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1125 8530
1127 9150
1131 8554
1300 8531
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1304 8536
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1308 8544
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1310 8549

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173 8562
174 8562
175 8562
176 8562
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[3195-01]

Title 3—The President

Executive Order 12042 • **March 6, 1978**

Creating a Board of Inquiry to Report on Labor Disputes Affecting the Bituminous Coal Industry in the United States

The existing labor disputes between coal mine operators engaged in the production of bituminous coal in the United States or coal mine contractors engaged in construction work in and around coal mines in the United States and certain of their employees represented by the United Mine Workers of America and its locals and affiliates have resulted in strikes in a substantial portion of the coal industry. In my judgment these strikes affect a substantial portion of the bituminous coal industry, an industry engaged in trade, commerce, transportation and transmission among the States and with foreign nations, and will, if permitted to continue, imperil the national health and safety.

NOW, THEREFORE, by virtue of the authority vested in me by Section 206 of the Labor Management Relations Act of 1947, 61 Stat. 155, as amended (29 U.S.C. 176), I hereby create a Board of Inquiry to inquire into the issues involved in the dispute. I appoint as members of that Board:

John N. Gentry, Chairman
Eva Robins
Carl A. Warns

The Board shall have the powers and duties set forth in Title II of the Labor Management Relations Act and shall report to me, in accordance with the provisions of the Act, as expeditiously as possible. Upon submission of its report, the Board shall continue in existence to perform the functions required of it under the Act.

Jimmy Carter

THE WHITE HOUSE,
March 6, 1978.

[FR Doc. 78-6170 Filed 3-6-78; 1:34 pm]

rules and regulations

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

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

[8010-01]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-14513]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Uniform Net Capital Rule

AGENCY: Securities and Exchange Commission.

ACTION: Extension of temporary rule amendments.

SUMMARY: This release extends until August 1, 1978, temporary provisions of the rule relating to the (i) inclusion in net capital of certain good faith deposits and syndicate or joint account receivables arising in connection with municipal securities underwritings; and (ii) undue concentration deductions, "haircuts," on positions in municipal securities. This action is necessary since the temporary amendments noted above will otherwise expire on March 1, 1978. The extension provides the Commission with additional time to formulate permanent amendments pertaining to municipal securities with regard to the treatment of certain receivables and undue concentration deductions.

EFFECTIVE DATE: March 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Nelson S. Kibler, Assistant Director, Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549, 202-755-1390.

SUPPLEMENTARY INFORMATION: In Securities Exchange Act Release No. 13806, July 28, 1977; 42 FR 38902, August 1, 1977, the Commission extended until March 1, 1978, the temporary provisions of Rule 15c3-1 (17 CFR 240.15c3-1) under the Securities Exchange Act of 1934 dealing with the items summarized above. The Commission took such action to afford itself an opportunity to correlate the comments and statistical data it had received from interested members of the public prior to proposing permanent amendments to the rule. The Commission is in the process of formulating such permanent amendments. In the interim, the Commission has determined that it is appropriate to extend until August 1, 1978, the temporary amendments relating to the treatment of certain receivables and undue concentration.

The Commission finds, pursuant to 5 U.S.C. 553(b)(3)(B), that further notice and public procedure respecting these amendments is impracticable and unnecessary to the public interest. The Commission finds further that these amendments relieve regulatory restrictions within the meaning of U.S.C. 553(d)(1) and may therefore become effective less than 30 days from their publication.

Introduction

As originally written, Rule 15c3-1(c)(2)(iv)(C) required the deduction from net worth of good faith deposits arising in connection with an underwriting and outstanding longer than eleven business days. In addition, profits derived from participation in an underwriting syndicate were treated as "unsecured receivables" which pursuant to Rule 15c3-1(c)(2)(iv)(E) were deducted from net worth. In Securities Exchange Act Release No. 11854 the Commission adopted temporary amendments to Rule 15c3-1(c)(2)(iv)(C) permitting the inclusion in net worth, for ninety (90) days after settlement of the underwriting with the issuer, good faith deposits and receivables arising from participation in municipal securities underwritings. This release extends until August 1, 1978, those temporary amendments.

