite and warehouse facilities of The Meat Co. at Calhoun, Ga. and Chattanooga, Tenn., to Chicago, Forest Park, and Mount Vernon, Ill.; Evansville, Greensburg, and Pennville, Ind.; Ely and Fort Madison, Iowa; Detroit and Kalamazoo, Mich.; Newark and Trenton, N.J.; Brooklyn and New York, N.Y.; Akron, Bellefontaine, Cleveland, Cincinnati, Middleville, and St. Marys, Ohio; Allentown, Bernville, Erie, Germyn, Philadelphia, Scranton, and Souderton, Pa.; Knoxville, Memphis, and Nashville, Tenn.; and Eau Claire and Milwaukee, Wis.; and the commercial zones of the above-named points. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Meat Co., Waterworks Road, Calhoun, Ga. Send protests to: District Supervisor Joe J. Tate, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Court House, 801 Broadway, Nashville, Tenn. 37203.

No. MC 113459 (Sub-No. 116TA), filed December 8, 1977. Applicant: H.J. JEFFRIES TRUCK LINE, INC., 4720 S. Shields, P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electric cable*, on reels, from the plantsite of Superior Cable Corp., at Brownwood, Tex., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, Utah, Wisconsin, and Wyoming, for 180 days. Supporting shipper(s): Superior Cable Corp., 1928 Main Avenue, SE., P.O. Box 489, Hickory, N.C. 28601. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office & Court House Building, 215 Northwest 3d, Oklahoma City, Okla. 73102.

No. MC 113651 (Sub-No. 246TA), filed December 12, 1977. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Riggin Road, Muncie, Ind. 47305. Applicant's representative: George E. Batty, P.O. Box 552, Riggin Road, Muncie, Ind. 47305. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products* as described in Sections A and C of Appendix I to the Report in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from Nashville, Tenn., to Atlanta and Dublin, Ga.; Baltimore, Md.; Boston, Mass.; Charleston, S.C.; Chicago, Ill.; Claremont, N.H.; Holly Ridge, N.C.; King George, Va.; Philadelphia and Pittsburgh, Pa.; New York, N.Y.; and Westminister, Vt., restricted to traffic originating at the plantsite and storage facilities of Baltz Brothers Packing Co. at or near Nashville, Tenn., and destined to the named destinations, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Baltz Brothers Packing Co., 1612 Elm Hill Road, Nashville, Tenn. 37210. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, Ind. 46802.

No. MC 115162 (Sub-No. 398TA), filed December 12, 1977. Applicant: POOLE TRUCK LINE, INC., P.O. Box 1247, Evergreen, Ala. 36601. Applicant's representative: Robert E. Tate (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from Ashtabula, Ohio, to points in the United States in and east of Texas, Oklahoma, Missouri, Illinois, and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): MacMillan Bloedel Building Materials, 6540 Powers Ferry Road, Atlanta, Ga. 30339. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 115841 (Sub-No. 583TA), filed December 9, 1977. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 110, Building 100, Knoxville, Tenn. 37919. Applicant's representative: E. Stephen Heisley, 666 11th Street, NW., 805 McLachlen Bank Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned juices*, from Cameron and Hidalgo Counties, Tex., to points in Washington, Oregon, California, Nevada, Idaho, Vermont, Arizona, Montana, Wyoming, Colorado, New Mexico, North Dakota, Nebraska, Kansas, Oklahoma, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Illinois, Michigan, Ohio, Kentucky, Tennessee, and Mississippi, for 180 days. Supporting shipper(s): (1) Texsun Corp., P.O. Box 327, Weslaco, Tex. 78596. (2) Texas Citrus Exchange, P.O. Box 480, Edinburg, Tex. 78539. 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 115841 (Sub-No. 586TA), filed December 12, 1977. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 110, Knoxville, Tenn. 37919. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Elev-

enth Street, NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared flour mixes and frosting mixes*, from the plantsite and storage facilities of Chelsea Milling Co., at or near Chelsea, Mich., to points in Georgia, North Carolina, South Carolina, and Virginia, for 180 days. Supporting shipper(s): Chelsea Milling Co., Chelsea, Mich. 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 116133 (Sub-No. 16TA), filed December 12, 1977. Applicant: POLLARD DELIVERY SERVICE, INC., Washington National Airport, Hanger No. 8, Room 213, Washington, D.C. 20001. Applicant's representative: Peter A. Greene, Caldwell & Greene, 900 7th Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except articles of unusual value, household goods as defined by the Commission, and commodities which because of their size and weight require special equipment), between Philadelphia International Airport, Philadelphia, Pa., Newark International Airport, Newark, N.J., and John F. Kennedy International Airport, Jamaica, N.Y., restricted to traffic having a prior or subsequent movement by air, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): (1) Circle Air Freight Corp., Baltimore-Washington International Airport, Md. (2) Summit Airlines, Inc., Philadelphia International Airport, Philadelphia, Pa. (3) The Flying Tiger Line, Philadelphia International Airport, Pa. Send protests to: W. C. Hersman, District Supervisor, Interstate Commerce Commission, 12th and Constitution Avenue, NW., Room 1413, Washington, D.C. 20423.

No. MC 117119 (Sub-No. 662TA), filed December 12, 1977. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: Gerald K. Gimmel, 4 Professional Drive, Suite 145, Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery, cocoa, chocolate, and products related thereto, materials, supplies, and equipment* used in the manufacture, production, distribution, and sale of the above named commodities, from the plantsites and storage facilities of Hershey Foods Corp., at Derry Township, Dauphin County, Pa., to points in and west of Wisconsin, Illinois, Missouri, Arkansas, Texas, and Memphis, Tenn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Hershey Food Corp., 19 East Chocolate Avenue, Hershey, Pa. 17033. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 119443 (Sub-No. 37TA), filed November 25, 1977. Applicant: P. E. KRAMME, Inc., Main Street, Monroeville, N.J. 08343. Applicant's representative: Gerald K. Kramme (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chocolate products*, in bulk, in tank vehicles, from the facilities of Cadbury, Corp., located in the Humboldt Ind. Park, at or near Hazleton, Pa., to the ports of entry on the International Boundary Line between the United States and Canada, located on the Niagara and St. Lawrence Rivers, and at or near Champlain, Rouses Point, and Trout River, N.Y., for 150 days. Traffic to be interlined with Canadian carrier at ports of entry noted above. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cadbury Corp., Humboldt Ind. Park, Hazleton, Pa. 18201. Send protests to: District Supervisor, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 119493 (Sub-No. 172TA), filed December 8, 1977. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, West 20th Street Road, Joplin, Mo. 64801. Applicant's representative: Lawrence F. Kloeppel, P.O. Box 1196, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feeds*, from East St. Louis, Ill., to New Ulm and Wilmar, Minn.; Madison, Wis.; Monmouth and Danville, Ill.; Henderson, Ky.; and Memphis, Tenn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): (1) International Multifoods Corp., 1200 Multifoods Building, Minneapolis, Minn. 55402. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 119789 (Sub-No. 398TA), filed December 8, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr., P.O. Box 6188, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Transformers and parts* (except commodities which because of size or weight require the use of special equipment), from Arcadia, Fla., to points in California, Idaho, Iowa, Kansas, Minnesota, Missouri, New Mexico, Oregon, and Washington, for 180 days. Supporting shipper(s): Central Moloney Transformer Division, Colt Industries, Inc., 311 West Palmetto, Arcadia, Fla. 33821. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75242.

No. MC 119917 (Sub-No. 46TA), filed November 25, 1977. Applicant: DUDLEY TRUCKING CO., INC., 724 Memorial Drive SE., Atlanta, Ga. 30316. Applicant's representative: William F. Dudley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from the facilities of Midland Glass Co., located at or near Warner Robbins, Ga., to Williamsburg, Va. and points in its commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Midland Glass Co., P.O. Box 557, Cliffwood, N.J. 07721. Send protests to: Sara K. Davis, Transportation Assistant, Interstate Commerce Commission, 1252 West Peachtree Street NW., Room 300, Atlanta, Ga. 30309.

No. MC 120937 (Sub-No. 4TA), filed December 7, 1977. Applicant: CITY DELIVERY, INC., 1315 East Gibson Lane, P.O. Box 20686, Phoenix, Ariz. 85034. Applicant's representative: A. Michael Bernstein, 1441 East Thomas Road, Phoenix, Ariz. 85014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Phoenix, Ariz., and Grand Canyon, Ariz., serving no intermediate points; and (2) between Flagstaff, Ariz., and Grand Canyon, Ariz., serving no intermediate points; and (3) between Phoenix, Ariz., and Hillside, Ariz., for 180 days. Applicant intends to interline at Phoenix, Flagstaff, and Hillside, Ariz. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately (8) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 2020, Federal Building, 230 North First Avenue, Phoenix, Ariz. 85025.

No. MC 121664 (Sub-No. 30TA), filed December 12, 1977. Applicant: G. A.

HORNADY, CECIL M. HORNADY, AND B. C. HORNADY, a partnership, d.b.a. HORNADY BROTHERS TRUCK LINE, P.O. Box 846, Monroeville, Ala. 36460. Applicant's representative: W. E. Grant, 1702 First Avenue South, Birmingham, Ala. 35233. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic pipe fittings, and connections, valves, and materials and supplies* used in the installation thereof, from Geneva County, Ala., to points in the United States in and east of Texas, Oklahoma, Kansas, Missouri, Iowa, and Minnesota, and *materials and supplies* used in the manufacture of commodities named above, from points in the United States in and east of Texas, Oklahoma, Kansas, Missouri, Iowa, and Minnesota, to Geneva County, Ala., for 180 days. Supporting shipper(s): (1) Samson Plastic Conduit and Pipe Corp., P.O. Box 325, Samson, Ala. 36477. (2) Slocomb Plastic Pipe and Products, Inc., P.O. Drawer J, Slocomb, Ala. 36375. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 124078 (Sub-No. 762TA), filed November 15, 1977. Applicant: SCHWERMAN TRUCKING CO., 611 South 28 Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent phosphoric acid*, liquid, in bulk, in tank vehicles, from Carollton, Franklin, LaGrange, and Newnan, Ga., to Natchez and Laurel, Miss., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Mobil Chemical Co., Morris L. Creps, P.O. Box 26683, Richmond, Va. 23261. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 124078 (Sub-No. 769TA), filed December 12, 1977. Applicant: SCHWERMAN TRUCKING CO., 611 South 28 Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, from Toledo, Ohio, to Buffalo, N.Y.; Chicago, Ill.; Pittsburgh and Philadelphia, Pa.; Fair Lawn, N.J.; Richmond, Va.; and Atlanta, Ga., for 180 days. Supporting shipper(s): Nabisco, Inc., Toledo Flour Mill, P.O. Box 2208, Central Station, Toledo, Ohio 43603. (P. R. Reilly, Jr.) Send protests to: Gail Daugherty, Transportaiton Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 125293 (Sub-No. 10TA), filed December 2, 1977. Applicant: INDUSTRIAL CONTRACT CARRIERS, INC., 14750 Southwest 72d Avenue, Tigard, Oreg. 97233. Applicant's representative: Philip G. Skofstad, 1300 N.E. Linden, Gresham, Oreg. 97030. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cellulose fibre products, insulating material, fibered ground cover*, in packages, from Portland, Oreg. to points in California, Colorado, Idaho, Nevada, Oregon, Utah, Washington, and Wyoming; and (2) *Borates*, in packages, from Wilmington, Richland, and Trona, Calif., to Portland, Oreg., under a continuing contract with Fibron Corp., for 180 days. Supporting shipper: Fibron Corp., 8614 North Crawford Street, Portland, Oreg. Send protest to: District Supervisor A.E. Odoms, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, 555 SW Yamhill St., Portland, Oreg. 97204.

No. MC 125433 (Sub-No. 134TA), filed November 23, 1977. Applicant: F-B TRUCK LINE CO., 1945 South Redwood Road, Salt Lake City, Utah 84104. Applicant's representative: David J. Lister (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and pipe fittings, couplings, connections and accessories.* (except iron or steel and commodities which because of size and weight require the use of special equipment), from the plant or warehouse facilities of Armco Steel Corp. in Madera County, Calif., to points in Arizona, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, restricted to traffic originating at the above plants or warehouse sites and destined to points indicated above, and further restricted against the transportation of oilfield commodities as defined in Mercer-Extension-74 MCC 459, for 180 days. Supporting shipper: Armco Steel Corp., C.W. Hall, Director of Transportation, 24 North Main Street, Middletown, Ohio 45043. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 133689 (Sub-No. 156TA), filed November 23, 1977. Applicant: OVERLAND EXPRESS, INC., 719 First Street SW., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Bettendorf, Iowa, to points in Illinois, Indiana, Kentucky, Michigan, Ohio, and points in that part of Pennsylvania on and west of a line beginning at the Pennsylvania-Maryland State line (near Hancock, Md.), thence along U.S. Highway 522 to junction U.S. Highway 322 (near Lewistown, Pa.), thence along U.S. Highway 322 to junction Pennsylvania Highway 144 to U.S. Highway 6, thence along U.S. Highway 6 to the Pennsylvania-New York State line (near Genesee, Pa.), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: General Foods Corp., 250 North Street, White Plains, N.Y. 10625. Send protests to: Marion L. Cheney, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Courthouse, 110 South 14th Street, Minneapolis, Minn. 55401.

No. MC. 133741 (Sub.No. 23TA), filed December 2, 1977. Applicant: OSBORNE TRUCKING CO., INC., 1008 Sierra Drive, Riverton, Wyo. 82501. Applicant's representative: John T. Wirth, 2310 Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from the Philipsburg, Mont., commercial zone to points in Colorado, Wyoming and that part of Nebraska on and west of U.S. Highway 83. Restrictions: Restricted to a transportation service to be performed under a continuing contract or contracts with Star Studs, Inc. Afton, Wyo., under a continuing contract with Star Studs, Inc., for 180 days. Supporting shipper: Star Studs, Inc. P.O. Box 1730, Afton, Wyo. 83110. Send protests to: District Supervisor, Paul A. Naughton, Interstate Commerce Commission, Room 105 Federal Building and Court House, 111 South Wolcott, Casper, Wyo. 82601.

No. MC 134262 (Sub-No. 15 TA), filed December 5, 1977. Applicant: FARMERS FEED AND SUPPLY TRANSPORTATION, INC., Boyden, Iowa 51234. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed and animal feed ingredients* (except liquids in bulk), (a) from Polk and Sullivan Counties, Tenn., and Manistee County, Mich., to points in Kansas,

Nebraska, South Dakota, Missouri, Iowa, Minnesota, and Wisconsin, and (b) from Brown and Marathon Counties, Wis., Blue Earth County, Minn., and Webster and Wright Counties, Iowa, to points in Michigan, Indiana, Kentucky, Alabama, and Tennessee, restricted to a transportation service to be performed, under a continuing contract, or contracts, with Farmers Feed and Supply, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): H. G. Heusinkveld, President, Farmers Feed and Supply, In., Boyden, Iowa 51234. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 135082 (Sub-No. 58 TA), filed November 23, 1977. Applicant: BURSCH TRUCKING INC., d.b.a. ROADRUNNER TRUCKING, INC., P.O. Box 26748, 415 Rankin Road NE., Albuquerque, N. Mex. 87125. Applicant's representative: Randall R. Sain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-fabricated buildings*, (knocked down or in sections), and *materials, equipment and supplies* incidental to the erection and completion of such buildings, from the plantsite of Mid-West Steel Building Co., Inc., at Houston, Tex., to points in New Mexico, Arizona, Colorado, Wyoming, Montana, Idaho, Washington, Oregon, and Utah, for 180 days. Applicant has filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Mid-West Steel Building Co., Inc., P.O. Box 40338, Houston, Tex. 77040. Send protests to: Darrell W. Hammons, District Supervisor, Interstate Commerce Commission, 517 Gold Avenue SW., Albuquerque, N. Mex. 87101.

No. MC 135553 (Sub-No. 11TA), filed December 8, 1977. Applicant: HENRY ANDERSEN, INC., P.O. Box 75, King George, Va. 22485. Applicant's representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paints, coatings, and resins* (except in bulk), in vehicles equipped with mechanical refrigeration, from Oak Creek, Wis., to points in Texas, Arizona, New Mexico, California, Oregon, Washington, Montana, Idaho, Utah, Nevada, Colorado, and Wyoming, under a continuing contract, or contracts, with PPG Industries, Inc., One Gateway Center, Pittsburgh, Pa. 15222. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): PPG Industries, Inc., One Gateway Center, Pittsburgh, Pa. 15222. Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 10-502, Federal Building, 400 North 8th Street, Richmond, Va. 23240.

No. MC 138054 (Sub-No. 19TA), filed December 8, 1977. Applicant: CONDOR CONTRACT CARRIERS, INC., 656 Wooster Street, Lodi, Ohio 44254. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Infant feeding equipment*, from Tionesta and Oil City, Pa., and Ravenna, Ohio, to points in Arizona, California, Nevada, Washington, and Oregon, under a continuing contract, or contracts, with Questor Corp., for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Questor Corp., 1801 Spielbusch Avenue, Toledo, Ohio 43691. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, 731 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 138438 (Sub-No. 20TA), filed December 7, 1977. Applicant: D. M. BOWMAN, INC., Route 9, Box 26, 15 East Oak Ridge Drive, Hagerstown, Md. 21740. Applicant's representative: Edward N. Button, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulation and insulating materials*, from Hagerstown, Md., and its commercial zone, to points in the States of Pennsylvania, West Virginia, and Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Suburban Insulation, Inc., Maugans Avenue, Hagerstown, Md. 21740. Send protests to: W. C. Hersman, District Supervisor, Interstate Commerce Commission, 12th and Constitution Avenue NW., Room 1413, Washington, D.C. 20423.

No. MC 138875 (Sub-No. 66TA), filed December 2, 1977. Applicant: SHOEMAKER TRUCKING, CO., 11900 Franklin Road, Boise, Idaho 83705. Applicant's representative: F. L. Sigloh (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated pipe, control panels and materials* for Nuclear Energy Systems, from the plantsite of Huico, Inc. located at or near Meridian, Idaho to Pasco, Richland and the nuclear testing site located in Benton County, Wash., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Huico, Inc., Meridian, Idaho 83642. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Suite 110, 1417 Shoreline Drive, Boise, Idaho 83706.

No. MC 138882 (Sub-No. 28TA), filed December 12, 1977. Applicant: WILEY SANDERS, INC., P.O. Drawer 621, Henderson Road, Troy, Ala. 36081. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing products and materials* used or useful in the installation thereof (except commodities in bulk), from the Celotex Corp. plantsite and facilities located at or near Camden, Ark., to points in Arizona, New Mexico, and California, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Celotex Corp., 1500 North Dale Mabry, Tampa, Fla. 33607. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 140040 (Sub-No. 12TA), filed November 23, 1977. Applicant: JOSEPH MOVING & STORAGE CO., INC., d.b.a. ST. JOSEPH MOTOR LINES, 573 Dutch Valley Road NE., Atlanta, Ga. 30309. Applicant's representative: Richard M. Tettelbaum, Suite 375, 3379 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are dealt in or used by automotive service stations (except commodities in bulk and except commodities which, because of size or weight, require the use of special equipment), between Fulton County, Ga., on the one hand, and, on the other, points in the United States in and east of Wisconsin, Illinois, Missouri, Oklahoma, and Texas; and (2) *plastic granules* (except in bulk), from Houston, Baytown, and Orange, Tex., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee, under a continuing contract or contracts with Gulf Oil Company—U.S., a Division of Gulf Oil Corp., for 180 days. Applicant has also filed an underlying ETA for up to 90 days of operating authority. Supporting shipper: Gulf Oil Company—U.S., Division of Gulf Oil Corp., P.O. Box 3706, Houston, Tex. 77701. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree Street NW., Room 300, Atlanta, Ga. 30309.

No. MC 141033 (Sub-No. 33TA), filed December 8, 1977. Applicant: CONTI-

NENTAL CONTRACT CARRIER CORP., 15045 East Salt Lake Avenue, P.O. Box 1257, City of Industry, Calif. 91749. Applicant's representative: James I. Mendenhall, P.O. Box 1257, City of Industry, Calif. 91749, or R. A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mattresses, box springs, and bedding products*, from Memphis, Tenn., to points in Alabama, Arkansas (except points in Mississippi and Crittenden Counties), Louisiana, Mississippi, Oklahoma, and Texas, restricted to the transportation of traffic originating at the plantsite and facilities of Slumber Products Corp., d.b.a. Sealy Southeast, for 180 days. Supporting shipper(s): Slumber Products Corp., d.b.a. Sealy Southeast, 1429 Riverside Drive, Memphis, Tenn. 38109. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 142559 (Sub-No. 5TA), filed December 12, 1977. Applicant: BROOKS TRANSPORTATION, INC., 30650 Carter Road, Solon, Ohio 44319. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural limestone and gypsum* (except in bulk), from Irvington, Ky., to points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana, for 180 days. Supporting shipper: American Pelletizing Corp., Box 3628, 7200 Hickman Road, Des Moines, Iowa 50322. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, 731 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 143236 (Sub-No. 6TA), filed December 8, 1977. Applicant: WHITE TIGER TRANSPORTATION, INC., 115 Jacobus Avenue, Kearny, N.J. 07032. Applicant's representative: George Olsen, 69 Tonnelle Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities of Mitsubishi International Warehouse Corp., South Plainfield, N.J., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Mitsubishi International Warehouse Corp., 100 Ware Avenue, South Plainfield, N.J. 07080. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Newark, N.J. 07102.

No. MC 143276 (Sub-No. 5TA), filed December 5, 1977. Applicant: WEAVER TRANSPORTATION CO., 5432 Oakdale Road, Smyrna, Ga. 30080. Applicant's representative: Jack Weaver, 5452 Oakdale Road, Smyrna, Ga. 30080. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition roofing and roofing materials, viz: roofing materials rolls, asphalt prepared roofing, composition shingles, asphalt composition roofing (felt or paper, saturated and coated with asphalt, pitch, tar or other similar materials)*, from the plantsite of Fry Division Owens-Corning Fiberglas Corp., Fulton County, Atlanta, Ga., to all points in Alabama, North Carolina, South Carolina, and Tennessee, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Fry Division, Owens-Corning Fiberglas, 4795 Frederick Drive, SW., Atlanta, Ga. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree Street, NW., Room 300, Atlanta, Ga. 30309.

No. MC 143357 (Sub-No. 4TA), filed November 25, 1977. Applicant: STANLEY W. BYBEE, d.b.a. WESTERN APPLICATORS, P.O. Box 2361, Nyssa, Oreg. 97913. Applicant's representative: Steven James Pierce, 14 South Second Street, Nyssa, Oreg. 97913. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber and lumber mill products, plywood, particle board, hardboard and hardboard paneling*, from points in Idaho, Montana, Oregon, and Washington, to points in Idaho, Montana, Oregon, Washington, Nevada, Utah, Colorado, North Dakota, South Dakota, and Wyoming, and (2) gypsum wall board, from points in Nevada and Utah, to points in Idaho, Montana, Oregon, Washington, Nevada, Utah, Colorado, North Dakota, South Dakota, and Wyoming, for 180 days. Applicant has also filed an underlying ETA for up to 90 days of operating authority. Supporting shipper: Fox Lumber Sales, Inc., P.O. Box 1023, Hamilton, Mont. 59840. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Suite 110, 1471 Shoreline Drive, Boise, Idaho 83706.

No. MC 143894 (Sub-No. 1TA), filed December 5, 1977. Applicant: JEROLD J. BUCHAN, JR. d.b.a. BUCHAN TRUCKING CO., 830 W28538 Sunset Drive, Waukesha, Wis. 53186. Applicant's David V. Purcell, 111 E. Wisconsin, Milwaukee, Wis. 53202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products* as described in Section A of Appendix I to the report in Descriptions and Motor Carrier Certificates, 61 MCC 209 and 766 (except commodities in bulk), in mechanically refrigerated vehicles, from the plantsite and warehouse facilities of Lindsay Meats, Inc., at Milwaukee, Wis., to points in Georgia, Indiana, the Lower Peninsula of Michigan, Ohio, that part of New York on and west of State Highway 14, New York, N.Y., that part of Pennsylvania on and west of U.S. Highway 15, Philadelphia, Pa., Norfolk and Richmond, Va., and Washington, D.C., under a continuing contract, or contracts, with Lindsay Meats, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Lindsay Meats, Inc., 2127 West National Avenue, Milwaukee, Wis. 53204. (Joel W. Lindsay) Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 144013 (Sub-No. 1TA), filed November 23, 1977. Applicant: CARLEY'S BEST MOVERS, INC., 405 Douglas Street, Hammond, Ind. 46320. Applicant's representative: James R. Carley, 925 175th Place, Hammond, Ind. 46320. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods and personal effects* in accordance with U.S. Government pack and crate contract, between air and surface terminals and U.S. Department of Defense facilities in Lake, Porter and LaPorte Counties, Ind. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Department of Defense, Dellon E. Coker, Office of the Judge Advocate General, Department of the Army, Washington, D.C. 20310. Send protests to: Transportation Assistant Patricia A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, room 1386, Chicago, Ill. 60604.

No. MC 144031 (Sub-No. 1TA), filed November 30, 1977. Applicant: DALE LUTTON, d.b.a. D & L TRUCKING, 2408 Cherry Street, Hoquiam, Wash. 98550. Applicant's representative: George Kargianis, 2120 Pacific Building, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular

routes, transporting: *Malt beverages and wine,* from points in California, to points in King, Kitsap, and Pacific Counties, Wash. for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Pacific Beverage, 1002 Hewitt Street, Bremerton, Wash. 98310; Sid Eland, Inc., 1212 6th Avenue South, Seattle, Wash. 98134. Send protests to: Hugh H. Chaffee, District Supervsior, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, Seattle, Wash. 98174.

No. MC 144033 (Sub-No. 1TA), filed December 2, 1977. Applicant: PHIL PRESSLEY TRUCKING, INC., 2136 Loch Drive, Springfield, Oreg. 97477. Applicant's representative: Nick I. Goyak, 1 Southwest Columbia, Suite 555, Portland, Oreg. 97258. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (a) *Shakes and shingles,* from Forks, Aberdeen, and Humptulips, Wash.; to Reno and Sparks, Nev.; points in Los Angeles County, Calif.; points in Alameda, Contra Costa, San Mateo, San Francisco, and Marin Counties, Calif.; and Lake Tahoe, Calif.; (b) *roofing and wallboard materials,* from Los Angeles, Calif.; to Seattle, Tacoma, Redmond, and Everett, Wash.; (c) *rubber,* from Los Angeles, Calif.; to Eugene and Salem, Oreg.; (d) *materials* used for the manufacture and construction of blocks and bricks, from Fernley, Nev.; and Bishop, Calif.; to Woodenville, Wash., for 180 days. Supporting shipper: There are approximately six (6) statements of support attached to application which may be examined at Interstate Commerce Commission, in Washington, D.C., or copies may obtained at the field office below. Send protests to: District Supervisor A. E. Odoms, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, 555 Southwest Yamhill St., Portland, Oreg. 97204.

No. MC 144048 TA, filed November 25, 1977. Applicant: BAY TRANSCORP., INC., 209 South La Salle Street, Chicago, Ill. 60603. Applicant's representative: Abraham A. Diamond, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (A) *Bakery goods and confectionery,* from Chicago, Ill., Detroit, Mich. and points in their commercial zones, to Chicago, Ill., Detroit, Mich., Grand Rapids, Mich., Louisville, Ky., Baltimore, Md., Pittsburgh, Pa., Bedford Heights, Ohio, New York, N.Y., New Berlin, Wis., and points in their commercial zones; and (b) *Ingredients* (raw materials and supplies), for the baking, manufacture, packaging, and distribution of bakery goods and confectionery, (1) from Chicago, Ill. and points in its commerical zone, to Detroit, Mich., and Pittsburgh, Pa., and points in their commerical zones, and (2) from Detroit, Mich., Pittsburgh, Pa., Manistee, Mich., Minneapolis, Minn., Rittman, Ohio, Mt. Vernon, Ind., and their commercial zones, to Chicago, Ill., Detroit, Mich., and points in their commercial zones, under a continuing contract or contracts with Bays Foods, Inc., Bays-Michigan Corp., Bay English Muffin Corp. of Illinois, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Bays Foods, Inc., Bays-Michigan Corp., Bays English Muffin Corp. of Illinois, Martin S. Kunder, General Manager, 209 South La Salle Street, Chicago, Ill. 60604. Send protests to: Transportation Assistant, Patricia A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 144056 TA, filed December 3, 1977. Applicant: INTERNATIONAL MOVERS, INC., 847 West 45th Street, Norfolk, Va. 23508. Applicant's representative: Hunter W. Sims, Jr., 1530 Virginia National Bank Building, Norfolk, Va. 23510. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Used household goods, unaccompanied baggage, and personal effects,* as defined by the Commission, between points and places in the Cities of Norfolk, Portsmouth, Chesapeake, Virginia Beach, Suffolk, Hampton, Newport News, and Williamsburg, Va., and the Counties of Isle of Wight, York, James City, Gloucester, Mathews, Accomack, Northampton, and Southampton, Va.; restricted to (1) traffic having a prior or subsequent movement in containers, beyond points authorized, and (2) pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shipper: There are approximately 5 (five) statements of support attached to application which may be examined at the Interstate Commerce Commission, in Washington, D.C., or copies may be examined at the field office below. Send protests to: Bureau of Operations, Interstate Commerce Commission, Room 10, 502 Federal Building, 400 North 8th Street, Richmond, Va., 23240.

No. MC 144083 (Sub-No. 1TA), filed December 12, 1977. Applicant: RALPH WALKER, INC., P.O. Box 3222, Jackson, Miss. 39207. Applicant's representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *New furniture* from the facilities of Shannon Chair Co., Houston, Miss., to points in Arizona, California, Oregon, Utah, and Washington, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Shannon Chair Co., Houston, Miss. 38851. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 144092 TA, filed December 12, 1977. Applicant: TRANSPORTATION ENTERPRISES, INC., 1135 Gunter, Austin, Tex. 78702. Applicant's representative: Don Felts, P.O. Box 2207, Austin, Tex. 78768. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Passengers and their baggage,* in charter and special operations, beginning and ending at points in Texas (except points in Cameron, Hidalgo, Starr, Willacy, and Zapata Counties, Tex.), and extending to points in the United States, (including Alaska and excluding Hawaii), for 180 days. Supporting shipper(s): There are approximately 240 statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Richard H. Dawkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room B-400, Federal Building, 727 East Durango Boulevard, San Antonio, Tex. 78206.

By the Commission

H. G. Homme Jr.,
Acting Secretary.

[FR Doc. 78-1662 Filed 1-19-78; 8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

January 13, 1978.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before January 30, 1978. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 8973 (Sub-No. E180), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street, NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic hose*, n mixed loads with plastic pellets, in bulk, and material, equipment and supplies used in the manufacture and sale of plastic articles (except those of unusual value, Class A and B explosives, household goods, commodities in bulk, and commodities requiring special equipment), between points in Hudson County, N.J. on the one hand, and, on the other, points in that part of New York on and north of a line beginning on the New Jersey-New York State line at New Milford, thence along New York Highway 94 to New York Highway 17A, thence along New York Highway 17A to junction New York Highway 210, thence along New York Highway 210 to junction U.S. Highway 9W, thence along U.S. Highway 9W to the west bank of the Hudson River at Haverstraw, thence along the river and along Interstate Highway 87 to the east bank of the Hudson River, thence along the east bank of the river to the Bronx County-Westchester County boundary line, thence along the county line to the Long Island Sound, and points in that part of Long Island, New York on and east of a line beginning on the north shore at head of the harbor, thence along an unnumbered road to New York Highway 25A, thence along New York Highway 25A to junction New York Highway 46, thence along New York Highway 46 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Ridgefield, N.J.

No. MC 8973 (Sub-No. E181), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street, NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic hose*, in mixed loads with plastic pellets, in bulk, and material, equipment and supplies used in the manufacture and sale of plastic articles (except those of unusual value, Class A and B explosives, household goods, commodities in bulk, and commodities requiring special equipment), between points in Hudson County, N.J., on the one hand, and, on the other, points in that part of Pennsylvania on and west of a line beginning on the New Jersey-Pennsylvania State line with Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 209, thence along U.S. Highway 209 to the Pennsylvania-Turnpike NE. Extension, thence along on the Pennsylvania Turnpike NE. Extension to Pennsylvania State Highway 895, thence along Pennsylvania State Highway 895 to junction Pennsylvania State Highway 309, thence along Pennsylvania State Highway 309 to junction Pennsylvania Highway 143, thence along Pennsylvania State Highway 143 to junction Pennsylvania State Highway 737, thence along Pennsylvania State Highway 737 to junction Pennsylvania State Highway 73, thence along Pennsylvania State Highway 73 to junction Pennsylvania State Highway 100, thence along Pennsylvania State Highway 100 to junction Interstate Highway 202, thence along Interstate Highway 202 to the Delaware-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Ridgefield, N.J.

No. MC-8973 (Sub-No. E182), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic hose*, in mixed loads with plastic pellets, in bulk, and material, equipment and supplies used in the manufacture and sale of plastic articles (Except those of unusual value, Class A and B explosives, household goods, commodities in bulk, and commodities requiring special equipment), between points in Middlesex County, N.J., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Wisconsin, restricted against the transportation of traffic originating at or destined to the facilities of Celotex Corp., and Witco Chemical, at or near Perth Amboy, N.J. The purpose of this filing is to eliminate the gateway of Ridgefield, N.J.

No. MC-8973 (Sub-No. E183), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic hose*, in mixed loads with plastic pellets, in bulk, and material, equipment and supplies used in the manufacture and sale of plastic articles (Except those of unusual value, Class A and B explosives, household goods, commodities in bulk, and commodities requiring special equipment), between points in Middlesex County, N.J., on the one hand, and, on the other, points in that part of New York on and north of a line beginning on the Pennsylvania-new York State line with an unnumbered road at Cochecton, thence along the road to New York Highway 17B, thence along New York Highway 17B to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 17M, thence along New York Highway 17M to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 210, thence along New York Highway 210 to the Palisade Interstate Parkway, thence along the Palisade Interstate Parkway to junction U.S. Highway 202, thence along U.S. Highway 202 to junction New York Highway 306, thence along New York Highway 306 to the New York-New Jersey State line, thence along the New York-New Jersey State line to Interstate Highway 95, thence along Interstate Highway 95 to junction New York Highway 9A, thence along New York Highway 9A to junction 125th Street thence along 125th Street to the Bronx County-Queens County boundary line, thence along the Bronx County-Queens County line to the North Shore of Long Island, thence along the shore to Shoreham, thence along an unnumbered road to New York Highway 25A, thence along New York Highway 25A to junction New York Highway 66, thence along New York HIghway 66 to Moriches Bay, thence along the Bay to the Shinnicock Inlet, thence along the Atlantic Ocean, restricted against the transportation of traffic originating at or destined to the facilities of Celotex Corp., and Witco Chemical, at or near Perth Amboy, N.J. The purpose of this filing is to eliminate the gateway of Ridgefield, N.J.

No. MC 8973 (Sub-No. E184), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic hose*, in mixed loads with plastic pellets, in bulk, and material, equipment and supplies used in the manufacture and sale of plastic articles (except those of

unusual value, Class A and B explosives, household goods, commodities in bulk, and commodities requiring special equipment, between points in Middlesex County, N.J., on the one hand, and, on the other, points in that part of North Carolina on, west and south of a line beginning at the Virginia-North Carolina State line with U.S. Highway 501, thence along U.S. Highway 501 to junction U.S. Highway 158, thence along U.S. Highway 158 to junction North Carolina Highway 39, thence along North Carolina Highway 39 to junction North Carolina Highway 56, thence along North Carolina Highway 56 to junction North Carolina Highway 58, thence along North Carolina highway 58 to junction North Carolina Highway 64, thence along North Carolina Highway 64 to the Pamlico Sound, thence along the Sound to the Hateras Inlet, thence through the Inlet to the Atlantic Ocean, restricted against the transportation of traffic originating at or destined to the facilities of Celotex Corporation and Witco Chemical Co., at or near Perth Amboy, N.J. The purpose of this filing is to eliminate the gateway of Ridgefield, N.J.

No. MC 8973 (Sub-No. E185), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic hose*, in mixed loads with plastic pellets, in bulk, and material, equipment and supplies used in the manufacture and sale of plastic articles (except those of unusual value, Class A and B explosives, household goods, commodities in bulk, and commodities requiring special equipment, between points in Middlesex County, N.J., on the one hand and, on the other, points in that part of Pennsylvania west of a line beginning on the New York-Pennsylvania State line with U.S. Highway 15, thence along U.S. Highway 15 to junction New York Highway 49, thence along New York Highway 49 to junction New York Highway 44, thence along New York Highway 44 to junction U.S. Highway Route 6, thence along U.S. Highway 6 to Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to junction Pennsylvania Highway 36, thence along Pennsylvania Highway 36 to junction Pennsylvania Highway 68, thence along Pennsylvania Highway 68 to junction Pennsylvania Highway 18, thence along Pennsylvania Highway 18 to junction U.S. Highway 22, thence along U.S. Highway 22 to an unnumbered road, thence along unnumbered road to Pennsylvania Highway 231, thence along Pennsylvania Highway 231 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Ohio-Pennsylvania State line, restricted against the transportation of traffic originating at or destined to the facilities of Celotex Corporation and Witco Chemical Co., at or near Perth Amboy, N.J. The purpose of this filing is to eliminate the gateway of Ridgefield, N.J.

No. MC 8973 (Sub-No. E186), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic hose*, in mixed loads with plastic pellets, in bulk, and material, equipment and supplies used in the manufacture and sale of plastic articles (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in Middlesex County, N.J., on the one hand and, on the other, points in that part of Virginia on and west of a line beginning on the West Virginia-Virginia State line near Sweetsprings, W. Va., thence along Virginia Highway 311 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Virginia Highway 40, thence along Virginia Highway 40 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 360, thence along U.S. Highway 360 to junction U.S. Highway 501, thence along U.S. Highway 501 to Virginia-North Carolina State line, restricted against the transportation of traffic originating at or destined to the facilities of Celotex Corporation and Witco Chemical Co., at or near Perth Amboy, N.J. The purpose of this filing is to eliminate the gateway of Ridgefield, N.J.

No. MC 8973 (Sub-No. E187), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic hose*, in mixed loads with plastic pellets, in bulk, and material, equipment and supplies used in the manufacture and sale of plastic articles (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in Middlesex County, N.J., on the one hand, and, on the other, points in that part of West Virginia on and west of a line beginning on the Pennsylvania-West Virginia State line with West Virginia Highway 69, thence along West Virginia Highway 69 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction Highway 60, thence along U.S. Highway 60 to the Virginia-West Virginia State line, restricted against the transportation of traffic originating at or destined to the facilities of Celotex Corporation and Witco Chemical Co., at or near Perth Amboy, N.J. The purpose of this filing is to eliminate the gateway of Ridgefield, N.J.

No. MC 8973 (Sub-No. E208), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic hose*, in mixed loads with plastic pellets, in bulk, and material, equipment and supplies used in the manufacture and sale of plastic articles (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in Union County, N.J., on the one hand, and, on the other, points in that part of New York on and north of a line beginning on the Pennsylvania border with New York Highway 282, thence along New York Highway 282 to junction New York Highway 283, thence along New York Highway 283 to junction New York Highway 38, thence along New York Highway 38 to junction New York Highway 79, thence along New York Highway 79 to junction New York Highway 206, thence along New York Highway 206 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 52, thence along New York Highway 52 to the Neversink River, thence along the river to New York Highway 17, thence along New York Highway 17 to junction New York Highway 17K, thence along New York Highway 17K to junction New York Highway 416, thence along New York Highway 416 to junction New York Highway 207, thence along New York Highway 207 to junction New York Highway 208, thence along New York Highway 208 to junction New York Highway 17M, thence along New York Highway 17M to junction New York Highway 17, thence along New York Highway 17 to New York Highway 210, thence along New York Highway 210 to the Palisades Interstate Parkway, thence along the Parkway to

the New York-New Jersey State line, thence along the New Jersey-New York State line to Interstate Highway 95, thence along Interstate Highway 95 to the east bank of the Hudson River, thence along the River to 125th Street, thence along 125th Street to Bronx County-Queens County Boundary line, thence along the line to Interstate Highway 678, thence along Interstate Highway 678 to the Cross Island Parkway, thence along the Parkway to Interstate Highway 78, thence along Interstate Highway 78 to junction New York Highway 495, thence along New York Highway 495 to Willis Avenue, thence along Willis Avenue to Franklin Street, thence along Franklin Street to Fulton Avenue, thence along Fulton Avenue to New York Highway 24, thence along New York Highway 24 to New York Highway 109, thence along New York Highway 109 to junction New York Highway 27A, thence along New York Highway 27A to the Robert Moses Causeway, thence along the Causeway to Fire Island Inlet, thence through the Inlet to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Ridgefield, N.J.

No. MC 8973 (Sub-No. E209), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic hose*, in mixed loads with plastic pellets, in bulk, and material, equipment and supplies used in the manufacture and sale of plastic articles (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in Union County, N.J., on the one hand, and, on the other, points in that part of Pennsylvania on and west of a line beginning at the Maryland-Pennsylvania State line with U.S. Highway 220, thence along U.S. Highway 220 to Pennsylvania Highway 350, thence along Pennsylvania Highway 350 to junction Pennsylvania Highway 53, thence along Pennsylvania Highway 53 to an unnumbered road at its intersection with Interstate Highway 80, thence along the unnumbered road to Pennsylvania Highway 879, thence along Pennsylvania Highway 879 to an unnumbered road just west of Karthaus, thence along the road to Pennsylvania Highway 120, thence along Pennsylvania Highway 120 to Pennsylvania Highway 872, thence along Pennsylvania Highway 872 to an unnumbered road at Wharton, thence along the road to U.S. Highway 6 at Galeton, thence along U.S. Highway 6 to Towanda, thence along U.S. Highway 220 to New York Highway 17, thence along New York Highway 17 to the New York-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Ridgefield, N.J.

No. MC 8973 (Sub-No. E210), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic hose*, in mixed loads with plastic pellets, in bulk, and material, equipment and supplies used in the manufacture and sale of plastic articles (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in Union County, N.J., on the one hand, and, on the other, points in that part of Virginia on and south and west of a line beginning on the Virginia-West Virginia State line with Interstate Highway 81, thence along Interstate Highway 81 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction Virginia Highway 50, thence along Virginia Highway 50 to junction Interstate Highway 66, thence along Interstate Highway 66 to Virginia Highway 234, thence along Virginia Highway 234 to junction U.S. Highway 1, thence along U.S. Highway 1 to Woodbridge, the Potomac River and the Maryland-Virginia State line. The purpose of this filing is to eliminate the gateway of Ridgefield, N.J.

No. MC 8973 (Sub-No. E211), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic hose*, in mixed loads with plastic pellets, in bulk, and material, equipment and supplies used in the manufacture and sale of plastic articles (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in Union County, N.J., on the one hand, and, on the other, points in that part of West Virginia on and west of a line beginning on the West Virginia-Maryland State line with U.S. Highway 522, thence along U.S. Highway 522 to the Virginia-West Virginia State line. The purpose of this filing is to eliminate the gateway of Ridgefield, N.J.

No. MC 8973 (Sub-No. E212), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic hose*, in mixed loads with plastic pellets, in bulk, and material, equipment, and supplies used in the manufacture of and sale of plastic articles (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between New York, N.Y., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Rhode Island, South Carolina, North Dakota, Tennessee, Texas, Vermont, and Wisconsin, restricted against service at the facilities of Celotex Corp. and Witco Chemical Co., at or near Perth Amboy, N.J. The purpose of this filing is to eliminate the gateway of Ridgefield, N.J.

No. MC 8973 (Sub-No. E213), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic hose*, in mixed loads with plastic pellets, in bulk, and material, equipment, and supplies used in the manufacture and sale of plastic articles (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between New York, N.Y., on the one hand, and, on the other, points in that part of Connecticut on and east of a line beginning on the Connecticut-Massachusetts State line with Connecticut Highway 181, thence along Connecticut Highway 181 to junction Connecticut Highway 20, thence along Connecticut Highway 20 to junction Connecticut Highway 10, thence along Connecticut Highway 10 to junction Connecticut Highway 4, thence along Connecticut Highway 4 to junction Interstate Highway 84, thence along Interstate Highway 84 to junction Connecticut Highway 72, thence along Connecticut Highway 72 to junction Connecticut Highway 66, thence along Connecticut Highway 66 to junction Connecticut Highway 9, thence along Connecticut Highway 9 to U.S. Highway 1, thence along U.S. Highway 1 to

Saybrook Manor and the Long Island Sound, restricted against service at the facilities of Celotex Corporation and Witco Chemical Co., at or near Perth Amboy, N.J. The purpose of this filing is to eliminate the gateway of Ridgefield, N.J.

No. MC 8973 (Sub-No. E214), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic hose*, in mixed loads with plastic pellets, in bulk, and material, equipment, and supplies used in the manufacture and sale of plastic articles (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between New York, N.Y., on the one hand, and, on the other, points in that part of Maryland on and west of a line beginning on the Pennsylvania-Maryland State line with an unnumbered road just north of Flintstone, Md., thence along the road to the Maryland-West Virginia State line, restricted against service at the facilities of Celotex Corporation and Witco Chemical Co., at or near Perth Amboy, N.J. The purpose of this filing is to eliminate the gateway of Ridgefield, N.J.

No. MC 8973 (Sub-No. E215), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic hose*, in mixed loads with plastic pellets, in bulk, and material, equipment, and supplies used in the manufacture and sale of plastic articles (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between New York, N.Y. on the one hand and, on the other, points in that part of Massachusetts on and east of a line beginning on the Massachusetts-Connecticut State line with Massachusetts Highway 8, thence along Massachusetts Highway 8 to junction Massachusetts Highway 23, thence along Massachusetts Highway 23 to an unnumbered road at West Otis, thence along the road to Interstate Highway 90, thence along Interstate Highway 90 to the New York-Massachusetts State line, restricted against service at the facilities of Celotex Corp. and Witco Chemical Co., at or near Perth Amboy, N.J. The purpose of this filing is to eliminate the gateway of Ridgefield, N.J.

No. MC 8973 (Sub-No. E216), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic hose*, in mixed loads with plastic pellets, in bulk, and material, equipment, and supplies used in the manufacture and sale of plastic articles (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between New York, N.Y. on the one hand and, on the other, points in that part of New York on and south of a line beginning on the Pennsylvania-New York State line with New York Highway 52, just west of Narrowsburg, thence along New York Highway 52 to New York Highway 17B, thence along New York Highway 17B to junction New York Highway 55, thence along New York Highway 55 to an unnumbered road at Grahamsville, thence along the road to New York highway 28A, thence north on New York Highway 28A to junction New York Highway 28, thence along New York Highway 28 to junction New York Highway 212, thence along New York Highway 212 to junction U.S. Highway 9W, thence along U.S. Highway 9W to junction New York Highway 23, thence along New York Highway 23 to New York Highway 9G, thence south on New York Highway 9G to junction New York Highway 402, thence along New York Highway 402 to the Taconic State Parkway, thence along the Parkway to Interstate Highway 90, thence along Interstate Highway 90 to the Massachusetts-New York State line, restricted against service at the facilities of Celotex Corp. and Witco Chemical Co. at or near Perth Amboy, N.J. The purpose of this filing is to eliminate the gateway of Ridgefield, N.J.

No. MC 8973 (Sub-No. E217), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic hose*, in mixed loads with plastic pellets, in bulk, and material, equipment, and supplies used in the manufacture and sale of plastic articles (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between New York, N.Y. on the one hand and, on the other, points in that part of Pennsylvania on and west of a line beginning on the Maryland-Pennsylvania State line with Pennsylvania Highway 26, thence along Pennsylvania Highway 26 to junction Pennsylvania Highway 36, thence along Pennsylvania Highway 36 to junction U.S. Highway 220, thence along U.S. Highway 220 to Pennsylvania Highway 350, thence along Pennsylvania Highway 350 to junction Pennsylvania Highway 53, thence along Pennsylvania Highway 53 to junction Pennsylvania Highway 144, thence along Pennsylvania Highway 144 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 287, thence along Pennsylvania Highway 287 to junction Pennsylvania Highway 414, thence along Pennsylvania Highway 414 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 706, thence along Pennsylvania Highway 706 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Pennsylvania Highway 106, thence along Pennsylvania Highway 106 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 652, thence along Pennsylvania Highway 652 to the New York-Pennsylvania State line, restricted against service at the facilities of Celotex Corp. and Witco Chemical Co., at or near Perth Amboy, N.J. The purpose of this filing is to eliminate the gateway of Ridgefield, N.J.

No. MC 8973 (Sub-No. E218), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic hose*, in mixed loads with plastic pellets, in bulk, and material, equipment, and supplies used in the manufacture and sale of plastic articles (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between New York, N.Y. on the one hand and, on the other, points in that part of Virginia on and south of a line beginning on the West Virginia-Virginia State line with U.S. Highway 522, thence along U.S. Highway 522 to junction U.S. Highway 340, thence along U.S. Highway 340 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Virginia Highway 54, thence along Virginia Highway 54 to junction U.S. Highway 1,

thence along U.S. Highway 1 to junction Virginia Highway 30, thence along Virginia Highway 30 to junction U.S. Highway 360, thence along U.S. Highway 360 to junction Virginia Highway 684, thence along Virginia Highway 684 to junction U.S. Highway 17, thence along U.S. Highway 17, to junction Virginia Highway 640, thence along Virginia Highway 640 to the Pappahannock River, thence along the River to the Chesapeake Bay, thence across the Bay to Cape Charles, thence along Virginia Highway 184 to junction U.S. Highway 13, thence along U.S. Highway 13 to Cape Charles and the Atlantic Ocean, restricted against service at the facilities at Celotex Corp. and Witco Chemical Co., at or near Perth Amboy, N.J. The purpose of this filing is to eliminate the gateway of Ridgefield, N.J.

No. MC 8973 (Sub-No. E219), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic hose*, in mixed loads with plastic pellets, in bulk, and material, equipment, and supplies used in the manufacture and sale of plastic articles (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between New York, N.Y. on the one hand and, on the other, points in that part of West Virginia on and west of a line beginning on the Maryland-West Virginia State line with West Virginia Highway 9 at Great Cacapon, thence along West Virginia Highway 9 to the Hampshire County-Morgan County Boundary line, thence along the County line to the Virginia-West Virginia State line, restricted against service at the facilities of Celotex Corp. and Witco Chemical Co., at or near Perth Amboy, N.J. The purpose of this filing is to eliminate the gateway of Ridgefield, N.J.

No. MC 8973 (Sub-No. E220), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic hose*, in mixed loads with plastic pellets, in bulk, and materials, equipment, and supplies used in the manufacture and sale of plastic articles (except those commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from points in Connecticut to points in Delaware and Ohio. The purpose of this filing is to eliminate the gateways of Ridgefield, N.J. and Woodbridge, N.J.

No. MC 8973 (Sub-No. E221), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic hose*, in mixed loads with plastic pellets, in bulk, and materials, equipment, and supplies used in the manufacture and sale of plastic articles (except those commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from points in Connecticut to points in that part of New Jersey on and south of a line beginning on the New Jersey-Pennsylvania State line with U.S. Highway 22, thence along U.S. Highway 22 to Interstate Highway 78, thence along Interstate Highway 78 to junction New Jersey Secondary Highway 531, thence along New Jersey Secondary Highway 531 to junction New Jersey Highway 28, thence along New Jersey Highway 28 to an unnumbered road at Garwood, thence along the road to the Garden State Parkway, thence along the Parkway to the Union County-Middlesex County Boundary line, thence along the line to the State boundary. The purpose of this filing is to eliminate the gateways of Ridgefield, N.J. and Woodbridge, N.J.

No. MC 8973 (Sub-No. E222), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic hose* in mixed loads with plastic pellets, in bulk, and materials, equipment, and supplies used in the manufacture and sale of plastic articles (except those commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from points in Delaware to points in Massachusetts and Rhode Island. The purpose of this filing is to eliminate the gateways of Ridgefield, N.J. and Woodbridge, N.J.

No. MC 59292 (Sub-No. E20), filed June 4, 1974. Applicant: THE MARYLAND TRANSPORTATION CO., 1111 Frankfurst Ave., Baltimore, Md. 21225. Applicant's representative: Charles J. Braun, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, liquor requiring special permit, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Montgomery County, Md. on the one hand and, on the other, points in Maryland and Pennsylvania within 150 miles of Brunswick, Md., and on and north of a line beginning near Brave, Pa. on the Pennsylvania-West Virginia State line and continuing to the Maryland-West Virginia State line to Interstate Highway 81, to junction Maryland Highway 68, to junction U.S. Highway 40, to junction U.S. Highway 15, to junction U.S. Highway 11, to junction U.S. Highway 322, to Pennsylvania Highway 39, to junction U.S. Highway 22, to junction Pennsylvania Highway 419, to junction Pennsylvania Highway 183, to junction Pennsylvania Highway 443, to junction Pennsylvania Highway 895, to junction Pennsylvania Highway 61, to junction Interstate Highway 78 to a point near Glendon, Pa., at or near the Pennsylvania-New Jersey State line. The purpose of this filing is to eliminate the gateway of Frederick, Md.

No. MC 59292 (Sub-No. E22), filed June 4, 1974. Applicant: THE MARYLAND TRANSPORTATION CO., 1111 Frankfurst Avenue, Baltimore, Md. 21225. Applicant's representative: Charles J. Braun, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silos, silo parts, and materials, and supplies* used by silo manufacturing plants, except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment between points in Delaware, on the one hand, and, on the other, points in Maryland, New York, Pennsylvania, Virginia, and West Virginia on and west of a line beginning at Olcott, N.Y., York and Lake Ontario and extending along New York Highway 78 to junction New York Highway 16, to junction New York Highway 98, to junction U.S. Highway 219, to junction Pennsylvania Highway 46, to junction U.S. Highway 6, to junction Pennsylvania Highway 155, to junction Pennsylvania Highway 120, to junction U.S. Highway 219 to junction Pennsylvania Highway 729, to junction Pennsylvania Highway 53, to junction Pennsylvania Highway 253, to junction Pennsylvania Highway 453, to junction Pennsylvania Highway 45, to junction Pennsylvania Highway 350 to junction U.S. Highway 22, to junction U.S.

Highway 522, to junction U.S. Highway 30, to junction U.S. Highway 11, to junction Pennsylvania Highway 316, to junction Pennsylvania Highway 997, to junction Maryland Highway 64, to junction Maryland Highway 77, to junction Maryland Highway 550 to junction Maryland Highway 26, to junction Maryland Highway 75, to junction Maryland Highway 80 to junction Maryland Highway 85, to junction Maryland Highway 28, to junction U.S. Highway 15 to the Virginia-North Carolina State line. The purpose of this filing to eliminate the gateway of Frederick, Md.

No. MC 59292 (Sub-No. E26), filed June 4, 1974. Applicant: THE MARYLAND TRANSPORTATION CO., 1111 Frankfurst Avenue, Baltimore, Md. 21225. Applicant's representative: Charles J. Braun, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, liquor requiring special permit, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, between points in Montgomery County, Md., on the one hand, and, on the other, (1) points in Lawrence and Butler Counties, Pa. on and south of U.S. Highway 422, and (2) points in Allegheny, Washington, Greene, and Beaver Counties, Pa., restricted in (1) and (2) above, against service to points within 150 miles of Brunswick, Md. The purpose of this filing is to eliminate the gateway of Frederick, Md., and Pittsburgh, Pa.

No. MC 59292 (Sub-No. E27), filed June 4, 1974. Applicant: THE MARYLAND TRANSPORTATION CO., 1111 Frankfurst Avenue, Baltimore, Md. 21225. Applicant's representative: Charles J. Braun, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such general merchandise* as is dealt in by wholesale grocery business houses, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, livestock, films, alcoholic beverages, and those injurious or contaminating to other lading, between Philadelphia, Pa., on the one hand, and, on the other, points in Maryland, Pennsylvania, and Virginia within 150 miles of Brunswick, Md., and on and west of a line beginning north of Brookville, Pa. and extending along Pennsylvania Highway 36, to junction Pennsylvania Highway 164, to junction Pennsylvania Highway 26, to junction Pennsylvania Highway 915, to junction U.S. Highway 30, to junction U.S. Highway 522, to junction Pennsylvania Highway 16, to the Pennsylvania-Maryland State line continuing on Maryland Highway 97 to junction U.S. Highway 15 to junction Maryland Highway 76 to junction Maryland Highway 77, to junction Maryland Highway 194 to junction Maryland Highway 550, to junction Maryland Highway 26, to junction Maryland Highway 27, to junction Maryland Highway 80, to junction Maryland Highway 85, to junction Maryland Highway 28, to junction U.S. Highway 15, to junction Virginia Highway 7, to junction Virginia Highway 123, to junction Interstate Highway 66, to junction Virginia Highway 28, to junction U.S. Highway 15 to junction U.S. Highway 522 to junction U.S. Highway 33, to junction Interstate Highway 95, to junction Virginia Highway 10, to junction Virginia Highway 36, to junction Interstate Highway 95 to a point near Stony Creek, Va. The purpose of this filing is to eliminate the gateway of Frederick, Md., and Baltimore, Md.

No. MC 59292 (Sub-No. E28), filed June 4, 1974. Applicant: THE MARYLAND TRANSPORTATION CO., 1111 Frankfurst Avenue, Baltimore, Md. 21225. Applicant's representative: Charles J. Braun, Jr. (same at above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such general merchandise* as is dealt in by wholesale grocery business houses, except those of unusual value, Classes B and B explosives, livestock, films, alcoholic beverages, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Philadelphia, Pa., on the one hand, and, on the other, (1) points in Lawrence and Butler Counties, Pa., on and south of U.S. Highway 422, and (2) points in Allegheny, Washington, Greene and Beaver Counties, Pa., restricted in (1) and (2) above, against service to points within 150 miles of Brunswick, Md. The purpose of this filing is to eliminate the gateways of Baltimore, Md., Frederick, Md., and Pittsburgh, Pa.

No. MC 59292 (Sub-No. E29), filed June 4, 1974. Applicant: THE MARYLAND TRANSPORTATION CO., 1111 Frankfurst Avenue, Baltimore, Md. 21225. Applicant's representative: Charles J. Braun, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, films, alcoholic beverages, household goods as defined by the Commission, commodities in bulk, those requiring special equipment and those injurious or contaminating to other lading, between Frederick, Md., on the one hand, and, on the other, Atlantic City, N.J., Ocean City, Md., and Roebling, N.J. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 59292 (Sub-No. E30), filed June 4, 1974. Applicant: THE MARYLAND TRANSPORTATION CO., 1111 Frankfurst Avenue, Baltimore, Md. 21225. Applicant's representative: Charles J. Braun, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such general merchandise* as is dealt in by wholesale grocery business houses, except those of unusual value, Classes A and B explosives, livestock, films, alcoholic beverages, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Philadelphia, Pa., on the one hand, and, on the other, points in Pennsylvania, Maryland, Virginia, and West Virginia, within 150 miles of Brunswick, Md., on and west of a line beginning at a point near Worthington, Pa. and extending along U.S. Highway 422 to junction Pennsylvania Highway 66, to junction Pennsylvania Highway 819, to junction Interstate Highway 76, to junction U.S. Highway 219 to the Pennsylvania-Maryland State line and extending along U.S. Highway 48 to junction U.S. Highway 40, to junction Interstate Highway 70, to junction U.S. Highway 15, to junction U.S. Highway 522, to junction U.S. Highway 33, to junction Interstate Highway 95, to junction Virginia Highway 10, to junction Virginia Highway 36, to junction Interstate Highway 95 to a point near Stony Creek, Va. The purpose of this filing is to eliminate the gateway of Baltimore, Md., and Brunswick, Md.

No. MC 59292 (Sub-No. E31), filed June 4, 1974. Applicant: THE MARYLAND TRANSPORTATION CO., 1111 Frankfurst Avenue, Baltimore Md. 21225. Applicant's representative: Charles J. Braun, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *lumber*, except commodities of unusual value, and those commodities requiring special equipment, from Petersburg, Va., to points, in Maryland, Pennsylvania, Delaware, New Jersey, Virginia, and West Virginia within 150 miles of Brunswick, Md., and located on and north of a line beginning near Clarksburg, W. Va., and extending along U.S. Highway 50 to junction U.S. Highway 15, to junction Maryland Highway 28, to junction Maryland Highway 109, to junction Maryland Highway 75, to junction Mary-

land Highway 123, to junction Maryland Highway 122, to junction Maryland Highway 27, to junction Maryland Highway 482, to junction Maryland Highway 30, to junction Maryland Highway 88, to junction Maryland Highway 25, to junction Maryland Highway 137, to junction Interstate Highway 83, to junction Pennsylvania Highway 851, to junction Pennsylvania Highway 74, to junction Pennsylvania Highway 372, to junction Pennsylvania Highway 472, to junction U.S. Highway 1, to junction Pennsylvania Highway 41, to junction U.S. Highway 13, to junction Interstate Highway 295, to junction the Delaware River, thence along the Delaware River to a point near Bristol, Pa. The purpose of this filing is to eliminate the gateway of Brunswick, Md.

No. MC 59292 (Sub-No. E32), filed June 4, 1974. Applicant: THE MARYLAND TRANSPORTATION CO., 1111 Frankfurst Avenue, Baltimore, Md. 21225. Applicant's representative: Charles J. Braun, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, except commodities of unusual value, commodities in bulk, and those requiring special equipment, for Petersburg, Va. to (1) points in Lawrence and Butler Counties, Pa., on and south of U.S. Highway 422, and (2) points in Allegheny, Washington, Greene, and Beaver Counties, Pa., restricted in (1) and (2) above, against service to points within 150 miles of Brunswick, Md. The purpose of this filing is to eliminate the gateway of Brunswick, Md., and Pittsburg, Pa.

No. MC 59292 (Sub-No. E33), filed June 4, 1974. Applicant: THE MARYLAND TRANSPORTATION CO., 1111 Frankfurst Avenue, Baltimore, Md. 21225. Applicant's representative: Charles J. Braun, Jr., (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, except commodities in bulk, those of unusual value, household goods as defined by the Commission, and those requiring special equipment from Baltimore, Md., to points in Virginia, Pennsylvania, and Maryland within 150 miles of Brunswick, Md., and located on and west of a line beginning near Eagles Mere, Pa. and extending along Pennsylvania Highway 87 to junction Pennsylvania Highway 973, thence along Pennsylvania Highway 973 to junction Pennsylvania Highway 287, thence along Pennsylvania Highway 287 to junction Pennsylvania Highway 284, thence along Pennsylvania Highway 284 to junction Pennsylvania Highway 44, thence along Pennsylvania Highway 44 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 144, thence along Pennsylvania Highway 144 to junction Pennsylvania Highway 26, thence along Pennsylvania Highway 26 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Pennsylvania Highway 641, thence along Pennsylvania Highway 641 to junction Pennsylvania Highway 433, thence along Pennsylvania Highway 433 to junction Pennsylvania Highway 533, thence along Pennsylvania Highway 533 to junction Pennsylvania Highway 696, thence along Pennsylvania Highway 696 to junction Pennsylvania Highway 997, thence along Pennsylvania Highway 997 to the Pennsylvania-Maryland State line, thence extending along Maryland Highway 64 to junction Maryland Highway 153, to junction Maryland Highway 355, to junction Maryland Highway 80, to junction Maryland Highway 85, to junction Maryland Highway 28, to junction U.S. Highway 15, to junction Virginia Highway 7, to junction Virginia Highway 659, to junction Virginia Highway 647, to junction Virginia Highway 642, to junction Virginia Highway 659, to junction U.S. Highway 50, to junction Virginia Highway 626, to junction Virginia Highway 55, to junction Virginia Highway 647, to junction U.S. Highway 522, to junction Virginia Highway 231, to junction Virginia Highway 230, to junction Virginia Highway 20, to junction Virginia Highway 604, to junction Virginia Highway 608, to junction Virginia Highway 601, to junction Virginia Highway 652, to junction Virginia Highway 719, to junction U.S. Highway 522, to junction Virginia Highway 1002, to junction Virginia Highway 13, to junction Virginia Highway 609, to a point near Blackstone, Va. The purpose of this filing is to eliminate the gateway of Frederick, Md.

No. MC 59292 (Sub-No. 534), filed June 4, 1974. Applicant: THE MARYLAND TRANSPORTATION CO., 1111 Frankfurst Avenue, Baltimore, Md. 21225. Applicant's representative: Charles J. Braun, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products* (except commodities in bulk, those of unusual value, household goods as defined by the Commission, and those requiring special equipment), from Washington, D.C., to points in Pennsylvania and Maryland within 150 miles of Brunswick, Md., located on and north of a line beginning at the Pennsylvania-West Virginia State line near Garrison, Pa., extending along the Pennsylvania-West Virginia State line to the Pennsylvania-Maryland State line, then continuing along the Maryland-West Virginia State line to junction Maryland Highway 34, to junction U.S. Highway 40, thence to junction Maryland Highway 75, thence to junction Maryland Highway 26, thence to junction Maryland Highway 31, thence to junction Maryland Highway 97, thence to junction Maryland Highway 194, thence to the Maryland-Pennsylvania State line, extending along Pennsylvania Highway 194 to junction Pennsylvania Highway 216, thence to junction Pennsylvania Highway 116, thence to junction U.S. Highway 30, thence to junction Pennsylvania Highway 462, thence to junction Pennsylvania Highway 23, thence to junction Pennsylvania Highway 100, thence to junction Interstate Highway 78, thence to a point near Glendon, Pa. The purpose of this filing is to eliminate the gateway of Frederick, Md.

No. MC 59292 (Sub-No. E35), filed June 4, 1974. Applicant: THE MARYLAND TRANSPORTATION CO., 1111 Frankfurst Avenue, Baltimore, Md. 21225. Applicant's representative: Charles J. Braun, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products* (except commodities in bulk, those of unusual value, household goods as defined by the Commission, and those requiring special equipment), from Baltimore, Md., to (1) points in Lawrence and Butler Counties, Pa., on and south of U.S. Highway 422, and (2) points in Allegheny, Washington, Greene, and Beaver Counties, Pa., restricted in (1) and (2) above against service to points within 150 miles of Brunswick, Md. The purpose of this filing is to eliminate the gateway of Frederick, Md., and Pittsburgh, Pa.

No. MC 59292 (Sub-No. E36), filed June 4, 1974. Applicant: THE MARYLAND TRANSPORTATION CO., 1111 Frankfurst Avenue, Baltimore, Md. 21225. Applicant's representative: Charles J. Braun, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products* (except commodities in bulk, those of unusual value, household goods as defined by the Commission, and those requiring special equipment), from Washington, D.C., to (1) points in Lawrence and Butler Counties, Pa., which are on and south of U.S. Highway 422, and (2) points in Allegheny, Washington, Greene, and Beaver Counties, Pa., restricted in (1) and (2) above against service to points within 150 miles of Brunswick, Md. The purpose of this filing is to eliminate the gateway of Frederick, Md., and Pittsburgh, Pa.

No. MC 61825 (Sub-No. E1182), filed May 13, 1974. Applicant: ROY STONE

TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 16th Street, NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Henry County, Va., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateway of Martinsville, Va., and Elizabeth City, N.C.

No. MC 61825 (Sub-No. E1183), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts* (except commodities in bulk), from points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Rhode Island, those points in Vermont on and east of a line beginning at the United States-Canadian International Boundary line, and extending along Vermont Highway 114, to junction U.S. Highway 5, to junction Vermont Highway 11, to junction U.S. Highway 7, to junction Vermont Highway 9, thence along Vermont Highway 9 to the Vermont-New York State line; those points in New York, on and east of a line beginning at the New York-Vermont State line, and extending along New York Highway 7, to junction U.S. Highway 9W, to junction New York Highway 32, to junction New York Highway 23, to junction New York Highway 30, to junction New York Highway 17, thence along New York Highway 17 to the New York-Pennsylvania State line; those points in Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line, and extending along Pennsylvania Highway 370, to junction Pennsylvania Highway 247, to junction U.S. Highway 6, to junction Interstate Highway 81, to junction U.S. Highway 22, to junction U.S. Highway 11, thence along U.S. Highway 11, to the Pennsylvania-Virginia State line; those points in Virginia on and east of a line beginning at the Virginia-Pennsylvania State line, and extending along U.S. Highway 11 to junction Virginia Highway 16, to junction Virginia Highway 614, to junction Virginia Highway 749, to junction U.S. Highway 21, to junction Virginia Highway 805, to junction Virginia Highway 94, to junction U.S. Highway 58, to the Atlantic Ocean, to points in Alabama, Arizona, Arkansas, California, Idaho, Louisiana, Mississippi, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and points in North Carolina, Virginia, and those points in North Dakota on and west of a line beginning at the United States-Canadian International Boundary line and extending along U.S. Highway 85 to junction North Dakota Highway 200, thence along North Dakota Highway 200 to the North Dakota-Montana State line; those points in Montana on and west of a line beginning at the Montana-North Dakota State line and extending along Montana Highway 200, to junction Montana Highway 16, to junction U.S. Highway 10,to junction U.S. Highway 312,to junction U.S. Highway 212, to junction Montana Highway 59, thence along Montana Highway 59 to the Montana-Wyoming State line; those points in Wyoming on and west of a line beginning at the Wyoming-Montana State line, and extending along Wyoming Highway 59, to junction U.S. Highway 87, thence along U.S. Highway 87 to the Wyoming-Colorado State line; those points in Colorado on and west of a line beginning at the Colorado-Wyoming State line, and extending along U.S. Highway 85 to junction U.S. Highway 34, to junction U.S. Highway 6, thence along U.S. Highway 6 to the Colorado-Nebraska State line, those points in Nebraska on and west of a line beginning at the Nebraska-Colorado State line, and extending along U.S. Highway 6 to junction U.S. Highway 83, to the Nebraska-Kansas State line; those points in Kansas on and west of a line beginning at the Kansas-Nebraska State line, and extending along U.S. Highway 83 to junction U.S. Highway 36, to junction U.S. Highway 281, to junction U.S. Highway 24, thence along U.S. Highway 24 to the Kansas-Missouri State line; those points in Missouri on and west and south of a line beginning at the Missouri-Kansas State line, and extending along Missouri Highway 7, to junction U.S. Highway 50, to junction U.S. Highway 63, to junction Missouri Highway 68, to junction Missouri Highway 8, to junction U.S. Highway 67, to junction Missouri Highway 32, to junction U.S. Highway 61, to junction Missouri Highway 51, thence along Missouri Highway 51 to the Missouri-Illinois State line; those points in Illinois on and west and south of a line beginning at the Illinois-Missouri State line, and extending along Illinois Highway 3, to junction Illinois Highway 149,to junction Illinois Highway 13, to junction U.S. Highway 51, to junction Illinois Highway 14, to junction U.S. Highway 460, thence along U.S. Highway 460 to the Illinois-Indiana State line; those points in Indiana on and south of a line beginning at the Indiana-Illinois State line, and extending along U.S. highway 460 to junction Indiana Highway 66, to junction U.S. Highway 231, thence along U.S. Highway 231 to the Indiana-Kentucky State line; those points in Kentucky on and south and west of a line beginning at the Kentucky-Indiana State line, and extending along Kentucky Highway 54, to junction Kentucky Highway 259, to junction Kentucky Highway 80, to junction Kentucky Highway 15, to junction U.S. Highway 119, to junction U.S. Highway 23, to junction U.S. Highway Alternate 58, to junction U.S. Highway 19, to junction U.S. Highway 19W, to junction U.S. Highway 411, to junction U.S. Highway 441, to junction U.S. Highway 64, thence along U.S. Highway 64 to the Kentucky-North Carolina State line; those points in North Carolina on and west of a line beginning at the North Carolina-Kentucky State line, and extending along North Carolina Highway 69 to junction U.S. Highway 76, thence along U.S. Highway 76 to the North Carolina-Georgia State line; those points in Georgia on and west of a line beginning at the Georgia-North Carolina State line, and extending along North Carolina Highway 69 to junction U.S. Highway 76, to junction Georgia Highway 52 to junction U.S. Highway 41, to junction Georgia Highway 53, to junction U.S. Highway 24, to the Chattahoochee River at Columbus, Ga., to the Apalachicola River, to the Gulf of Mexico.

The purpose of this filing is to eliminate the gateway of Smyth County, Va.

No. MC 61825 (Sub-No. E1184), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts*, except commodities in bulk, from points in North Carolina and Virginia on and bounded by a line beginning at Virginia Beach, Va., and extending west along U.S. Highway 58 to junction Virginia Highway 93, to junction North Carolina Highway 93, to junction U.S. Highway 21, to junction North Carolina Highway 67, to junction U.S. Highway 601, to junction North Carolina Highway 801, to junction U.S. Highway 64, to junction North Carolina Highway 8, to junction North Carolina Highway 47, to junction North Carolina Highway 109, to junction North Carolina Highway 27, to junction U.S. Highway 220, to junction North Carolina Highway 211, to junction North Carolina Highway 20, to junction North Carolina Highway 87, to junction U.S. Highway 76, to junction U.S. Highway 421, to the Atlantic Ocean, and thence north along the Atlantic Ocean Coast to the point of beginning, to points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, Montana,

Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming, and those points in Alabama, Louisiana, Mississippi, Ohio, Tennessee, Virginia and West Virginia on and west of a line beginning at the United States-Canadian International Boundary line near Sault Ste. Marie, Mich., and extending south along the eastern coast of Michigan to Lexington, Mich., thence west along Michigan Highway 90 to junction Michigan Highway 24, to junction Michigan Highway 46, to junction Michigan Highway 52, to junction Michigan Highway 57, to junction Michigan Highway 66, to junction Interstate Highway 94, to junction U.S. Highway 27, to junction U.S. Highway 12, to junction Michigan Highway 49, to junction Ohio Highway 49, to junction Ohio Highway 34, to junction Ohio Highway 15, to junction Ohio Highway 65, to junction U.S. Highway 30-N, to junction Ohio Highway 235, to junction U.S. Highway 30-S, to junction Ohio Highway 31, to junction U.S. Highway 33, to junction U.S. Highway 23, to junction U.S. Highway 35, to junction West Virginia Highway 34, to junction West Virginia Highway 3, to junction West Virginia Highway 10, to junction West Virginia Highway 80, to junction West Virginia Highway 83, to junction West Virginia Highway 16, to junction Virginia Highway 16, to junction Interstate Highway 81, to junction Interstate Highway 40, to junction U.S. Highway 11, to junction U.S. Highway 72, to junction U.S. Highway 72 Alternate, to junction U.S. Highway 31, to junction Alabama Highway 24, to junction Mississippi Highway 23, to junction U.S. Highway 78, to junction Mississippi Highway 6, to junction Mississippi Highway 15, to junction Mississippi Highway 19, to junction U.S. Highway 11 to New Orleans, La., and thence along the Mississippi River to the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of points in Smyth County, Va.

No. MC 61825 (Sub-No. E1185), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts*, except commodities in bulk, from points in North Carolina, South Carolina, and Virginia on and bounded by a line beginning at the Atlantic Ocean at U.S. Highway 421, thence northwest along U.S. Highway 421 to junction U.S. Highway 76, to junction North Carolina Highway 87, to junction North Carolina Highway 20, to junction North Carolina Highway 211, to junction U.S. Highway 220, to junction North Carolina Highway 27, to junction North Carolina Highway 109, to junction North Carolina Highway 47, to junction North Carolina Highway 8, to junction U.S. Highway 64, to junction North Carolina Highway 801, to junction U.S. Highway 601, to junction North Carolina Highway 67, to junction U.S. Highway 21, to junction North Carolina Highway 93, to junction Virgina Highway 16 to Smyth County, Va. thence in a southeast direction along Virginia Highway 16 to junction North Carolina Highway 113, to junction North Carolina Highway 18, to junction North Carolina Highway 16, to junction U.S. Highway 321, to junction U.S. Highway 21, to the Atlantic Ocean, thence northeast along the coast of South Carolina and North Carolina to the point of beginning, to points in Arizona, California, Colorado, Idaho, Iowa, Kansas, Michigan, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin, Wyoming, and those points in Illinois, Indiana, Kentucky, Missouri, New York, Oklahoma, Pennsylvania, Texas, Virginia, and West Virginia on and west of a line beginning at the Canadian-United States International Boundary line at U.S. Highway 62, thence south along U.S. Highway 62 to junction Pennsylvania Highway 36, to junction Pennsylvania Highway 66, to junction U.S. Highway 322, to junction Pennsylvania Highway 68, to junction Pennsylvania Highway 66, to junction Interstate Highway 70, to junction Pennsylvania Highway 819, to junction U.S. Highway 119, to junction U.S. Highway 19 to Bluefield, W. Va., to junction Virginia Highway 16 to Smyth County, Va., and points west and north of a line beginning at Smyth County, Va. and extending along Virginia Highway 16 to junction U.S. Highway 460, to junction Kentucky Highway 80, to junction U.S. Highway 421, to junction Interstate Highway 75, to junction Kentucky Highway 52, to junction U.S. Highway 150, to junction U.S. Highway 62, to junction U.S. Highway 31-W, to junction U.S. Highway 60, to junction U.S. Highway 60 Bypass, to junction Kentucky Highway 56, to junction Illinois Highway 13, to junction Illinois Highway 149, to junction Illinois Highway 3, to junction Missouri Highway 51, to junction Missouri Highway 72, to junction Missouri Highway 106, to junction Missouri Highway 17, to junction Missouri Highway 38, to junction U.S. Highway 66, to junction Interstate Highway 44, to junction U.S. Highway 62, to junction U.S. Highway 87, to junction Texas Highway 349, to junction U.S. Highway 90 to the Terrell-Val Verde County line, thence south along the Terrell-Val Verde County line to the Texas-Mexico International Boundary line. The purpose of this filing is to eliminate the gateway of points in Smyth County, Va.

No. MC 61825 (Sub-No. E1194), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts and furniture materials*, except commodities in bulk, those of unusual value, household goods as defined by the Commission, commodities requiring special equipment, from points in Maine on and north of a line beginning at the New Hampshire-Maine State line and extending along Maine Highway 16 to junction Maine Highway 4-16, to junction Maine Highway 4, to junction Maine Highway 142, to junction Maine Highway 16, to junction Maine Highway 6-16, to junction Maine Highway 6-155, to junction U.S. Highway 2, to junction Maine Highway 6, to junction U.S. Highway 1 to the United States-Canadian International Boundary line, to points in Mississippi. The purpose of this filing is to eliminate the gateway of points in Smyth County, Va., Lynchburg, Va., and Martinsville, Va.

No. MC 61825 (Sub-No. E1195), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts and furniture materials*, except commodities in bulk, those of unusual value, class A and B explosives, livestock, household goods as defined by the Commission, liquid commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, from points in Maine on and south of a line beginning at the New Hampshire-Maine State line and extending along Maine Highway 16, to junction Maine Highway 4-16, to junction Maine Highway 4, to junction Maine Highway 142, to junction Maine Highway 16, to junction Maine Highway 6-16, to junction Maine Highway 6-155, to junction U.S. Highway 2, to junction Maine Highway 6, to junction U.S. Highway 1 to the United States-Canadian International Boundary line, to points in Mississippi on, south, and west of a line beginning at the Arkansas-Mississippi State line, and extending along U.S. Highway 82 to junction U.S. Highway 51, to junction Mississippi Highway 35, to junction Mississippi Highway 28, to junction U.S. Highway 84 to the Mississippi-Al-

abama State line. The purpose of this filing is to eliminate the gateway of points in Smyth County, Va., Lynchburg, Va., and Martinsville, Va.

No. MC 78228 (Sub-No. E223), filed September 25, 1975. Applicant: J. MILLER EXPRESS, 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, and silicon metals*, in dump vehicles, from points in that part of Pennsylvania on or west of a line beginning at the Pennsylvania-New York State line, thence along U.S. Highway 219 to the Pennsylvania-West Virginia State line to points in Kentucky. The purpose of this filing is to eliminate the gateway of Braddock, Pa.

No. MC 78228 (Sub-No. E224), filed September 25, 1975. Applicant: J. MILLER EXPRESS, 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, and silicon metals*, in dump vehicles, from points in New York on or west of a line beginning at Lake Ontario, thence along U.S. Highway 15 to Lakeville, N.Y., thence along Alternate U.S. Highway 20 to Geneseo, N.Y., thence along New York Highway 63 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 16, thence along New York Highway 16 to Olean, N.Y., thence along New York Highway 16A to the New York-Pennsylvania State line to points in Kentucky. The purpose of this filing is to eliminate the gateway of Braddock, Pa.

No. MC 78228 (Sub-No. E225), filed September 25, 1977. Applicant: J. MILLER EXPRESS, 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, and silicon metals*, in dump vehicles, from points in that part of West Virginia bounded by a line beginning at the Pennsylvania-West Virginia State Line, thence along U.S. Highway 40 to junction West Virginia Highway 2, thence along West Virginia Highway 2 to junction West Virginia Highway 7, thence along West Virginia Highway 7 to junction U.S. Highway 250 to Fairmont, W. Va., thence along U.S. Highway 19 to Pennsylvania-West Virginia State line, thence along the Pennsylvania-West Virginia State line to the place of beginning to points in Kentucky south or west of a line beginning at the Indiana-Kentucky State line, thence along Interstate Highway 65 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of East Liverpool, Ohio.

No. MC 78228 (Sub-No. E226), Filed September 25, 1975. Applicant: J. MILLER EXPRESS, 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, and silicon metals*, in dump vehicles, from points in that part of Ohio bounded by a line beginning at Lake Erie, thence along the Lake Erie-Ohio Border to Cleveland, Ohio, thence along Ohio Highway 14 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction Ohio Highway 18, thence along Ohio Highway 18 to junction Interstate Highway 77, thence along Interstate Highway 77 to Canton, Ohio, thence along U.S. Highway 30 to junction Ohio Highway 43, thence along Ohio Highway 43 to junction Ohio-West Virginia State line, thence along Ohio-West Virginia State line to junction Ohio-Pennsylvania State line, thence along Ohio-Pennsylvania State line to the place of beginning to points in Kentucky on or west of a line beginning to points in Kentucky on or west of a line beginning at the Kentucky-Indana State line, thence along U.S. Highway 231 to junction Interstate Highway 65, thence along Interstate Highway 65 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of East Liverpool, Ohio.

No. MC 78228 (Sub-No. E227), filed September 25, 1975. Applicant: J. MILLER EXPRESS, 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, and silicon metals*, in dump vehicles, from points in that part of Pennsylvania bounded by a line beginning at the Pennsylvania-New York State line, thence along U.S. Highway 219 to the Pennsylvania-West Virginia State line, thence along the Pennsylvania-West Virginia State line to the Pennsylvania-Ohio State line, thence along the Pennnsylvania-Ohio State line to junction U.S. Highway 422, thence along U.S. Highway 422 to New Castle, Pa., thence along Pennsylvania Highway 108, to junction Pennsylvania Highway 8, thence along Pennsylvania Highway 8 to Franklin, Pa., thence along U.S. Highway 62 to Warren, Pa., thence along Pennsylvania Highway 59 to junction U.S. Highway 219, thence along U.S. Highway 219 to the place of beginning to points in Michigan on or north of a line beginning at Lake Huron, thence along Michigan Highway 32 to Lake Michigan. The purpose of this filing is to eliminate the gateway of Braddock, Pa.

No. MC 78228 (Sub-No. E228), filed September 25, 1975. Applicant: J. MILLER EXPRESS, 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, and silicon metals*, dump vehicles, from points in that part of Pennsylvania bounded by a line beginning at the Pennsylvania-Ohio State line, thence along Pennsylvania Highway 68 to Clarion, Pa., thence along Interstate Highway 80 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-West Virginia State line, thence along Pennsylvania-West Virginia State line to the Pennsylvania-Ohio State line, thence along the Pennsylvania-Ohio State line to the place of beginning to points in that part of Michigan beginning at Lake Huron, thence along Michigan Highway 21 to Flint, Mich., thence along Michigan Highway 56 to junction Michigan Highway 21, thence along Michigan Highway 21 to Grand Rapids, Mich., thence along U.S. Highway 131 to junction Interstate Highway 96, thence along Interstate Highway 96 to Lake Michigan. The purpose of this filing is to eliminate the gateway of Braddock, Pa.

No. MC 78228 (Sub-No. E229), filed September 25, 1975. Applicant: J. MILLER EXPRESS, 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, and silicon metals*, in dump vehicles, from points in Pennsylvania bounded by a line beginning at Butler, Pa., thence along Pennsylvania Highway 68 to junction Pennsylvania Highway 861, thence along Pennsylvania Highway 861 to junction Pennsylvania Highway 536, thence along Pennsylvania Highway 536 to junction Pennsylvania Highway 36, thence along Pennsylvania Highway 36 to Punxsutawney, Pa., thence along U.S. Highway 119 to Dubois, Pa., thence along U.S. Highway 219 to the Pennsylvania-West Virginia State line, thence along Pennsylvania-West Virginia State line to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 40, thence along U.S. Highway 40 to Washington,

Pa., thence along U.S. Highway 19 to Pittsburgh, Pa., thence along Pennsylvania Highway 8 to the place of beginning to points in Michigan. The purpose of this filing is to eliminate the gateway of Braddock, Pa.