Rule 15c3-1(c)(2)(vi)(M) in general provides that a deduction from net worth equal to half the appropriate haircut shall be taken against long or short positions in the securities of an issuer of a single class or series, the market value of which positions exceed ten percent of tentative net capital. A similar provision, Rule 15c3-1(f)(3)(iii), applies to computations under the alternative net capital requirement. In Release No. 11854, the Commission exempted positions in municipal securities from the undue concentration provisions of Rule 15c3-1. This release continues that exemption until August 1, 1978.

Statutory Basis and Competitive Consideration and Effective Date

Pursuant to the Securities Exchange Act of 1934, and particular sections 15(c)(3) and 23(a) thereof, 15 U.S.C. 78o(c)(3), w(a) the Commission amends § 240.15c3-1 of Chapter II of Title 17 of the Code of Federal Regulations in the manner set forth below, effective March 1, 1978. The Commission finds that any burden imposed upon competition by the amendments is necessary and appropriate in furtherance of the purposes of the Act, and particularly to implement the Commission's mandate under section 15(c)(3) thereof, 15 U.S.C. 78o(c)(3), to establish minimum financial responsibility standards for all brokers and dealers.

Text of Amendments to § 240.15c3-1

The text of the amendments to § 240.15c3-1 is as follows:

§ 240.15c3-1 Net capital requirements for brokers or dealers.

* * * * *

(c) * * *
(2) * * *
(iv) * * *

(C) Interest receivable, floor brokerage receivable, commissions receivable from other brokers or dealers (other than syndicate profits which shall be treated as required in paragraph (c)(2)(iv)(E) of this section), mutual fund concessions receivable and management fees receivable from registered investment companies, all of which receivables are outstanding longer than thirty (30) days from the date they arise; dividends receivable outstanding longer than thirty (30) days from the payable date; good faith deposits arising in connection with an underwriting, outstanding longer than eleven (11) business days from the settlement of the underwriting with the issuer; and, until August 1, 1978, receivables due from participation in municipal securities underwriting syndicates and municipal securities joint underwriting accounts which are outstanding longer than ninety (90) days from settlement of the underwriting with the issuer and good faith deposits arising in connection with an underwriting of municipal securities, outstanding longer than ninety (90) days

from settlement of the underwriting with the issuer;

* * * * *

In § 240.15c3-1, the last sentence of paragraphs (c)(2)(vi)(M) and (f)(3)(iii) is amended to read as follows:

Provided further, That until August 1, 1978, this provision shall not apply to municipal securities.

* * * * *

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 28, 1978.

[FR Doc. 78-5831 Filed 3-6-78; 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. 76N-0217]

PART 103—QUALITY STANDARDS FOR FOODS WITH NO IDENTITY STANDARDS

Subpart B—Standards of Quality

FROZEN READY-TO-EAT BANANA, COCONUT, CHOCOLATE, OR LEMON CREAM-TYPE PIES; GELATIN; WITHDRAWAL OF STANDARDS

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The agency is withdrawing standards of microbiological quality for cream pies and for gelatin. This is being done to provide opportunity in the future to establish consistent domestic and international standards for these food products.

EFFECTIVE DATE: March 7, 1978.

FOR FURTHER INFORMATION CONTACT:

R. B. Read, Bureau of Foods (HFF-120), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-245-1217.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of August 2, 1973 (38 FR 20726), the Commissioner of Food and Drugs issued a final order establishing under subpart B of part 11 (21 CFR part 11) standards of quality for frozen ready-to-eat banana, coconut, chocolate, and lemon cream-type pies (21 CFR 11.5) and for food-grade gelatin (21 CFR 11.6). Persons who would be adversely affected by the order were invited to submit written objections thereto specifying the provisions of the order deemed objectionable and stating the grounds for the objection. Part 11 was recodified as part 103 (21 CFR part 103) in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302); hereafter it will be referred to by its new designation, part 103. Likewise, §§11.5 and 11.6 will be referred to by their new designations, §§103.23 and 103.29 (21 CFR 103.23 and 103.29), respectively.