No. MC 78228 (Sub-No. E230), filed September 25, 1975. Applicant: J. MILLER EXPRESS, 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, and silicon metals*, in dump vehicles, from points in Pennsylvania bounded by a line beginning at the Pennsylvania-Ohio State line, thence along U.S. Highway 62 to Mercer, Pa., thence along Pennsylvania Highway 965 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Pennsylvania-New York State line, thence along Pennsylvania-New York State line to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-West Virginia State line, thence along the Pennsylvania-West Virginia State line to junction Pennsylvania-Ohio State line, thence along Pennsylvania-Ohio State line to the place of beginning to points in Michigan. The purpose of this filing is to eliminate the gateway of East Liverpool, Ohio.

No. MC 78228 (Sub-No. E231), filed September 25, 1975. Applicant: J. MILLER EXPRESS, 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, and silicon metals*, in dump vehicles, from points in New York on or west of a line beginning at Lake Ontario, thence along U.S. Highway 15 to Lakeville, N.Y., thence along Alternate U.S. Highway 20 to Geneseo, N.Y., thence along New York Highway 63 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 16, thence along New York Highway 16 to Olean, N.Y., thence along New York Highway 16A to the New York-Pennsylvania State line, to points in Michigan on or north of a line beginning at Lake Huron, thence along Michigan Highway 142 to junction Michigan Highway 25, thence along Michigan Highway 25 to Bay City, Mich., thence along U.S. Highway 10 to junction Michigan Highway 20, thence along Michigan Highway 20 to junction Michigan Highway 37, thence along Michigan Highway 37 to junction Michigan Highway 46, thence along Michigan Highway 46 to Lake Michigan. The purpose of this filing is to eliminate the gateway of East Liverpool, Ohio.

No. MC 78228 (Sub-No. E232), filed September 25, 1975. Applicant: J. MILLER EXPRESS, 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, and silicon metals*, in dump vehicles, from points in New York bounded by a line beginning at Lake Ontario, thence along U.S. Highway 15 to Lakeville, New York, thence along U.S. Highway 20 to Leicester, New York, thence along New York Highway 36 to junction New York Highway 63 to Batavia, N.Y., thence along New York Highway 98 to New York Highway 31, thence along New York Highway 31 to the New York-Canadian International border line, thence along the International Boundary line between the United States and Canada to Lake Ontario, thence along Lake Ontario to the place of beginning to points in Michigan. The purpose of this filing is to eliminate the gateway of East Liverpool, Ohio.

No. MC 78228 (Sub-No. E233), filed September 25, 1975. Applicant: J. MILLER EXPRESS, 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, and silicon metals*, in dump vehicles, from points in that part of Ohio bounded by a line beginning at the Pennsylvania-Ohio State line, thence along Ohio Highway 82 to Warren, Ohio, thence along Ohio Highway 45 to junction Ohio Highway 9, thence along Ohio Highway 9 to junction Ohio Highway 43, thence along Ohio Highway 43 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Ohio-West Virginia State line, thence along Ohio-West Virginia State line to the Pennsylvania-Ohio State line, thence along the Pennsylvania-Ohio State line to the place of beginning to points in Michigan on or north of a line beginning at Lake Huron, thence along Michigan Highway 55 to Lake Michigan. The purpose of this filing is to eliminate the gateway of East Liverpool, Ohio.

No. MC 78228 (Sub-No. E234), filed September 25, 1975. Applicant: J. MILLER EXPRESS, 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, and silicon metals*, in dump vehicles, from points in West Virginia bounded by a line beginning at the Pennsylvania-West Virginia State line, thence along U.S. Highway 22 to junction West Virginia Highway 2, thence along West Virginia Highway 2 to junction West Virginia Highway 18, thence along West Virginia Highway 18 to junction U.S. Highway 50, thence along U.S. Highway 50 to the West Virginia-Maryland State line, thence along the West Virginia-Maryland State line to the West Virginia-Pennsylvania State line, thence along West Virginia-Pennsylvania State line to the place of beginning to points in Michigan. The purpose of this filing is to eliminate the gateway of East Liverpool, Ohio.

No. MC 78228 (Sub-No. E235), filed September 25, 1975. Applicant: J. MILLER EXPRESS, 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, and silicon metals*, in dump vehicles, from points in West Virginia on or north of U.S. Highway 50, to points in Michigan on or north of a line beginning at Bay City, Mich., thence along U.S. Highway 10 to Midland, Mich., thence along Michigan Highway 20 to junction U.S. Highway 131, thence along U.S. Highway 131 to junction Michigan Highway 57, thence along Michigan Highway 57 to junction Michigan Highway 46, thence along Michigan Highway 46 to Lake Michigan. The purpose of this filing is to eliminate the gateway of East Liverpool, Ohio.

No. MC 78228 (Sub-No. E236), filed September 25, 1975. Applicant: J. MILLER EXPRESS, 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, and silicon metals*, in dump vehicles, from points in Ohio on and west of a line beginning at Lake Erie, thence along U.S. Highway 250 to junction Interstate Highway 77, thence along Interstate Highway 77 to the Ohio-West Virginia State line, to points in Pennsylvania (except Philadelphia, Pa., and points in its commercial zone) on and east of a line beginning at the Pennsylvania-New York State line, thence along Pennsylvania Highway 244 to junction Pennsylvania Highway 49, thence along Pennsylvania Highway 49 to junction Pennsylvania Highway 44, thence along Pennsylvania Highway 44 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 155, thence along Pennsylvania Highway 155 to junction Pennsylvania Highway 120, thence along Pennsylvania Highway 120 to junction U.S.

Highway 219, thence along U.S. Highway 219 to the Pennsylvania-West Virginia State line. The purpose of this filing is to eliminate the gateway of East Liverpool, Ohio.

No. MC 78228 (Sub-No. E237), filed September 25, 1975. Applicant: J. MILLER EXPRESS, 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, and silicon metals*, from points in West Virginia on or north of U.S. Highway 50 to points in Pennsylvania on or north and east of a line beginning at the Pennsylvania-New Jersey State line, thence along U.S. Highway 219 to junction Pennsylvania Highway 59, thence along Pennsylvania Highway 59 to junction U.S. Highway 6, thence along U.S. Highway 6 to Wellsboro, Pa., thence along Pennsylvania Highway 287, to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 442, thence along Pennsylvania Highway 442 to junction Pennsylvania Highway 42, thence along Pennsylvania Highway 42 to Ashland, Pa., thence along Pennsylvania Highway 54 to junction U.S. Highway 209, thence along U.S. Highway 209 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateway of Braddock, Pa.

No. MC 78228 (Sub-No. E238), filed September 25, 1975. Applicant: J. MILLER EXPRESS, 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, and silicon metals*, in dump vehicles, from points in that part of Pennsylvania bounded by a line beginning at the Pennsylvania-Ohio State line, thence along U.S. Highway 62 to Mercer, Pa., thence along Pennsylvania Highway 58 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Pennsylvania Highway 68, thence along Pennsylvania Highway 68 to Clarion Pa., thence along U.S. Highway 322 to junction Pennsylvania Highway 66, thence along U.S. Pennsylvania Highway 66 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-New York State line, thence along Pennsylvania-New York State line to the Pennsylvania-Ohio State line, thence along Pennsylvania-Ohio State line to the place of beginning to points in West Virginia on and south of a line beginning at the West Virgina-Ohio State line, thence along U.S. Highway 50 to the West Virginia-Maryland State line. The purpose of this filing is to eliminate the gateway of Braddock, Pa.

No. MC 78228 (Sub-No. E239), filed September 25, 1975. Applicant: J. MILLER EXPRESS, 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, and silicon metals*, in dump vehicles, from points in that part of Pennsylvania bounded by a line beginning at the Pennsylvania-Ohio State line, thence along Pennsylvania Highway 68 to Butler, Pa., thence along U.S. Highway 422 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-New York State line, thence along the Pennsylvania-New York State line to the Pennsylvania-Ohio State line, thence along the Pennsylvania-Ohio State line to the place of beginning to points in West Virginia on and south of a line beginning at the West Virginia-Ohio State line, thence along U.S. Highway 60 to junction West Virginia Highway 39, thence along West Virginia Highway 39 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of Braddock, Pa.

No. MC 78228 (Sub-No. E240), filed September 25, 1975. Applicant: J. MILLER EXPRESS, 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: William Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, and silicon metals*, in dump vehicles, from points in that part of New York on or west of a line beginning at Lake Ontario, thence along U.S. Highway 15 to Lakeville, N.Y., thence along Alternate U.S. Highway 20 to Geneseo, N.Y., thence along New York Highway 63 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 16, thence along New York Highway 16 to Olean, N.Y., thence along New York Highway 16A, to the New York-Pennsylvania State line to points in West Virginia on or south of a line beginning at the West Virginia-Ohio border, thence along U.S. Highway 50 to the West Virginia-Maryland State line. The purpose of this filing is to eliminate the gateway of Braddock, Pa.

No. MC 78228 (Sub-No. E241), filed September 25, 1975. Applicant: J. MILLER EXPRESS, 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, and silicon metals*, in dump vehicles, from points in that part of Ohio on or north of a line beginning at the Pennsylvania-Ohio State line, thence along Ohio Highway 39 to East Liverpool, Ohio, thence along U.S. Highway 30 to the Ohio-Indiana State line, to points in West Virginia on or east of a line beginning at the Pennsylvania-West Virginia State line, thence along U.S. Highway 19 to junction U.S. Highway 33, thence along U.S. Highway 33 to Elkins, W. Va., thence along U.S. Highway 219 to junction West Virginia Highway 39, thence along West Virginia Highway 39 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of East Liverpool, Ohio.

No. MC 78228 (Sub-No. E242), filed September 25, 1975. Applicant: J. MILLER EXPRESS, 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, and silicon metals*, in dump vehicles, from points in that part of Ohio bounded by a line beginning at the Pennsylvania-Ohio State line, thence along U.S. Highway 20 to junction Ohio Highway 44, thence along Ohio Highway 44 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Ohio Highway 39, thence along Ohio Highway 39 to the Pennsylvania-Ohio State line, thence along the Pennsylvania-Ohio State line to the place of beginning at points in West Virginia on or south of a line beginning at the West Virginia-Ohio State line, thence along U.S. Highway 50 to the West Virginia-Maryland State line. The purpose of this filing is to eliminate the gateway of East Liverpool, Ohio.

No. MC 78228 (Sub-No. E243), filed September 25, 1975. Applicant: J. MILLER EXPRESS, 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, and silicon metals*, in dump vehicles from Ashland, Ky. to points in that part of Pennsylvania (except Philadelphia, Pa., and points in its commercial zone), on or east of a line beginning at the Penssylvania-New York State line, thence along U.S. Highway 219 to the Pennsylvania-

Maryland State line. The purpose of this filing is to eliminate the gateway of East Liverpool, Ohio.

No. MC 78228 (Sub-No. E244), filed September 25, 1975. Applicant: J. MILLER EXPRESS, 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro alloys and silicone scrap metals*, in dump vehicles, from points in that part of Ohio south or west of a line beginning at Lake Erie, thence along U.S. Highway 322 to the Pennsylvania-Ohio State line, thence along the Pennsylvania-Ohio State line to the Ohio-West Virginia State line thence along the Ohio-West Virginia State line to the Ohio-Kentucky State line points Vermont. The purpose of this filing is to eliminate the gateway of East Liverpool, Ohio.

No. MC 78228 (Sub-No. E245), filed September 25, 1975. Applicant: J. MILLER EXPRESS, 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro alloys, and silicon scrap metals*, in dump vehicles, from points in that part of Ohio south or west of a line beginning at Lake Erie, thence along U.S. Highway 322 to the Pennsylvania-Ohio State line, thence along Pennsylvania-Ohio State line to the Ohio-West Virginia State line, thence along the Ohio-West Virginia State line to the Ohio-Kentucky State line to points in New Hampshire. The purpose of this filing is to eliminate the gateway of Braddock, Pa.

No. MC 78228 (Sub-No. E246), filed September 25, 1975. Applicant: J. MILLER EXPRESS, 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro alloys, and silicon scrap metals*, in dump vehicles, from points in that part of West Virginia on or north of a line beginning at the West Virginia-Ohio State line, thence along U.S. Highway 50 to West Virginia-Maryland State line to points in Vermont. The purpose of this filing is to eliminate the gateway of Braddock, Pa.

No. MC 78228 (Sub-No. E247), filed September 25, 1975. Applicant: J. MILLER EXPRESS, 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro alloys, and silicon scrap metals*, in dump vehicles, from points in that part of West Virginia on or north of a line beginning at the West Virginia-Ohio State line, thence along U.S. Highway 50 to the West Virginia-Maryland State line to points in New Hampshire. The purpose of this filing is to eliminate the gateway of Braddock, Pa.

No. MC 78228 (Sub-No. E248), filed September 25, 1975. Applicant: J. MILLER EXPRESS, 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro alloys, and silicon scrap metals*, in dump vehicles, from points in Vermont, to points in Michigan. The purpose of this filing is to eliminate the gateway of Braddock, Pa.

No. MC 78228 (Sub-No. E249), filed September 25, 1975. Applicant: J. MILLER EXPRESS, 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, and silicon metals*, in dump vehicles, from points in that part of Maine on or north of a line beginning at the Maine-New Hampshire State line, thence along U.S. Highway 2 to junction Maine Highway 26, thence along Maine Highway 26 to junction with Maine Highway 121, thence along Maine Highway 121 to Auburn, Me., thence along U.S. Highway 202 to Augusta, Me., thence along Maine Highway 9 to the International Boundary line between the United States and Canada, to points in Ohio on or west of a line beginning at or near Lake Erie, thence along Ohio Highway 19 to junction Ohio Highway 53, thence along Ohio Highway 53 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Ohio-Kentucky State line. The purpose of this filing is to eliminate the gateway of Niagara Falls, N.Y.

No. MC 78228 (Sub-No. E250), filed September 25, 1975. Applicant: J. MILLER EXPRESS, 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro alloys and silicon scrap metals*, in dump vehicles, from points in New Hampshire to points in Michigan. The purpose of this filing is to eliminate the gateway of Braddock, Pa.

No. MC 78228 (Sub-No. E251), filed September 25, 1975. Applicant: J. MILLER EXPRESS, 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro alloys and silicon scrap metals*, in dump vehicles, from points in Vermont to points in Kentucky. The purpose of this filing is to eliminate the gateway of Braddock, Pa.

No. MC 78228 (Sub-No. E252), filed September 25, 1975. Applicant: J. MILLER EXPRESS, 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro alloys and silicon scrap metals*, in dump vehicles, from points in New Hampshire, to points in Kentucky. The purpose of this filing is to eliminate the gateway of Braddock, Pa.

No. MC 78228 (Sub-No. E253), filed September 25, 1975. Applicant: J. MILLER EXPRESS, 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro alloys and silicon scrap metals*, in dump vehicles, from points in Vermont, to points in that part of West Virginia on and west of Route 522. The purpose of this filing is to eliminate the gateway of Braddock, Pa.

No. MC 78228 (Sub-No. E254), filed September 25, 1975. Applicant: J. MILLER EXPRESS, 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro alloys and silicon scrap metals*, in dump vehicles, from points in New Hampshire, to points in that part of West Virginia on and west of Route 522. The purpose of this filing is to eliminate the gateway of Braddock, Pa.

No. MC 78228 (Sub-No. E255), filed September 25, 1975. Applicant: J. MILLER EXPRESS, 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, and silicon metals*, in dump vehicles, from points in Maine, to points in Michigan. The purpose of this filing is to eliminate the gateway of Niagara Falls, N.Y.

No. MC 78228 (Sub-No. E256), filed September 25, 1975. Applicant: J.

MILLER EXPRESS, 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, and silicon metals*, (except scrap metals), in dump vehicles, from points in Maine to points in Indiana. The purpose of this filing is to eliminate the gateway of Niagara Falls, N.Y.

No. MC 78228 (Sub-No. E257), filed September 25, 1975. Applicant: J. MILLER EXPRESS, 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, and silicon metals*, in dump vehicles, from points in Maine to points in that part of Kentucky north or west of a line beginning at the Kentucky-Ohio State line, thence along U.S. Highway 23 to junction Kentucky Highway 460, thence along Kentucky Highway 460 to junction Kentucky Highway 30, thence along Kentucky Highway 30 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of Braddock, Pa., and Niagara Falls, N.Y.

No. MC 78228 (Sub-No. E258), filed September 25, 1975. Applicant: J. MILLER EXPRESS, 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, and silicon metals*, in dump vehicles, from points in Maine to points in that part of West Virginia bounded by a line beginning at the West Virginia-Kentucky State line, thence along Interstate Highway 64 to junction U.S. Highway 119, thence along U.S. Highway 119 to Logan, W. Va., thence along West Virginia Highway 65 to the West Virginia-Kentucky State line, thence along the West Virginia-Kentucky State line to the place of beginning. The purpose of this filing is to eliminate the gateway of Niagara Falls, N.Y.

No. MC 78228 (Sub-No. E259), filed September 25, 1975. Applicant: J. MILLER EXPRESS, 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, and silicon metals*, in dump vehicles, from points in Maine to points in that part of Pennsylvania bounded by a line beginning at the Pennsylvania-Ohio State line, thence along Pennsylvania Highway 68 to Butler, Pa., thence along Pennsylvania Highway 8 to Pittsburgh, Pa., thence along U.S. Highway 19 to Washington, Pa., thence along Interstate Highway 70 to the Pennsylvania-Ohio State line, thence along the Pennsylvania-Ohio State line, to the point of beginning. The purpose of this filing is to eliminate the gateway of Niagara Falls, N.Y.

No. MC 83539 (Sub-No. E408), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, require the use of special equipment and, related machinery parts, *related contractors' materials and supplies* when moving in mixed loads with such commodities, between points in Indiana, on the one hand, and, on the other, points in New Jersey. The purpose of this filing is to eliminate the gateway of points in Pennsylvania.

No. MC 83539 (Sub-No. E409), filed May 31, 1974. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, *and related machinery, parts, related contractors' materials, and supplies* when moving in mixed loads with such commodities, between points in Indiana, on the one hand, and, on the other, points in New York. The purpose of this filing is to eliminate the gateway of points in Pennsylvania.

No. MC 83539 (Sub-No. E410), filed May 31, 1974. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, *and related parts*, when moving in mixed loads with such commodities, (A) between points in that part of Indiana in, west and south of Vigo, Clay, Owen, Greene, Martin, Dubois, and Perry Counties, on the one hand, and, on the other, points in that part of North Carolina; (B) between points in that part of Indiana in and west of La Porte, Starke, Pulaski, Cass, Howard, Tipton, Hamilton, Marion, Johnson, Bartholomew, Jackson, Scott, and Clark Counties, on the one hand, and, on the other, points in Robeson, Bladen, Columbis, Brunswick, and New Hanover Counties, N.C. The purpose of this filing is to eliminate the gateway of Kentucky and within a 50 mile radius of Nashville, Tenn.

No. MC 83539 (Sub-No. E411), filed May 31, 1974. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, between points in Indiana, on the one hand, and, on the other, points in Rhode Island. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 83539 (Sub-No. E412), filed May 31, 1974. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, and related machinery, parts, when moving in mixed loads with such commodities, (A) between points in that part of Indiana in and west of Saint Joseph, Starke, Pulaski, White, Tippecanoe, Montgomery, Parke, Vigo, Sullivan, Knox, Gibson, and Vanderburgh Counties; (B) between points in that part of Indiana in, west, and north of Vanderburgh, Gibson, Pike, Daviess, Greene, Monroe, Brown, Bartholomew, Decatur, and Franklin Counties, on the one hand, and, on the other, points in that part of South Carolina, in and east of York, Chester, Fairfield, Newberry, Saluda, and Edgefield Counties. The purpose of this filing is to eliminate the gateway of Kentucky within a 50 mile radius of Nashville, Tenn., and North Carolina, or Georgia.

No. MC 83539 (Sub-No. E413), filed May 31, 1977. Applicant: C & H Transportation, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, and related parts, when moving in mixed loads with such commodities, between points in that part of Indiana, in and west of La Porte, Jasper, Benton, Tippecanoe, Montgomery,

Putnam, Owen, Monroe, Lawrence, Orange, and Crawford Counties, on the one hand, and, on the other, points in that part of Tennessee in and south of Tipton, Haywood, Madison, Henderson, Decatur, Perry, Hickman, Williamson, Davidson, Rutherford, Cannon, Warren, Van Buren, Bledsoe, Rhea, Meigs, McMinn and Monroe Counties. The purpose of this filing is to eliminate the gateways of Kentucky, and points within a 50-mile radius of Nashville, Tenn.

No. MC 83539 (Sub-No. E414), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, require the use of special equipment and, related machinery parts, moving in mixed loads with such commodities between points in Iowa, on the one hand, and, on the other, points in Maryland. Restrictions: (1) No service shall be performed in the stringing or picking up of any of the above commodities in connection with main or trunk pipelines. (2) No service shall be performed in the stringing or picking up of pipe in connection with oil or gas pipelines. The purpose of this filing is to eliminate the gateways of Illinois, Indiana, and Pennsylvania.

No. MC 83539 (Sub-No. E415), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, and related machinery parts, when moving in mixed loads with such commodities, between points in Iowa, on the one hand, and, on the other, points in Ohio. Restrictions: (1) No service shall be performed in the stringing or picking up of any of the above commodities in connection with main or trunk pipelines. (2) No service shall be performed in the stringing or picking up of pipe in connection with oil or gas pipelines. The purpose of this filing is to eliminate the gateways of Illinois and Indiana.

No. MC 83539 (Sub-No. E416), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, and related machinery parts, when moving in mixed loads with such commodities, between points in Iowa, on the one hand, and, on the other, points in Virginia. Restrictions: (1) No service shall be performed in the stringing or picking up of any of the above commodities in connection with main or trunk pipelines. (2) No service shall be performed in the stringing or picking up of pipe in connection with oil or gas pipelines. The purpose of this filing is to eliminate the gateway in Illinois and Indiana.

No. MC 83539 (Sub-No. E417), filed May 31, 1977. Applicant: C. & H. TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, and related machinery parts, when moving in mixed loads with such commodities, between points in Iowa on the one hand and, on the other, points in West Virginia. Restrictions: (1) No service shall be performed in the stringing or picking up of any of the above commodities in connection with main or trunk pipelines, (2) no service shall be performed in the stringing or picking up of pipe in connection with oil or gas pipelines. The purpose of this filing is to eliminate the gateways of Illinois and Indiana.

Applicant: C. & H. TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, between points in Kansas on the one hand and, on the other, points in Ohio. Restrictions: (1) No service shall be performed in the stringing or picking up of any of the above commodities in connection with main or trunk pipelines, (2) no service shall be performed in the stringing or picking up of pipe in connection with oil or gas pipelines. The purpose of this filing is to eliminate the gateways of Missouri, Illinois, and Indiana.

No. MC 83539 (Sub-No. E419), filed May 31, 1977. Applicant: C. & H. TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III (same at above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, and related machinery parts and related contractors' materials and supplies when moving in mixed loads with such commodities, between points in Kentucky on the one hand and, on the other, points in Maryland. The purpose of this filing is to eliminate the gateway of points in Pennsylvania.

No. MC 83539 (Sub-No. E420), filed May 31, 1977. Applicant: C. & H. TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, between points in Kentucky on the one hand and, on the other, points in Massachusetts. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 83539 (Sub-No. E421), filed May 31, 1977. Applicant: C. & H. TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, related machinery parts and related contractors' materials and supplies when moving in mixed loads with such commodities, between points in Kentucky on the one hand and, on the other, points in New Jersey. The purpose of this filing is to eliminate the gateway of points in Pennsylvania.

No. MC 83539 (Sub-No. E422), filed May 31, 1977. Applicant: C. & H. TRANSPORTATION, P.O. BOX 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, and related machinery parts and related contractors' materials and supplies when moving in mixed loads with such commodities, between points in Kentucky on the one hand and, on the other, points in New York. The purpose of this filing is to eliminate the gateway of points in Pennsylvania.

No. MC 83539 (Sub-No. E423), filed May 31, 1977. Applicant: C. & H. TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

Commodities, the transportation of which, because of size or weight, require the use of special equipment, and related machinery parts when moving in mixed loads with such commodities, (A) between points in that part of Kentucky in and west of Hardin, Grayson, Edmonson, Barren, and Allen Counties on the one hand and, on the other, points in that part of North Carolina in, east, and south of Vance, Franklin, Wake, Harnett, Lee, Moore, Montgomery, Stanly, Cabarrus, and Mecklenburg Counties; (B) between points in that part of Kentucky in and west of Jefferson, Bullitt, Hardin, Grayson, Edmonson, Barren, and Allen Counties on the one hand and, on the other, points in that part of North Carolina in, east, and south of Robeson, Columbus, Pender, Onslow, Jones, Craven, Pamlico, and Carteret Counties. The purpose of this filing is to eliminate the gateway of Kentucky and points within a 50 mile radius of Nashville, Tenn.

No. MC 83539 (Sub-No. E424), filed May 31, 1977. Applicant: C. & H. TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Commodities,* the transportation of which, because of size or weight, require the use of special equipment, between points in Kentucky on the one hand and, on the other, points in Rhode Island. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 83539 (Sub-No. E425), filed May 31, 1977. Applicant: C. & H. TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Commodities,* the transportation of which, because of size or weight, require the use of special equipment, and related machinery parts when moving in connection with such commodities, (A) between points in that part of Kentucky in and west of Jefferson, Bullitt, Hardin, Grayson, Edmonson, Barren, and Allen Counties on the one hand and on the other, points in South Carolina; (B) between points in Trimble and Oldham Counties, Ky. on the one hand and, on the other, points in that part of South Carolina in, east, and south of Anderson, Abbeville, Greenwood, Edgefield, Aiken, Orangeburg, Calhoun, Sumter, Florence, and Dillon Counties; (C) between points in Monroe, Metcalfe, Hart and Larue, Spencer, Nelson, Washington, Marion, Taylor, Adair, and Cumberland Counties, Ky. on the one hand and, on the other, points in that part of South Carolina in, east, and south of Anderson, Abbeville, Greenwood, Edgefield, Ailsen, Orangeburg, Berkeley, Williamsburg, Georgetown, and Horry Counties; (D) between points in the State of Kentucky in Henry, Shelby, Russell, and Clinton Counties, Ky. on the one hand and, on the other, points in that part of South Carolina in, east, and south of Aiken, Barnwell, Bamberg, and Colleton Counties; (E) between points in Gallatin, Owen, Franklin, Anderson, Woodford, Mercer, Boyle, and Casey on the one hand and, on the other, points in that part of South Carolina in, east, and south of Aiken, Barnwell, Allendale, Hampton, and Beaufort Counties; (F) between points in Kenton, Grant, and Boone Counties, Ky. on the one hand and, on the other, points in that part of South Carolina in Jasper and Beaufort Counties. Restriction: The authority granted above shall be restricted against the transportation of aircraft and missiles and parts thereof. The purpose of this filing is to eliminate the gateways of Kentucky; points within a 50-mile radius of Nashville and North Carolina or Georgia.

No. MC 83539 (Sub-No. E426), filed May 31, 1977. Applicant: C. & H. TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: Commodities, the transportation of which, because of size or weight, require the use of special equipment, and, related machinery parts, when moving in mixed loads with such commodities, (A) between points in Louisiana, on the one hand, and, on the other, points in that part of Minnesota in, north and east of Clay, Otter Tail, Douglas, Pope, Kandiyohi, Meeker, McLeod, Sibley, Nicollet, Blue Earth, and Faribault Counties; (B) between points in that part of Louisiana in, south, and east of Morehouse, Quachita, Caldwell, LaSalle, Rapides, Allen, Jefferson Davis, and Calcasieu Counties, on the one hand, and, on the other, points in Minnesota. Restrictions: (1) No service shall be performed in the stringing or picking up of any of the above commodities in connection with main or trunk pipelines. (2) No service shall be performed in the stringing or picking up of pipe in connection with oil or gas pipelines. The purpose of this filing is to eliminate the gateways of points in Mississippi, Kentucky, Indiana and Illinois.

No. MC 107012 (Sub-No. E286), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *New commercial and institutional fixtures, uncrated,* (1) From points in Maine, to points in Alabama, Florida, and Georgia. (2) From points in Aroostook, Penobscot, Piscataquis, Somerset, Hancock, Knox, Waldo, and Washington Counties, Maine, to points in Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey, Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes, Yadkin, Allamance, Anson, Cabarrus, Caswell, Chatham, Davidson, Davie, Durham, Forsyth, Franklin, Granville, Guilford, Lee, Montgomery, Moore, Orange, Person, Randolph, Richmond, Rockingham, Rowan, Stanly, Stokes, Union, Vance, Wake, and Warren Counties, N.C.; Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Charleston, Colleton, Dorchester, Hampton, Jasper, Orangeburg, Aiken, Calhoun, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marlboro, Richland, Sumter, Abbeville, Anderson, Greenville, Ocomee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Saluda, Spartanburg, Union, and York Counties, S.C.; Greenbrier, McDowell, Mercer, Monroe, Pocahontas, Raleigh, Summers, Wyoming, Braxton, Clay, Fayette, Kanawha, Nicholas, and Webster Counties, W. Va. (3) From points in Androscoggin, Cumberland, Franklin, Kennebec, Lincoln, Oxford, Sagadahoc, and York Counties, Maine, to points in Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey, Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes, and Yadkin Counties, N.C.; Aiken, Calhoun, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marlboro, Richland, Sumter, Abbeville, Anderson, Greenville, Ocomee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Saluda, Spartanburg, Union, and York Counties, S.C. The purpose of this filing is to eliminate the gateway of points in Kentucky and Tennessee (except points in Hamblen County, Tenn.).

No. MC 107012 (Sub-No. E287), filed May 13 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). Authority sought to operate as

a *common carrier,* by motor vehicle, over irregular routes, transporting: *New commercial and institutional fixtures, uncrated,* (1) From points in New Hampshire, to points in Alabama, Florida, Georgia, (2) From points in Coos, Carroll, and Grafton Counties, N.H., to points in Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey, Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes, and Yadkin Counties, N.C.; Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Charleston, Colleton, Dorchester, Hampton, Jasper, Oraneburg, Aiken, Calhoun, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marlboro, Richland, Sumter, Abbeville, Anderson, Greenville, Ocomee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Saluda, Spartanburg, Union and York Counties, S.C. (3) From points in Cheshire, Hillsboro, Sullivan, Belknap, Merrimack, Rockingham, and Strafford Counties, N.H., to points in Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey, Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes, and Yadkin Counties, N.C.; Aiken, Calhoun, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marlboro, Richland, Sumter, Abbeville, Anderson, Greenville, Ocomee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Saluda, Spartanburg, Union and York Counties, S.C. The purpose of this filing is to eliminate the gateway of points in Tennessee (except points in Hamblen County, Tenn.).

No. MC 107012 (Sub-No. E288), filed May 13, 1974.

Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *New commercial and institutional fixtures,* uncrated, from points in Massachusetts, to points in Alabama, Florida, Georgia; Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey, Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes, and Yadkin Counties, N.C.; Aiken, Calhoun, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marlboro, Richland, Sumter, Abbeville, Anderson, Greenville, Ocomee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Saluda, Spartanburg, Union, and York Counties, S.C. The purpose of this filing is to eliminate the gateway of points in Tennessee (except points in Hamblem County, Tenn.).

No. MC 107012 (Sub-No. E289), filed May 13, 1974.

Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *New commercial and institutional fixtures,* uncrated, from points in Maryland, to points in Alabama; (2) from points in Anne Arundel, Calvert, Caroline, Charles, Montgomery, Prince Georges, Queen Annes, St. Marys, and Talbot Counties, Md., to points in Fla.; Atkinson, Baker, Ben Hill, Berrien, Bibb, Bleckley, Brooks, Calhoun, Chattahoochee, Clay, Clinch, Coffee, Colquitt, Cook, Crawford, Crisp, Decatur, Dodge, Dooly, Dougherty, Early, Echols, Grady, Harris, Houston, Irwin, Jones, Lamar, Lanier, Lee, Lowndes, Macon, Marion, Meriwether, Miller, Mitchell, Monroe, Muscogee, Peach, Pike, Pulaski, Quitman, Randolph, Schley, Seminole, Stewart, Sumter, Talbot, Taylor, Telfair, Terrell, Thomas, Tift, Troup, Truner, Twiggs, Upson, Webster, Wilcox, Worth, Banks, Barrow, Butts, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, De Kalb, Elbert, Fannin, Fayette, Forsyth, Franklin, Fulton, Gilmer, Gwinnett, Habersham, Hall, Hart, Henry, Jackson, Jasper, Lumpkin, Madison, Morgan, Newton, Oconee, Pickens, Rabun, Rockdale, Spalding, Stephens, Towns, Union, Walton, White, Baldwin, Burke, Columbia, Emanuel, Glascock, Greene, Hancock, Jefferson, Jenkins, Johnson, Laurens, Lincoln, McDuffie, Oglethorpe, Putnam, Richmond, Taliaferro, Treutlen, Warren, Washington, Wilkes, Wilkinson, Bartow, Chattooga, Carroll, Catoosa, Dade, Douglas, Floyd, Gordon, Haralson, Heard, Murray, Paulding, Polk, Walker, and Whitfield Counties, Ga.; Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, and Yancey Counties, N.C.; Abbeville, Anderson, Greenville, Ocomee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Saluda, Spartansburg, Union, and York Counties, S.C.; (3) from points in Baltimore, Baltimore City, Carroll, Cecil, Frederick, Hartford, Howard, and Kent Counties, Md., to points in Florida; Atkinson, Baker, Ben Hill, Berrien, Bibb, Bleckley, Brooks, Calhoun, Chattahoochee, Clay, Clinch, Coffee, Colquitt, Cook, Crawford, Crisp, Decatur, Dodge, Dooly, Dougherty, Early, Echols, Grady, Harris, Houston, Irwin, Jones, Lamar, Lanier, Lee, Lowndes, Macon, Marion, Meriwether, Miller, Mitchell, Monroe, Muscogee, Peach, Pike, Pulaski, Quitman, Randolph, Schley, Seminole, Stewart, Sumter, Talbot, Taylor, Telfair, Terrell, Thomas, Tift, Troup, Turner, Twiggs, Upson, Webster, Wilcox, Worth, Banks, Barrow, Butts, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, De Kalb, Elbert, Fannin, Fayette, Forsyth, Franklin, Fulton, Gilmer, Gwinnett, Habersham, Hall, Hart, Henry, Jackson, Jasper, Lumpkin, Madison, Morgan, Newton, Oconee, Pickens, Rabun, Rockdale, Spalding, Stephens, Towns, Union, Walton, White, Baldwin, Burke, Columbia, Emanuel, Glascock, Greene, Hancock, Jefferson, Jenkins, Johnson, Laurens, Lincoln, McDuffie, Oglethorpe, Putnam, Richmond, Taliaferro, Treutlen, Warren, Washington, Wilkes, Wilkinson, Appling, Bacon, Brantley, Camden, Charlton, Glynn, Jeff Davis, Long, McIntosh, Montgomery, Pierce, Tattnall, Toombs, Ware, Wayne, Wheeler, Bartow, Chattooga, Carroll, Catoosa, Dade, Douglas, Floyd, Gordon, Haralson, Heard, Murray, Paulding, Polk, Walker, and Whitfield Counties, Ga.; Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, and Yancey Counties, N.C.; Abbeville, Anderson, Greenville, Ocomee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Saluda, Spartansburg, Union, and York Counties, S.C.; (4) from points in Allegany, Garrett, and Washington Counties, Md., to points in Florida, Georgia; Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, and Yancey Counties, N.C.; Abbeville, Anderson, Greenville, Ocomee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Saluda, Spartansburg, Union, and York Counties, S.C.; (5) from points in Dorchester, Somerset, Wicomico, and Worcester Counties, Md., to points in Charlotte, De Soto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Bay, Calhoun, Escambia, Gulf, Holmes, Jackson, Okaloosa, Santa Rosa, Walton, Washington, Columbia, Dixie, Franklin, Gadsen, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madi-

son, Suwannee, Taylor, and Wakulla Counties, Fla.; Atkinson, Baker, Ben Hill, Berrien, Bibb, Bleckley, Brooks, Calhoun, Chattahoochee, Clay, Clinch, Coffee, Colquitt, Cook, Crawford, Crisp, Decatur, Dodge, Dooly, Dougherty, Early, Echols, Grady, Harris, Houston, Irwin, Jones, Lamar, Lanier, Lee, Lowndes, Macon, Marion, Meriwether, Miller, Mitchell, Monroe, Muscogee, Peach, Pike, Pulaski, Quitman, Randolph, Schley, Seminole, Stewart, Sumter, Talbot, Taylor, Telfair, Terrell, Thomas, Tift, Troup, Turner, Twiggs, Upson, Webster, Wilcox, Worth, Banks, Barrow, Butts, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, De Kalb, Elbert, Fannin, Fayette, Forsyth, Franklin, Fulton, Gilmer, Gwinnett, Habersham, Hall, Hart, Henry, Jackson, Jasper, Lumpkin, Madison, Morgan, Newton, Oconee, Pickens, Rabun, Rockdale, Spalding, Stephens, Towns, Union, Walton, White, Bartow, Chattooga, Carroll, Catoosa, Dade, Douglas, Floyd, Gordon, Haralson, Heard, Murray, Paulding, Polk, Walker, and Whitfield Counties, Ga.; Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, and Yancey Counties, N.C.; Abbeville, Anderson, Greenville, Ocomee, and Pickens Counties, S.C. The purpose of this filing is to eliminate the gateway of points in Tennessee (except points in Hamblen County, Tenn.).

No. MC 107012 (Sub-No. E290), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New commercial and institutional fixtures, uncrated*, (1) from points in New Jersey, to points in Alabama, and Florida. (2) From points in Atlantic, Burlington, Cape May, Monmouth, Ocean, Hunterdon, Mercer, Middlesex, Somerset, and Union Counties, N.J., to points in Georgia; Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancy, Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes, and Yadkin Counties, N.C.; Abbeville, Anderson, Greenville, Ocomee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Saluda, Spartanburg, Union, and York Counties, S.C. (3) From points in Camden, Cumberland, Gloucester, and Salem Counties, N.J., to points in Atkinson, Baker, Ben Hill, Berien, Bibb, Bleckley, Brooks, Calhoun, Chattahoochee, Clay, Clinch, Coffee, Colquitt, Cook, Crawford, Crisp, Decatur, Dodge, Dooly, Dougherty, Early, Echols, Grady, Harris, Houston, Irwin, Jones, Lamar, Lanier, Lee, Lowndes, Macon, Marion, Meriwether, Miller Mitchell, Monroe, Muscogee, Peach, Pike, Pulaski, Quitman, Randolph, Schley, Seminole, Stewart, Sumter, Talbot, Taylor, Telfair, Terrell, Thomas, Tift, Troup, Turner, Twiggs, Upson, Webster, Wilcox, Worth, Banks, Barrow, Butts, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, De Kalb, Elbert, Fannin, Fayette, Forsyth, Franklin, Fulton, Gilmer, Gwinnett, Habersham, Hall, Hart, Henry, Jackson, Jasper, Lumpkin, Madison, Morgan, Newton, Oconee, Pickens, Rabun, Rockdale, Spalding, Stephens, Towns, Union, Walton, White, Baldwin, Burke, Columbia, Emanuel, Glascock, Greene, Hancock, Jefferson, Jenkins, Johnson, Laurens, Lincoln, McDuffie, Oglethorpe, Putnam, Richmond, Taliaferro, Treutlen, Warren, Washington, Wilkes, Wilkinson, Appling, Bacon, Brantley, Camden, Charlton, Glynn, Jeff Davis, Long, McIntosh, Montgomery, Pierce, Tattnall, Toombs, Ware, Wayne, Wheeler, Bartow, Chattooga, Carroll, Catoosa, Dade, Douglas, Floyd, Gordon, Haralson, Heard, Murray, Paulding, Polk, Walker, and Whitfield Counties, Ga.; Buncombe, Cherokee, Clay, Graham, Haywood, Hederson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, and Yancey Counties, N.C.: Abbeville, Anderson, Greenville, Ocomee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Saluda, Spartanburg, Union and York Counties, S.C. (4) From points in Morris, Sussex, Warren, Bergen, Essex, Hudson, and Passaic Counties, N.J., to points in Georgia; Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey, Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes, and Yadkin Counties, N.C.; Aiken, Calhoun, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marlboro, Richland, Sumter, Abbeville, Anderson, Greenville, Ocomee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Saluda, Spartanburg, Union and York Counties, S.C. The purpose of this filing is to eliminate the gateway of points in Tennessee (except points in Hamblen County, Tenn.).

No. MC 107012 (Sub-No. E296), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New commercial and institutional fixtures*, uncrated, (1) from points in Nevada, to points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia. (2) From points in Clark, Lincoln, Esmeralda, Eureka, Lander, and Nye Counties, Nev., to points in Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Praire, Pulaski, Saline, and White Counties, Ark.; Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge, and West Feliciana Parishes, La. (3) From points in Elko and Whitepine Counties, Nev., to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Praire, Pulaski, Saline, and White Counties, Ark.; Avoyelles, Catahoula, Concordia, Evangeline, Grant, La Salle, Rapides, Saint Landry, Vernon, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Quachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge, and West Feliciana Parishes, La. (4) From points in Churchill, Douglas, Humboldt, Lyon, Mineral, Ormsby, Pershing, Storey and Washoe Counties, Nev., to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Praire, Pulaski, Saline and White Counties, Ark.; Avoyelles, Catahoula, Concordia, Evangeline, Grant, La Salle, Rapides, Saint Landry, Vernon, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Quachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard,

Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge, West Feliciana, Bienville, Bossier, Caddo, Claiborne, De Soto, Natchitoches, Red River, Sabine, and Webster Parishes, La.; Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties, Tex. The purpose of this filing is to eliminate the gateway of Greene County, Ark.

No. MC 109633 (Sub-No. E1), filed April 7, 1974. Applicant: ARBET TRUCK LINES, INC., 222 East 135th Place, Chicago, Ill. 60627. Applicant's representative: John E. Arbet (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, commodities in bulk, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 MCC 467, and commodities requiring special equipment), (a) between points in that part of Indiana and Illinois on and east of U.S. Highway 45, within 45 miles of Chicago, Ill., including Chicago, on the one hand, and, on the other, Louisville and Paducah, Ky., (b) between points bounded by a line beginning at Lake Michigan and extending along the western boundary line of La Porte County, Ind., thence along the La Porte County line to junction Indiana Highway 8, thence along Indiana Highway 8 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Indiana Highway 55, thence along Indiana Highway 55 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Indiana-Illinois State line, to the point of beginning, Chicago, Ill., and points in Illinois bounded by a line beginning at the Illinois-Indiana State line, and extending along U.S. Highway 6, to junction Interstate Highway 94, thence along Interstate Highway 94 to the south boundary line of Chicago, Ill., thence along the south boundary line of Chicago, to the Illinois-Indiana State line, on the one hand, and, on the other, St. Louis, Mo., (c) between points in that part of Indiana within 45 miles of Chicago, Ill., on the one hand, and, on the other, Burlington, Iowa, (d) between points in that part of Indiana bounded by a line beginning at Lake Michigan and extending along the western boundary line of La Porte County, Ind., to junction Indiana Highway 8, thence along Indiana Highway 8 to junction western boundary line of Porter County, Ind., thence along the Porter County line to junction Indiana Highway 130, thence along Indiana Highway 130 to Gary, Ind., including Gary, Ind., on the one hand, and, on the other, Davenport, Iowa, (e) between points in that part of Indiana and Illinois on and east of U.S. Highway 45, within 45 miles of Chicago, Ill., including Chicago, on the one hand, and, on the other, Piqua and Cincinnati, Ohio, and points in that part of Ohio located on and south of U.S. Highway 36 from the Indiana-Ohio State line to Piqua, and on and west of U.S. Highway 25 from Piqua to Cincinnati, (f) between points in that part of Indiana bounded by a line beginning at Lake Michigan and extending along the western boundary line of La Porte County, Ind., to junction U.S. Highway 6, thence along U.S. Highway 6 to the Indiana-Illinois State line, to the point of beginning, on the one hand, and, on the other, points in Illinois on and south of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 50 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction Illinois Highway 33, thence along Illinois Highway 33 to junction Illinois Highway 128, thence along Illinois Highway 128 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction Illinois Highway 125, thence along Illinois Highway 125 to junction Illinois Highway 97, thence along Illinois Highway 97 to junction U.S. Highway 150, thence along U.S. Highway 150 to the Illinois-Iowa State line, (g) between points in that part of Indiana bounded by a line beginning at Lake Michigan and extending along the western boundary line of La Porte County, Ind., to junction U.S. Highway 30, thence along U.S. Highway 30 to junction the western boundary line of Porter County, Ind., thence along the Porter County line to Lake Michigan, on the one hand, and, on the other, points, in Illinois on and south of a line beginning at the Illinois-Indiana State line and extending along Illinois Highway 33 to junction Illinois Highway 32, thence along Illinois Highway 32 to junction Illinois Highway 121, thence along Illinois Highway 121 to junction U.S. Highway 150, thence along U.S. Highway 150 to the Illinois-Iowa State line, and (h) between points in that part of Indiana and Illinois on and east of U.S. Highway 45, within 45 miles of Chicago, Ill., including Chicago, on the one hand, and, on the other, Holland, Grand Rapids, and Lansing, Mich., and points in that part of Michigan located on and south of Michigan Highway 21 from Holland to Grand Rapids, on the south of U.S. Highway 16 from Grand Rapids to Lansing, and on and west of U.S. Highway 27 from Lansing to the Michigan-Indiana State line.

The purpose of this filing is to eliminate the gateway of points in La Porte County, Ind. within 45 miles of Chicago, Ill.

By the Commission.

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

(FR Doc. 78-1663 Filed 1-19-78; 8:45 am]

[7035-01]

[Docket No. AB-105]

THE WESTERN PACIFIC RAILROAD CO.

Abandonment in the City of Stockton, San Joaquin County, Calif.

Notice is hereby given pursuant to section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on November 14, 1977, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in Oregon Short Line R. Co.—Abandonment—Goshen, 354 ICC 76, and for public use as set forth in said order, the present and future public convenience and necessity permit the abandonment by The Western Pacific Railroad Co. of that portion of its line known as the "North Channel Branch" which begins at engineer's station 169+85.97, milepost 96.18 of WP's main line, and extends to the end of the branch line at milepost 5.892, a total distance of 5.892 miles all in the City of Stockton, San Joaquin County, Calif. A certificate of abandonment will be issued to The Western Pacific Railroad Co. based on the above-described finding of abandonment, February 21, 1978, unless before February 21, 1978, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agree-

ment, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

N. G. HOMMER, Jr.
Acting Secretary.

[FR Doc. 78-1667 Filed 1-19-78; 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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[6351-01]

1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., January 24, 1978.

PLACE: 2033 K Street NW., Washington, D.C. 5th floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED: Report on State Advisory Committee and Review of Bankruptcy Act.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-130-78 Filed 1-18-78; 9:57 am]

[6712-01]

2

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: Follows 2 p.m., Special Open Meeting, Wednesday, January 18, 1978.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Closed Commission meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item No., and Subject

General—1—Subpoena of FCC records in MCI-AT&T Anti-trust suit.

The prompt and orderly conduct of Commission business requires that less than 7-days' notice be given. This meeting may be continued the following work day to allow the Commission to complete appropriate action.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone number 202-632-7260.

Issued: January 16, 1978.

[S-135-78 Filed 1-18-78; 3:08 pm]

[6714-01]

3

FEDERAL DEPOSIT INSURANCE CORPORATION.

TIME AND DATE: 2:30 p.m., January 25, 1978.

PLACE: Room 6135, FDIC Building, 550 17th Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Applications for Federal deposit insurance:

Northgate Bank of Tallahassee, a proposed new bank to be located at the northwest corner of Thomasville Road and Timberlane Road, Unincorporated Leon County (P.O. Tallahassee), Fla., for Federal deposit insurance.

Citizens State Bank of Shakopee, a proposed new bank to be located at the intersection of County Roads 16 and 17, Shakopee, Minn., for Federal deposit insurance.

Citizens Bank, an operating noninsured bank located in Amsterdam, Mo., for Federal deposit insurance.

Applications for consent to establish branches:

Community State Bank, Albany, N.Y., for consent to establish branches at the northeast corner of Route 9 and Maxwell Road, Newtonville (Unincorporated Area), Town of Colonie, N.Y., and at the corner of Second Avenue and 123rd Street, North Troy, N.Y.

Request pursuant to section 19 of the Federal Deposit Insurance Act for the Corporation's consent to service of a person convicted of an offense involving dishonesty or a breach of trust as a director, officer, or employee of an insured bank:

Name of person and of bank authorized to be exempt from disclosure pursuant to the provisions of subsection (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6)).

Applications for consent to merge and establish branches:

The Lewis State Bank, Tallahassee, Fla., an insured State nonmember bank, for consent to merge under its charter and title with the Gulf National Bank, Tallahassee, Fla., and for consent to establish the main office and the approved but unopened branch of the Gulf National Bank as branches of the resultant bank.

Commercial Security Bank, Ogden, Utah, an insured State nonmember bank, for consent to merge under its charter and title with Commercial Security Bank of Salt Lake, Salt Lake County (P.O. Salt Lake City), Utah, and for consent to establish the two offices of the latter bank as branches of the resultant bank.

Application for consent to consolidate and establish one branch:

The Citizens Bank of Montezuma, Montezuma, Ga., an insured State nonmember bank, for consent to consolidate under a new charter, and with the title of "The Bank of Macon County," with Bank of Oglethorpe, Oglethorpe, Ga., and for consent to establish the sole office of Bank of Oglethorpe as a branch of the resultant bank.

Recommendations regarding liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 43,204-L—Northern Ohio Bank, Cleveland, Ohio.

Case No. 43,361-L—Algoma Bank, Algoma, Wis.

Case No. 43,363-NR—Swope Parkway National Bank, Kansas City, Mo.

Case No. 43,366-L—International City Bank & Trust Co., New Orleans, La.

Case No. 43,369-L—Franklin National Bank, New York, N.Y.

Case No. 43,372-L—Chicopee Bank & Trust Co., Chicopee, Mass.

Memorandum re: Franklin National Bank, New York, N.Y.—in liquidation.

Recommendations with respect to the initiation or termination of cease-and-desist proceedings or termination-of-insurance proceedings against certain insured banks:

Names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(8) and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and

(c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2), (c)(6)).

CONTACT PERSON FOR MORE INFORMATION:

Alan R. Miller, Executive Secretary, 202-389-4446.

[S-137-78 Filed 1-18-78; 3:41 pm]

[6714-01]

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

TIME AND DATE: 3 p.m., January 25, 1978.

PLACE: Board Room, 6th Floor, FDIC Building, 550 17th Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Disposition of minutes of previous meetings.

Applications for Federal deposit insurance:

Independent Bank of Manassas, a proposed new bank to be located at 8751 Sudley Road, Manassas, Va., for Federal deposit insurance.

The Sound Bank, a proposed new bank to be located at the intersection of South 324th Street and Pacific Highway South, Federal Way, Washington, for Federal deposit insurance.

Application for consent to establish a branch:

Florida State Bank of Tallahassee, Tallahassee, Fla., for consent to establish a branch at 1415 Timberlane Road, Unincorporated Leon County (P.O. Tallahassee), Fla.

Request for an extension of time in which to establish a branch:

The Mechanics Bank of Richmond, Richmond, Calif., for an extension of time to October 28, 1978 in which to establish a branch at 3170 Hilltop Mall Road, Richmond, Calif.

Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Trager and Trager, Fairfield, Conn., in connection with the liquidation of the Monroe Bank & Trust Co., Monroe, Conn.

Pryor, Cashman, Sherman & Flynn, New York, N.Y., in connection with the receivership of American Bank & Trust Co., New York, N.Y.

Recommendation with respect to the amendment of Corporation rules and regulations:

Memorandum and resolution proposing the publication for comment of amendments to section 337.3 of the Corporation's rules and regulations, relating to insider transactions.

Appeal, pursuant to the Freedom of Information Act, from the Corporation's earlier partial denial of a request for records.

Resolution approving the Budget of Administrative Expenses for Budget Year 1978, the supporting Manning Tables, and certain delegations of authority in connection therewith.

Memorandum proposing the approval of a first dividend of 35 percent in connection with the receivership of Citizens State Bank, Carrizo Springs, Tex.

Memorandum proposing a change in the grade level and title of the Legal Division's Administrative Officer position.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Reports of security transactions authorized by the Chairman.

CONTACT PERSON FOR MORE INFORMATION:

Alan R. Miller, Executive Secretary, 202-389-4446.

[S-138-78 Filed 1-18-78; 3:42 pm]

[6140-02]

5

FEDERAL ENERGY REGULATORY COMMISSION.

Meeting—January 18, 1978

The following notice of meeting is published pursuant to section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94-409), 5 U.S.C. 552b:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

TIME AND DATE: January 25, 1978, 10 a.m.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda. (NOTE.—Items listed on the agenda may be deleted without notice.)

CONTACT PERSON FOR MORE INFORMATION:

Lois D. Cashell, Acting Secretary, telephone 202-275-4166.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Office of Public Information, Room 1000.

GAS AGENDA, 49TH MEETING—JANUARY 25, 1978, REGULAR MEETING

I. PIPELINE RATE MATTERS

A. *Pipeline rates (PGA)*

RP-1. Docket No. RP76-148 (PGA Nos. 78-1 and 78-1a), Gas Gathering Corp.

RP-2. Docket No. RP73-35 (PGA78-1), and RP74-89, Trunkline Gas Co.

RP-3. Docket No. RP72-133 (PGA77-2), United Gas Pipe Line Co.

RP-4. Reserved.

RP-5. Reserved.

RP-6. Reserved.

B. *Pipeline rates*

RP-7. Docket Nos. RP71-107 (phase II), and RP72-127 (PGA78-1), Northern Natural Gas Co.

RP-8. Docket Nos. CP75-104, et al., High Island Offshore System.

II. PRODUCER MATTERS

A. *Small producer*

CI-1. Docket No. RM76-15, regulation of small producers.

CI-2. Reserved.

CI-3. Reserved.

CI-4. Reserved.

B. *Producer rate*

CI-5. Docket No. RI78-9, Curry Resources.

CI-6. Reserved.

CI-7. Reserved.

CI-8. Reserved.

C. *Special relief*

CI-9. Docket No. RI77-58, Outline Oil Corp.

CI-10. Reserved.

CI-11. Reserved.

CI-12. Reserved.

D. *Producer certificate and abandonment*

CI-13. Docket Nos. CI78-57 and CI78-58, Mobil Oil Corp.

CI-14. Docket No. CI78-128, Keisling Farms, Inc.

CI-15. Docket No. CI77-718, South Louisiana Production Co., Inc., (operator), et al.

III. PIPELINE CERTIFICATE MATTERS

A. *Pipeline certificates*

CP-1. Docket No. CP77-529, Delhi Gas Pipeline Corp.

CP-2. Reserved.

CP-3. Reserved.

CP-4. Reserved.

B. *Order No. 533 authorizations*

CP-5. Docket No. CP76-181, Transcontinental Gas Pipe Line Corp.

CAG-1. Docket No. RP78-30, Arkansas Louisiana Gas Co.

CAG-2. Docket No. CP73-329 (PGA78-3), Chattanooga Gas Co.

CAG-3. Docket No. RP77-108, Transcontinental Gas Pipe Line Corp.

CAG-4. Docket No. RP73-48 (PGA78-2), Northern Natural Gas Co. (Peoples Division).

CAG-5. Docket No. RP76-31, Louisiana-Nevada Transit Co.
CAG-6. Docket No. RP77-128 (PGA78-3), Mid Louisiana Gas Co.
CAG-7. Docket No. G-1704, Cities Service Gas Co.
CAG-8. Docket No. CP70-239, Kansas-Nebraska Natural Gas Co. Inc. Docket No. CP70-258, Cities Service Gas Co.
CAG-9. Docket Nos. CP75-286 and CP76-106, Northwest Pipeline Corp.
CAG-10. Docket No. CP78-58, Columbia Gulf Transmission Co.
CAG-11. Docket No. CP78-83, Panhandle Eastern Pipe Line Co.
CAG-12. Docket No. CP78-81, Trunkline Gas Co.
CAG-13. Docket No. CP78-82, Panhandle Eastern Pipe Line Co.
CAG-14. Docket No. CP78-40, Northern Natural Gas Co.
CAG-15. Docket No. CP77-655, Colorado Interstate Gas Co.
CAG-16. Docket No. CP77-83, et al., Northern Natural Gas Co.
CAG-17. Docket No. CP76-500, Cities Service Gas Co.
CAG-18. Docket No. CI75-201, et al., Atlantic Richfield Co., et al.
CAG-19. Docket No. CP77-641, Natural Gas Pipeline Co. of America. Docket No. CP78-7, Sea Robin Pipeline Co. Docket No. CP78-23, United Gas Pipe Line Co.

Miscellaneous Agenda, 49th Meeting—January 25, 1978, Regular Meeting

M-1. Docket No. RM78-2 (formerly ex parte No. 308), valuation of common carrier pipelines.

Power Agenda 49th Meeting—January 25, 1978, Regular Meeting

I. LICENSENED PROJECT MATTERS

P-1. Project No. 2506, Escanaba Paper Co.

II. ELECTRIC RATE MATTERS

ER-1. Docket No. ER78-72, Montaup Electric Co.
ER-2. Docket No. ER78-145, Arizona Public Service Co.
ER-3. Docket No. ER78-63, Central Telephone & Utilities Corp.
ER-4. Docket No. ER77-578, Kansas Gas & Electric Co.
ER-5. Docket No. ER77-465, Oklahoma Gas and Electric Co.
ER-6. Docket No. ER78-1, Kansas Power & Light Co.
ER-7. Docket No. ER77-529, Columbus & Southern Ohio Electric Co.
ER-8. Docket Nos. E-8641, E-8476, E-8251, and E-8169, New England Power Co.
CAP-1, Project No. 2075, The Washington Water Power Co.
CAP-2. Project No. 2183, Grand River Dam Authority.
CAP-3. Docket No. ER78-132, Indianapolis Power & Light Co.
CAP-4. Docket Nos. ER77-43 and ER77-569, Montana Light & Power Co.
CAP-5. Docket No. ES78-4, Iowa Public Service Co.
CAP-6. Docket No. ES78-13, Pacific Power & Light Co.

LOIS D. CASHELL,
Acting Secretary.

[S-136-78 Filed 1-18-78; 3:40 pm]

[6740-02]

6

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Published January 13, 1978, 43 FR 2045.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: January 18, 1978, 10 a.m.

CHANGE IN THE MEETING: The following item has been added:

Item No., Docket No., and Company

OR-2—Docket No. ——, Organization of the Commission Establishment of Suspension and Valuation Board; delegation of authority to suspension and valuation Board.

LOIS D. CASHELL,
Acting Secretary.

[S-129-78 Filed 1-18-78; 9:43 am]

[6740-02]

7

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Published January 13, 1978, 43 FR 2045.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: January 18, 1978, 10 a.m.

CHANGE IN THE MEETING: The following item has been added:

Item No., Docket No., and Company

ER-5—E-9609, *Connecticut Municipal Electric Energy Cooperative*, Complainant v. *Power Authority of the State of New York*, Respondent.

LOIS D. CASHELL,
Acting Secretary.

[S-128-78 Filed 1-18-78; 9:41 am]

[6720-01]

8

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 9:30 a.m., January 25, 1978.

PLACE: 1700 G Street, Sixth Floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Robert Marshall, 202-377-6679.

MATTERS TO BE CONSIDERED:

Branch office application—State Federal Savings & Loan Association of Beatrice, Beatrice, Nebr.

Consideration of association request for commitment to insure accounts—Chester County Savings & Loan Association, Henderson, Tenn. (proposed).

Consideration of an amendment of charter—Change of corporate title for Midland Federal Savings & Loan Association, Midland, Mich.

Consideration of holding company debt application—Guarantee Financial Corp. of California, Fresno, Calif.

Consideration of association request for compromise or mitigation of liquidity penalties—Port Angeles Savings & Loan Association, Port Angeles, Wash.

No. 125, January 17, 1978.

[S-127-78 Filed 1-18-78; 9:41 am]

[6750-01]

9

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Tuesday, January 24, 1978.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Closed.

MATTER TO BE CONSIDERED:

NONADJUDICATIVE MATTER

Approval of minutes of nonadjudicative matters considered at meeting of January 10, 1978.

ADJUDICATIVE MATTERS UNDER PART 3 OF THE RULES OF PRACTICE

(1) Approval of minutes of adjudicative matters considered at meetings of December 20, 1977, and January 10, 1978.

(2) Consideration of final opinion in Coca-Cola Co., et al., Docket No. 8855, and Pepsico, Inc., Docket No. 8856.

CONTACT PERSON FOR MORE INFORMATION:

Wilbur T. Weaver, Office of Public Information, 202-523-3830; recorded message 202-523-3806.

[S-131-78 Filed 1-18-78; 11:12 am]

[6750-01]

10

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Wednesday, January 25, 1978.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission has not yet scheduled any matters for discussion at this meeting. If no item is placed on the agenda by 10 a.m., on Wednesday, January 25, 1978, the meeting will automatically be canceled. Any item that is placed on the agenda before that time will be announced in accordance with the additional information procedures posted with Commission meeting notices outside Room 130 of the Federal Trade Commission Building.

CONTACT PERSON FOR MORE INFORMATION:

Wilbur T. Weaver, Office of Public Information, 202-523-3830; recorded message 202-523-3806.

[S-132-78 Filed 1-18-78; 11:12 am]

[7590-01]

11

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Week of January 16, 1978 (changes).

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE CONSIDERED:

WEDNESDAY, JANUARY 18

2 p.m.—1. Discussion of proposed publication of final export/import regulations (approximately 1 hour) (public meeting) (as scheduled).

2. Appellate review in Midland (approximately 1 hour) (rescheduled from 1-19-78). (Closed—Exemptions 6 and 10.) (Replaces "Briefing on MBO on Decommissioning," public meeting, which is postponed to the week of January 23.) (The affirmation items are cancelled.)

3. Discussion of personnel matter (approximately 1½ hours). (Closed—Exemption 6.) (As scheduled.)

THURSDAY, JANUARY 19

2 p.m.—Meeting with industry representatives is cancelled.

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

WALTER MAGEE,
Office of the Secretary.

JANUARY 17, 1978.

[S-133-78 Filed 1-18-78; 11:12 am]

[7590-01]

12

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Week of January 23, 1978.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open (additional items).

MATTERS TO BE CONSIDERED:

MONDAY, JANUARY 23, 1:30 P.M. SESSION

Add: 3. Briefing on MBO on decommissioning (approximately 1 hour) (public meeting).

TUESDAY, JANUARY 24, 1:30 P.M. SESSION

Delete: 2. Discussion of personnel matter (approximately 1½ hours.) (Closed—Exemption 6.)

Add: 2. Discussion of FOIA appeal for EICSB report (approximately 1 hour) (Open—Portions may be closed should the Commission so determine.)

3. Briefing on supergrade study (approximately 1 hour.) (Open—Portions may be closed should the Commission so determine.)

4. Affirmation of: Amendment to 10 CFR 9.103 to permit tape recording of open meeting; Detroit Edison petition re transmission lines; policy statement on camera coverage at hearings; policy statement on improving nuclear power plant licensing.

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

WALTER MAGEE,
Office of the Secretary.

JANUARY 17, 1978.

[S-134-78 Filed 1-18-78; 11:12 am]

federal register

FRIDAY, JANUARY 20, 1978
PART II



DEPARTMENT OF LABOR

Emloyment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

[4510-27]

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage condition and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein. Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Alabama:	
AL76-5090	Oct. 8, 1976.
Arkansas:	
AL76-5090	Do.
AR76-5041	May 7, 1976
AR77-4286	Sept. 30, 1977.
Delaware:	
DE77-3134	Do.
Florida:	
AL76-5090	Oct. 8, 1976.
Georgia:	
GA77-1118	Sept. 30, 1977.
Iowa:	
IA77-4291	Dec. 23, 1977.
Kentucky:	
AL76-5090	Oct. 8, 1976.
Louisiana:	
AL76-5090	Do.
AR76-5041	May 7, 1976.
Maine:	
ME77-3138	Dec. 16, 1977.
Massachusetts:	
MA77-3065	Sept. 2, 1977.
MA77-3069	Oct. 7, 1977.
MA77-3071	July 22, 1977.
Mississippi:	
AL76-5090	Oct. 8, 1976.
AR76-5041	May 7, 1976.
Missouri:	
AL76-5090	Oct. 8, 1976.
New Jersey:	
NJ77-3079	June 17, 1977.
NJ77-3092	Oct. 7, 1977.
Oklahoma:	
OK77-4275; OK77-4276; OK77-4278.	Sept. 30, 1977.
Ohio:	
OH77-2135	Dec. 9, 1977.
Pennsylvania:	
PA77-3032	Jan. 28, 1977.
Tennessee:	
AL76-5090	Oct. 8, 1976.
AR76-5041	May 7, 1976.
Texas:	
AL76-5090	Oct. 8, 1976.
West Virginia:	
WV77-3083	Sept. 30, 1977.
WV77-3101	July 22, 1977.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

South Dakota	
SD76-5039(SD78-5001)	Apr. 23, 1976.
Texas	
TX77-4255(TX78-4005)	Sept. 30, 1977.

CANCELLATION OF GENERAL WAGE DETERMINATION DECISIONS

General Wage Determination Decision Nos. NY77-3005, pertaining to Wayne County, N.Y., NY77-3007, pertaining to Steuben County, N.Y., NY77-3008, pertaining to Chautauqua County, N.Y., NY77-3099, pertaining to Jefferson County, N.Y., NY77-3114,

pertaining to Broome County, N.Y., are cancelled. Agencies with building, heavy and highway construction projects pending in these locations should utilize the project determination procedure by submitting Form SF-308. See Regulations Part 1 (29 CFR), § 1.5. Contracts for which bids have been opened shall not be affected by this notice, and consistent with 29 CFR 1.7(b) (2), the incorporation of Decisions Nos. NY77-3005, NY77-3007, NY77-3099, NY77-3114 in contract specifications the opening of bids for which is within ten (10) days of this notice need not be affected.

Signed at Washington, D.C., this 13th day of January 1978.

RAY J. DOLAN
Assistant Administrator,
Wage and Hour Division.

MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #AL76-5090-Mod. #2 (41 FR 44609- October 8,1976) Alabama,Arkansas,Florida,(west of the Aucilla River), Kentucky, Louisiana,Mississippi,Missouri, Tennessee, and Texas.					
CHANGE:					
Cook Helper-Mess Boy	$ 2.65				
Janitor-Cabin Boy	2.65				
DECISION #AR76-5041- Mod. #2 (41 FR 19017- May 7, 1976 Arkansas,Louisiana,Mississippi, and Tennessee.					
CHANGE:					
Laborers:					
Unskilled	2.65				
Revetment and dikes	2.65				
Truck Drivers:					
1-½ tons or less	2.65				
DECISION NO. AR77-4286 - Mod. #3 (42 FR 52900 - September 30, 1977) Union & Ouachita Counties, Arkansas					
CHANGE:					
ELECTRICIANS:					
Electrical contracts $20,000 or less:					
Electricians	$10.49		3%		1/4%
Cable splicers	10.79		3%		1/4%
Electrical contracts over $20,000:					
Electricians	11.28		3%		1/4%
Cable splicers	11.58		3%		1/4%
LINE CONSTRUCTION:					
Electrical contracts $20,000 or less:					
Cable splicers	10.79		3%		1/4%
Lineman	10.49		3%		1/4%
Operator	10.24		3%		1/4%
Truck driver (pick-up & jeep)	9.39		3%		1/4%
Groundman	9.39		3%		1/4%
Electrical contracts over $20,000.00:					
Cable splicers	11.58		3%		1/4%
Lineman	11.28		3%		1/4%
Operator	11.03		3%		1/4%
Truck driver (pick-up & jeep)	10.03		3%		1/4%
Groundman	10.03		3%		1/4%

MODIFICATIONS P. 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #DE77-3134 - Mod. #4 (42 FR 52990 - September 30, 1977) State of Delaware					
Change:					
Plasterers	$10.12	.90			.01
DECISION #GA77-1118 - Mod. #1 (42 FR 53000 - September 30, 1977 Richmond County, Georgia					
CHANGE:					
Boilermakers	$10.25	.75	1.05		.02
Carpenters	8.45				.02
Elevator Constructors:					
Mechanic	9.15	.745	.56	4%+a+b	.035
Helper	6.405	.745	.56	4%+a+b	.035
Millwrights	9.05				.02
Painters:					
Brush, 9" roller, & drywall finishers	7.50	.30	.30		
Paperhanging, glazing, structural steel (painting & cleaning) excluding metal frames and doors	8.00	.30	.30		
Power tools, spray, glove, stage work, window jacks, boatswain chair, ladder jacks & build-up scaffold, extension ladder over 36'	8.50	.30	.30		
Industrial painting & cleaning (other than hot spray & sandblasting)	8.90	.30	.30		
Hot spray & all types of blasting	9.15	.30	.30		
Piledrivermen	8.75				.02
Plumbers & Pipefitters	10.53	.50	.50		.03
FOOTNOTE:					
a. Seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; Christmas Day				*	

DECISION #IA77-4291- Mod. #1
(42 FR 64613- December 23,1977)
IOWA-STATEWIDE

CHANGE:
DESCRIPTION OF WORK: Heavy and Highway Construction (does not include building structures in rest area projects and work on or pertaining to the Mississippi or Missouri Rivers).

MODIFICATIONS P. 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. ME77-3138- Mod #1 (42 FR 63621- December 16, 1977) Statewide, Maine					
Change:					
Laborers: Cumberland County	$2.65				
DECISION NO. MA77-3065- Mod #4 (42 FR 44434- September 2, 1977) Essex County, Massachusetts					
Add:					
All work, including demolition, repair, and alteration of any existing structure which is intended for predominantly residential use:					
Bricklayers; plasterers, and cement masons:					
Remainder of County:	8.84	.85	.60		.06
Carpenters:					
Amesbury, Boxford, Georgetown, Groveland, Haverhill, Newbury, Newburyport, Rowley, Salisbury, W.Newbury, Lynn, Lynnfield, Nahant, Saugus, and Swampscott	8.67	.60	1.00		.07
Electricians: Andover, Lawrence, Methuen,	9.56	3%+.75	.55		.05
Ironworkers	8.92	.70	1.50		.06
Plumbers: Remainder of County	8.42	1.35	.52		.05
DECISION NO. MA77-3069- Mod #3 (42 FR 54719- October 7, 1977) Middlesex County, Massachusetts					
Add:					
All work, including demolition, repair, and alterations of any existing structure which is intanded for predominantly reidential use:					
Belmont, Concord, Lexington,					

MODIFICATIONS P. 4

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. MA77-3069 -Mod #3 (Continued)					
Sudbury, Waltham, Watertown, Wayland, and Weston	$8.67	.75	1.00		.05
Painters: Belmont, Concord, Lexington, Sudbury, Waltham, Watertown, Wayland, & Weston:					
Brush	7.48	.98	.60		.04
Spray	8.12	.98	.60		.04
Omit:					
Electricians:					
Ashby, Ayer, Ft. Devens, Groton, Pepperell, Shirley, Townsend:					
Residential	6.40	.45	3%+.35		.02
DECISION NO. MA77-3071- Mod #6 (42 FR 37733- July 22, 1977) Plymouth County, Massachusetts					
Change:					
Plasterers: Abington, Bridgewater, Brockton, Carver, Duxbury, E. Bridgewater, Halifax, Hanover, Hanson, Kingston, Marshfield, Middleboro, Pembroke, Plymouth, Plympton, Rockland, W.Bridgewater, and Whitman	10.35	.85	1.15		.06
Allwork, including demolition, repair, and alteration of any existing structure which is indended for predominantly residential use	8.80	.85	1.15		.06
Pipefitters: Abington, Bridgewater, Brockton, Carver, Duxbury, E. Bridgewater, Halifax, Hanover, Hanson, Kingston, Marshfield, Middleboro, Pembroke, Plymouth, Plympton, Rockland, W.Bridgewater, and Whitman:					
All work, including demolition, repair and alteration of any existing structure which is intended for predominantly residential use	9.31	.80	.80		.05

DECISION #NJ77-3079 - Mod. #7 (42 FR 31080 - June 17, 1977) Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Monmouth, Ocean & Salem Counties, New Jersey	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Drywall Tapers & Finishers: Zone 1	$10.60	1.50	.50		.10
Laborers, Building Construction: Zone 1					
Laborers, masons' & Plasterers Tenders and Concrete Workers	8.20	.55	.40		.02
Tool operators (except small hand tools) including operation of motorized buggies	8.45	.55	.40		.02
Gunnite men and gun nozzle operators for gunnite and asbestos sandblasting	8.60	.55	.40		.02
Line Construction: All education and/or Apprentice training contribution payments to 3/4 of 1%					
Plumbers & Pipefitters: Zone 2	11.30	.77	1.45	1.00	.05
DECISION #NJ77-3092 - Mod. #3 (42 FR 54726 - October 7, 1977) Bergen, Essex, Hudson & Passaic Counties, New Jersey					
Change:					
Marble Setters, Terrazzo Workers & Tile Setters: Terrazzo Workers	$11.18	1.21	1.50		
Marble Setters, Terrazzo Workers & Tile Setters Finishers: Terrazzo Workers Finishers	9.84	.76	1.95		
Pipefitters: Bergen & Hudson Counties	11.50	1.00	1.00	1.00	.25
Plumbers & Steamfitters: Bergen (Lodi, Garfield & Wallington) and Passaic (Passaic) Counties: Steamfitters	11.50	1.00	1.00	1.00	.25

DECISION NO. OK77-4276 - Mod. #3 (42 FR 53099 - September 30, 1977) Wagoner County, Oklahoma	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
TRUCK DRIVERS:					
GROUP I	$8.43				
GROUP II	8.48				
GROUP III	8.58				

CHANGE TRUCK DRIVERS CLASSIFICATION DEFINITION GROUP III TO READ:

3 tons or 6 yards and over including heavy equipment such as pole trucks, winch trucks, euclids, mississippi wagons, semi-dumps, tournapulls, or other heavy material moving equipment; tractor trailer drivers and similar equipment, such as tractors, ten wheelers; ready-mix concrete truck drivers.

OMIT - TRUCK DRIVERS CLASSIFICATION DEFINITIONS AND RATES FOR GROUPS IV & V

GROUP IV - Ready-mix concrete trucks up but not including 3 yards	8.18				
GROUP V - Ready-mix concrete trucks 3 yards and over	8.33				
DECISION NO. OK77-4278 - Mod. #4 (42 FR 53103 - September 30, 1977) Tulsa, Creek, Craig, Ottawa, Delaware, Mayes & Rogers Cos., Oklahoma					
CHANGE:					
TRUCK DRIVERS (Tulsa, Creek, Ottawa, Mayes & Rogers Counties)					
Group I	8.43				
Group II	8.48				
Group III	8.58				
Group IV	8.58				
Group V	8.58				
DECISION NO. OK77-4275 - Mod. #5 (42 FR 53097 - September 30, 1977) Comanche County, Oklahoma					
CHANGE:					
ELECTRICIANS	10.25	.40	3%		1/4%

MODIFICATIONS P. 7

DECISION NO. OH77-2135 - Mod. #1
(42 FR 62345 - December 9, 1977)
Statewide, Ohio

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Carpenters & Piledrivermen: Allen, Auglaize, Champaign, Clark, Coshocton, Delaware, Fairfield, Franklin, Guernsey, Hardin, Holmes, Knox, Licking, Logan, Madison, Marion, Mercer, Morgan, Morrow, Muskingum, Noble, Perry, Pickaway, Putnam, Union, Van Wert, & Wyandot Cos. Carpenters	$10.14	.53	.70		.02
Truck Drivers (Zone I - Cuyahoga, Lake, & Geauga Cos.:					
Class I	8.20	$26.00a	$26.00a	b&c	
Class II	8.35	26.00a	26.00a	b&c	
Class III	8.70	26.00a	26.00a	b&c	
Class IV	8.70	26.00a	26.00a	b&c	

DECISION #PA77-3032 - Mod. #7
(42 FR 5640 - January 28, 1977)
Butler, Cambria, Erie, Fayette, Mercer, Washington, Westmoreland, Lawrence, Somerset, Allegheny, Beaver, Armstrong, Blair, Cameron, Centre, Clarion, Clearfield, Crawford, Forest, Greene, Indiana, McKean, Venango, Warren, Bedford, Jefferson, Clinton, Elk, Franklin, Fulton, Huntingdon, Mifflin and Potter Counties, Pennsylvania

Change:					
Power Equipment Operator:					
Zone 1					
Class 1	$11.13	.95	.80		.09
Class 2	10.87	.95	.80		.09
Class 3	8.51	.95	.80		.09
Class 4	8.06	.95	.80		.09
Class 5	7.91	.95	.80		.09
Zone 2					
Class 1	10.84	.95	.80		.09
Class 2	10.56	.95	.80		.09
Class 3	8.22	.95	.80		.09
Class 4	7.73	.95	.80		.09
Class 5	7.62	.95	.80		.09

MODIFICATIONS P. 8

DECISION #WV77-3083 - Mod. #3
(42 FR 53172 - September 30, 1977)
Statewide, West Virginia

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers & stonemasons:					
Area 8	$ 9.30				
Carpenters:					
Area 1					
Heavy	9.30	.50	.35		.02
Highway	9.13	.50	.35		.02
Area 2					
Heavy	9.30	.50	.35		.02
Highway	9.13	.50	.35		.02
Carpenters working inside tunnels shall receive an additional 25¢ per hour.					
Cement Masons:					
Heavy	10.02	.25			
Highway	9.84	.25			
Electricians:					
Area 8					
Wiremen	11.12	.50	3%+.62	1.02	.04
Cable splicers	11.69	.50	3%+.62	1.02	.04
Area 9					
Wiremen	11.57	.50	3%+.62	1.02	.04
Cable Splicers	12.15	.50	3%+.62	1.02	.04
Area 10					
Wiremen	11.32	.50	3%+.62	1.02	.04
Cable splicers	11.89	.50	3%+.62	1.02	.04
Laborers:					
Heavy:					
Group 1	8.93	.50	.50		.03
Group 2	8.51	.50	.50		.03
Group 3	8.21	.50	.50		.03
Group 4	7.88	.50	.50		.03
Group 5	7.64	.50	.50		.03
Group 6	7.14	.50	.50		.03
Highway:					
Group 1	8.77	.50	.50		.03
Group 2	8.36	.50	.50		.03
Group 3	8.04	.50	.50		.03
Group 4	7.72	.50	.50		.03
Group 5	7.42	.50	.50		.03
Group 6	6.96	.50	.50		.03

DECISION #WV77-3083 (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS - Continued					
All classifications who are required to work in open vertical ditches and manholes that are 6' or more in depth shall receive 15¢ per hour above their regular rate of pay.					
Line Construction:					
Area 6					
Linemen & equipment operators	12.95	6%	9%	8%	½ of 1%
Cable splicers	13.35	6%	9%	8%	½ of 1%
Groundmen	8.42	6%	9%	8%	½ of 1%
Painters:					
Area 2					
Brush, roller, spray	8.50				
Structural steel, industrial	11.50				
Power cleaning tools and lining machine work - 50¢ over appropriate scale					
Material emitting toxic vapors - $1.00 over appropriate scale					
Height clause - Additional $1.00 per hour per 100'					
Piledrivermen:					
Area 1					
Heavy	9.63	.50	.35		.02
Highway	9.45	.50	.35		.02
Area 2					
Heavy	9.63	.50	.35		.02
Highway	9.45	.50	.35		.02
Plumbers & pipefitters:					
Area 1	10.45	.40	.84	1.05	.05
Power equipment operators:					
Heavy					
Group 1	10.28	.50	.60		.04
Group 2	9.48	.50	.60		.04
Group 3	8.74	.50	.60		.04
Group 4	8.50	.50	.60		.04
Group 5	8.17	.50	.60		.04
Group 6	7.85	.50	.60		.04
Group 7	9.06	.50	.60		.04

DECISION #WV77-3083 (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power equipment operators:					
Highway					
Group 1	10.14	.50	.60		.04
Group 2	9.31	.50	.60		.04
Group 3	8.57	.50	.60		.04
Group 4	8.33	.50	.60		.04
Group 5	8.00	.50	.60		.04
Group 6	7.68	.50	.60		.04
Group 7	8.90	.50	.60		.04
All classifications performing tunneling and all other underground work shall receive an additional 25¢ per hour					
Truck drivers:					
Heavy					
Group 1	8.11	b	c		
Group 2	8.28	b	c		
Group 3	8.52	b	c		
Group 4	8.86	b	c		
Group 5	8.94	b	c		
Group 6	9.12	b	c		
Group 7	9.32	b	c		
Group 8	9.36	b	c		
Highway					
Group 1	7.91	b	c		
Group 2	8.07	b	c		
Group 3	8.31	b	c		
Group 4	8.67	b	c		
Group 5	8.73	b	c		
Group 6	8.91	b	c		
Group 7	9.06	b	c		
Group 8	9.15	b	c		
All classifications performing tunneling and all other underground work shall receive an additional 25¢ per hour.					

MODIFICATIONS P. 11

DECISION #WV77-3101 - Mod. #8 (42 FR 37773 - July 22, 1977) State of West Virginia excluding the Counties of Berkeley, Jefferson, Morgan, Nicholas & Preston	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos Workers:					
Area 2	$11.56	.85	.90		
Bricklayers, Stonemasons, Marble Masons, TIle Workers & Tile Layers:					
Area 3	9.30				
Electricians:					
Cabell & Wayne Counties:					
Wiremen	11.12	.50	3%+.62	1.02	.04
Cable Splicers	11.69	.50	3%+.62	1.02	.04
Lincoln County:					
Wiremen	11.32	.50	3%+.62	1.02	.04
Cable Splicers	11.89	.50	3%+.62	1.02	.04
Logan, Mason & Mingo Counties:					
Wiremen	11.57	.50	3%+.62	1.02	.04
Cable Splicers	12.15	.50	3%+.62	1.02	.04
Lathers:					
Area 2	11.25		.20		.01
Line Construction:					
Brooke (except Buffalo Twp.) & Hancock (except Grant Twp.) Counties:					
Linemen & Equipment Operators	12.95	6%	9%	8%	½ of 1%
Cable Splicers	13.35	6%	9%	8%	½ of 1%
Groundmen	8.42	6%	9%	8%	½ of 1%
Painters:					
Area 8					
Brush & Roller:					
Commercial	8.50				
Industrial	9.75				
Commercial Spray	8.50				
Structural Steel:					
Industrial	11.50				
Paperhanging & Wallcovering under 48"	8.50				
Paperhanging & Wallcovering over 48"	9.00				
Drywall Finishing	9.50				
Change:					
Painters: (Cont'd)					
Drywall Machine Tools	$10.10				
Power Cleaning Tools - 50¢ over appropriate scale					
Material emitting toxic vapor - $1.00 over appropriate scale					
Height clause - Additional $1.00 per hour per 100'					
Plumbers & Pipefitters:					
Area 5	10.45	.40	.84	1.05	.05

SUPERSEDEAS DECISION

STATE: South Dakota COUNTIES: Statewide
DECISION NUMBER: SD78-5001 DATE : Date of Publication
Supersedes Decision No. SD76-5039 dated April 23, 1976, in 41 FR 17300
DESCRIPTION OF WORK: Heavy and Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Concrete Finisher	$ 6.12				
Form Builder	6.12				
Form Setter	6.12				
Painter	5.64				
LABORERS:					
Air Tool Operator	4.54				
Common Laborer	4.54				
Landscape Workers	4.54				
Form Builder Helpers (bridge and Culvert)	5.10				
Manhole Builder	5.80				
Piledriver (leadsman)	5.64				
Pipelayer (other than culvert)	5.64				
Powderman (blaster)	6.66				
POWER EQUIPMENT OPERATORS:					
Asphalt Distributor	6.04				
Asphalt Paving Macvhine	6.16				
Asphalt Paving Machine Helper	4.54				
Asphalt Plant Helper	5.10				
Asphalt Plant, Stationary and traveling	6.16				
Auger Operator (truck type)	5.10				
Automatic Fine Grader Operator	6.30				
Beginner Operator (8 mos or less experience as Power Equipment Operator)	5.30				
Broom, Self-propelled	5.10				
Bulldozer, 80 h.p. or less	5.54				
Bulldozer, over 80 h.p.	6.16				
Bullfloat Machine	5.90				
Concrete Batch Plant	6.16				
Concrete Mixer	5.30				
Concrete Paver	6.66				
Concrete Paving Cure Machine	5.40				
Concrete Paving Finishing Machine	6.30				
Concrete Paving Form Grader	6.30				
Concrete Paving Joint Machine	6.04				
Concrete Paving Joint Sealer	5.40				
Concrete Paving Saw	5.90				
Concrete Paving Spreader	6.30				
Concrete Paving Subgrader	6.16				
Conveyor	4.54				

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Cranes, Derricks, Draglines, Piledrivers, Backhoes and Shovels, 1-1/4 cu. yds. or less	$ 6.16				
Cranes, Derricks, Draglines, Piledrivers, Backhoes and Shovels, over 1-1/4 cu. yds.	6.66				
Crusher (including those with integral screening plant)	6.16				
Curb Machine	5.40				
Fireman (boiler and retort)	5.14				
Front End Loader, 1-1/4 cu. yds. or less	5.30				
Front End Loader, 1-1/4 cu. yds. to 3-1/4 cu. yds.	5.90				
Front End Loader, over 3-1/4 cu. yds.	6.16				
Mechanic, heavy duty	6.56				
Mechanic, helper	5.30				
Mechanic, maintenance	5.90				
Motor Grader, (finish)	6.66				
Motor Grader, (rough)	6.04				
Oiler and Greaser	5.90				
Roller, self-propelled (hot mix)	5.40				
Roller, self-propelled (other)	4.86				
Roller, Sheepsfoot or 50 ton pneumatic	5.40				
Scrapers	6.90				
Spreader (materials)	5.90				
Stationary Plant	5.40				
Tractor (crawler or pneumatic)	5.40				
Tractor, farm type w/attachments (including loader)	4.54				
Tractor - push	6.40				
Traveling Plant (stabilization)	6.16				
Traveling Plant, helper	4.54				
Trenching Machine	5.90				
Wagon Drill (including airtrac-trac-drill, etc.)	5.90				
TRUCK DRIVERS:					
Euclid or Dumptor	5.06				
Truck Cranes	4.94				
Truck Driver, single axle	4.54				
Truck Driver, tandem or semi-trailer	4.86				
WELDER:					
Welder, certified	6.30				
Welder, general	5.90				

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Bowie
DECISION NO.: TX78-4005 DATE: Date of Publication
Supersedes Decision No. TX77-4255, dated September 30, 1977, in 42 FR 53152.
DESCRIPTION OF WORK: Building Construction (does not include single family homes & garden type apartments up to & including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.03	.40	.76		.025
BOILERMAKERS	10.00	.50	1.00		.02
BRICKLAYERS	8.15	.40	.35		.04
CARPENTERS:					
Carpenters	8.20				.01
Millwrights	10.35				.04
Piledrivermen	8.85				.01
CEMENT MASONS	6.82				
ELECTRICIANS	9.80	.60	3%		1/4%
ELEVATOR CONSTRUCTORS:					
Mechanics	9.91	.745	.35	4%+a+b	.02
Helpers	70%JR	.745	.35	4%+a+b	.02
Helpers (Probationary)	50%JR				
IRONWORKERS	10.75	.45	.50		.04
LABORERS, UNSKILLED	3.70				
LINE CONSTRUCTION:					
Linemen	10.40		3%		1/2%
Cable splicers	10.71		3%		1/2%
Hole digger op., heavy equipment ops. (or pole cat equivalent); powderman	9.46		3%		1/2%
Line truck driver (winch op.)	8.53		3%		1/2%
Jackhammer man	7.80		3%		1/2%
Groundmen	6.97		3%		1/2%
Groundmen, 1st year	5.20		3%		1/2%
Truck driver (flat bed, ton & half & under)	7.38		3%		1/2%
PAINTERS	5.50				
PLUMBERS & PIPEFITTERS	10.50	.50	.65		.05
ROOFERS	5.71				
SHEET METAL WORKERS	5.99				
SOFT FLOOR LAYERS	7.50				
SPRINKLER FITTERS	11.15	.65	.95		.08
TRUCK DRIVERS	5.00				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES FOR ELEVATOR CONSTRUCTORS:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate
b - Paid Holidays A thru G

PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-the Friday after Thanksgiving Day; G-Christmas Day

DECISION NO. TX78-4005

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$ 8.065	.40	1.00		.10
GROUP 2	8.85	.40	1.00		.10
GROUP 3	9.25	.40	1.00		.10

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Oiler-Fireman

GROUP 2 - Air Compressor, Pumps, Welding Machines, Throttle Valves, Light Plants; Conveyor; Wagon Drill; Elevators Building; Form Graders; Hoist, Single Drum; Ford Tractor including blade and mower on rear; Mixers, less than 14 cubic feet; Screening Plants; Crushing Plants; Fork Lifts (short, under 25 feet); Concrete Pumps (all types); Bobcat type equipment; All other equipment of similar nature coming under the Light Equipment Classification, when power operated

GROUP 3 - Ford Tractor or like with any attachment (except blade and mower on rear); Drilling Machine (all types); Scoopmobile; Hoists, two drums or more; Forklifts (over 25 ft.); Winch Truck; Six Wheel Truck, when used continuously for 5 days; Mixermobile; Locomotives; Mixers, 14 cubic ft. or over; Blade Graders, self-propelled; Cableways; Cranes-power operated to 100 ft.; Derricks, power operated (all types); Gradall; Hy-Ho; Hop-To; Paving Mixers (all types); Pile Drivers; Mobile Concrete Mixers over 14 cu. ft.; Bulldozers, Loaders, Tractovators; Scrapers and Pulls; Welders; Trenching Machines; Roller, ten tons or over; Air Compressor & Air Tugger; Boilers, two or more fired by one man; Heavy Duty Mechanic; All other equipment of similar nature coming under the Heavy Equipment Classification, when power operated

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FRIDAY, JANUARY 20, 1978
PART III



federal register

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

ANIMAL FEEDS CONTAINING PENICILLIN AND TETRACYCLINE

[4110-03]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 558]

[Docket No. 77N-0318]

NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Animal Feeds Containing Penicillin and Tetracycline

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Commissioner of Food and Drugs, based on the recommendations of the National Advisory Food and Drug Committee concerning evidence of the development and transfer of antibiotic resistance, is proposing to limit the distribution of animal feed premixes containing penicillin and tetracycline (chlortetracycline and oxytetracycline) to feed mills that hold approved medicated feed applications which permit the mills to manufacture such medicated feeds. He is also proposing to restrict further the distribution of such feeds to the order of a licensed veterinarian as part of the record maintenance requirements of the Federal Food, Drug, and Cosmetic Act.

DATES: Written comments by April 20, 1978. The Commissioner will also hold two informal public hearings in accord with the provisions of 21 CFR Part 15, to provide the opportunity for oral comments on the proposal by interested persons. The hearings will be held in agricultural areas, and the time and place of those meetings will be announced in future FEDERAL REGISTER notices.

ADDRESS: Comments to the hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Gerald B. Guest, Bureau of Veterinary Medicine (HFV-130), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4313).

SUPPLEMENTARY INFORMATION:

I. INTRODUCTION

A. REGULATORY BACKGROUND

Antibacterial drugs have been used at subtherapeutic levels (lower levels than those necessary to cure disease) in animal feed for over 25 years for growth promotion, improved feed efficiency, and disease prevention. Growth promotant benefits from this use were first observed when animals were fed the discard products from the fermentation process that was originally used in the manufacture of chlortetracycline; however, the precise mechanism of that action remains unclear.

Initially, antibiotics for use in animal feed were regulated under the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357). Unlike the basic private licensing system applicable to new drugs, the provisions of section 507 created a public regulation or monograph system for regulating these products, in part because of the complexities in manufacturing the products and the lack of knowledge of their chemical structures. Antibiotic residues in food from food-producing animals were then regulated under the provisions of the act dealing with adulteration and misbranding. After enactment of the Food Additives Amendment of 1958 (Pub. L. 85-929), the residues were principally regulated by section 409 of the act (21 U.S.C. 348) which also establishes a public monograph system of premarket approval.

Under the antibiotic monograph procedure, the pioneer manufacturer generates and submits the basic safety and effectiveness data in a form FD-1675 (formerly FD Form 5). A regulation is subsequently published setting forth the standards of identity, strength, quality, and purity and the requirements for packaging and labeling which the product must meet. The Commissioner of Food and Drugs' approval of the same product made by another manufacturer is then conditioned solely upon a demonstration that it meets the requirements of the regulation, and this is normally accomplished by batch certification. Section 507(c) of the act, however, permits the Commissioner to exempt by regulation any drug or class of drugs from the certification requirement when he concludes that certification is unnecessary for the manufacture of the drugs. Antibiotics for use in animal feeds as feed ingredients were exempted from the certification requirement in 1951 by publication in the FEDERAL REGISTER of April 28, 1951 (16 FR 3647), and those for use as drugs were exempted in 1953 by publication in the FEDERAL REGISTER of April 22, 1953 (18 FR 2335). These are now set out in §§ 510.510 and 510.515 (21 CFR 510.510 and 510.515).

The Animal Drug Amendments (Pub. L. 90-399) consolidated the provisions of the act then dealing with the premarket approval of drugs intended for use in animals (sections 409, 505, and 507) into new section 512 (21 U.S.C. 360b), to more efficiently and effectively regulate these articles (Senate Committee on Labor and Public Welfare, Animal Drug Amendments of 1968, S. Rep. No. 1308, 90th Cong., 2d Sess. (1968)). One side effect of this legislation brought the manufacture of antibiotics under the same private licensing system applicable to new drugs (id; Hearing on S. 1600 and H.R. 3639 Before the Subcommittee on Health of the Senate Committee on Labor and Public welfare, 90th Cong., 2d Sess. (1968)). To efficiently accomplish this change, Pub. L. 90-399 contained a transition clause (section 108(b)) which provided that all prior approvals for the use of drugs in animals and animal feeds would continue in effect and be subject to change in accordance with the provisions of the basic act as amended. In summary, all persons legally marketing antibiotics under the provisions of sections 409, 505, and 507 of the act on August 1, 1969, the effective date of the Animal Drug Amendments of 1968, were awarded the equivalent of an approved new animal drug application (NADA); but all holders of such approvals were also subjected to all the requirements imposed by the act and regulations on such persons.

B. SAFETY CONCERNS

The Food and Drug Administration (FDA) first became concerned about the potential for harm to man and animals associated with subtherapeutic antibiotic use in animal feed in the mid-1960's, and it began to study the effects of low-level subtherapeutic feeding of antibiotics extensively. The agency supported research, held symposia, and consulted with outside experts to review these nonmedical uses of antibiotics in animal feeds. Following a report issued by the British Government Joint Committee (the Swann Committee), "On the Use of Antibiotics in Animal Husbandry and Veterinary Medicine," the Commissioner established a Task Force of scientists, with consultants from government, universities, and industry, to review comprehensively the use of antibiotic drugs in animal feeds in April 1970.

The Task Force's conclusions were published in a February 1, 1972 (37 FR 2444) notice of proposed rulemaking which initiated the mandatory testing procedure outlined in § 558.15 (21 CFR 558.15) to resolve conclusively the issues of safety surrounding the subtherapeutic use of antibiotics in animal feeds. The Task Force's principal conclusions were the following:

(1) The use of antibiotics and sulfonamide drugs, especially in growth promotant and subtherapeutic amounts, favors the selection and development of single and multiple antibiotic resistant and R-plasmid-bearing bacteria.

(2) Animals which have received either subtherapeutic and/or therapeutic amounts of antibiotic and sulfonamide drugs in feeds may serve as a

reservoir of antibiotic resistant pathogens and nonpathogens. These reservoirs of pathogens can produce human infections.

(3) The prevalance of multiresistant R-plasmid-bearing pathogenic and nonpathogenic bacteria in animals has increased and has been related to the use of antibiotics and sulfonamide drugs.

(4) Organisms resistant to antibacterial agents have been found on meat and meat products.

(5) There has been an increase in the prevalence of antibiotic and sulfonamide resistant bacteria in man.

(6) The Task Force also identified three areas of primary concern: human health hazards, animal health hazards, and antibiotic effectiveness; and it established guidelines to measure whether use of any antibiotic or antibacterial agent in animal feed presents a hazard to human and animal health.

Principally, the February 1972 proposal announced that all currently approved subtherapeutic uses of antibiotics, nitrofurans, and sulfonamides in animal feeds would be revoked unless data were submitted to resolve conclusively the issues concerning safety to man and animals in accordance with the Task Force guidelines. The notice also proposed to establish a time table for filing commitments, conducting studies, and submitting relevant data and information. Briefly, the guidelines may be summarized as follows:

HUMAN AND ANIMAL HEALTH SAFETY CRITERIA

1. Transfer of drug resistance: (a) An antibacterial drug fed at subtherapeutic levels to animals must be shown not to promote increased resistance to antibacterials used in human medicine. Specifically, increased multiple resistance capable of being transferred to other bacteria in animals or man should not occur. (b) If increased transferable multiple resistance is found in coliforms, studies may be done to show whether this resistance is transferable to man.

2. The *Salmonella* reservoir: The use of an antibacterial drug at subtherapeutic levels in animal feed must be shown not to result in (a) an increase in quantity, prevalence or duration of shedding of *Salmonella* in medicated animals as compared to nonmedicated controls; (b) an increase in the number of antibiotic resistant *Salmonella* or in the spectrum of antibiotic resistance; (c) disease (caused by *Salmonella* or other organisms) that is more difficult to treat with either the same medication or other drugs.

3. The use of subtherapeutic levels of an antibacterial drug should not enhance the pathogenicity of bacteria, e.g., by increasing enterotoxin production. The association of toxin-produced characteristics with transfer factors must be investigated in well-designed studies. (Final resolution of this question was not expected within the 2-year period. Drug sponsors were expected to show evidence of work underway which would lead toward answers to this question.)

4. An antibacterial drug used at subtherapeutic levels in the feed of animals shall not result in residues in food ingested by man which may cause either increased numbers of pathogenic bacteria or an increase in the resistance of pathogens to antibacterial agents used in human medicine. Hypersensitivity to residues was to be addressed by a literature survey.

The February 1972 proposal further addressed the issue of future antibiotic use in animal feed if the Commissioner were utlimately to conclude, after evaluating the data to be submitted, that the subtherapeutic use of antibiotics in animal feeds should be curtailed. The Commissioner proposed to restrict any remaining uses of antibiotics in animal feeds to short-term therapeutic use on the order of a licensed veterinarian.

Some 380 responses were received on the proposal, and the Commissioner promulgated the final order on April 20, 1973 (38 FR 9811.) One issue specifically discussed in the preamble to the final regulations was the practicality of the veterinarian's order option. The agency's Task Force on the Use of Antibiotics in Animal Feeds initially suggested this restriction, and the Commissioner agreed with it. He concluded that adopting this restriction would insure the continued availability of useful products while at the same time limiting the improper use of products that have exhibited a safety hazard.

With the promulgation of the final order, the requirements imposed became legally binding on all firms marketing antibacterial drugs for subtherapeutic use in feed. Therefore, in the FEDERAL REGISTER of August 6, 1974 (39 FR 28393), the Commissioner proposed to withdraw all approvals held by persons who had not complied with the initial requirement of filing commitments to conduct the necessary studies, and all such approvals were withdrawn by his order issued on February 25, 1976 (41 FR 8282). Thus, only those products now listed in Part 558 (21 CFR Part 558) can be legally marketed at this time.

By April 20, 1974, the date established for the first submissions of data under § 558.15, the Bureau of Veterinary Medicine had begun a review of the data submitted for penicillin and tetracycline (chlortetracyline and oxytetracycline), which are the most significant antibiotics used both subtherapeutically in animal feeds and in human medicine, and by April 20, 1975, data concerning the safety and efficacy criteria for all antibiotic and sulfonamide drugs had been received. At the Bureau's request, the Commissioner asked FDA's National Advisory Food and Drug Committee (NAFDC) to review the data and the issues involved and to make reommendations on the future uses of subtherapeutic antibiotics in animal feeds.

The NAFDC appointed a subcommittee of three members, the Antibiotics in Animal Feeds Subcommittee (AAFS), to work in conjunction with four expert consultants from disciplines related to the issue. The Bureau of Veterinary Medicine prepared detailed analyses of the evidence concerning penicillin and the tetracyclines which were presented to the AAFS during 5 days of open meetings. Comments were also heard at these meetings from the drug industry, animal scientists, and other interested parties. The Bureau prepared a comprehensive summary report for the subcommittee with tentative recommendations. Two additional meetings were held during which the subcommittee deliberated and proponents and opponents of subtherapeutic antibiotic use gave statements. In September 1976, the AAFS presented its preliminary report ot the parent committee (Ref. 1). The subcommittee made general recommendations on the future uses of antibiotics in animal feed and specific recommendations on the future use of penicillin and the tetracyclines.

For penicillin, the subcommittee recommended that FDA discontinue its use in all species for growth promotion and feed efficiency. It further recommended that use of penicillin be discontinued in all species for disease prevention where effective substitutes are available.

The recomendations of the AAFS concerning continued tetracycline use were less stringent. It recommended that FDA discontinue tetracycline use for growth promotion, feed efficiency, and disease prevention in all species where effective substitutes are available. The subcommitee also recommended that the remaining subtherapeutic tetracycline uses be limited to those periods of time when a particular animal species is threatened with a specific animal disease.

The subcommitee's general recommendations were far ranging. Recognizing that a potential for harm is inherent in widespread use of antibiotics in animal feeds, it recommended that FDA establish regulatory measures to assure that antibacterial drugs are used judiciously in animal feeds by limiting sale of tetracycline- and penicillin-containing products to feed mills and producers who hold an approved medicated feed application. The subcommitee recognized that this action would remove these products from direct dispensing by veterinarians who do not own registered feed mills, and accordingly the subcommitee suggested that the order of a licensed veterinarian be incorporated into the distribution system. It further recommended careful monitoring procedures to assure compliance with the proposed use restrictions. The remaining recommendations concerned future monitoring, research, and goals.

At its January 24, 1977 meeting, the NAFDC agreed that a potential for harm exists with subtherapeutic antibiotic use in animal feed and accepted both the subcommittee's recommendation on penicillin use and the basic context of the general recommendations. But, for tetracyclines, the committee concluded that only distribution be restricted in conjunction with the conditions imposed by the general recommendations (Ref. *2*). The Commissioner agreed with the NAFDC's recommendations on penicillin. However, he concluded that more stringent action against the use of tetracycline was necessary, and at the April 15, 1977 NAFDC meeting he announced that FDA would propose to discontinue all nonessential tetracycline uses in animal feed.

The Commissioner also recognized the importance of the NAFDC's general recommendations to restrict the distribution and unsupervised use of these antibiotics in animal feeds. For this reason, he announced that FDA would propose to add the requirements for an approved medicated feed application (Form FD-1800) and the veterinarian's order (1) to insure, to the extent possible, that the drugs will be placed in the hands of individuals with training and background who are qualified to administer the drug products, (2) to assist the use of the most effective level of antibiotic for the shortest time necessary to achieve the desired results, and (3) to insure that a valuable management tool, i.e., the tetracyclines, continues to be available when necessary (Ref. *3*).

Since that time, FDA has initiated a series of administrative actions that ultimately propose to eliminate all uses of penicillin- and tetracycline-containing medicated animal feeds that have not been shown to be safe and effective, or for which there are safe and effective alternatives. This will assure that any potential for harm associated with the use of these products will be minimized if not eliminated.

In the FEDERAL REGISTER of May 27, 1977 (42 FR 27264), the Commissioner issued a call for data on the potential environmental impact of FDA's proposed actions. He further announced that the Bureau of Veterinary Medicine would propose (1) to terminate all subtherapeutic uses of penicillin in animal feed, (2) to restrict the use of tetracyclines to situations where there are no viable alternatives, (3) to impose restrictions on the distribution and the uses of penicillin and tetracycline in animal feed, and (4) to expedite the drug efficacy study implementation notices proposing to withdraw approval of all penicillin and tetracycline combination products that lack substantial evidence of effectiveness.

The Director of the Bureau of Veterinary Medicine, in the FEDERAL REGISTER of June 10, 1977 (42 FR 2999), then issued a notice of opportunity for hearing proposing to withdraw approval of the NADA's for all penicillin-streptomycin premixes intended for use in animal feed on the ground that new information now before him indicates that they lack substantial evidence of the effectiveness that is required for their indications for use.

Next, in the FEDERAL REGISTER of August 30, 1977 (42 FR 43772), the Director issued a notice of opportunity for hearing proposing to withdraw approval of all NADA's for penicillin-containing new animal drugs intended for use in animal feed principally because the evidence surrounding this use demonstrates that they have not been shown to be safe. He issued a similar notice of opportunity for hearing concerning certain subtherapeutic uses of tetracycline in animal feed on October 21, 1977 (42 FR 56264).

II. FUNCTION OF THIS NOTICE

The function of this notice is to provide a forum for public debate on the need to revise FDA's prior policy on the control and distribution of penicillin and tetracycline in animal feed. These products are now available without the need for a veterinarian's order, and no approved application is required to manufacture a medicated feed containing them. The Commissioner is proposing to impose regulatory procedures that will eliminate the routine and unnecessary use of antibiotics in animal feeds. The FDA Task Force on the Use of Antibiotics in Animal Feeds, the AAFS, and the NAFDC have all recommended this course of action independently from recommendations about the safety of these drugs, and the Commissioner agrees that dealing with the distribution and control issue separately is the appropriate way to proceed. As the discussion in Part III of this preamble outlines, the evidence before FDA demonstrates that a potential for harm to animals and man exists from the development of R-plasmid-mediated resistance to antibacterial agents which may be aggravated by uncontrolled subtherapeutic use of these antibiotics in animal feed. An effort must be made to assure the future utility of these life-saving products because use of the antibiotics is extensive for both humans and animals.

In 1960, the annual production of antibiotics in the United States was 4.16 million pounds, of which 2.95 million pounds were used for therapeutic purposes in human and veterinary medicine and 1.20 million pounds were added to animal feed. By 1970, 9.6 million pounds were used in human and veterinary medical pharmaceuticals, and the animal feed additive use was 7.3 million pounds. Moreover, according to "Synthetic Organic Chemicals, United States Production and Sales (1971-1975)," U.S. International Trade Commission Publication 804, the 5-year average production of antibiotics between 1971 and 1975 was 11.16 million pounds for medicinal uses and 7.68 million pounds for nonmedicinal uses, including feed additive uses. Over those 5 years, the aggregate average of the total production for those nonmedicinal uses was 40.8 percent—but 48.6 percent in 1975. Thus the use of antibiotics in animal feeds is a considerable element in the overall use of antibiotics in this country and consequently must be considered a significant contributor to the problem of R-plasmid antibiotic resistance. Penicillin and the tetracyclines are important among the antibiotics used in animal feeds.

Several methods of restricting the use of penicillin and tetracycline in animal feed, and thereby reducing the potential for harm associated with subtherapeutic antibiotic use, are available to the Commissioner. The most drastic method is to terminate their use completely in animal feed whether intended for therapeutic or subtherapeutic use, and this could perhaps be accomplished under the imminent hazard provision of section 512(e)(1) of the act. Another approach is to withdraw approval of all therapeutic and subtherapeutic uses that have not been shown to be safe or effective or that have available substitutes, and in the Commissioner's opinion, this is the most appropriate course of action at the present time. Accordingly, FDA has embarked on the latter course.

But a third supplementary method of controlling the use of these drugs is also available. The Commissioner can minimize the potential for harm associated with the widespread use of penicillin and tetracycline in animal feed by limiting their distribution through his authority to promulgate regulations under section 701(a) of the act (21 U.S.C. 371(a)) in conjunction with his substantive authority under sections 502(f), 512 (a), (b), (d), (i), and (m) (21 U.S.C. 352(f), 360b (a), (b), (d), (i), and (m)), to the order of a licensed veterinarian from feed mills holding approved medicated feed applications permitting the manufacture of such feed. The issues involved are generic, legally severable, and essentially policy; and such action also accomplishes the three functions that are identified in the Commissioner's April statement to the NAFDC. Moreover, that action is consistent with his earlier discussions in this area (see § 58.15(f)(1) (21 CFR 558.15(f)(1))) and all the recommendations from the independent groups advising the agency of this matter. For these reasons, the Commissioner is proposing such restrictions on the distribution of animal

feeds containing penicillin and tetracycline for comment although he is not foreclosing a reevaluation of the alternatives.

III. Scientific Basis for the Regulations

Soon after his discovery of penicillin, Sir Arthur Fleming noted that some bacterial organisms could become resistant to the antibiotic. As the use of antibiotics has increased, the numbers and types of bacterial resistance have also multiplied. There is a serious concern in the sceintific and medical communities that extensive, unnecessary exposure to antibiotics will lead to their declining usefulness in the treatment of both human and animal diseases. Currently, FDA is primarily concerned with that portion of increased antibiotic resistance in the ecological system which may result from the practice of feeding subtherapeutic levels of penicillin and tetracycline in animal feed for prolonged periods because this practice provides an ideal environment for selective pressure to operate. When exposed to an antibiotic, the organisms that are drug resistant survive while the growth of other (drug-sensitive) bacteria is inhibited. Eventually, the antibiotic resistant organisms predominate in the bacterial population, and continuous pressure perpetuates this abnormal situation.

Bacterial antibiotic resistance is primarily determined by genetic elements termed "R-plasmids" (R-factors, R+). The Commissioner's specific concern, therefore, is with the health hazard that may arise through an increase in the pool of R-plasmids in the animal population and the potential transfer of R-plasmid-bearing organisms from the animal to the human population and surrounding environment.

R-plasmids are small lengths of DNA that are separate from the bacterial chromosome. These R-plasmids carry transferable drug resistance genes as well as the capacity to reproduce themselves. Plasmids may determine resistance to more than one antibiotic, and resistance to several antibiotics is common. Moreover, plasmids can transfer from one bacteria to another and from nonpathogenic to pathogenic strains. Transfer occurs, although with varying frequency, between all members of the enteric bacteria and also the members of other families of bacteria. The pool of normal Gram-negative bacterial intestinal flora (largely *Escherichia coli*) serves as a reservoir of R-plasmids, and the R-plasmid-bearing bacteria interchange among animals, man, and the environment. The potential for harm increases as the R-plasmid reservoir increases because the probability of R-plasmid transfer to pathogens increases. When the Commissioner required all holders of approved NADA's for the subtherapeutic use of antibiotics (penicillin, tetracycline, etc.) in animal feed to submit data to resolve the safety questions raised, he was principally concerned with the effect of the antibiotics approved for subtherapeutic use in animal feed on the emergence of transferable drug resistance in *Salmonella* and the *E. coli* reservoir of animals.

Evidence demonstrates that the use of subtherapeutic levels of penicillin and tetracycline in animal feed contributes to the increase in antibiotic resistant *E. coli* and in the subsequent transfer of this resistance to *Salmonella*. Further, many strains of *E. coli* and *Salmonella* infect both man and animals.

There is extensive evidence showing that the use of subtherapeutic antibiotics contributes to the development of the pool of R-plasmid-bearing organisms, particularly in *E. coli* (Refs. *4* through *71*). These *E. coli* contribute their R-plasmids to man through several mechanisms: through man's direct contact with animals, through man's contact with *E. coli*-contaminated food, and through the widespread presence of plasmid-bearing *E. coli* in the environment (Refs. *8* through *38*). Various strains of bacteria inhabit and infect man and animals. The strains of bacteria that infect man and animals are not mutually exclusive; they overlap. In particular, the R-plasmid-bearing strains that colonize man and animals overlap. This has been shown by epidemiological investigations (Refs. *39* through *46*) and direct ingestion evidence (Refs. *47* through *51*). In vivo studies also show that the R-plasmids transfer from *E. coli* to pathogens, e.g., *Salmonella*, and that this actually occurs in humans (Refs. *52* through *68*). Of critical importance also is the fact that plasmid transfer occurs among nongut bacteria (Refs. *151-154*).

An agency study measuring the ability of R-plasmids to exist on the same bacterium suggests that human and animal bacterial populations overlap (Ref. *61*). Moreover, studies using DNA-DNA hybridization techniques and restriction endonuclease activity confirm that the R-plasmids isolated from enteric organisms in man and animals are indistinguishable (Refs. *62* through *64*). Studies also indicate that R-plasmid-bearing *E. coli* donate antibiotic resistance plasmids to *Salmonella*. Patterns of drug resistance seen in *E. coli* and *Salmonella* isolates from man and animals are similar and develop in a like manner. *E. coli* first develops R-plasmid-mediated antibiotic resistance, and then the *Salmonella* develop a similar and frequently identical pattern of resistance. Studies also show that the number of R-plasmid-bearing strains of pathogenic *Salmonella* are increasing. More importantly the number of multiply resistant strains is increasing (Refs. *65* through *124*).

According to the analysis of the Director of the Bureau of Veterinary Medicine, the evidence submitted pursuant to § 558.15 has failed to resolve the issues conclusively, and the potential for harm associated with the continued extensive use of subtherapeutic antibiotics in animal feeds continues to increase. Furthermore, evidence undermining the arguments that the unrestricted use of these products is safe continues to grow. For example, recent studies show that toxin production is plasmid mediated and may be transferred in conjunction with antibiotic resistance (Refs. *125* through *148*). All these points are set forth in considerably more detail in the Director's notices. Accordingly, the Commissioner concludes that transmissible drug resistance is a complex phenomenon with a potential for harmful effect that is not easily understood. Therefore, he finds that these drugs are not safe for use except under the order of a licensed veterinarian, to assure that the appropriate drugs are used for the shortest term possible or other measures are employed when for example, patent disease exists in the animals.

IV. Impact on the Medicated Feed Industry

The Director outlined his prima facie case in both the penicillin and tetracycline notices, and if unrebutted the Commissioner will issue an administrative summary judgment withdrawing approval of the NADA's for the affected drugs. If requests for hearing are filed that demonstrate that genuine and substantial issues of fact exist which require a formal evidentiary hearing for resolution, such a hearing will be granted to resolve those issues. But if a hearing is necessary, final resolution of the issues may take several years. Based on the evidence now before the Commissioner, he believes it appropriate at this point at least to propose to restrict the distribution and use of penicillin and tetracycline in animal feed. In his opinion, the evidence supports such action as a matter of policy, even if NADA holders demonstrate that approvals for the use of the drugs in animal feeds should not be withdrawn.

Issuing the proposal at this time accomplishes two objectives. First, although the Commissioner has previously considered the restrictive distribution alternative, this alternative has always been a minor element of the other proposals, and the Commissioner has never received focused comment on its feasibility and merit. Some contend that veterinarians lack the training, expertise, or willingness to deal with the potential for harm asso-

ciated with unbridled use of subtherapeutic antibiotics or pressures that may be applied to retain wide access to these drugs (Refs. *149, 150*).

Second, the Commissioner also would like comment on the potential impact that additional recordkeeping requirements will have on feed mills.

Finally, FDA has already issued FEDERAL REGISTER notices proposing to withdraw approval of the NADA's covering the subtherapeutic use of penicillin and tetracycline in animal feeds; therefore, the Commissioner has at least two options for selecting the effective date of regulations promulgated pursuant to this informal rulemaking procedure. The Commissioner can wait until the adjudications are concluded to issue a final order, or he can issue a final order before the adjudications are completed because this is a severable policy matter. If he should opt for the latter effective date, all approved uses of penicillin and tetracycline in animal feed then would be subject to the distribution restrictions in this regulation, and if any NADA's are ultimately withdrawn, corrections for the claims would be made with the final order in the adjudication proceedings. This approach will provide a stimulus for the expeditious conduct of any hearing that may be justified, and it will further reduce the imminence of any hazard that may exist. Accordingly, the Commissioner requests comments on the most appropriate effective date for this proposal.

V. LEGAL BASIS FOR THIS ACTION

As noted above, the Commissioner's authority to impose controls on the distribution of new animal drugs derives from several substantive sections of the act, sections 502(f)(1); 512 (a), (b), (d), (i), and (m), in conjunction with his rulemaking authority under section 701(a). In the aggregate they permit the Commissioner to restrict the distribution of new animal drugs and to require affected parties to keep certain records and reports on both drugs and medicated animal feeds that will permit the Commissioner to determine whether the continued use of the drugs under those circumstances is safe, effective, or otherwise appropriate.

A. STATUTORY AUTHORITY UNDER SECTION 502(f)(1)

Historically, FDA has restricted use of certain drugs in man and animals to the order of a practitioner under section 502(f)(1) of the act, which requires drug labeling to bear adequate directions for use, and an implementing exempting regulation. Under this approach, the labeling of certain drugs intended for human use was required to contain the statement: "Caution—To be used only by or on the prescription of a physician." Because of the dangers of incident to the use of certain drugs, only this warning could constitute adequate directions for use, and the Supreme Court has recognized this mechanism for restricting the use of drugs (*United States* v. *Sullivan*, 332 U.S. 689. 691, n.2 (1949)).

Subsequently, in a case decide before enactment of the Durham-Humphrey Amendment of 1951, the Ninth Circuit directly affirmed FDA's statutory authority to restrict the sale of a drug to the order of a licensed practitioner under section 502(f)(1) of the act and the companion implementing regulations:

> A liberal construction of the Act, having in mind its background and purposes, requires us to sustain the action of the Administrator on the ground that he was empowered under the statute to exempt the regulation the drugs in question from the requirement that the label bear adequate directions for use, conditioned upon its bearing an inscription that it be used only on the prescription of a physician. Under such construction, the regulation is not contrary to law, arbitrary, or unreasonable. (*United States* v. *El-O-Pathic Pharmacy*, 192 F. 2d 62, 75 (9th Cir. 1951).)

Although Congress enacted specific legislation that in part covers FDA authority to restrict the distribution of human drugs to a physician (Durham-Humphrey Amendment of 1951; 65 Stat. 648-649 (1951)), the legislative history of that amendment makes clear that Congress intended for FDA to retain this authority to restrict certain drugs to use according to a veterinarian's order under section 502(f)(1) of the act.

> In limiting prescription drugs to those intended for use by man this new subsection differs from the present law, which refers to prescription drugs to include not only those dispensed on prescription of physicians and dentists, but also those dispensed on prescription of a veterinarian. Under the committee bill, drugs intended for use under the supervision of a veterinarian will not require a prescription, although it will be possible under section 502(f) to exempt such drugs from adequate direction for use if they are to be used by or under the supervision of a veterinarian. In the absence of any exempting regulation, these drugs will be subject to the labeling and dispensing requirements of the act applicable to over-the-counter drugs. (S. Rep. No. 946, 82d Cong., 1st Sess., p. 8 (1951).)

The Commissioner promulgated such an exempting regulation for veterinary drugs under § 201.105 (21 CFR 201.105), and the regulation lays out the factors to be considered in assessing whether an animal drug should be restricted to a veterinarian's order. The factors are toxicity, potentiality for harmful effect, and the safety of the method of the drug's use. Thus, both the legislative history and case law demonstrate the Commissioner's authority to restrict the use of certain animal drugs to the order of a licensed veterinarian under the authority of section 502(f)(1) of the act, and the evidence surrounding the unrestricted use of penicillin and tetracycline in animal feed illustrates a potential for harm.

B. STATUTORY AUTHORITY UNDER SECTION 512 OF THE ACT

1. *Overview.* When Congress enacted the Animal Drug Amendments of 1968 and consolidated into section 512 the various provisions of the Federal Food, Drug, and Cosmetic Act governing the premarket approval of articles intended for use in animals and animal feeds, one primary force supporting the amendments was the medicated animal feed industry. (See, e.g., hearings on S. 1600 and H.R. 3639 before the Subcommittee on Health of the Senate Committee on Labor and Public Welfare, 90th Cong., 2d Sess. (1968).) Before passage of the amendments, articles intended for use in both food-producing and companion animals and in animal feed were subject to premarket review and clearance under sections 409, 505, and 507 of the act, and the consolidation incorporated the standards in those individual sections into section 512 (S. Rep. No. 1308, 90th Cong., 2d Sess. 1 (1968)).

Because new animal drugs are used extensively in food-producing animals, Congress imposed the same rigid legal standard on the intended uses of these articles that it applied to food additives. Therefore, when a new animal drug is intended for a use for which there is no approved NADA or the labeling of the new animal drug fails to conform to that in the approved NADA, the new animal drug is deemed unsafe as a matter of law (section 512(a)(1) of the act). The new animal drug is thereby adulterated per se under section 501(a)(5) of the act (21 U.S.C. 351(a)(5)), and food containing the new animal drug or conversion product thereof is also adulterated as a matter of law under section 402(a)(2)(D) of the act (21 U.S.C. 342(a)(2)(D)). Similarly, animal feed containing a new animal drug is unsafe as a matter of law under section 512(a)(2) unless the following conditions are satisfied: (a) There is an approved NADA for that specific use of the drug in animal feed; (b) there is an approved medicated feed application (FD Form 1800) under section 512(m)(1) for that use; and (c) the animal feed, its labeling, and use conform with a regulation issued under section 512(i). A medicated animal feed which does not conform with these requirements is adulterated under section 501(a)(6) of the act.

2. *Sections 512 (b) and (d).* The statutory criteria that FDA must use to evaluate the safety and effectiveness of new animal drugs are set forth in sections 512 (b) and (d) of the act and the corresponding amplifying regula-

tions under Parts 500 and 514 (21 CFR Parts 500 and 514). Unlike section 505 of the act, which covers new human drugs, section 512(d)(2) enumerates several specific factors that are to be considered by the agency in determining whether a new animal drug will be safe under its proposed conditions of use. The factors, which were taken directly from considerations associated with the safety of human food additives under section 409(c)(5) of the act, are the following:

(A) The probable consumption of such drug and of any substance formed in or on food because of the use of such drug,

(B) The cumulative effect on man or animal of such drug, taking into account any chemically or pharmacologically related substance,

(C) Safety factors which in the opinion of experts, qualified by scientific training and experience to evaluate the safety of such drugs, are appropriate for the use of animal experimentation data, and

(D) Whether the conditions of use prescribed recommended, or suggested in the proposed labelling are reasonably certain to be followed in practice.

Thus, these provisions clearly envision the exercise of FDA's authority to impose restrictions on the distribution and use of new animal drugs, particularly when the drug is intended for use in food-producing animals.

3. *Section 512(i).* Section 512(i) of the act requires FDA to publish a notice of approval for every NADA, which becomes effective as a regulation upon publication in the FEDERAL REGISTER. The function of the new animal drug regulations under this provision is analogous to the function of food additive regulations issued under section 409 of the act (hearings on S. 1600 and H.R. 3639 supra at 80; S. Rep. No. 1308 supra at 5). They are to provide public notice, particularly to manufacturers of medicated animal feeds, of the conditions and restrictions of use that are imposed on the new animal drugs. But the new animal drug regulations provide more than general notice. Section 512(i) identifies several factors that are to be addressed in the regulations in order to assure that a new animal drug will be properly used in the field. Among these factors are the specific conditions of use under which the drug has been shown to be safe and effective, any other use restriction imposed, and such other information as the agency deems necessary to assure the safe and effective use of the new animal drug. Therefore, Congress provided FDA with another statutory provision by which it can restrict the distribution of a new animal drug.

4. *Section 512(m).* Subsection (m) of section 512 of the act presents a microcosm of the entire section. Basically, this provision was added to simplify the procedural and substantive requirements of the act as they pertain to medicated feed mills. It establishes a private licensing section for feed mills to manufacture medicated animal feeds which is substantially similar to the NADA review and approval procedures. As a condition of having the license (in this case a medicated feed application) approved, the feed mill must identify a new animal drug regulation providing for the manufacture and use of the new animal drug under the conditions or indications of use for which the mill proposes to manufacture the medicated feed.

Section 512(m)(1) of the act outlines the basic information that a feed mill must submit to FDA to obtain an approved medicated feed application for a specific medicated animal feed, and section 512(m)(3) lists the bases on which the agency can refuse to approve the application. The agency shall refuse to approve an application when it finds among other facts:

(A) That there is not in effect a regulation under subsection (i) (identified in such application) on the basis of which such application may be approved;

(B) That such animal feed (including the proposed use of any new animal drug therein or thereon) does not conform to an applicable regulation published pursuant to subsection (i) referred to in the application, or that the purposes and conditions or indications of use prescribed, recommended, or suggested in the labeling of such feed do not conform to the applicable purposes and conditions or indications of use (including warnings) published pursuant to subsection (i) or such labeling omits or fails to conform to other applicable information published pursuant to subsection (i).

Section 512(m) of the act also contains a provision for recordkeeping requirements on the feed mills, and this provision is identical to that applicable to the manufacturers of new animal drugs (sections 512(d)(2)(A); 512(1)). In addition to the normal records required by good manufacturing practice, etc., the manufacturers of medicated animal feeds must keep all records and make all such reports that the Commissioner imposes on them by general regulation when those records and reports are necessary to determine or facilitate a determination of whether the medicated animal feed may be safely, effectively, or otherwise appropriately used. And these records and reports must be available to FDA for inspection.

C. STATUTORY AUTHORITY UNDER SECTION 701(A) OF THE ACT

The agency's authority to promulgate substantive regulations under section 701(a) defining and explaining the operative provisions of the act and applying those provisions to particular classes of products has been consistently, if not uniformly, upheld by the courts, e.g., *National Nutritional Foods Association* v. *Weinberger*, 512 F. 2d 688 (2d Cir. 1974). (See also In re *Permain Basin Rate Cases*, 390 U.S. 766 (1968); *Federal Power Commission* v. *Texaco, Inc.* 377 U.S. 33 (1964); *Air Lines Pilots Association, International* v. *Quesada*, 276 F. 2d 892 (2d Cir. 1960).) Moreover, FDA's authority to determine whether a new animal drug has been shown to be safe and effective under the restrictive distribution system of a veterinarian's order is well established (*Diamond Laboratories, Inc.* v. *Richardson*, 452 F. 2d 803 (8th Cir. 1972)), as has its authority to restrict the use of a new animal drug to only those conditions of use that have been shown to be safe and effective (*Agri-Tech, Inc.* v. *Richardson*, 482 F. 2d 1148 (8th Cir. 1973)).

D. CONCLUSION

The agency regularly imposes distribution requirements on new animal drugs pursuant to Parts 520 through 555 (21 CFR Parts 520 through 555). Given the evidence on the unrestricted use of penicillin and tetracycline in animal feed, the Commissioner believes there is ample statutory authority for him to promulgate regulations restricting all uses of penicillin and tetracycline in animal feed to the order of a veterinarian, which order must be retained by the holder of an approved medicated feed application permitting manufacture of the feed or by other persons subsequently dispensing restricted feed obtained from the holder of the application.

VI. SUMMARY OF THE PROPOSAL

To implement this action, the Commissioner is proposing to amend the regulations to establish a new medicated animal feed category called restricted medicated animal feeds, which will require an approved medicated feed application for manufacture and for distribution on the order of a licensed veterinarian. This category will include, with two minor exceptions, all feeds containing penicillin, chlortetracycline, and oxytetracycline. Accordingly, he is proposing to revoke all existing waivers from the requirements of section 512(m) of the act for the manufacture of such animal feeds, and the manufacture of these animal feeds will then require an approved medicated feed application. Because veterinarians may require a form of the drug for immediate dispensing (i.e., either directly by a veterinarian or by a feed mill on the order of a licensed veterinarian) in their practices to deal with exigencies, the Commissioner is proposing an exemption from the requirements of section 512(m) for the manufacture of restricted animal feeds from a restricted article containing 2 grams per pound of the antibiotics penicillin, chlortetracycline, or oxytetracycline as the sole drug in medicated feed in 50-pound packages. He selected this

size for its convenience for dispensing and for use by livestock producers.

Proposed § 558.7(a) (21 CFR 558.7(a)) defines animal feeds containing penicillin or chlortetracycline (except feeds for laboratory mice and psittacine birds) or oxytetracycline as restricted medicated animal feeds. The Commissioner has excluded the uses of chlortetracycline in feeds for laboratory mice and psittacine birds from the restricted category because of the limited and special nature of those uses.

Proposed § 558.7(b)(1) establishes the basic requirement for the manufacturers of restricted medicated animal feeds. Under this provision, all feed mills will require an approved medicated feed application for each restricted medicated animal feed they produce. This section also contains the exemption for the manufacture of a restricted medicated animal feed under the order of a licensed veterinarian. The exemption applies only when such feed is prepared from a concentrated restricted medicated animal feed which contains 2 grams per pound of penicillin, chlortetracycline, or oxytetracycline as the sole drug in medicated feed in 50-pound packages. This permits the veterinarian to deal with urgent situations by dispensing a concentrated medicated feed directly to the livestock producer who will be able to mix a complete feed without having an approved medicated feed application. The Commissioner will permit manufacturers 60 days from the date of publication of a final order based upon this approval to submit a medicated feed application.

Proposed § 558.7(b)(2) requires the manufacturers of intermediate premixes (proposed Type B medicated feed articles) containing penicillin, chlortetyracycline, or oxytetracycline to have approved medicated feed applications for the manufacture of these products. Currently manufacturers of these intermediate premixes are exempt, under § 558.15(g) (21 CFR 558.15(g)), from having an approved NADA if the intermediate premix contains no drug ingredient whose use in or on an animal feed requires an approved medicated feed application. Since the Commissioner is proposing to revoke this exemption for the manufacture of medicated feeds containing penicillin, chlortetracycline, or oxytetracycline, codifying this requirement will simplify regulation of this area.

Ostensibly, revocation of the exemption would also require manufacturers of intermediate premixes to have approved new animal drug applications for their products. However, the Commissioner intends to issue a proposal in the near future to regulate the intermediate premixes as Type B medicated feed articles under sections 201(x) and 512(m) of the act (21 U.S.C. 321(x) and 360b(m)), for administrative and regulatory efficiency. For these reasons, the Commissioner is now proposing to regulate intermediate premixes for the restricted medicated animal feeds also under section 512(m) of the act for consistency. This will permit an orderly transition to more extensive regulation via medicated feed applications. The Commissioner will permit manufacturers of the restricted feeds 60 days from the date of publication of the final order in this procedure to submit a medicated feed application for these medicated feed articles. If these provisions are placed into effect prior to completion of the adjudication concerning penicillin and tetracycline premixes, manufacturers of intermeidate premixes (or Type B medicated feed articles) may identify the appropriate provision of § 558.15 as the basis for approving their medicated feed application for those uses which have been permitted interim marketing and for which a regulation under section 512(i) of the act has not been published.

Proposed § 558.7(c)(1) requires restricted medicated animal feeds to be dispensed only if accompanied by and in accordance with the order of a licensed veterinarian. Although restricted medicated animal feeds containing 2 grams of penicillin, chlortetracycline, or oxytetracycline as the sole drug in 50-pound packages may be sold to licensed veterinarians for dispensing purposes in their practices, the feed mills must retain records for these transactions also.

Proposed § 558.7(c)(2) describes the recordkeeping requirements. The veterinarian's order must be either a signed written order or an oral order given directly to the party who is to dispense the restricted medicated animal feed and such order must be promptly reduced to writing. The order shall include the following information:

1. Veterinarian's name, address, and telephone number;
2. Client's name and address;
3. Type of feed (e.g., starter, grower, finishing ration), including the quantitative level of the drug(s) involved (e.g. grams per ton).
4. Species to be treated, and indications for use;
5. Total amount of feed to be mixed and number of refills permitted. The amount of feed prescribed shall not exceed the amount reasonably necessary to treat the number of animals involved; and
6. Date.

The records must be retained at the point of sale by the dispensing party for a period not less than 2 years because the agency has a statutory obligation to inspect every feed mill at least once every 2 years. This requirement is also applicable to integrated livestock producers who have approved medicated feed applications for restricted medicated animal feeds and who manufacture such feeds for their own use.

Proposed § 558.7(d) explains how FDA will regulate feed stores or other distributors of medicated animal feeds that may be restricted. These segments of the medicated animal feed industry are essentially consignees who are not the users of the articles. Under section 512(a)(1) of the act, consignors may ship new animal drugs to such consignees if they are holders of approved medicated feed applications or, if the consignees are not users, to such consignees that will ship only to holders of approved medicated feed applications. Because the mechanism of distribution by the feed stores is merely a further step in the chain, the Commissioner is proposing to permit holders of approved applications for restricted medicated animal feeds to dispense those feeds to feed stores and other distributors on the condition that those consignees supply the feed mill with a signed statement indicating that they will dispense restricted medicated animal feeds on and in accordance with the order of a licensed veterinarian, that they will maintain the required records of such dispensing for at least 2 years, and that they will permit inspection of the records at all reasonable hours by any duly authorized officer or employee of FDA or other employee acting on behalf of the Secretary of HEW. This will permit a distributor, who does not have approved medicated feed applications under section 512(m) of the act, to receive restricted medicated animal feeds and to dispense them in accord with the rationale for the regulation. Failure of holders of approved applications to comply with these requirements will result in the Commissioner's proposing to withdraw approval of the feed mill's medicated feed application for the restricted feed and to take any other appropriate legal action that is warranted.

Proposed § 558.7(e) sets forth specific label and labeling requirements for (1) articles that are to be manufactured into restricted medicated animal feeds and (2) restricted medicated animal feeds, in addition to all the other labeling requirements of the act. Articles that are to be further manufactured into restricted feed must bear the statement: "For use only in the manufacture of restricted medicated animal feeds to be used on the order of a licensed veterinarian".

For complete restricted medicated animal feeds, the label and labeling shall bear the statement "For use only on the order of a licensed veterinarian".

Proposed § 558.7(e)(3) requires that all restricted medicated animal feeds

dispensed on the order of a licensed veterinarian be appropriately labeled for use and that such use shall include only those conditions for which the article has been approved under Part 558.

Proposed § 558.7(f) provides that an animal feed which contains two or more animal drugs is a restricted medicated animal feed if any ingredient alone would cause a feed containing it to be a restricted medicated animal feed.

Finally, proposed § 558.7(g) establishes the implementation plan. A veterinarian's order will be required for the dispensing of any restricted medicated animal feed 150 days after publication of a final regulation based upon this proposal. This will permit an orderly transition period for processing medicated feed applications that form the bases for this proposal.

The Commissioner has carefully considered the environmental effects of this action, and he has concluded that an environmental impact statement is not required for this notice. A copy of the environmental impact assessment is on file with the Hearing Clerk. Moreover, in the FEDERAL REGISTER of May 27, 1977 (42 FR 27264), the Commissioner of Food and Drugs requested data concerning the potential environmental impact of a series of regulatory actions, including this one, designed to restrict the subtherapeutic use of antibacterials in animal feeds. A comprehensive environmental impact statement will be prepared, evaluating the impact of all the actions as a single program.

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A copy of each reference cited in this notice not appearing in journals designated by §§ 310.9 and 510.95 (21 CFR 310.9 and 510.95) is on file with the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857, and may be seen between 9 a.m. and 4 p.m. Monday through Friday.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 512, 701, 52 Stat. 1050-1051 as amended, 1055-1056 as amended, 59 Stat. 463 as amended, 82 Stat. 343-351 (21 U.S.C. 352, 357, 360b, 371)) and under authority delegated to the Commissioner (21 CFR 5.1), it is proposed that Part 558 be amended, as follows:

1. By amending § 558.3 by adding new paragraph (b)(7) to read as follows:

§ 558.3 Definitions and interpretations.

* * * * *

(b) * * *

(7) A "restricted medicated animal feed" is a medicated animal feed which is limited to use on the order of a licensed veterinarian.

* * * * *

2. By adding new § 558.7 to read as follows:

§ 558.7 Restricted medicated animal feeds.

(a) Animal feeds containing penicillin, or chlortetracycline (except feeds for laboratory mice or psittacine birds), or oxytetracycline are restricted medicated animal feeds.

(b)(1) The manufacture of complete, restricted medicated animal feeds require an approved application pursuant to section 512(m) of the act, unless such feed is manufactured under the order of a licensed veterinarian from a restricted medicated animal feed containing 2 grams per pound of penicillin, chlortetracycline, or oxytetracycline as the sole drug in 50-pound packages.

(2) The manufacture of intermediate premixes (Type B medicated feed articles) requires an approved application pursuant to section 512(m) of the act.

(c)(1) A restricted medicated animal feed shall be dispensed only if accompanied by and in accordance with an order of a licensed veterinarian.

(2) An order by a licensed veterinarian for the dispensing of a restricted medicated animal feed shall be either a signed, written order or an oral order given directly to the party dispensing the feed who promptly reduces it to writing. All such orders must be retained at the point of sale by the party dispensing the feed for a period of not less than 2 years. The order shall include:

(i) Veterinarian's name, address, and telephone number;

(ii) Client's name and address;

(iii) Type of feed (e.g., starter, grower, finishing ration), including the quantitative level of the drug(s) involved (e.g. grams per ton);

(iv) Species to be treated, and indications for use;

(v) Total amount of feed to be mixed and number of refills permitted. The amount of feed prescribed shall not exceed the amount reasonably necessary to treat the number of animals involved; and

(vi) Date.

(d)(1) A premix (Type A medicated feed article) used in the manufacture of a restricted animal feed shall be distributed in accordance with the provisions of § 510.7 of this chapter.

(2) A restricted medicated animal feed may be distributed to a consignee who is not the user of the article if he provides the consignor with a signed statement that he will only dispense such articles to those permitted to receive them (i.e. persons having an order from a licensed veterinarian), that he will maintain the required records to establish such dispensing, and that the consignee will permit the Food and Drug Administration to inspect the records at all reasonable hours upon request by any duly authorized officer or employee of the Food and Drug Administration or other employee acting on behalf of the Secretary of Health, Education, and Welfare.

(e)(1) The label and labeling of premixes (Type A medicated feed articles), intermediate premixes (Type B medicated feed articles), and restricted medicated animal feeds containing 2 grams per pound of penicillin, chlortetracycline, or oxytetracycline in 50-pound packages shall bear, in addition to the other information required by the act, the statement "For use only in the manufacture of restricted medicated animal feeds to be used on the order of a licensed veterinarian".

(2) The label and labeling of complete restricted medicated animal feeds shall bear, in addition to the other information required by the act, the statement "For use only on the order of a licensed veterinarian".

(3) All restricted medicated animal feeds dispensed on the order of a licensed veterinarian shall be appropriately labeled for use. Such use shall include only those conditions for which the article has been approved under this part.

(f) An animal feed containing two or more animal drugs is a restricted medicated animal feed if any ingredient alone would cause a feed containing it to be a restricted medicated animal feed.

(g) A veterinarian's order is required for the dispensing of any restricted medicated animal feed 150 days after publication of a final regulation.

3. By amending § 558.15 by adding new paragraph (h) to read as follows:

§ 558.15 Antibiotic, nitrofuran, and sulfonamide drugs in the feed of animals.

* * * * *

(h) Feeds manufactured from premixes in paragraph (g)(1) or (2) of this section containing penicillin, chlortetracycline, or oxytetracycline are restricted medicated animal feeds and their distribution must be in accordance with § 558.7.

4. By amending § 558.55 by adding new paragraph (c)(3) to read as follows:

§ 558.55 Amprolium.

* * * * *

(c) * * *

(3) Feeds containing amprolium in combination with chlortetracycline or penicillin are restricted medicated animal feeds and their distribution must be in accordance with § 558.7.

* * * * *

5. By amending § 558.58 by revising paragraph (c) to read as follows:

§ 558.58 Amprolium and ethopabate.

* * * * *

(c) *Special considerations.* (1) Finished feeds containing amprolium and ethopabate as the sole drugs, processed from feed supplements containing not more than 0.05 percent amprolium and 0.016 percent ethopabate, and conforming to the requirements of paragraph (e) of this section are not required to comply with the provisions of section 512(m) of the Federal Food, Drug, and Cosmetic Act.

(2) Feeds containing amprolium and ethopabate in combination with chlortetracycline or penicillin are restricted medicated animal feeds and their distribution must be in accordance with § 558.7.

* * * * *

6. By amending § 558.76 by revising paragraph (c)(2) and adding new paragraph (c)(3) to read as follows:

§ 558.76 Bacitracin methylene disalicylate.

* * * * *

(c) * * *

(2) Finished feeds containing bacitracin methylene disalicylate as the sole drug and conforming to the requirements of paragraph (e)(1) and (2) of this section are not required to comply with the provisions of section 512(m) of the Federal Food, Drug, and Cosmetic Act.

(3) Feeds containing bacitracin methylene disalicylate in combination with penicillin are restricted medicated animal feeds and their distribution must be in accordance with § 558.7.

* * * * *

7. By amending § 558.78 by revising paragraph (c)(2) and adding new paragraph (c)(3) to read as follows:

§ 558.78 Bacitracin, zinc.

* * * * *

(c) * * *

(2) Finished feeds containing zinc bacitracin as the sole drug and conforming to the requirements of paragraph (d)(1) and (2) of this section are not required to comply with the provisions of section 512(m) of the Federal Food, Drug, and Cosmetic Act.

(3) Feeds containing zinc bacitracin in combination with penicillin are restricted medicated animal feeds and their distribution must be in accordance with § 558.7.

* * * * *

8. By amending § 558.105 by revising paragraph (d) to read as follows:

§ 558.105 Buquinolate.

* * * * *

(d) *Special considerations.* (1) Maximum level permitted in medicated feed: 0.011 percent (100 grams per ton). Do not use in feeds containing bentonite.

(2) Feeds containing buquinolate in combination with chlorte-tracycline or penicillin are restricted medicated animal feeds and their distribution must be in accordance with § 558.7.

* * * * *

9. By amending § 558.128 by revising paragraph (c) to read as follows:

§ 558.128 Chlortetracycline.

* * * * *

(c) *Special considerations.* (1) Finished feeds containing chlortetracycline and conforming to the requirements of paragraph (e)(1) and (2) of this section and finished feeds manufactured from medicated feed articles containing 2 grams per pound chlortetracycline as the sole drug in 50-pound packages are not required to comply with the provisions of section 512(m) of the Federal Food, Drug, and Cosmetic Act.

(2) Feeds containing chlortetracycline (except as provided in paragraph (e)(1) and (2) of this section) are restricted medicated animal feeds and their distribution must be in accordance with § 558.7.

* * * * *

10. By amending § 558.145 by revising paragraph (d) to read as follows:

§ 558.145 Chlortetracycline, procaine penicillin, and sulfamethazine.

* * * * *

(d) *Special considerations.* This is a restricted medicated animal feed and its distribution must be in accordance with § 558.7.

* * * * *

11. By amending § 558.155 by revising paragraph (d) to read as follows:

§ 558.155 Chlortetracycline, procaine penicillin, and sulfathiazole.

* * * * *

(d) *Special considerations.* This is a restricted medicated animal feed and its distribution must be in accordance with § 558.7.

* * * * *

12. By amending § 558.175 by adding new paragraph (f) to read as follows:

§ 558.175 Clopidol.

* * * * *

(f) *Special considerations.* Feeds containing clopidol in combination with chlortetracyline are restricted medicated animal feeds and their distribution must be in accordance with § 558.7.

* * * * *

13. By amending § 558.195 by revising paragraph (f) to read as follows:

§ 558.195 Decoquinate.

* * * * *

(f) *Special considerations.* (1) Bentonite should not be used in decoquinate feeds.

(2) Feeds containing decoquinate in combination with chlortetracycline are restricted medicated animal feeds and their distribution must be in accordance with § 558.7.

* * * * *

14. By amending § 558.225 by revising paragraph (c) to read as follows:

§ 558.225 Diethylstilbestrol.

* * * * *

(c) *Special considerations.* (1) Maximum level of diethylstilbestrol permitted in concentrate for cattle is 0.0044 percent.

(2) Feeds containing diethylstilbestrol in combination with either chlortetracycline or oxytetracycline are restricted medicated animal feeds and their distribution must be in accordance with § 558.7.

* * * * *

15. By amending § 558.274 by revising paragraph (c) to read as follows:

§ 558.274 Hygromycin B.

* * * * *

(c) *Special considerations.* (1) Complete chicken feeds containing hygromycin B as a sole drug, processed from feed supplements containing not more than 32 grams per ton hygromycin B, and conforming to the requirements of paragraph (e) of this section are not required to comply with the provisions of section 512(m) of the Federal Food, Drug, and Cosmetic Act.

(2) Feeds containing hygromycin B in combination with chlortetracycline or penicillin are restricted medicated animal feeds and their distribution must be in accordance with § 558.7.

* * * * *

16. By amending § 558.355 by adding new paragraph (d)(5) to read as follows:

§ 558.355 Monensin.

* * * * *

(d) * * *

(5) Feeds containing monensin in combination with oxytetracycline are restricted medicated animal feeds and their distribution must be in accordance with § 558.7.

* * * * *

17. By amending § 558.365 by revising paragraph (e) to read as follows:

§558.365 Nequinate.

* * * * *

(e) *Special considerations.* (1) Do not use in feeds containing bentonite.

(2) Feeds containing nequinate in combination with oxytetracycline are restricted medicated animal feeds whose distribution must be in accordance with § 558.7.

* * * * *

18. By amending § 558.450 by revising paragraph (c) to read as follows:

§558.450 Oxytetracycline.

* * * * *

(c) *Special considerations.* (1) Finished feeds manufactured from medicated feed articles that contain 2 grams per pound oxytetracycline as the sole drug in 50-pound packages are not required to comply with the provisions of section 512(m) of the Federal Food, Drug, and Cosmetic Act.

(2) Feeds containing oxytetracycline are restricted medicated animal feeds and their distribution must be in accordance with § 558.7.

(3) The amount of oxytetracycline is expressed in terms of an equivalent amount of oxytetracycline hydrochloride.

* * * * *

19. By amending § 558.460 by adding new paragraph (d) to read as follows:

§558.460 Penicillin.

* * * * *

(d) *Special considerations.* (1) Finished feeds manufactured from medicated feed articles that contain 2 grams per pound penicillin as the sole drug in 50-pound packages are not required to comply with the provisions of section 512(m) of the Federal Food, Drug, and Cosmetic Act.

(2) Feeds containing penicillin are restricted medicated animal feeds and their distribution must be in accordance with § 558.7.

* * * * *

20. By amending § 558.515 by revising paragraph (d) to read as follows:

§ 558.515 Robenidine hydrochloride.

* * * * *

(d) *Special considerations.* (1) Finished feed containing robenidine hydrochloride must be fed within 50 days from the date of manufacture.

(2) Do not use in feeds containing bentonite.

(3) Feeds containing robenidine hydrochloride in combination with either chlortetracycline or oxytetracycline are restricted medicated animal feeds and their distribution must be in accordance with § 558.7.

* * * * *

21. By amending § 558.680 by revising paragraph (c) to read as follows:

§ 558.680 Zoalene.

* * * * *

(c) *Special considerations.* (1) Complete poultry feeds containing zoalene as a sole drug, processed from feed supplements containing not more than 0.0375 percent zoalene, and conforming to the requirements of paragraph (e) of this section are not required to comply with the provisions of section 512(m) of the Federal Food, Drug, and Cosmetic Act.

(2) Feeds containing zoalene in combination with chlortetracycline or penicillin are restricted medicated animal feeds and their distribution must be in accordance with § 558.7.

* * * * *

Interested persons may, on or before April 20, 1978, submit to the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Because of the broad public interest in and concern about the proposed restriction on the distribution of penicillin and tetracycline-containing animal feeds, the Commissioner has determined that, in addition to the 90 day comment period for receipt of written comments, two informal public hearings, in accord with the provisions of 21 CFR Part 15, should be held on the proposal in geographic areas where it will have its major impact. The purpose of the informal hearings is to provide an open forum for the presentation of information and views concerning all aspects of the proposal by interested persons, be they consumers, scientists, farmers, feed manufacturers, or representatives of manufacturers of regulated products.

In preparing a final regulation, the Commissioner will consider the administrative record of these hearings along with all other written comments received during the comment period specified in the proposal. The hearings will be held during the comment period, and the Commissioner will issue separate FEDERAL REGISTER notices announcing them when the final arrangements for their conduct are completed. The hearings 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.

NOTE.—The Food and Drug Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821 (as amended by Executive Order 11949) and OMB Circular A-107. A copy of the economic impact assessment is on file with the

Hearing Clerk, Food and Drug Administration.

The Food and Drug Administration has also determined that the notices jointly pertaining to penicillin and tetracyclines in animal feeds do not comprise a major economic impact (see the FEDERAL REGISTER of June 10, 1977 (42 FR 29928), August 30, 1977 (42 FR 43770), October 21, 1977 (42 FR 56254), and this notice). A copy of the combined economic impact assessment is on file with the Hearing Clerk, Food and Drug Administration in this docket file and in the docket files of the three other actions.

Dated: January 17, 1978.

DONALD KENNEDY,
Commissioner of Food and Drugs.

[FR Doc. 78-1482 Filed 1-17-78; 8:45 am]

federal register

FRIDAY, JANUARY 20, 1978
PART IV



DEPARTMENT OF DEFENSE

Corps of Engineers, Department of Army

■

FEDERAL PARTICIPATION IN SHORE, HURRICANE, AND TIDAL AND LAKE FLOOD PARTICIPATION

[3710-92]

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of Army

[33 CFR Part 282]

FEDERAL PARTICIPATION IN SHORE, HURRICANE, AND TIDAL AND LAKE FLOOD PROTECTION

Proposed Rulemaking

AGENCY: Department of the Army.

ACTION: Proposed regulation.

SUMMARY: This proposed regulation prescribes policies used by the Corps of Engineers in determining the extent to which they are authorized to recommend and provide measures for shore, hurricane, and tidal and lake flood protection. This regulation is needed to update previous regulations on the subject to reflect recent changes in legislation and policy.

EFFECTIVE DATE: Comments must be received by February 20, 1978.

ADDRESS: Write Office of Chief of Engineers, Department of the Army, Corps of Engineers, Washington, D.C. 20314, Attn: DAEN-CWR-R (202-693-6807).

FOR FURTHER INFORMATION CONTACT:

Robert Kaighn, 202-693-6807.

It is therefore, proposed to amend 33 CFR by adding Part 282 as set forth below.

Dated: November 21, 1977.

C. A. SELLECK, Jr.,
Colonel, Corps of Engineers,
Executive Director of Civil Works.

PART 282—WATER RESOURCE POLICIES AND AUTHORITIES: FEDERAL PARTICIPATION IN SHORE, HURRICANE AND TIDAL AND LAKE FLOOD PROTECTION

Sec

282.1 Purpose.
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§ 282.1 Purpose.

This regulation provides policies and guidelines for determining the extent of Federal participation in potential Federal projects for shore erosion control, and hurricane, abnormal tidal and lake flood protection.

§ 282.2 Applicability.

This regulation is applicable to all OCE elements and all field operating agencies having Civil Works responsibilities. The policies and guidelines set forth in this regulation are applicable to all preconstruction studies (level C and Phase I GDM) including small project studies conducted under the authority of Section 103, Pub. L. 87-874.

§ 282.3 References.

(a) Section 2, Pub. L. 71-520, July 3, 1930, as amended by Section 103, Pub. L. 86-645, July 14, 1960.

(b) Pub. L. 79-727, August 13, 1946, as amended.

(c) Pub. L. 84-71, June 15, 1955.

(d) Pub. L. 84-826, July 28, 1956, as amended.

(e) Section 103, Pub. L. 86-645, July 14, 1960.

(f) Sections 103 and 110, Pub. L. 87-874, October 23, 1962, as amended.

(g) Pub. L. 88-172, November 7, 1963.

(h) Section 215, Pub. L. 90-483, August 13, 1968.

(i) Section 208, Pub. L. 91-611, December 31, 1970.

(j) ER 1105-2-50, "Continuing Authorities Program," (Part 263 of this title).

(k) ER 1105-2-200, "Multiobjective Planning Framework," (Part 290 of this title).

(l) ER 1165-2-18, "Reimbursement for Advance Non-Federal Participation in Civil Works Projects," (§ 209.345 of this title).

§ 282.4 Definitions.

As used in this regulation:

(a) "Construction costs" are the project first costs associated with initial construction or periodic nourishment less the costs of the lands, easements, rights-of-way and relocations.

(b) "Historical shoreline" is the most seaward position of the mean low water/mean lower low water position recorded by previous surveys or interpreted from previous photographs, other historical record, or other sufficiently reliable means to permit comparison with the present position.

(c) "Hurricane and abnormal tidal flooding" result from abnormal rises in tidal levels due to hurricanes and storms.

(d) "Lake flooding" results from storm-induced inundation superimposed on the ordinary cyclic changes of the lake level.

(e) "Periodic nourishment" is the deposit of sand fill at intervals of time to replenish a beach.

(f) "Project first costs" are the total costs of initially constructing a project including advance engineering and design, interest/luring construction, and the costs of lands, easements, rights-of-way, and relocations. (Interest during construction is not included when benefits accrue as the project is constructed.)

(g) "Public use" means available for use by any and all of the general public on equal terms (see § 282.7(d)).

(h) "Publicly-owned" means ownership by a State, municipality, or other political subdivision. Federal ownership is not included within this definition.

(i) "Shore damage" is primarily the result of erosion by ocean and lake waves and currents and the battering action of storm waves.

(j) "Shore protection" is provided by works to prevent or reduce damages caused by erosion. The terms "beach erosion control" and "shores restoration and protection" are used interchangeably. Protection of bluffs and dunes as well as beaches is involved.

§ 282.5 Synopsis of relevant legislative authorities.

(a) *Beach Erosion Control.* (1) Section 2 of Pub. L. 71-520 as amended by Section 103, Pub. L. 86-645, authorized the Chief of Engineers to conduct shore erosion control studies in cooperation with appropriate agencies of various cities, counties, or States.

(2) Pub. L. 79-727 expanded the Federal role by providing for Federal aid in the construction, but not maintenance, of works for the improvement and protection of publicly-owned shores of the United States.

(3) Pub. L. 84-826, enacted in 1956, further expanded the Federal role by authorizing Federal participation in the cost of works for protection and restoration of the shores of the U.S. including private property if such protection was incidental to the protection of publicly-owned shores or if such protection would result in public benefits. It also provided for Federal assistance for periodic nourishment on the same basis as new construction, for a period to be specified by the Chief of Engineers, when it would be the most suitable and economical remedial measure. Section 156 of Pub. L. 94-587 allows the Secretary of the Army, acting through the Chief of Engineers, to extend that period to 15 years after the date of the initiation of construction if desirable.

(4) Pub. L. 87-874 increased the proportion of construction costs borne by the Federal Government and made the total cost of preauthorization studies a Federal responsibility. In addition, it provided for reimbursement of local interests for work done by them on project construction, after initiation of survey studies which form the basis for the project, on authorized projects which did not exceed $1,000,000.

(5) Section 215 of Pub. L. 90-483, enacted in 1968, modified the reimbursement authority mentioned above by giving the Secretary of the Army acting through the Chief of Engineers, authority to enter into agreements providing for reimbursement to States or political subdivisions for work to be performed by them at authorized projects. The amount of reimbursement is limited to $1,000,000. Unless specifically authorized by Congress, reimbursement for work commenced by local interests subsequent to August 13, 1969 may be made only in accordance with this authority. Implementing policies and procedures may be found in § 209.345 of this chapter.

(b) *Hurricane, abnormal tidal and lake flood protection.* The Federal interest in projects to protect against hurricane, abnormal tidal and Great Lakes flood damage is not explicitly defined by legislation. Pub. L. 84-71 enacted June 15, 1955, authorized the Secretary of the Army, in cooperation with the Secretary of Commerce and other Federal agencies concerned with hurricanes, to make studies of the Atlantic and Gulf coasts of the United States to secure data on the behavior and frequency of hurricanes and to determine means of preventing loss of life and damages to property. It did not specify the degree of Federal cost sharing for construction of protective works. However, in authorizing projects proposed in the first three of these studies, the 1958 Flood Control Act established a precedent of limiting the Federal share of project first cost to a maximum of 70 percent.

(c) *Multiple-Purpose Projects.* Pub. L. 87-874 introduced the multiple-purpose concept in shore erosion control studies by providing for surveys of coastal areas of the United States and its possessions, including the shores of the Great Lakes, in the interest of shore erosion control, hurricane protection and related purposes. Generally, costs associated with each purpose were apportioned in accordance with applicable laws and policies. However, section 208 of the Flood Control Act of 1970 provides discretionary authority for a Federal share up to 70 percent of the project costs exclusive of land costs for combined hurricane protection and shore erosion control projects.

§ 282.6 Synopsis of related legislative authorities.

(a) Section 103 of the River and Harbor Act of 1962, as amended, provides the Secretary of the Army, acting through the Chief of Engineers, with the authority for planning and constructing small shore and beach restoration and protection projects within certain limits without specific Congressional authorization. Implementing policies and procedures for this authority may be found in part 263 of this chapter.

(b) Section 111 of the River and Harbor Act of 1968 provides the Secretary of the Army, acting through the Chief of Engineers, the authority to study, construct, and maintain projects for the mitigation of shore damages attributable to Federal navigation works. Projects for which the Federal cost does not exceed one million dollars do not require specific Congressional authorization. This authority applies to both public and privately-owned shores along the coastal and Great Lakes shorelines. Implementing policies and procedures for this authority may be found in Part 263 of this chapter.

(c) The Coastal Zone Management Act of 1972, as amended, declares that it is national policy to: Preserve, protect, develop and, where possible, to restore and enhance the resources of the coastal zone; encourage the States to develop and administer management programs for the coastal zones giving consideration to ecological, cultural, historic, and aesthetic values and need for economic development; insure cooperation between Federal agencies having programs affecting the coastal zone with State, local, and regional agencies; insure public participation in the development and management of coastal zone programs; and encourage interstate and regional agreements for coastal zone management.

(d) Section 22 of Pub. L. 93-251 provides authority for cooperating with any State in preparation of comprehensive plans for water resources development, utilization, and conservation, and for submitting to Congress reports and recommendations with respect to appropriate Federal participation in carrying out such plans.

(e) A Demonstration Program is provided by section 54 of Pub. L. 93-251 which authorizes the Chief of Engineers, in cooperation with the Secretary of Agriculture and other Federal, State, and local agencies and private organizations, to develop and construct, but not maintain, a number of demonstration projects to emphasize the development of low-cost shoreline erosion control devices on sheltered or inland waters.

(f) Section 55 of Pub. L. 93-251 authorizes the provision of technical and engineering assistance to non-Federal public interests in developing structural and nonstructural methods of preventing damages attributable to beach erosion.

§ 282.7 Eligibility criteria.

(a) *Geographic Area.* Shore erosion control, hurricane, and abnormal tidal flooding authorities are applicable to the shores of the Atlantic and Pacific Oceans, the Gulf of Mexico, the Great Lakes, estuaries, and bays directly connected therewith of each of the States, the Commonwealth of Puerto Rico, and the possessions of the United States. Authority for shore erosion control activities extend only the distance up tributary streams where it can be demonstrated that the dominant causes of erosion and damage are ocean tidal action and wind-generated waves. They will not address erosion at upstream locations caused by streamflows or vessels. Lake flood protection activities are generally limited to the Great Lakes.

(b) *Beach Creation.* Existing shore erosion control authority provides for "restoration" and "protection." It does not provide for Federal cost sharing in extending a beach beyond its historic shoreline unless the extension is needed for engineering reasons to provide protection from erosion. If extension of the beach beyond the historic shoreline for another reason is desirable from an economic, social and environmental viewpoint, reporting officers may recommend such extension. However, prior to making such a recommendation, reporting officers should contact HQDA-(DAEN-CWR) WASH DC 20314 to determine appropriate cost sharing requirements.

(c) *Shore Categories.* Five general categories of shore, based on ownership and use, and incidence and type of benefits, must be considered in determining Federal aid toward the cost of shore restoration and erosion protections. These categories, and the levels of Federal aid applicable thereto, are listed in Table 1. There are no restrictions regarding shoreline categories for hurricane, tidal, and lake flooding.

TABLE 1.—*Categories of shore*

Shore category	Maximum level of Federal aid	
	Construction	Maintenance
	percent	*percent*
I. Federally owned	100	100
II. Publicly owned, non-Federal parks and conservation areas[1]	[2]70	[2]None.
III. Publicly owned, non-Federal other than parks and conservation areas	[2]50	[2]None
IV. Privately owned, protection will result in public benefits[3][4]	[2]50	None
V. Privately owned, protection will not result in public benefits susceptible of evaluation[4]	None	None

[1] See § 282.10(a)(2).
[2] See § 282.8(d) concerning periodic beach nourishment.
[3] Privately owned shores under public control, as through a sufficiently long-term lease assuring realization of public benefits throughout the economic life of the project, may be treated as category III shores in determining Federal aid.
[4] See § 282.10(a)(5) concerning incidental protection of privately owned shores.

(d) *Public use.* Public use is not a condition for Federal participation in hurricane, abnormal tidal or lake flood protection projects. However, current shore erosion control law provides that "Shores other than public (i.e., privately owned) will be eligible for Federal assistance if there is a benefit such as that arising from public use. . . ." Public use means use by all on equal terms. This means that there will be no limitation, by any device, to limit use of project beaches to a segment of the public. Unless the protecton of privately-owned beaches is incidental to protection of public beaches (see § 282.10(a)(5)), they must be open to all visitors regardless of origin or home area or provide protection to nearby public property to be eligible for Federal aid. Items affecting public use are discussed below.

(1) *User fees.* A reasonable beach fee, uniformly applied to all, for use in payment of local project costs is allowable. Normal charges made by concessionaires and municipalities for use of facilities such as bridges, parking areas, bath houses and umbrellas are not construed as a charge for the use of the Federal Beach project, if they are commensurate with the value of the service they provide and return only a reasonable profit. Fees for such service must be applied uniformly to all concerned and not as a prerequisite to beach use.

(2) *Parking.* Lack of sufficient parking facilities for the general public (including non-resident users) located reasonably near and accessible to the project beaches would constitute a de facto restriction on public access and use of such beaches, thereby precluding eligibility for Federal assistance. Generally, parking on free or reasonable terms should be available within a reasonable walking distance of the beach. Street parking is not considered acceptable in lieu of parking lots unless curb-side capacity will accommodate existing and new demands. Parking should be sufficient to accommodate the peak demand. In some instances public transportation facilities may substitute for or complement parking facilities. However, reports which consider public transportation in this manner must provide justification which indicates how the public transportation system would be adequate for the needs of beach users.

(3) *Access.* Unobstructed safe access must be provided to the beach from street ends or parking areas.

(4) *Beach use by private organizations.* Federal aid to private shores owned by beach clubs and hotels is incompatible with the intent of the Pub. L. 84-826 if the beaches are limited to use by members or paying guests.

(5) *Public shores with limitations.* Publicly-owned beaches which are limited to use by residents of the community or a group of communities are not considered to be open to the general public and will be treated as private beaches.

(e) *Improvements for recreation.* Improvements can be made to enhance the recreational value of coastal protection projects. Examples of such improvements are bathhouses, access facilities, toilet facilities and parking areas. Provision of those facilities is considered to be a local responsibility not eligible for Federal aid through the Corps of Engineers programs.

§ 282.8 Federal interest and Corps responsibility.

The Congress has established a Federal interest in shore erosion control, hurricane, abnormal tidal, and lake flooding in the legislative authorities and specific authorizations discussed in § 282.5. The Corps of Engineers is the primary Federal agency with the responsibility for implementing those authorities. The Corps' responsibility in various phases of project development is discussed below:

(a) *Studies.* The Corps of Engineers may undertake specific studies relating to shore erosion and hurricane, abnormal tidal and lake flood problems with the authorization of Congress, either in response to resolutions adopted by the Committee on Environment and Public Works of the United States Senate or the Committee on Public Works and Transportation of the House of Representatives, or by an Act of Congress. Studies are authorized to be 100 percent Federally funded. Studies may be initiated without specific Congressional authorization under the authority of section 103 of Pub. L. 87-874.

(b) *Construction.* Construction of authorized shore restoration and protection projects is a responsibility of the Corps of Engineers. However, local interests may construct portions of projects, after they are authorized by Congress, and be reimbursed by the Federal Government within a one million dollar limitation if prior approval is obtained from the Chief of Engineers (reference § 209.345 for approval procedures and policies). If local interests desire to proceed with construction of the project, they may do so with the understanding that:

(1) Federal participation would be limited to the Federal shares of the costs of the elements constructed which are in accordance with the authorized plan, and

(2) Local interests provide assurances that they will bear any increased costs of measures which may result from advance work, unless there are extenuating circumstances which warrant omission of this condition.

(c) *Maintenance.* Maintenance is a non-Federal responsibility. However, if a portion of the benefited area is in Federal ownership the Federal maintenance responsibility shall be established as the same portion as the lenth of Federal shoreline is to the length of total shoreline. By definition, periodic nourishment is not maintenance.

(1) Where Federal responsibility for a part of the maintenance is established, but maintenance for the project as a whole could be carried out more effectively by non-Federal interests, the entire maintenance responsibility should be assigned to non-Federal interests with appropriate Federal cash contributions during the project life or by reducing the initial non-Federal cost by the capitalized value of future Federal maintenance costs.

(2) In the case of multipurpose projects providing for navigation and hurricane flood protection projects, particularly those which involve complex operating procedures, operation and maintenance responsibility for the entire project might best be vested in the Federal Government. In such cases, non-Federal interests should be obligated to contribute their share of costs to the Federal Government on a scheduled basis throughout the project life or to make a cash contribution of the capitalized value of the non-Federal share of the maintenance cost. Future maintenance costs are to be capitalized using the water supply repayment interest rate.

(d) *Periodic nourishment.* Periodic nourishment is considered "construction" for cost-sharing purposes when in the opinion of the Chief of Engineers, such nourishment is found to be a more suitable erosion protection measure than other construction, i.e., breakwaters or seawalls. When periodic nourishment is proposed as a maintenance measure, as for example when it would serve to maintain protection accompanied by structures intended to confine the benefits of nourishment within a beach compartment rather than serving as a full or partial alternative to such structures, Federal Aid toward its cost should not be recommended, except to the extent warranted in paragraph (c) of this section. It may be considered eligible for Federal aid in projects where short low-profile groins are included to maintain a shore alignment, but not to prevent littoral drift from nourishing downdraft beaches. Federal aid for periodic nourishment may continue throughout the economic life of the project, but a specified period of time, usually the economic life of the project, must be recommended in planning reports. If there is reason to doubt the technical viability of periodic nourishment for such a period of time, a shorter period may be recommended. After that period, the project should be rex-

[1] Cost-sharing percentages do not apply to lands, easements and rights-of-way and facilities.

[2] Multiplied by the ratio of public benefits along category IV shore to total benefits along category IV shore.

amined to determine if periodic nourishment is the most efficient and economic solution.

(e) *Work for another Federal Agency.* Work to protect lands under the jurisdiction of another Federal agency shall be accomplished by the Corps only on a reimbursable basis, upon request from the responsible agency. Protection of Army lands used for military purposes will be accomplished with military funds, not Civil Works funds.

§ 282.9 Plan formulation and evaluation.

(a) Projects shall be formulated in accordance with policies and procedures contained in Part 290 of this chapter. Consideration shall be given to both structural and nonstructural solutions. Plan formulation should be accomplished to arrive at the best solution, considering all factors, including engineering, economic, environmental, and social.

(b) As required by Part 290 of this chapter benefits will be determined to evaluate the alternative in terms of the planning objectives. Benefits normally associated with beach erosion control and hurricane, abnormal tidal, and lake flood protection projects are:

(1) Benefits from beach restoration,

(2) Prevention of land loss and other physical damages,

(3) Avoidance of emergency costs to residences, businesses, and governmental entities,

(4) Enhancement of property values,

(5) Increased recreational usage, and where appropriate, relief of overcrowding for existing recreational usage, and

(6) Prevention of loss of historic and scenic aspects of the environment.

(c) Incidental benefits, such as reduction in shoaling at navigation projects, reduction in tidal flood damages, and incidental benefits to property downdrift of a shore protection project, may be credited to a beach erosion control project. In like manner, incidental damages should be charged against the project as an adjustment of the benefit estimate.

§ 282.10 Cost sharing.

(a) *Beach erosion control.* Federal participation in the costs of beach erosion control projects is based on shore ownership, use, type and incidence of benefits as discussed below.

(1) *Federally-owned lands* are protected at Federal expense. All costs allocated to restoration and protection are to be borne fully by the Federal Government.

(2) *Publicly-owned shore park and conservation areas* are eligible for Federal cost sharing up to 70 percent of the construction cost if all the following conditions are met:

(i) The land is publicly owned.

(ii) The park includes a zone extending landward from MLW or MLLW line which excludes all permanent human habitation. This excludes summer residences, but does not preclude residences of park personnel or buildings for park management and administration.

(iii) The park includes a beach suitable for recreational use.

(iv) The park provides for conservation and development of the natural resources of the environment.

(v) The park or conservation area extends landward a sufficient distance to include where appropriate, protective dunes, bluffs or other natural features which will absorb and dissipate wave energy and flooding effects of storm tides. The purpose of this requirement is to provide a protective buffer zone which would prevent damage of upland property and development.

(vi) The park provides full park facilities for appropriate public use.

(vii) Publicly-owned shores are eligible for Federal participation up to 50 percent of the construction cost.

(viii) Privately-owned shores may be eligible for Federal cost sharing of up to 50 percent if there would be significant public benefits arising from public use or from direct protection of nearby public facilities. Federal participation is adjusted in accordance with the ratio of public benefits to total benefits. Recreation benefits resulting from beaches not open for public use are considered to be private benefits for cost apportionment purposes.

(ix) Benefits to private shores beyond project limits of shore protection works, if trivial in amount, may be considered as incidental and not involved in cost-sharing considerations.

(b) *Hurricane, tidal and lake flood control.* For hurricane, tidal, and lake flood control protection projects, the Federal share of the project first costs (including lands, easements, rights-of-way, and relocations), is limited up to a maximum of 70 percent. When the normal local costs of lands, easements, rights-of-way, and relocations amount to less than 30 percent of total first costs, the difference is required as a local cash contribution. When the aforementioned local costs exceed 30 percent, they become the minimum requirement.

(c) *Multiple-purpose projects.* For multiple-purpose hurricane protection and beach erosion control projects, the Secretary of the Army acting through the Chief of Engineers, has discretionary authority to authorize a Federal share up to 70 percent of the construction costs. This discretionary authority will not be used unless normal cost allocation procedures produce inadvertent inequities in specific cases. Cases possibly warranting such adjustments are to be submitted to HQDA-(DAEN-CWR) WASH DC 20314 for consideration. If this discretionary authority is not used, the costs of the beach erosion control features required to stabilize the shore against wave action are considered to be joint costs and allocated between the hurricane and beach erosion control functions by the Separable Costs Remaining Benefits (SCRB) method.

§ 282.11 Recommendation.

Any statement in a beach erosion control report as to the percentage of construction costs to be borne by local interests or the Federal Government must be qualified as tentative since the final apportionment will be based on the extent of shore frontage in public ownership or use at the time of construction.

§ 282.12 Local cooperation requirements.

Reporting officers must obtain formal assurances from a public agency fully authorized under State law to fulfill the non-Federal obligations of any projects recommended for Federal participation. The assurance will indicate that subsequent to project authorization and prior to construction, the sponsor will enter into a written agreement, as required by Section 221 of Pub. L. 91-611, to provide assurances of local cooperation satisfactory to the Secretary of the Army. Such assurances include the contributions computed from the policies given in § 282.10 and the following non-Federal responsibilities:

(a) Provide without cost to the United States all necessary lands, easements, rights-of-way and relocations required for construction of the project, including that required for periodic nourishment.

(b) Hold and save the United States free from claims for damages which may result from construction and subsequent maintenance of the project, except damages due to the fault or negligence of the United States or its contractors.

(c) Assure continued conditions of public ownership and use of the shore upon which the amount of Federal participation is based during the economic life of the project.

(d) Assure maintenance and repair, and local share of periodic beach nourishment, where applicable, during the economic life of the project as required to serve the intended purposes.

(e) Provide and maintain necessary access roads, parking areas, and other public use facilities, open and available to all on equal terms.

(f) Specific cases may also warrant assigning other additional local responsibilities, such as providing appurtenant facilities required for realization of recreational benefits.

(g) In the case of single-purpose hurricane, tidal, or lake flood protection projects, the requirements of local

cooperation will normally consist of §§ 282.12 (a), (b) and (d) in addition to the contributions required by § 282.10.

(h) Comply with the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91-646).

(i) The wording given in § 282.12(a)-(h) should be considered standard for all recommended plans which include shore protection as a plan purpose. Deviations from such wording should not be made unless the reporting officer has justifiable circumstances warranting such action.

§ 282.13 Effective date.

This regulation is effective ————, as published in the FEDERAL REGISTER and codified as 33 CFR ——.

APPENDIX A.—COMPUTATION OF FEDERAL COSTS FOR SHORE PROTECTION PLANS

1. *Projects Benefiting Only One Category of Shore.* The Federal share of the cost of construction of a project which will benefit only one category of shore, see § 282.7(c) of the regulation, if any, may be computed by multiplying the cost of construction by the appropriate percentage of Federal participation from § 282.10 of the regulation.

2. *Projects Benefiting Several Categories of Shore.* The Federal share of the cost of construction of a project which will benefit more than one category of shore, defined in § 282.7(c) of the basic regulation, may be computed by assigning proportionate shares of the total construction cost to each shore category involved, multiplying the costs thus assigned by the appropriate percentage of Federal participation from § 282.10 of the basic regulation, and summing the products thus obtained.

a. When the cost of construction per unit of benefited shore length is reasonably uniform for the entire project area, the total Federal cost of construction may be computed as a percentage of the total construction cost by the following formula:

Federal share of total construction cost, in percent =
([Category I frontage/Total frontage] + [Category II frontage/Total frontage × 0.7]
+ [Category III frontage/Total frontage + Category IV frontage/Total frontage
× Public benefits along Category IV frontage/Total benefits along Category IV frontage] × 0.5) × 100

b. When the cost of construction per unit of benefited shore length is not reasonably uniform for the entire project area, the project should be subdivided into compartments within which this condition is met. For each such compartment, the Federal cost of construction may be computed as a percentage of the total construction cost for the compartment by application of the formula in paragraph 2a, using frontage figures for the compartment rather than the project as a whole. The cost of construction for individual project compartments should be developed on a physical occurrence basis, insofar as possible, by first assigning costs which are specific to individual compartments and then distributing costs applicable to more than one compartment on a frontage basis. The total Federal cost of construction is obtained by adding the Federal costs computed for individual compartments.

c. When the cost of construction per unit of benefited shore length is not reasonably uniform for the entire project area, and division into relatively few substantial compartments within which this condition is met is not practicable, it will be necessary to compute the Federal share of construction cost on a section-by-section basis for all or part of the benefited shore length. Then applying this method in extreme cases, it may be necessary to treat each individual parcel of benefited shore in a given category as a separate section. From a computational standpoint the net effect is the same as division of the benefited shore length into a large number of compartments and the procedure outlined in paragraph 2b is applicable.

3. *Projects Including Beach Nourishment as a Construction Measure* is discussed in § 282.8(d) of the basic regulation. Periodic beach nourishment may be recommended as a construction measure. In the case of the projects for which the costs of initial work (beach restoration or structures) and of periodic nourishment are uniformly distributed over the frontage, the formula given in paragraph 2a will be applied and the percentage of Federal participation will be given the same for both initial work and periodic nourishment. In cases of nonuniform cost distribution for either the initial construction or the periodic nourishment, or both, the level of Federal participation will be computed in accordance with paragraphs 2b and 2c, and will not necessarily be the same for initial construction and periodic nourishment.

4. *Projects Providing Minor or Indefinite Incidental Benefits to Privately Owned Shores.* a. When the cost of works designed to benefit only publicly-owned shores would equal or exceed the cost of works which would in addition, benefit adjoining privately-owned shores, the benefits to the privately-owned shores, if trivial in amount, may be considered as incidental and the Federal share of construction costs may be computed by the following formula:

Federal share of total construction cost, in percent =
([Category I frontage/Total frontage] + [Category II frontage/Total frontage × 0.7] +
[(All other frontage/Total frontage) × 0.5]) × 100

b. When, as may occur in the case of periodic beach nourishment, private shores beyond projects limits ultimately may receive benefits of indefinite nature and amount from the project, such benefits will be classed as incidental and these benefits and the shores involved will not be considered in determining the Federal share of project costs.

5. *Projects Which Reduce Federal Cost of Maintaining Authorized Navigation Projects.* Federal aid may be recommended for that portion of the project cost allocated to navigation, in addition to the aid determined pursuant to paragraphs 2 through 4. For purposes of this computation allocations will be made on a proportionate benefit basis with benefits limited to the alternative costs. The total Federal share of costs expressed as percentage (T) for the feature which results in the navigation benefits may be computed as a percentage of the total first cost for that feature by application of the following formula:

$$T = [N/N+B \times 100] + [B/N+B \times T_e]$$

Where:

N = Navigation benefits of feature, limited to alternative costs of dredging.

B = Beach erosion control benefits, limited to cost of beach fill from cheapest source (navigation spoil or other).

T_e = Federal share of cost of the shore protection features which results in navigation benefits, in percent, computed in accordance with paragraphs 1 through 4.

6. *Multiple-Purpose Projects.* In the case of multiple purpose projects, such as those for shore protection and other purposes as hurricane protection and navigation (where new navigation features are involved rather than maintenance of an existing Federal project), the procedures outlined in paragraph 2 through 4 will be applied only to the portion of the total construction costs allocated to shore protection. Allocation of costs between functions will normally be made by the Separable Costs-Remaining Benefits (SCRB) method (see ER 1160-2-101).

APPENDIX B

Example Computations for Cost Sharing on Shore Protection Plans

1. Example 1. The following is a simplified example of cost apportionment between Federal and local interests for an economically justified shore protection project where shores in both public and private ownership are involved and significant public benefits are generated through protection of private shores. It is assumed that a coordinated plan is proposed, that no section can be omitted, that the benefits to private shores are not incidental, that public benefits can be associated with only a portion of the private shores protected, and that the cost of protection per unit of benefited shore length is reasonably uniform for the entire project area. If periodic nourishment is involved in this case, cost apportionment therefor would be on the same basis.

Item	Shore Capacity					
	I	II	III	IV	V	Total
Length, feet	500	10,000	3,000	4,500	2,000	20,000
Ownership	Federal	Public non-Fed (Conserv Area)	Public non-Fed	Private	Private	
Benefits (av.ann.$)						
Public	5,000	75,000	30,000	50,000	-	160,000
Private	-	-	-	25,000	40,000	65,000
Total	5,000	75,000	30,000	75,000	40,000	225,000

Computation of Federal share of construction cost: The formula given in paragraph 2a of Appendix A is applicable. The Federal share expressed as a percent of the total first cost would be:

$$\left\{\left[\frac{500}{20,000}\right] + \left[\frac{10,000}{20,000} \times 0.7\right] + \left[\left(\frac{3,000}{20,000}\right) \times \left(\frac{4,500}{20,000} \times \frac{50,000}{75,000}\right)\right] \times 0.5\right\} \times 100 =$$

$$\left\{[0.025] + [0.35] + [0.15 + 0.15]\ 0.5\right\} \times 100 = 52.5 \text{ percent}$$

2. Example 2 is substantially the same as Example 1, except that the cost of protection per unit of shore length is not reasonably uniform and division into two compartments is necessary. For simplicity, shore categories in each of these compartments have been limited to four. In actual cases shores in all five categories might be found in all compartments.

Item	Reach of Shore					
	Compartment 1		Compartment 2		Total	
Length, feet	15,000		5,000		20,000	
Construction cost, $:						
Total	750,000		625,000		1,375,000	
Per foot of shore	50.00		125.00		68.75	
Shore length by shore categories, feet:						
I	500		-		500	
II	9,000		1,000		10,000	
III	2,000		1,000		3,000	
IV	3,500		1,000		4,500	
V	-		2,000		2,000	
Total	15,000		5,000		20,000	
Benefits by shore categories, av. ann. $1,000:	Public	Private	Public	Private	Public	Private
I	5	-	-	-	5	-
II	60	-	15	-	75	-
III	15	-	15	-	30	-
IV	20	10	30	15	50	25
V	-	-	-	40	-	40
Total	100	10	60	55	160	65

Computation of Federal share of construction cost: The formula given in paragraph 2a of Appendix A is applicable and is applied separately for each compartment.

Compartment 1

Federal share of construction cost for compartment, in percent =

$$\left[\frac{500}{15,000}\right] + \left[\frac{9,000}{15,000} \times 0.7\right] + \left[\left(\frac{2,000}{15,000}\right) + \left(\frac{3,500}{15,000}\right) \times \left(\frac{20}{30} \times 0.5\right)\right] \times 100 = 59.7 \text{ percent}$$

Compartment 2

$$\left\{\left[\frac{1,000}{5,000} \times 0.7\right] + \left[\left(\frac{1,000}{5,000}\right) + \left(\frac{1,000}{5,000} \times \frac{30}{40}\right)\right] \times 0.5\right\} \times 100 = 30.7 \text{ percent}$$

Total Project

Compartment	Construction Cost, $	Federal Share of Construction Cost	
		%	$
1	750,000	59.7	448,000
2	650,000	30.7	192,000
Total Project	1,375,000	46.5	640,000

3. Example 3 is substantially the same as Example 1 except that it is assumed that certain features of the project involved would reduce Federal costs of maintaining an authorized Federal navigation project by $10,000 annually. This benefit is in addition to those shore protection benefits shown in Example 1. The proportionate share of shore protection benefits also accruing from those same features is assumed to be $70,000. Average annual benefits for those project features thus would be:

Shore protection	$70,000
Navigation	10,000
Total	$80,000

The Federal share of construction costs of those project features which do not contribute to the navigation benefit would be 52.5 percent, as computed in Example 1. The Federal share of construction costs for the project features contributing the navigation benefit, computed in accordance with the formula given in paragraph 5 of Appendix A and expressed as a percent of total construction cost for those features, would be:

$$\left(\frac{10,000}{80,000} \times 100\right) + \left(52.5 \times \frac{70,000}{80,000}\right) = 58.5 \text{ percent}$$

4. Example 4 is similar to Example 2, except that the construction plan includes provision for periodic beach nourishment at an estimated average annual cost of $100,000 which would benefit the entire project frontage.

Item	Reach of Shore		
	Compartment 1	Compartment 2	Total
Length, feet	15,000	5,000	20,000
Construction cost, $			
Initial measures:			
Total	545,000	455,000	1,000,000
Per feet of shore	36.33	91.00	50.00
Periodic nourishment: (*)			
Total (Av. Ann.)	75,000	25,000	100,000
Per feet of shore (Av. Ann.)	5.00	5.00	5.00
(*) Total cost of periodic nourishment distributed between compartments on a frontage basis.			
Shore length by shore categories, feet:	Same as Example 2	Same as Example 2	Same as Example 2
Benefits by shore categories, Av. Ann. $1,000	Same as Example 2	Same as Example 2	Same as Example 2
Computation of Federal share of construction cost	The formula given in paragraph 2a of Appendix A is applicable and is applied separately for each compartment. The Federal aid percentages are as in Example 2:		
	Compartment 1 59.7 percent		
	Compartment 2 30.7 percent		

Federal aid for the project as a whole is computed as follows:

Initial Measures

Compartment	Construction Cost, $	Federal Share of Construction Cost	
		%	$
1	545,000	59.7	325,000
2	455,000	30.7	139,500
Total	1,000,000	46.5(*)	465,000

(*) This figure is the same as the result for Example 2 because the lengths and benefits by shore categories, and the relative compartment costs, are the same as for Example 2.

Periodic Nourishment

Compartment	Periodic Nourishment Cost	Federal Share of Cost for Periodic Nourishment for Period to be Specified	
	Av. Ann. $	%	Av. Ann. $
1	75,000	59.7	44,800
2	25,000	30.7	7,700
Total	100,000	52.5(*)	52,500

(*) Note that the Federal share of periodic nourishment costs for the project as a whole is not the same as the Federal share of other construction costs. (See paragraph 3 of Appendix A.)

5. Comment on Examples. The foregoing examples have been simplified for purposes of illustration, particularly in regard to the matter of uniformity of cost. In typical project cases, shore categories may be extensively intermixed and there may be a wide range of unit costs of protection in each category. Choice of the method for computation of Federal costs must be made on the basis of the conditions encountered in individual cases. The principal alternatives available are between computation on the basis of the project as a whole as opposed to computation on a compartment-by-compartment or section-by-section basis. Reports should contain sufficient detail on costs, benefit occurrence, and alternative costs to support selection of the method of computation used.

[FR Doc. 78-1514 Filed 1-19-78; 8:45 am]

federal register

FRIDAY, JANUARY 20, 1978

PART V



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration

■

NATIONAL GUIDELINES FOR HEALTH PLANNING

[4110-83]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration

[42 CFR Part 121]

NATIONAL GUIDELINES FOR HEALTH PLANNING

Proposed Rulemaking

AGENCY: Public Health Service, HEW.

ACTION: Notice of proposed rulemaking.

SUMMARY: This Notice sets forth, pursuant to section 1501 of the Public Health Service Act, proposed National Guidelines for Health Planning with respect to the following types of health services and facilities:

General hospital beds.
Obstetrical inpatient services.
Neonatal special care units.
Pediatric inpatient services.
Open heart surgery units.
Cardiac catheterization units.
Radiation therapy.
Computed tomographic scanners.
End-stage renal disease.

A purpose of these guidelines is to assist Health Systems Agencies in developing Health Systems Plans and to help clarify and coordinate national health policy. The guidelines being proposed here are to be followed by later issuances setting forth national health planning goals and additional standards respecting the appropriate supply, distribution, and organization of health resources, as required by the Act.

This Notice follows up on the initial Notice of Proposed Rule Making on this subject which was issued on September 23, 1977 (42 CFR Part 121). In view of the widespread interest in the earlier proposed rules, the Department believes it advisable to provide an additional 30-day period for public review and comment on the revised Guidelines. It is the Department's intent to publish final regulations on this matter about 15 days after the end of this comment period. Since interested parties have had an opportunity to review the proposed Guidelines previously, they are urged to submit comments on the revised Guidelines as soon as possible.

The Notice invites all interested parties to submit written comments and recommendations concerning the proposed National Guidelines for Health Planning. After consideration of the material received in response to this Notice, the Secretary of Health, Education, and Welfare will by regulation issue final Guidelines on the specified health services and facilities.

DATE: Comments must be received not later than February 21, 1978.

ADDRESS: Written comments and recommendations should be submitted to: Office of Planning, Evaluation, and Legislation, Health Resources Administration, Room 10-22, 3700 East-West Highway, Hyattsville, Md. 20782. All materials received in response to this Notice and background material which has contributed to the development of the proposed National Guidelines will be available for public inspection and copying at the above location during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Daniel I. Zwick, Associate Administrator for Planning, Evaluation, and Legislation, Health Resources Administration, Center Building, Room 10-22, 3700 East-West Highway, Hyattsville, Md. 20782, 301-436-7270.

SUPPLEMENTARY INFORMATION:

A. Overview

On September 23, 1977, the Secretary of Health, Education, and Welfare published a Notice of Proposed Rulemaking (42 FR 45802 et seq.) proposing an initial set of National Guidelines for Health Planning, as required by section 1501 of the Public Health Service Act, as amended by the Health Planning and Resources Development Act of 1974 (Pub. L. 93-641). The attached document presents a revised version of these Guidelines that reflect extensive analysis of the many comments that were received as well as consultation with expert groups subsequent to the September Notice. The revision also seeks to clarify certain statements that were not understood by or were confusing to many readers of the initial issuance.

Through the enactment of the Health Planning Act, Congress sought to strengthen the development of health care planning at the State and local levels. By designating health service areas throughout the country; by requiring the establishment of Health Systems Agencies (HSAs) to plan locally to meet the health needs and goals of those areas; and by requiring the designation of State Health Planning and Development Agencies (SHPDAs) and State Health Coordinating Councils (SHCCs), the Act provided support for an essential State and local foundation for bringing about comprehensive, long range health planning.

The Act requires the Secretary to issue the National Guidelines concerning national health planning policy which include (1) standards respecting the appropriate supply, distribution, and organization of health resources and (2) a statement of national health planning goals developed after consideration of the national health priorities set forth in section 1502 of the Act. As specified in the statute, these goals, to the maximum extent practicable, are to be expressed in quantitative terms.

The goals and standards issued as part of the National Guidelines are to provide guidance to HSAs, SHPDAs, and SHCCs in the development of local and State health plans. This initial set of standards represents the first segment of what will become a rational, comprehensive set of health planning goals and standards designed to achieve for all Americans "equal access to quality health care at a reasonable cost", as expressed in section 2(a)(1) of the Act.

The Department has determined that the complete set of National Guidelines will include a wide range of goals and standards, addressing such issues as cost containment, access to care, availability and distribution of health care resources, quality of care and health status.

A second set of the National Guidelines, consisting of a set of goals relating to health status, health promotion and prevention, and access to health care will be proposed in the near future. A third issuance, to be issued in the Spring, will propose standards relating to these goals. Additional goals and standards will be issued on a periodic basis.

In publishing the initial set of Guidelines proposed on September 23, the Department decided to focus on a limited number of issues relating to hospital resources that present important short-term opportunities for the containment of costs and the enhancement of the quality of care. In enacting the Health Planning Act, Congress found (section 2(a)) that increases in the cost of health care, particularly of hospital stays, have been uncontrollable and inflationary, and that past public and private sector responses have not resulted in the restraint of costs. If unchecked, hospital costs are likely to double within 5 years. A hospital stay, which cost less than $350 in 1965 and costs $1,300 today, could increase to $2,600 in five years and reach $5,200 in ten years.

B. Process of Initial Standard Development

The standards published for comment on September 23 and revised here concern general hospital beds; obstetrical, pediatric, and neonatal special care units; open heart surgery and cardiac catheterization units; radiation therapy; computed tomographic scanners; and end-stage renal disease.

Each of the standards relate to a health care resource which has been widely discussed and is based on and adapted from a recommendation, guideline, or standard previously developed by one or more medical groups, health planning organizations, or other professional bodies. Addition-

ally, documentation of health standards was obtained through searches undertaken by the National Library of Medicine and the National Health Planning Information Center and systematically reviewed by Department staff.

Materials included in these analyses were reports of such organizations as the Institute of Medicine, the Office of Technology Assessment, the American College of Obstetrics and Gynecology, American Academy of Pediatrics, American College of Radiology, Committee on Perinatal Health, and the Inter-Society Commission on Heart Disease Resources.

Proposed guidelines concerning hospital bed supply were included in a draft of National Guidelines that was widely distributed after October 1976. Some 1,300 comments were received on that material.

C. Process of Public Consultation

Section 1501(c) requires the Secretary to consult with and solicit recommendations and comments from a wide range of planning agencies, medical associations and other interested parties in developing the Guidelines. This has been accomplished through consultations, public notices, public meetings, review by the National Council on Health Planning and Development and other activities.

In publishing the Notice of Proposed Rulemaking on September 23, 1977, the Department allotted a period of 60 days for public comments and later (42 FR 59888) extended this period for an additional 17 days. During this period, more than 55,000 communications were received. Among those who wrote were more than 100 Health Systems Agencies, 30 State Health Planning and Development Agencies, 50 Hospital Associations, 80 Medical Societies, 35 medical schools, 60 national associations as well as thousands of individual hospitals, practitioners and consumers.

During this period, a series of five public meetings were held, during which individuals from the fields of medicine, health administration and consumer interest were actively consulted. Comments and recommendations were also received as the result of the Department's direct request for the views of all State and local health planning agencies and numerous professional and consumer groups. Many other suggestions were received in public hearings before the Subcommittee on Health and the Environment of the House Interstate and Foreign Commerce Committee, and from individual Members of Congress.

The National Council on Health Planning and Development began its consideration of the proposed guidelines at its first formal meeting on September 23, 1977. The Council devoted three days, December 9, 10, and 21, to the review of the proposed guidelines. At the latter meeting, it passed 11 resolutions providing comments and recommendations to the Secretary on this matter.

The Department is grateful to those who participated in the public hearings and to the large number of local and State planning agencies and medical, health, consumer and other groups who have contributed their comments and criticisms. It is also grateful to the many thousands of private citizens who have expressed their views. All have contributed to the development of the revised Guidelines published below.

The process of consultation, thus, has been extensive. At times, the comments received have been spirited. The broad attention to and debate over the National Guidelines are important and necessary steps in increasing understanding of the purposes of the health planning program and the complexities of health care issues. The urgency of containing rapidly rising health costs in order to make possible the achievement of equal access to high quality health care has been further highlighted by the initial issuance of the National Guidelines. The Guidelines have been modified and improved on the basis of the comments received.

D. Major Issues

Most of the comments received expressed concern about the anticipated impact of the proposed Guidelines on local hospital services, especially in rural communities. Other comments were focused on the details of one or more of the 11 proposed standards. The major, general issues are discussed in this section. Major comments concerning the specific standards are discussed in the next section.

1. LOCAL CONTROL

It is the clear intent of the Health Planning Act that health planning be conducted at State and local levels. Nothing in the Act nor in the National Guidelines will or could take planning concerning individual facilities out of local and State hands. The Guidelines provide national benchmarks to help local and State agencies draw up local and State plans. These plans should, and indeed must, recognize special local circumstances and requirements, and the Guidelines provide for recognizing such circumstances.

The Guidelines are aimed at guiding the development of local plans respecting the organization and delivery of health services. They do not include any Federal authority to close any hospitals or to eliminate any services. Neither the Act nor the Guidelines authorize any local Agency, any State Agency, or the Secretary to close any existing hospital or hospital services, such as obstetrical or pediatric services. Decisions with respect to new facilities and services are to be made under State Certificate-of-Need programs, after consideration of the advice of local Health Systems Agencies.

Local Health Systems Agencies have the responsibility to analyze and plan how the Guidelines apply to local conditions and needs. These analyses are to be reflected in the Health Systems Plans. As part of his periodic assessment of the performance of the agencies, the Secretary will review how well this has been done.

Section 1513(b)(2) calls for Health Systems Agencies to develop plans "(B) which are responsive to the unique needs and resources of the area; and (C) which take into account and [are] consistent with the national guidelines * * * respecting supply, distribution and organization of health resources and services." Both these criteria must be met in the establishment of Health Systems Plans.

HSAs are expected to give careful consideration to the National Guidelines in drawing up their HSPs and to use the quantitative standards as benchmarks against which local needs and conditions can be assessed. In planning for the local supply and distribution of health care services specifically described in these National Guidelines, HSAs should determine where the National Guidelines are appropriate planning targets for their local needs and resources, as well as where specific adjustments might be appropriate, due to special local needs or conditions.

In some cases, the Agency may need to adjust a quantitative standard upward or downward to meet a specific local situation. The Guidelines contain a number of specific local conditions which may justify such adjustments to one or more of the standard, such as the age of the local population, seasonal population fluctuations, or the rural nature of an area.

In addition, the Guidelines now contain a general provision which recognizes that other special local conditions may exist which justify adjustment of a national standard. This provision permits the HSA, pursuant to its own detailed analyses, to include adjustments to take account of those local conditions that involve special needs concerning access to needed care and unreasonable costs. Such adjustments will then be reviewed by the SHPDAs and the SHCCs as part of their responsibilities.

The initial Guidelines thus reflect a careful balance between the Federal role in providing national health planning leadership and guidance and the needs of local and State agencies to take account of local health conditions and requirements.

2. RURAL AREAS

Much concern has been expressed in some States that the Guidelines might force many small rural and community hospitals to close. This was not the intention of the proposal; on the contrary, a Departmental objective is to improve access to needed, high quality health care for those living in rural and other underserved areas. As noted above, neither the Act nor the Guidelines provide any authority to close any hospital or eliminate any services.

The proposed Guidelines included a number of provisions addressing the specific conditions and needs of rural areas. The Guidelines published below contain a number of revisions to take further account of the special conditions and needs of rural areas and emphasize the responsibilities of HSAs to make adjustments to take these into account.

In particular, the Guidelines have been modified to emphasize that hospital care should be accessible within a reasonable period of time and to recognize that smaller hospitals are likely to have lower occupancy rates. The standard for obstetrical services has been revised to exempt rural hospitals that provide services primarily for uncomplicated maternity cases and the standard for pediatric services has been limited to urbanized areas. Additional provisions dealing with situations involving travel difficulties have been added to the standards respecting neonatal and radiation therapy units. It has been emphasized that HSAs have the responsibility to analyze and determine travel times.

The House of Representatives passed a resolution on December 6, 1977, indicating that the "Guidelines should include sufficient flexibility to allow a Health Systems Agency to recognize special characteristics in rural areas and, on the basis of these special characteristics, to establish a Health Systems Plan that varies from the National Guidelines, in order to provide health care services to rural residents." The provisions of the Guidelines have been revised to reflect the concerns expressed in that resolution.

3. OTHER ISSUES

a. *Scope of the Guidelines.* As discussed above, the standards published here do not constitute a full array of National Guidelines for Health Planning. The National Guidelines are to be a comprehensive statement of national health planning goals and resource standards. They will provide health policy direction and guidance. They are to encompass all the issues of major importance in developing local Health Systems Plans and State Health Plans.

However, the development of such a comprehensive statement will be a long-term, progressive process. In many cases, there is currently incomplete agreement respecting health goals and resource standards. Thus, as local and State health plans are extended and refined over many years, so will the National Guidelines. These refinements will be based on analyses of local Health Systems Plans and other experiences and analyses.

Additional National Guidelines for Health Planning respecting national health planning goals and other resource standards are under development. It is anticipated that they will be issued for public review and comment early in 1978. They will address such issues as advancement of health status, strengthening health promotion and prevention, and improvements in the accessibility, organization and quality of needed health care.

An initial emphasis on short-term opportunities for cost containment and quality improvement is appropriate if adequate resources are to be available to help achieve longer-term goals with respect to health status, health promotion and prevention, and access to needed care. As noted above, rapid increases in hospital costs are absorbing an exaggerated share of available resources. Planning and actions to contain these increases are essential first steps to make possible the achievement of the statutory aim, viz., equal access to quality health care at a reasonable cost.

b. *Unnecessary utilization.* Standards for minimum utilization of resources involve a risk of encouraging unnecessary utilization. A tendency could develop in certain cases to increase utilization in order to reach the established targets.

Any tendency toward unnecessary utilization is contrary to the intent and purpose of the National Guidelines. The established target levels are meant to include only medically necessary hospital admissions and services.

The Guidelines have been revised to emphasize these principles. Evaluation of their implementation will give continuing attention to these concerns. Continuing efforts will also be made to develop additional population-based standards.

c. *Premature issuance.* The Preamble to the September 23 FEDERAL REGISTER Notice stated that "the state of the art of establishing quantitative resource standards is still in its infancy." Some commentators have emphasized this point and have questioned the adequacy of the data base used in developing the proposed standards.

Others have pointed out that Health Systems Agencies do not have the authority necessary to achieve the target levels or to require anyone to do so. They have felt, therefore, that the development of plans consistent with the proposed standards would be meaningless.

While it is recognized that the process of developing quantitative standards is still in its early stages, the Department believes that sufficient progress has been made to support the standards as issued. Many groups, both public and private, have devoted substantial efforts to the review and evaluation of past experiences and available knowledge. Carefully considered judgments have been applied. The Department, in turn, has reviewed and benefited from this work in formulating the proposed standards. Further, the Department has had the benefit of a substantial amount of additional thoughtful comments as the result of the FEDERAL REGISTER Notice and has used these recommendations in revising the Guidelines.

As stated earlier, the standards will require periodic review and revision as knowledge is increased concerning the most appropriate use and configuration of resources to provide services which meet health needs of the population. The Guidelines will then be reviewed periodically, at least every two years, and revised as necessary based upon further analyses and experiences with their use. It is expected that publication of the Guidelines will contribute to the more rapid maturation of the standards development process.

With respect to the roles of Health Systems Agencies in achieving the established target levels, it is clear that their current authority is limited. As noted before, Health Systems Agencies have no authority under Federal law to close existing hospitals or services nor is the Federal Government authorized to do so. However, the Department believes that Health Systems Plans can and should be important occasions and vehicles for advancing public understanding of these issues and other factors contributing to rises in health care costs and other pressing health problems. Health Systems Plans will be of little value if they do not seriously address these issues.

The Guidelines have been revised to make clear that the Health Systems Plans are to include provisions which, if implemented, will achieve the established targets. The issuance of the Guidelines and the development of the plans should also speed the process of public debate and decisionmaking on the best approaches to implementation.

(d) *Educational programs.* Some writers have expressed concern that the proposed standards might impair training programs, especially for family practice and other types of primary care. It is expected that Health Systems Agencies will give full consideration to the special needs of training programs as they develop Health Systems Plans. Revisions made in the

standards should be helpful to those who are developing programs to prepare additional physicians and nurses for primary care. The importance of these programs and their extension are strongly supported.

The standards provide adequate flexibility to accommodate most training programs. If adjustments are needed, they should be based on thorough analyses by the institutions involved and by the Health Systems Agencies, especially if they are likely to involve substantial additional costs.

(e) *Federal facilities.* Many persons wrote that it is inappropriate and uneconomical that the Guidelines do not apply to Federal health care facilities. Pub. L. 93-641 does not provide authority to do so.

There are, however, many occasions where these planning activities interact with Federal programs. The principal health officers of the Department of Defense and the Veterans Administration as well as the Surgeon General of the Public Health Service serve as members of the National Council on Health Planning and Development. Local officials of the Veterans Administration participate as members of local Health Systems Agency governing bodies and on Statewide Health Coordinating Councils. In addition, plans for changes in the services of Defense Department, Veterans Administration and Public Health Service facilities are normally reviewed by the relevant Health Systems Agencies and recommendations are made by the Agencies.

The Guidelines have been modified to indicate that local Agencies are to take into account the services which Federal health facilities provide local residents. This can be an important factor in planning; for example, needs for local hospital beds may be reduced where a substantial number of residents are receiving care from Federal hospitals.

E. Comments on Specific Standards

While it is not possible to make individual reply to all the suggestions and comments which have been received and taken into account in revising the 11 proposed standards, the following discussion reviews major substantive issues.

Comments on General Provisions

In response to widespread concern and comment, the Department has modified the originally proposed general provisions in several respects.

If a Health System Agency (HSA) concludes on the basis of in-depth analysis that one or more standards should be adjusted in light of special conditions or needs, it may include such an adjustment in its Health Systems Plan, along with detailed documentation of the circumstances justifying the adjustment. The State Health Planning and Development Agency (SHPDA) and the State Health Coordinating Council (SHCC) will review proposed adjustments and the related analyses and, if appropriate, accept proposed adjustments as part of the State Health Plan.

The Department has further included general provisions to indicate that appropriate adjustments should be made to deal with the special needs and circumstances of Health Maintenance Organizations, and to take into account the services provided local residents by Federal health care facilities.

The effective date by which Health Systems Plans are to be consistent with the established Guidelines has been changed. Health Systems Plans established after December 31, 1978 are to be consistent with these standards. HSAs are urged to consider the Guidelines in current planning and review activities.

HSAs, under the regulations, are to establish goals and set forth plans which, if implemented, will achieve the targets set within five years. The Department recognizes that HSAs do not have all the means that may be necessary to achieve such targets.

1. Comments on Standard I Regarding Hospital Bed Supply

Numerous commentators questioned whether this standard should be applied to individual health service areas. They recommended that the standards be focused on the nation as a whole or on States, multiple areas or smaller service areas. Many objected to a uniform approach for all health service areas.

Pub. L. 93-641 calls for the use of the National Guidelines by HSAs which serve the needs of health service areas. The standard is not intended to be applied uniformly across the country. It identifies a number of factors which may justify an adjustment, either upward or downward, on the basis of analyses of local conditions and needs. Other adjustments due to unique local circumstances may also be proposed. It is believed that the standard (less than 4.0 beds/1000 population) is an appropriate and reasonable target as a ceiling and a useful starting point for analyses by HSAs. In many cases, it has been shown that necessary, high quality care can be provided with a much lower supply of hospital beds.

Some comments suggested that, in order to take into account the wide variations in bed supply which exist across the country, a percentage figure (such as 10%) be set as a target for the reduction in beds by health services areas. It was pointed out the proposed standard may involve major decreases in some areas and little or no decreases in other areas. It was suggested a 10% reduction is more in line with current levels and may be more easily achievable in many areas. This approach has not been accepted. An across-the-board reduction would tend to penalize those areas which in the past have limited the number of hospital beds.

Some letters pointed out that many other factors need to be considered, such as demographic characteristics of the population, specific types of facilities and beds, patient mix, and the availability of alternative forms of care. In a few instances, a formula approach was suggested to help identify the most appropriate target level. The established standard is only intended to set a ceiling. Individual HSAs are expected to undertake more refined analysis to identify the most appropriate local target, usually below the ceiling, and to identify desirable variations within the health service area.

Several comments addressed the relationship between the general hospital bed supply standard and the supply of beds in specific services, such as general medical/surgical, obstetrical, pediatric, etc. Several recommended that service-specific standards be developed. Others suggested that the Guidelines address different levels of care, e.g., primary, secondary and tertiary, within the content of regionalized systems. The importance of such sophisticated targets is recognized. It seems premature, however, to set such standards on a national basis at the present. Individual HSAs may extend their analysis to address such issues based upon the resources, information, and the technical capabilities at hand.

Several commentators suggested that 4.0 beds per 1000 population is too high a target ceiling. It is not intended that HSAs plan for a level of resources in excess of that needed to adequately serve the needs of the community. Areas with a lower ratio should seek to reduce the supply further except in those cases where it can be demonstrated that reductions would result in serious problems of access to needed services or an adverse affect on quality.

Several persons recommended that the standard should focus on utilization rates (i.e. patient days/1000 population) rather than on bed supply. The statute calls upon the Department to issue resource standards, not utilization standards. The intimate relationship between utilization rates, occupancy rates, and bed supply is recognized, however. HSAs are urged, in cooperation with PSROs and other utilization review mechanisms, to analyze the utilization of hospital services by residents of their areas and to plan for appropriate reductions whenever feasible.

Several comments questioned the cost savings resulting from reductions

in bed/population ratios. Differences among licensed beds, available beds and staffed beds were pointed out. HSAs are urged to consider entire facilities in their planning. While analyses are usually based on licensed beds, it is recognized that other factors must be considered as well.

Numerous commentators suggested that the standard be clarified to indicate the specific type of beds to be included, e.g. psychiatric. This suggestion has been accepted and revisions made. It is recognized that a relatively broad definition is presented. A similar approach will be used in the regulations to be issued on State Medical Facilities Plans.

Some viewed the proposed exception for age (i.e. 33 percent above the national average of those aged 65 and over) as too restrictive in view of the recognized significant increase in need for hospital care by the elderly. A lower threshhold was recommended, usually 20 percent or so above the national average. This suggestion has been accepted.

Numerous comments expressed concern that the exception for rural areas, based upon a 45-minute travel time to care, was too restrictive. It was pointed out that travel time frequently depends upon weather conditions and that local health planning agencies often use 30 minutes travel time as a planning factor. The suggestion has been accepted. The responsibility of HSAs to analyze and determine travel time in light of local conditions and the importance of ensuring access to needed hospital care have been more explicitly emphasized.

Some comments suggested that greater flexibility be provided for seasonal population fluctuations through the incorporation of a provision for adjustments due to seasonal factors other than those specified. This suggestion has been accepted.

Others suggested that, in view of the range of needs and circumstances which exist across the country, other exceptions be provided. As noted above, adjustments other than those specified may be appropriate. Such adjustments are to be presented by the HSA based upon its analyses, reviewed by the SHPDA and SHCC, and if appropriate accepted as part of the State Health Plan.

A number of requests were received for further specificity regarding use of the identified adjustments factors. The provision concerning referral hospitals has been clarified. However, other terms have not been specified in the belief that HSAs should have the flexibility to determine the most appropriate uses as part of their analyses.

Others recommended that attention be given to the potential impact of local Federal health care facilities and Health Maintenance Organizations on the need for beds and to the importance of supporting local activities aimed at achieving the national health priorities set forth in Section 1502 of Pub. L. 93-641. These recommendations have been accepted and changes made in the "Discussion" section.

Other special circumstances were also identified, including needs of programs of medical education and research; patterns of morbidity and mortality; socio-economic and racial characteristics; personal and ethical preferences; and facilities with low per diem costs. It is recognized that such factors should often be taken into account and it is anticipated that HSAs will do so in the development of their plans.

2. COMMENTS ON STANDARD II CONCERNING HOSPITAL OCCUPANCY RATES

Many commentators applied the proposed occupancy rate (i.e. over 80%) to their institution rather than on an area-wide basis. The standard has been revised to make clear that it is to be applied on an area-wide basis, in line with the emphasis in Pub. L. 93-641 on planning on a community-wide basis.

Numerous comments expressed concern that the specification of a minimum occupancy rate may provide an incentive for unnecessary hospital admissions or extended lengths of stay. Revisions have been made to emphasize that it is not intended that increased rates be achieved through unnecessary utilization.

A number of suggestions were made for changes in the occupancy rate, including recommendations for a lower percentage for rural areas. The Guidelines have been revised to recognize that lower average annual occupancy rates are usually experienced by smaller hospitals, including those in rural areas, to accommodate normal fluctuations in admissions.

Several comments pointed out that empty beds may not be so costly since they are often not staffed. This condition is recognized. However, excess beds not only involve substantial investment costs but often present irresistible temptations for over-utilization. It is believed these resources are better devoted to more socially useful purposes. In determining excess beds, potential changes in population must be analyzed, of course.

A number of comments were received suggesting that occupancy rates are best applied to specific services. It was pointed out that specialized services should operate at different occupancy rates in light of their size and nature. Others proposed raising the target level or limiting the standard to general medical/surgical beds. It is recognized that various specialty services have different requirements for optimal utilization and that more sophisticated approaches are often appropriate in analyzing occupancy rates. Many HSAs will choose to use such approaches. However, in view of the lack of available data in many areas on the number and utilization of beds assigned to specific services, it seems premature to set national standards of occupancy by service, except for obstetrical and pediatric services.

A number of suggestions were made to provide more specific definitions and additional adjustments. It is believed that such determinations are best left to local analyses.

3. COMMENTS ON STANDARD III CONCERNING OBSTETRICAL SERVICES

Many comments were received suggesting that the standard be revised to take into consideration the recommendations of numerous groups respecting regional development of perinatal services. This approach emphasizes the importance of planning comprehensively for pregnant women and for mothers and their infants, for establishing effective linkages among various levels of care, and for providing the level of care most appropriate to differing conditions and risks. A regionalized system of care should integrate various levels of care: Level I for uncomplicated cases; Level II for services of uncomplicated problems and the majority of complicated problems and certain neonatal services; and Level III for handling all serious types of illnesses and abnormalities.

In response to these comments, the standard has been rewritten to emphasize a regionalized approach. Primary attention has been focused on the development and support of linkages among various facilities providing obstetrical and related services so that pregnant women will receive the most appropriate care for their needs and on the efficient and economical operation of the more expensive Level II and III facilities.

Many persons in rural areas and smaller communities expressed considerable concern that the proposed standard would threaten obstetrical services in their local hospitals. The proposed exception for rural areas appeared difficult to apply and inadequate. It was pointed out that the costs in such smaller hospitals are usually relatively low. The revised standard does not set any limits for smaller hospitals that primarily provide care for uncomplicated births. It encourages such hospitals to join in regionalized arrangements so that there will be early and prompt referral of any women requiring more specialized care.

Numerous commentators argued that the proposed standard for the minimum number of deliveries was too high. Some suggested that there is a lack of empirical evidence that smaller

units are more costly or provide lower quality care. Some felt that the larger facilities can impair access, increase inconvenience, raise costs due to the increasing specialization of services, threaten family-centered maternity services and depersonalize care.

The revised standard lowers the threshold to 1,500 annually, to be applied to Level II and III facilities only. No minimum is established for Level I facilities or for other facilities providing care for uncomplicated cases. The lower minimum is in line with the policies of many local and State health planning agencies.

Comments were also received expressing concern that the distinction between SMSA and non-SMSA areas is unrelated to health care. In line with the emphasis on regionalization, this distinction has been dropped.

Comments were received recommending the identification of additional factors, such as birth rates, age, high risk populations, teaching institutions, and ethical and religious preferences. It is recognized that such circumstances will often warrant specific analyses and consideration. Such adjustments should be based on local circumstances and be part of local Health Systems Plans.

Some suggested that transportation of high risk mothers to the appropriate level of care prior to delivery be emphasized. This suggestion has been accepted.

Several persons indicated that the proposed occupancy standard was too high and may foster more extended lengths of obstetrical stays than are required. Others felt that the proposed standard was unrealistic for hospitals with units of varying size, given the variability of obstetrical demand. The revised standard establishes a standard of 75% occupancy only for larger units (Levels II and III). It is not intended that increased occupancy rates be achieved through unnecessary hospital admissions or stays.

4. COMMENTS ON STANDARD IV CONCERNING NEONATAL SERVICES

(Numbered Standard VI in NPRM)

Many commentators urged that the standard emphasize a regionalized approach, closely relating services for expectant mothers and newborns. This approach would be in line with recommendations of many professional associations. The standard has been revised to emphasize a regionalized approach, including various levels of care.

Many comments urged the standard be clarified to indicate whether it was intended to cover only intensive care. The revised statement focuses on neonatal intensive and intermediate care beds and Level II and III facilities.

Some commentators felt that the standard should be more specifically related to the number of patients at risk. A newly added dimension recognizes upward adjustments for areas with a large number of high-risk pregnancies.

The relation of this standard to emergency medical services programs was questioned. The standard is not intended to disrupt these programs; rather, it should work in concert with these services. Extant infant transport services can augment regionalized systems.

The standard regarding minimum number of beds was the subject of comment. Suggested changes ranged from 10 to 18 beds per unit. The standard has been lowered to 15 beds and no specific breakdown is given in order to provide flexibility. The purpose of this standard is to ensure that the specially staffed and equipped special care unit will serve a sufficiently large population to jusitfy its costs.

Some commentators pointed out that special arrangements are sometimes necessary to ensure that services are available to geographically remote areas because of the difficult travel problems involved for both the child and parents. A provision has been included to recognize that in some cases smaller Level II units may be justifiable. Because of the more specialized services necessary, smaller Level III units are not indicated. Additional emphasis has also been included on the importance of ensuring adequate transportation arrangements.

COMMENTS ON STANDARD V CONCERNING PEDIATRIC UNITS

(Numbered Standard IV in NPRM)

The term "pediatric units" has caused confusion. Some writers interpreted the term to refer to all pediatric services and expressed alarm that the care of children in smaller hospitals, especially rural hospitals, would be impaired. Others expressed concern that the closing of smaller units might result in poorer care for children if they were relocated among adults. It was frequently noted that hospitals in smaller communities, especially in rural areas, do not include discrete pediatric units. It was also urged that the definition include children's hospitals.

The standard has been revised to specifically include children's hospitals and to limit its focus to hospitals in urbanized areas. This is aimed at clarifying the intent to focus attention on larger, more costly facilities and to encourage inter-institutional arrangements in areas with multiple resources.

Many writers objected to limiting the definition of pediatric care to patients under 15 years old. Suggested changes ranged from under 16 years to age 21. The definition has been expanded to age 18 in order to be more consistent with national norms. A larger patient population will broaden the base for both service and training.

Several comments mentioned that the size of pediatric units should reflect the socio-economic and health needs of the community. The concept of regionalized plans responds to this concern inasmuch as each plan should consider community-related resources and requirements.

Many noted that volume alone does not ensure quality or cost-effectiveness. The intention of the minimum bed standard is to encourage consolidation of services specifically related to pediatric care in order to better meet the special needs of children.

The minimum number of beds set for a pediatric unit caused problems for some respondents. Several commentators stated that a range would be more appropriate while others felt that the 20-bed minimum was too high. Since the standard has been focused on urbanized areas (communities exceeding 50,000 population) with larger hospitals, the target level seems appropriate.

With regard to the travel time provision, commentators suggested changes ranging from 20 minutes to 60 minutes as well as the need to consider the location of alternative units. The 30-minute standard has been retained inasmuch as it insures close proximity to parents.

Several respondents questioned whether or not the 30-minute requirement was under normal travel conditions. It is the responsibility of the HSA to analyze and determine travel times.

Several writers questioned whether the reference to 10 percent or more of the population refers to the pediatric population or the entire population. It includes the entire population since adults as well as children are involved in traveling to the units.

6. COMMENTS ON STANDARD VI REGARDING PEDIATRIC OCCUPANCY RATES

(Numbered Standard V in NPRM)

Some comments questioned the proposed occupancy rates. Some stated they were too permissive for densely populated areas; others suggested one standard regardless of the unit size; and many recommended that the variable rates be retained but the levels decreased. Some warned that in order to attain the occupancy requirements, patients marginally in need of care might be admitted or average length of stay might be increased. Several writers suggested the need for an occupancy rate for units with fewer than 20 beds.

Variable occupancy rates have been retained in order to focus on varying requirements of differently sized units. The levels have been reduced by 5 percent for larger units to reflect the

concerns expressed by many. The standard is not intended to encourage questionable admissions or increased lengths of stay.

7. COMMENTS ON STANDARD VII CONCERNING OPEN HEART SURGERY

Numerous comments were received recommending the inclusion of a specific provision differentiating between adult and pediatric cardiac surgery. A provision has been added for a minimum of 100 open heart procedures annually in any institution in which pediatric surgery is performed, of which at least 75 should be open heart surgery.

Several comments emphasized the importance of the surgical team and recommended that the standard for the minimum number of surgical procedures be made to apply to surgical teams rather than institutions. While the importance of the surgical team is recognized, the suggestion for change in the standard has not been adopted in view of the other costly resources involved in the work of the open heart surgical team, and the focus of the standards on institutional capacities.

Several comments were received requesting further definition of terms, such as "open heart" surgery and "procedures". A request was also made that the ICDA codes constituting open heart surgery procedures be specified. A definition has been added in the "Discussion" section.

A few comments recommended that population-based need criteria be included. While the importance of population-based guidelines is recognized, there are currently no broadly recognized criteria for determining a population base for open heart surgery procedures.

Numerous comments were received pointing out the need for a developmental period of time for phasing in new open heart units. The suggestion has been accepted and a provision has been added for a phase-in period of three years for new services.

A suggestion was made that the 200 minimum caseload be limited to SMSA areas with over 100,000 population. In view of the highly specialized nature of open heart surgery, this suggestion has not been accepted.

Numerous comments were specifically addressed to the requirement for 350 open heart surgery procedures prior to opening up a new unit. Some comments objected to the requirement as too high and suggested lower alternative thresholds. Others pointed out that some existing programs could not economically be expanded to that level. Others were concerned by the potential constraints on competition. The target level has not been revised since it is believed to be a reasonable level. In extraordinary situations, however, HSAs are expected to prepare appropriate analyses and develop a justifiable adjustment in the standard.

A number of other reasons for exceptions were suggested, including teaching institutions, research purposes, geographic configurations, and other circumstances. HSAs are expected to consider these needs as they develop their Health Systems Plans.

8. COMMENTS ON STANDARD VIII CONCERNING CARDIAC CATHETERIZATION UNIT SERVICES

A number of comments were received regarding the minimum volume of procedures specified in Part A. While some endorsed the recommended caseload, others recommended that the volume be reduced in view of the restrictive definition of procedures used. The minimum volume encompassing overall procedures has not been revised downward, but a provision has been added to clarify that intracardiac and/or coronary artery catheterization procedures should constitute at least 200 of the total procedures.

Several comments expressed the need for a period of time for phasing in new units. This suggestion has been accepted and the Guidelines revised to reflect a phase-in of three years.

Suggestions were also received for lowering the minimum volume for pediatric cardiac catheterization units. In view of the highly specialized nature of these procedures, the standard has not been revised.

Several comments were received requesting further definition of terms. A request was also made that the ICDA codes be indicated. While the ICDA codes have not been specified, it should be noted that the guidelines refer specifically to intracardiac and/or coronary artery catheterization.

Some comments were received objecting to the requirement that new cardiac catheterization units be opened only in facilities performing open heart surgery. Recommendations were made that the provision be deleted, that HSAs determine the optimal location of facilities, or that requirements for inter-institutional agreements be substituted. It was pointed out that some existing units have close, effective working relations with open heart surgery programs. While different views on this subject are recognized, the standard has not been revised since it is believed to be the most desirable approach for new units in terms of quality and cost.

Some comments objected to the requirement that no additional units be opened unless the projected number of studies is greater than 500. A variety of suggestions were made, including higher levels. The standard has not been revised since it is reasonable and soundly based. Concern was also expressed with the possible effect on competition of requiring a threshold of 500 procedures in existing units prior to opening a new unit. It was suggested that this requirement might preclude the development of new units and create monopolistic situations. It is believed that expansion of costly resources should usually take place only where there is adequate utilization of existing resources.

A number of exceptions were suggested, including provisions for geography, accessibility, referral centers, teaching hospitals, and other circumstances. No exceptions have been included but it is expected that HSAs will carefully consider these circumstances in the development of Health Systems Plans.

Several comments were received on the importance of quality controls in cardiac catheterization. The importance of utilization reviews and outcome evaluations in assuring the necessity and quality of procedures is recognized. The minimum volume standards are designed to promote quality through specialized facilities and the maintenance and development of necessary skills.

9. COMMENTS ON STANDARD IX CONCERNING RADIATION THERAPY

Confusion resulted from the reference in the proposed standard to 450 new cancer cases, of which two-thirds were expected to require radiation therapy. Some suggested that this be changed to a minimum of 300 cases requiring treatment. Such a revision has been made.

A few writers pointed out that the incidence of cancer varies among areas and that, therefore, the 150,000 population base will not always apply. Such variation is recognized and the standard provides sufficient flexibility for HSAs to take this fact into account as part of their analyses in developing Health Systems Plans.

It was pointed out that a period of time is usually necessary for a new unit to build up to a minimum workload. A provision has been added for a three-year developmental period.

Some comments objected to the requirement that all units in an area should be operating at capacity before a new unit is approved. They noted that since the process of approval is often long, arrangements may need to be made several years in advance; furthermore, it may not be practical for certain units to expand their load and desirable competition may be discouraged. The standard provides flexibility for advance approval of new units when an existing unit is expected to achieve the target level. In special cases when all existing units can not reasonably be expected to reach the target level and a new unit is appropriate, the HSA may call for an adjustment in the standard as part of its

plan, based on its analyses of local conditions and needs.

A number of writers recommended the target level be reduced below 7,500 treatments. Suggested changes ranged between 5,000 and 6,500. It was also pointed out that the difference in patient mix affects the number of treatments that can be handled. The standard has been reduced to 6,000 treatments per year in line with the suggestions received.

The importance of defining the term "treatment" was often pointed out. This has been done in the "Discussion" section.

Many writers proposed a provision to address the needs of geographically isolated areas. They emphasized that many patients experience serious difficulties in traveling substantial distances to obtain necessary courses of treatment. A provision has been added to address these situations, based on analyses by the local HSA.

10. COMMENTS ON STANDARD X CONCERNING COMPUTED TOMOGRAPHIC SCANNERS

Some commentators objected to the issuance of a standard on this topic. They emphasized the CT scanning techniques and equipment are rapidly changing and that more extensive uses and less costly machines are being developed. The important contribution of these procedures as a diagnostic tool, when appropriately used, is recognized. The standard provides substantial flexibility to ensure that further desirable developments will not be impaired, while encouraging increased emphasis on appropriate utilization and cost consciousness. The standard will be evaluated periodically to determine whether revisions are needed in light of new knowledge and practices.

Many communications emphasized that body scans usually require more time than head scans. It was urged that these differences be reflected in the standard; one suggested approach was a weighting formula. These differences are recognized, but it is believed that sufficient flexibility has been included in the standard to take them into account. It does not seem desirable to set separate standards for head and body procedures since this could result in more costly arrangements. As additional information is available, a weighting scheme may be proposed in the future.

Many objected to the threshold of 4,000 patient procedures. It was argued that such an intensive work schedule could impose hardships on patients and staff. The standard has been modified to re-emphasize the 2,500 target. It does not seem unreasonable that this equipment should be used routinely more than 40 hours a week, as is done in most hospitals.

Some comments urged that the standard concerning the use of existing equipment be deleted and each proposal for new equipment be considered by itself. They argued that it was unfair and undesirable to delay purchase by one facility because an existing unit was not being effectively used. These views do not appear to take into account the community-wide planning concepts that are integral to Pub. L. 93-641.

The proposed standard concerning the determination of charges was questioned by many writers as being beyond the scope of the National Guidelines. Others suggested a uniform cost-based methodology be introduced. This provision has been deleted. It is urged that charges for scanning be carefully re-evaluated and be reduced to the maximum extent feasible in light of more widespread and efficient utilization.

The proposed provision concerning data collection was felt by many to be undesirable as a routine requirement and to involve excessive costs. The detailed specifications have been deleted; a recommended data set will be published separately in the near future. Provision for a supplementary routine utilization review mechanism has been added, in line with a number of suggestions.

Questions were raised concerning the definition of "patient procedure." This issue has been addressed in the "Discussion" section.

Many commentators expressed the concern that imposition of a standard would encourage unnecessary utilization. The standard has been modified to specify that only "medically necessary" procedures are to be considered.

It has been urged that the standard emphasize that it applies to all operators of scanners regardless of location. This has been done.

11. COMMENTS ON STANDARD XI CONCERNING END-STAGE RENAL DISEASE

Many of the comments received urged the current regulations be amended to give further support to self dialysis and to encourage increased utilization of existing units. Clarification of realtionships between the end-stage renal dialysis program and the health planning program was recommended by some writers. The Health Care Financing Administration is currently reassessing the established regulations; the comments received have been made available to them for consideration in that process.

Accordingly, it is proposed 42 CFR be amended by adding thereto a Part 121 as set forth below.

NOTE.—The Department of Health, Education, and Welfare has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: January 18, 1978.

JULIUS B. RICHMOND,
Assistant Secretary for Health.

Approved: January 18, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary.

PART 121—NATIONAL GUIDELINES FOR HEALTH PLANNING

Subpart A—General Provisions

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[Reserved]

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121.211 End-stage renal disease (ESRD).

AUTHORITY.—Sec. 1501, Public Health Service Act, 88 Stat. 2227 (41 U.S.C. 300k-1).

Subpart A—General Provisions

§ 121.1 Definitions.

Terms used herein shall have the meanings given them in 42 CFR 122.1.

§ 121.2 Purpose and scope.

Section 1501 of the Public Health Service Act requires the Secretary to issue, by regulation, national guidelines for health planning. The guidelines are to include national health planning goals (section 1501(b)(2)) and standards respecting the supply, distribution, and organization of health resources (section 1501(b)(1)). This subpart includes general provisions applicable to such goals and standards; Subpart B of this part sets forth specific national health planning goals; and Subpart C sets forth specific standards respecting the supply, distribution, and organization of health resources.

§ 121.3 Applicability of national guidelines to Health Systems Plans.

Section 1513(b)(2) of the Act requires health systems agencies, in the development of their Health Systems

Plans, to give "appropriate consideration" to the national guidelines for health planning. Health Systems Plans must also "take into account" and be "consistent with" the standards respecting the supply, distribution, and organization of health resources set forth in Subpart C of this part.

(a) *Meaning of "consistent with."* A Health Systems Plan will be considered "consistent with" a standard set forth in Subpart C of this part where it: (1) Establishes a goal which is not in excess of the level set forth in the standard where that level is stated as a maximum, or not less than the level set forth in the standard where that level is stated as a minimum, and (2) includes plans which, if implemented, are reasonably calculated to achieve that goal within five years, except where a specific adjustment is justified in accordance with Subpart C of this Part or § 121.6.

(b) *Effective date.* Health Systems Plans established after December 31, 1978, must be consistent with each standard set forth in Subpart C of this part.

§ 121.4 Applicability of national guidelines to State health plans.

Each State's State health plan developed under Title XV of the Act must be "made up of" the Health Systems Plans of the health systems agencies within the State, revised as found necessary by the Statewide Health Coordinating Council to achieve their appropriate coordination with each other or to deal more effectively with Statewide health needs. Section 1524(c)(2)(A) of the Act. Since Health Systems Plans must individually give appropriate consideration to the national guidelines for health planning and take into account and be consistent with the standards respecting the supply, distribution, and organization of health resources, the State health plan will accordingly reflect the guidelines.

§ 121.5 Responsibility of health systems agencies.

Subject to the authority of the Statewide Health Coordinating Council to require the revision of Health Systems Plans under section 1524(c)(2)(A) of the Act, each health systems agency is responsible for analyzing the needs and conditions in its health service area and applying the national guidelines for health planning in the development of its Health Systems Plan, including the need for adjustments.

§ 121.6 Adjustments of standards for particular Health Systems Plans.

Subpart C of this part includes provisions for adjustment of individual standards. In addition:

(a) Health systems agencies must make such adjustments as may be necessary:

(1) To take into account special needs and circumstances of Health Maintenance Organizations; and

(2) To take into account services available to local residents from Federal health care facilities.

(b) Whenever a health systems agency concludes, on the basis of a detailed analysis, that development of a Health Systems Plan consistent with one or more of the standards set forth in Subpart C of this part would result in:

(1) Residents of the health service area not having access to necessary health services;

(2) Significantly increased costs of care for a substantial number of patients in the area; or

(3) The denial of care to persons with special needs resulting from moral and ethical values;

and that result cannot be avoided through use of the adjustments specifically provided for in the standard or in paragraph (a) of this section, the agency may include in the Health Systems Plan a special adjustment of the standard or standards which will avoid this result. Whenever a special adjustment is so included, the plan must also contain a detailed justification for the adjustment and documentation of the circumstances that are the basis of the justification. In the case of an adjustment included on the basis of subparagraph (1) or (2) of this paragraph, the plan must further include an analysis indicating whether the need for such an adjustment is permanent. If it is, the supporting rationale must be documented and if it is not, an estimate must be included of how long inclusion of the adjustment will be required along with a detailed justification for that length of time.

(c) Any proposed adjustment under this section and the analyses supporting it must be reviewed by the State health planning and development agency in its preparation or review of the preliminary State health plan under section 1523(a)(2) of the Act and by the Statewide Health Coordinating Council in its preparation or review of the State health plan under section 1524(c)(2) of the Act. On the basis of that review, and consistent with Statewide health needs and the need to coordinate Health Systems Plans as determined by the Statewide Health Coordinating Council, the adjustment may be made part of the State health plan. The Statewide Health Coordinating Council shall report its comments on and disposition of the proposed adjustments to the Secretary under section 1524(c)(1) of the Act.

Subpart B—National Health Planning Goals [Reserved]

Subpart C—Standards Respecting the Appropriate Supply, Distribution, and Organization of Health Resources

§ 121.201 General hospitals—Bed supply.

(a) *Standard.* There should be less than four non-Federal, short-stay hospital beds for each 1,000 persons in a health service area except under extraordinary circumstances. For purposes of this section, short-stay hospital beds include all non-Federal short-stay hospital beds (including general medical/surgical, children's, obstetric, psychiatric, and other short-stay specialized beds). Conditions which may justify adjustments to this ratio for a health service area are:

(1) *Age.* Individuals 65 years of age and older have a higher hospital utilization rate—up to four times that of the general population—than any other age group. Bed-population ratios for health service areas in which the percentage of elderly people is significantly higher (more than 12 percent of the population) than the national average may be planned at a higher ratio, based on analyses by the HSA.

(2) *Seasonal population fluctuations.* Large seasonal variations in hospital utilization may justify higher ratios. Plans should reflect vacation and recreation patterns as well as the needs of migrant workers and other factors causing unusual seasonal variations.

(3) *Rural areas.* Hospital care should be accessible within a reasonable period of time. For example, in rural areas in which a majority of the residents would otherwise be more than 30 minutes travel time from a hospital, the HSA may determine, based on analyses, that a bed-population ratio of greater than 4.0 per 1,000 persons may be justified.

(4) *Urban areas.* Large numbers of beds in one part of a Standard Metropolitan Statistical Area (SMSA) may be compensated for by fewer beds in other parts of the SMSA. Health service areas which include a part of an SMSA may plan for bed-population ratios higher than 4.0 per 1,000 persons reflecting existing patterns if there is a joint plan among all HSAs serving the SMSA which provides for less than 4.0 beds per 1,000 persons in the SMSA as a whole.

(5) *Areas with referral hospitals.* In the case of referral institutions which provide a substantial portion of specialty services to individuals not residing in the area, the HSA may exclude from its computation of bed-population ratio the beds utilized by referred patients who reside outside both the SMSA and the HSA in which the facility is located.

(b) *Discussion.* There is general agreement that the number of general

hospital beds in the United States is significantly in excess of what is needed and that utilization of acute in-patient care resources is often higher than necessary. Excess bed capacity and use contribute to the high cost of hospital care with little or no health benefits. Empty beds are often filled by patients who could be cared for as well or better in less expensive ways, such as ambulatory care or home care. The Institute of Medicine's Report on "Controlling the Supply of Hospital Beds" in 1976 recommended that the nation should achieve at least a 10 percent reduction in the bed population ratio in the next five years and further significant reductions thereafter. The Institute statement noted: "This would mean a reduction from the current national average of approximately 4.4 non-Federal short-term general hospital beds per 1,000 population to a national average of approximately 4.0 in five years and well below that in the years to follow." Similarly a study reported by InterStudy of Minneapolis, Minn. the same year concluded that a 10 percent reduction in hospital bed supply would be a desirable and reasonable first step toward reducing excess hospital capacity. As part of the process for determining this standard, the Department reviewed projections in State health facilities planning plans. Such plans have set targets for future hospital bed supply that, on an aggregate nationwide basis, project just under 4.0 beds per thousand. Many States set lower targets. Health Maintenance Organizations and similar groups have shown that high quality care can be provided with less than 3.0 beds per 1,000 population. Thus, 4.0 beds per 1,000 population is a ceiling, not an ideal situation. HSAs are expected to identify the desirable local ratio, working closely with the State Health Planning and Development Agency and the Statewide Health Coordinating Council. It is anticipated that in subsequent plans HSAs will be required to indicate how they will reach a bed-population ratio of less than 3.7 per 1,000 population, except under extraordinary circumstances. HSAs whose areas are now below the 4.0 per 1,000 level are urged to attempt to decrease bed-population ratios below 3.7 per 1,000 population. In areas where Federal medical facilities and Health Maintenance Organizations provide substantial services to local residents, lower ratios should be readily achievable. Population growth must be carefully analyzed; in many cases, this factor alone will bring the area below the target level if no unnecessary additional beds are built. Under some conditions, a higher target ceiling may be justified by the HSA. Travel distance to the nearest hospital is one of the most important factors to be analyzed, especially in rural areas. A planning criteria of 30 minutes has been set, in line with the policies of many local and State health planning agencies around the country. In analyzing ways of reducing bed supply, it should be recognized that greater savings will be achieved when entire facilities are considered. In developing such plans, priority consideration should be given to maintaining and strengthening resources that are emphasizing activities identified as national health priorities in Section 1502 of the Act.

§ 121.202 General Hospitals-Occupancy Rate.

(a) *Standard.* There should be an average annual occupancy rate of at least 80% for all non-Federal, short-stay hospital beds considered together in a health service area, except under extraordinary circumstances. Conditions which may justify an adjustment to this standard for a health service area are:

(1) *Seasonal population fluctuations.* In some areas, the influx of people for vacation or other purposes may require a greater supply of hospital beds than would otherwise be needed. Large seasonal variations in hospital utilization which can be predicted through hospital and health insurance records may justify an average annual occupancy rate lower than 80% based on analyses by the HSA.

(2) *Rural areas.* Lower average annual occupancy rates are usually required by small hospitals to maintain empty beds to accommodate normal fluctuations of admissions. In rural areas with significant numbers of small (fewer than 4,000 admissions per year) hospitals, an average occupancy rate of less than 80% may be justified, based on analyses by the HSA.

(b) *Discussion.* There is substantial evidence that excess capacity and use contribute significantly to high hospital costs. The 1976 report by the Institute of Medicine, for example, found that "there is a growing concern that the surpluses of hospital beds are contributing significantly to the recent rise of health care costs at a rate well beyond that of general inflation. This concern has not only to do with the cost of maintaining unused hospital bed capacity, but also with the unnecessary and inappropriate uses of hospital beds, especially those in the short-term care category." Occupancy rates currently average about 75% nationwide. Many hospital capacity studies, including those by InterStudy and the Bureau of Hospital Administration of the University of Michigan, indicate that an average hospital occupancy rate exceeding 80% is a reasonable target. In addition, many State and local health planning agencies have established higher occupancy targets. For example, health planning agencies in Illinois, New Jersey, New York, Massachusetts, Michigan and Wisconsin, have recommended occupancy rates higher than 80% for larger hospitals. Higher averages have been advocated, especially for medical-surgical units. While past studies typically apply these rates to individual institutions, the Department, in line with the objectives of community-wide planning, has extended this concept to apply on an area-wide basis. Within local health service areas, hospitals of varying size and circumstances will have varying occupancy rates; a collective rate exceeding 80% on an area-wide basis is a reasonable, achievable goal except in rural areas and when situations present extraordinary circumstances. Increases are to be attained through constrained capacity growth and improved planning and management. It is not, of course, intended that increased rates be achieved through unnecessary hospital admissions or stays.

§ 121.203 Obstetrical Services.

(a) *Standard.* (1) Obstetrical services should be planned on a regional basis with continuing linkages among all obstetrical services and with neonatal services.

(2) Hospitals providing care for complicated obstetrical problems (Levels II and III) should have at least 1,500 births annually.

(3) There should be an average annual occupancy rate of at least 75 percent in each obstetrical unit with more than 1,000 births per year.

(b) *Discussion.* The importance of developing regional systems of care for maternal and perinatal health services has been broadly recognized. The Committee on Perinatal Health, representing the American Academy of Family Physicians, American Academy of Pediatrics, American College of Obstetricians and Gynecologists, and the American Medical Association issued a report in 1976, "Toward Improving the Outcome of Pregnancy." The report identified opportunities to reduce rates of maternal, fetal, and neonatal mortality as well as to improve deployment of scarce resources, especially those needed to provide comprehensive services for high-risk patients. The impact on quality of care of both under-utilization and over-utilization was emphasized.

The report states: "A systematized, cohesive regional network including a number of differentiated resources is the approach most likely to achieve the objective. Each component of the regional system must provide the highest quality care, but the degree of complexity of patient needs determines where, and by whom, the care should be provided." Level I hospitals provide services primarily for uncomplicated maternity and newborn cases.

Level II hospitals provide services for uncomplicated cases and for the majority of complicated problems, and certain neonatal services. Level III hospitals are able also to handle all the serious types of illness and abnormalities. Established arrangements should provide for early access of high-risk pregnant women and prompt referrals among levels of care as appropriate. Regional planning should include a cooperative, coordinated network of hospitals, physicians and other health care professionals, providing (1) expert consultation and referral (2) basic and continuing education for health professionals and consumers, (3) transport of selected patients to facilities possessing more specialized maternal and neonatal services, (4) a continuing evaluation of the effectiveness and costs of regionalized programs. In 1972 the American College of Obstetrics and Gynecology identified a minimal target of 1,500 births per year for facilities in communities of 100,000 population or more to provide a full range of obstetrical services in an efficient manner. In 1974, this figure was revised: "The experience of many obstetric departments indicate that the size, equipment, services and personnel adequate to maintain a consistently high standard of ordinary obstetrical care and a reasonably economic operation generally require more than 2,000 deliveries." "Standards for Obstetrical and Gynecological Services," Committee on Professional Standards of the American College of Obstetricians and Gynecologists, 1974.) The Committee on Perinatal Health also identified the 2,000 minimum figure for facilities identified as Level II facilities. In determining the 1,500 target, the Department took into consideration these reports as well as the comments received from the public and from members of the expert advisory panel, particularly the criticism that a 2,000 target was too strict. The 1,500 level is in line with the policies of many local and State health planning agencies and can help assure more economic use of specialized resources. The Department also recognizes that there are substantial differences among facilities which provide different ranges of services and there are circumstances, such as those involving special moral and ethical preferences, which may necessitate the HSA providing an adjustment to this standard. In addition, in order to promote more economical use of resources the Department has established the 75 percent minimum occupancy rate in each obstetrical unit for Level II and III facilities. The 75 percent figure was derived from an analysis of various ocupancy rate figures in a number of source documents, whose recommendations range from 50 percent to over 80 percent. The Hill-Burton Program recommended an occupancy level for obstetrical units of at least 75 percent. The Department anticipates that institutions operating at Level II and III will usually be able to exceed this level. In keeping with the national priority set forth in Section 1502 of the Act for the consolidation and coordination of institutional health services, the consolidation of multiple, small obstetrical units with low occupancy rates should be undertaken unless such action is undesirable because of needs to assure ready access and sensitive care.

§ 121.204 Neonatal Special Care Units.

(a) *Standard.* (1) Neonatal services should be planned on a regional basis with continuing linkages with obstetrical services.

(2) The total number of neonatal intensive and intermediate care beds should not exceed 4 per 1,000 live births per year in a defined neonatal service area. An adjustment upward may be justified when the rate of high-risk pregnancies is unusually high, based on analyses by the HSA.

(3) A single neonatal special care unit (Level II or III) should contain a minimum of 15 beds. An adjustment downward may be justified for a Level II unit when travel time to an alternate unit is a serious hardship due to geographic remoteness, based on analyses by the HSA.

(b) *Discussion.* For this standard, the Department has adopted the professionally endorsed concept of regionalization, involving various levels of care. Under this concept, Level III units are staffed and equipped for the intensive care of newborns as well as intermediate and recovery care. Level II units provide intermediate and recovery care as well as some specialized services. Level I units provide recovery care. Neonatal special care is a highly specialized service required by only a very small percentage of infants. The Department believes that four neonatal special care beds for intensive and intermediate care per thousand live births will usually be adequate to meet the needs, taking into account the incidence of high risk pregnancies, the percentage of live births requiring intensive care, and the average length of stay. ("Bed" includes incubators or other heated units for specialized care, and bassinettes.) In addition, the Department has established a minimum of 15 beds per units for Levels II and III as the minimum number necessary to support economical operation for these services. Both standards are supported and recommended by the American Academy of Pediatrics. The American Academy of Pediatrics has noted that "the best care will be given to high risk and seriously ill neonates if intensive care units are developed in a few adequately qualified institutions within a community rather than within many hospitals. Properly conducted, early transfer of these infants to a qualified unit provides better care than do attempts to maintain them in inadequate units." This regionalized approach is reflected in the minimum size standard which is designed to foster the location of specialized units in medical centers which have available special staff, equipment, and consultative services and facilities. Since perinatal centers, which include neonatal units, will serve the patient load resulting from a representative population of more than one million, a defined neonatal service area should be identified by the relevant HSAs in conjunction with the State Agency. Special attention must also be given to ensure adequate communication and transportation systems. Hospitals with such units should have agreements with other facilities to serve referred patients. The regional plan should include a structured ongoing system of review, including assessment of changes in health status indicators.

§ 121.205 Pediatric Inpatient Services—Number of Beds.

(a) *Standard.* There should be a minimum of 20 beds in a pediatric unit in urbanized areas. An adjustment downward may be justified when travel time to an alternate unit exceeds 30 minutes for 10 percent or more of the population, based on analyses of the HSA.

(b) *Discussion.* The 1977 report of the Committee on Implications of Declining Pediatric Hospitalization Rates, for the National Research Council, states that "for a policy of housing children separately to be effective, certain minimum services and facilities are needed, thus requiring bed capacity utilization to make provision for these services and facilities economically feasible." This standard was developed by the Department in this context. Pediatric services should be planned on a regionalized basis with linkages among hospitals and other health agencies to provide comprehensive care.

A number of sources support a minimum unit size of 20 pediatric beds, including planning agencies in California, Massachusetts, Ohio, Pennsylvania, and Wisconsin. Consolidation of pediatric care in units of at least 20 beds in urbanized areas will promote the concentration of nursing and support staff with special pediatric knowledge and skills, the increased training of staff, and the provision of special treatment and other ancillary facilities which meet the special needs of children. (A pediatric inpatient unit is a specific section, ward, wing, hospital or unit devoted primarily to the care of medical and surgical patients less than 18 years old, not including spe-

cial care for infants.) The criteria of 30 minutes travel time reflects interest in ensuring that children remain close to their homes, family, and friends. Frequent visits to hospitalized children are highly desirable and can be an aid to improvement and recovery. The American Academy of Pediatrics has recommended to its State Chapters that child health plans should provide that primary care for children should be available within 30 minutes. This access standard is consistent with those of many local and State planning agencies such as those in Massachusetts, New York, Pennsylvania, and Wisconsin.

§ 121.206 Pediatric Inpatient Services—Occupancy Rates.

(a) *Standard.* Pediatric units should maintain average annual occupancy rates related to the number of pediatric beds (exclusive of neonatal special care units) in the facility. For a facility with 20–39 pediatric beds, the average annual occupancy rate should be at least 65 percent; for a facility with 40–79 pediatric beds, the rate should be at least 70 percent; for facilities with 80 or more pediatric beds, the rate should be at least 75 percent.

(b) *Discussion.* Variable occupancy rates are designed to reflect the need for smaller units to maintain the capacity to accommodate normal day-to-day fluctuations in admissions and to set aside pediatric beds for particular ages and types of cases. Such scheduling problems are less severe in pediatric units of a greater capacity. Moreover, large units are able to sustain higher occupancy rates because they are frequently associated with regional centers which serve patients needing types of care that can be scheduled on a more flexible basis. It is not intended, of course, to encourage unnecessary admissions or stays to achieve these levels. This standard is identical to that recommended by the American Academy of Pediatrics.

§ 121.207 Open Heart Surgery.

(a) *Standard.* (1) There should be a minimum of 200 open heart procedures performed annually, within three years after initiation, in any institution in which open heart surgery is performed for adults.

(2) There should be a minimum of 100 pediatric heart operations annually, within three years after initiation, in any institution in which pediatric open heart surgery is performed, of which at least 75 should be open heart surgery.

(3) There should be no additional open heart units initiated unless each existing unit in the health service area(s) is operating and is expected to continue to operate at a minimum of 350 open heart surgery cases per year in adult services or 130 pediatric open heart cases in pediatric services.

(b) *Discussion.* Open heart surgery for congenital and acquired heart and coronary artery disease represents a marked advance in patient care. Highly specialized open heart procedures require very costly, highly specialized manpower and facility resources. Thus, every effort should be made to limit duplication and unnecessary resources related to the performance of open heart procedures, while maintaining high quality care. Minimum case loads are essential to maintain and strengthen skills. (Open heart surgery procedures are defined as procedures which use a heart-lung by-pass machine to perform the functions of circulation during surgery.) A minimum of 200 adult open heart surgery procedures should be performed annually within an institution to maintain quality of patient care and make most efficient use of resources. This standard is based on recommendations of the Inter Society Commission on Heart Disease Resources. In order to prevent duplication of costly resources which are not fully utilized, the opening of new units should be contingent upon existing units operating, and continuing to operate, at a level of at least 350 procedures per year. The 350 level assumes an average of 7 operations a week, a schedule that in the Department's judgment is feasible in most institutions providing these services. In units that provide services to children, lower targets are indicated because of the special needs involved. The established level for pediatric units is consistent with the recommendation of the Pediatric Cardiology Section of the American Academy of Pediatrics. In determining the utilization target of 130 pediatric open heart cases, the Department used the same ratio as for adult units. In the case of units that provide services to both adults and children, at least 200 open heart procedures should be performed, including 75 for children. Data collection and quality assessment and control activities should be part of all open heart surgery programs.

§ 121.208 Cardiac Catheterization Unit Services.

(a) *Standard.* (1) There should be a minimum of 300 cardiac catheterizations, of which at least 200 should be intracardiac or coronary artery catheterizations, performed annually in any adult cardiac catheterization unit within three years after initiation.

(2) There should be a minimum of 150 pediatric cardiac catheterizations performed annually in any pediatric cardiac catheterization unit within three years after initiation.

(3) There should be no new cardiac catheterization units opened in any facility not performing open heart surgery.

(4) There should be no additional adult cardiac catheterization units opened unless the number of studies per year in each existing unit in the health service area(s) is greater than 500.

(b) *Discussion.* The modern cardiac catheterization unit requires a highly skilled staff and expensive equipment. Safety and efficacy of laboratory performance requires a case load of adequate size to maintain the skill and efficiency of the staff. In addition, the underutilized unit represents a less efficient use of an expensive resource and frequently reflects unnecessary duplication. Based on recommendations from the Inter-Society Commission on Heart Disease Resources, the Department believes that a minimum level of 300 cardiac catheterizations per year is indicated to achieve economic use of resources. Several State health planning agencies, such as New Jersey, suggested a higher minimum level and the Department will be considering whether a higher level should be established in the future. The Department has also determined the existing units should be performing more than 500 cardiac catheterizations before any new unit is opened. The 500 level is based on an average of two catheterizations a day, a rate that is in the Department's judgment readily achievable in most institutions providing these services and that will foster more effective use of current resources prior to the development of additional resources. More than 600 cardiac procedures are performed annually in some institutions. Pediatric cardiac catheterizations require special facilities and support services. Lower target numbers are presented in these cases because of the special conditions and needs of children. The established levels are consistent with the recommendations of the Section on Cardiology of the American Academy of Pediatrics and the Inter-Society Commission on Heart Disease Resources. The patient studied in the cardiac catheterization unit is frequently recommended for open heart surgery. While acceptable inter-institutional referral patterns exist in some areas, cardiac catheterization units should optimally be located within a facility in which cardiac surgery is performed.

§ 121.209 Radiation Therapy.

(a) *Standard.* (1) A megavoltage radiation therapy unit should serve a population of at least 150,000 persons and treat at least 300 cancer cases annually, within three years after initiation.

(2) There should be no additional megavoltage units opened unless each existing megavoltage unit in the health service area(s) is performing at least 6,000 treatments per year.

(3) Adjustments downward may be justified when travel time to an alternate unit is a serious hardship due to

geographic remoteness, based on analyses by the HSA.

(b) *Discussion.* While various types of radiation are indicated and used for tumors with different characteristics, megavoltage equipment is accepted as the most efficacious for treatment of deep-seated tumors. Megavoltage equipment is expensive to purchase, install, and support on a continuing basis. Every effort should thus be made to avoid unnecessary duplication of this costly resource. Established standards should provide needed treatment capabilities while preventing unnecessary duplication of radiation therapy units and underutilization of existing capacity. A unit refers to a single megavoltage machine or energy source. The most common types of units to deliver megavoltage therapy are cobalt 60 and linear accelerators. Treatments are meant to be the same as patient visits. A treatment or visit averages 2.2 fields, according to reports from the American College of Radiology. They also report that about half of new cancer patients require megavoltage radiation therapy, and that many require subsequent courses of treatment. The American College of Radiology has indicated that at least 300 cancer cases annually are a reasonable minimum loan for a megavoltage radiation therapy unit in order to maintain an efficient high quality operation. Based on the information and recommendations of the College, as well as comments received from the public and from members of the expert advisory panel which reviewed the standard, the Department has set a minimum standard of at least 300 cancer cases per unit per year. In 1974, the Department commissioned a study of the use of radiation therapy units. A committee appointed by the American College of Radiology and the American Society of Therapeutic Radiology to review that study suggested that economical operation of radiation units would call for existing units to do 5,000–8,700 treatments per year. The 7,500 level was included in the September 23, 1977, NPRM. This target would have required units to treat an average of 30 patients per day. Based on comments received from the profession and the general public, the Department has adjusted the standard downwards to 6,000 treatments per year, an average of about 25 patients per day to take into account variations in patient mix and work schedules. Since many institutions meet and exceed these targets, this standard in the Department's judgment represents an attainable, efficient level of operation. The indicated target levels are minimal and should generally be exceeded. Special purpose and extra high energy machines which have limited but important applications may not perform 6,000 treatments per year and should be evaluated individually by HSAs in the development of Health Systems Plans.

§ 121.210 Computed Tomographic Scanners.

(a) *Standard.* (1) A Computed Tomographic Scanner (head and body) should operate at a minimum of 2,500 medically necessary patient procedures per year.

(2) There should be no additional scanners approved unless each existing scanner in the health service area is performing at a rate greater than 2,500 medically necessary patient procedures per year.

(3) There should be no additional scanners approved unless the operators of the proposed equipment will set in place data collection and utilization review systems.

(b) *Discussion.* Because CT scanners are expensive to purchase, maintain and staff, every effort must be made to contain costs while providing an acceptable level of service. Full and appropriate utilization of all existing units, regardless of location, will prevent needless duplication and limit unnecessary increases in health care costs. Estimates and surveys for full utilization of CT scanners range from 1,800 to over 4,000 patient procedures a year. (One patient procedure includes, during a single visit, the initial scan plus any necessary additional scans of the same anatomical region.) The Institute of Medicine, the Office of Technology Assessment and others have carefully reviewed these data and the capabilities of various available units.

The Department has reviewed these analyses as well as the extensive literature that has been developed on CT scanners. In arriving at a standard for the minimum use of these machines, the Department has considered a variety of factors, including the difference in time required for head scans and body scans, variations in patient mix, the special needs of children, time required for maintenance, and staffing requirements. Moreover, the Department considered the actual operating experience of hospitals and institutions reflected in reports on the use of CT scanners. The standard set in the Department's guidelines is intended to assure effective utilization and reasonable cost for CT scanning. These machines are expensive, and therefore must be fully used if excessive costs are to be limited. The Department recognizes that the cost of some machines is declining, particularly those that perform only head scans which require less time. For machines that do predominantly head scans, the standard represents an extremely minimum level appropriate to insure efficient and effective utilization.

For scanners capable of performing both head and body scans, it is imperative that they be effectively used in order to spread the high capital expenditures over as much operating time as possible. As the Institute of Medicine report stated, "The high fixed costs of operating a scanner argue for as high a volume of use as the equipment allows without jeopardizing the quality of care." The Department believes that a 50–55 hour operating week both is consistent with the actual operating experience of many hospitals, and also a reasonable target. Based on reported experience for the time required for both head scans and body scans, the Department estimated that a patient mix of about 60 percent head scans and about 40 percent body scans, making allowance for the other factors identified above, would allow a CT scanner to perform about 2,500 patient procedures per year if it is efficiently used about 50-55 hours per week. This estimate assumes a higher percent of body scans than is currently being performed. If fewer than 40 percent body scans are performed, than 2,500 patient procedures would involve even less than 50-55 hours per week. Basing the standard on a higher percentage of body scans also takes account of current trends toward increased proportions of such scans.

The Department believes that sharing arrangements in the use of CT scanners is desirable, in line with the national health priorities of section 1502. Individual institutions or providers should not acquire new machines until existing capacity is being well utilized. In planning for CT scanners, the HSA should take into consideration special circumstances such as: (1) An institution with more than one scanner where the combined average annual number of procedures is greater than 2,500 per scanner although the unit doing primarily body scans is operating at less than 2,500 patient procedures per year; (2) units which are or will be operating a significant portion of the time under collaborative fixed protocol clinical trials, and (3) units which are, or will be, servicing predominantly seriously sick or pediatric patients. A summary of the data collected on CT scanners should be submitted by the operators to the appropriate HSA to enable it to adequately plan the distribution and use of CT scanners in the area. The data to be collected should include information on utilization and a description of the operations of a utilization review program.

§ 121.211 End-Stage Renal Disease (ESRD).

(a) *Standard.* The Health Systems Plans established by HSAs should be consistent with standards and procedures contained in the DHEW regulations governing conditions for cover-

age of suppliers of end-stage renal disease services, 20 CFR Part 405, Subpart U.

(b) *Discussion.* The ESRD Program was created pursuant to Section 2991 of the Social Security Amendments of 1972 (Pub. L. 92-603), which extends Medicare benefits to any individual who has end-stage renal disease requiring dialysis or transplantation, provided that such individual: (1) Is fully or currently insured or entitled to monthly benefits under Title II of the Social Security Act; or (2) is the spouse or dependent child of an individual so insured or entitled to such monthly benefits. In order for an ESRD facility to qualify for reimbursement under the program, the facility must meet the conditions for coverage of suppliers of end-stage renal disease services as established by regulation. These conditions incorporate standards which relate to the supply, distribution, and organization of ESRD facilities. The standards were developed by the Department of Health, Education, and Welfare and were based on extensive consultation with professionals and other persons knowledgeable in the areas of nephrology and transplant surgery. Because these standards are already published as regulations, they are not republished here. The regulations do not try to encourage any particular type of dialysis setting. It is widely recognized that self-care dialysis can significantly contain costs without impairing the quality of care of the suitably chosen patient. The organization of resources to support self-care dialysis is therefore encouraged to the maximum extent practicable.

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