Objections to the standards for cream-type pies and gelatin were received. The fact that objections were received and that the effective dates of these standards have been stayed in accordance with section 701(e) of the Federal Food, Drug, and Cosmetic Act has previously been noted in the FEDERAL REGISTER of August 9, 1976 (41 FR 33249).

It is not the Commissioner's intention to respond in this document to each of the objections to the cream pies and gelatin standards since these standards are being withdrawn for reasons other than issues of disputed fact.

In consideration of the recent trend designating microbiological specifications for foods in internationl trade and the desire that standards for domestic and import foods be the same, the Commissioner may establish future microbiological quality standards using methods for expressing standards consistent with those being used internationally. The Commissioner therefore is of the opinion that to provide the desired consistency in standards, the standards for cream pies and gelatin should be withdrawn.

The Commissioner concludes that it would not not be in the public interest to hold a hearing and that the standards, which never became effective, should be deleted without prejudice to the possibility of the institution of new proceedings at a later date to establish microbiological quality standards for cream pies and gelatin and for other products.

Accordingly, the Commissioner hereby deletes §§ 103.23 and 103.29 from the regulations promulgated by the final order published in the FEDERAL REGISTER of August 2, 1973 and terminates the rule making proceeding in the above-identified matter.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 403, 701, 52 Stat. 1046-1048 as amended, 1055-1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 341, 343, 371)) and under authority delegated to the Commissioner (21 CFR 5.1), Part 103 is amended by deleting § 103.23 *Frozen ready-to-eat banana, coconut, chocolate, or lemon cream-type pies* and § 103.29 *Food-grade gelatin.*

Effective date. This rule shall be effective March 7, 1978.

Dated: February 28, 1978.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc. 78-5730 Filed 3-6-78; 8:45 am]

[4110-03]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FROM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Spectinomycin Injection

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The animal drug regulations are amended to reflect approval of a supplemental new animal drug application (NADA) filed by Abbott Laboratories for use of an injectable antibiotic to control airsacculitis in turkey poults.

EFFECTIVE DATE: March 7, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Abbott Laboratories, North Chicago, Ill. 60064, filed a supplemental NADA (40-040V) for subcutaneous injection of 10 milligrams of spectinomycin in 1- to 3-day-old turkey poults as an aid in control of airsacculitis associated with *Mycoplasma meleagridis* sensitive to drug.

Amendment of the regulations to reflect this change does not require a reevaluation of the NADA, nor does it constitute a reaffirmation of the safety and effectiveness data supporting the NADA.

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), part 522 is amended in § 522.2120 by revising paragraph (a)(3) and adding new paragraph (d)(4), to read as follows:

§ 522.2120 Spectinomycin injection.

(a) * * *

(3) 100 milligrams when used as provided in paragraph (d)(3) and (4) of this section.

* * * * *

(d) * * *

(4) Administer single injection of 0.1 milliliter (10 milligrams) subcutaneously in nape of neck of 1- to 3-day-old turkey poults as an aid in control of airsacculitis associated with *M. mileagridis* sensitive to spectinomycin.

Effective date. This regulation becomes effective March 7, 1978.

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

Dated: February 27, 1978.

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

[FR Doc. 78-5838 Filed 3-6-78; 8:45 am]

[4210-01]

Title 24—Department of Housing and Urban Development

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

[Docket No. R-78-512]

PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOMEOWNERSHIP AND PROJECT REHABILITATION

Changes in Downpayment Requirements and Maximum Subsidy Payments Under Section 235 of the National Housing Act

AGENCY: Department of Housing and Urban Development.

ACTION: Interim rule.

SUMMARY: This interim rule will lower the downpayment required under the section 235 program relating to mortgage insurance and assistance payments for homeownership and project rehabilitation and will increase the maximum subsidy payment. The result of these changes will be to make participation in the program possible for many eligible families which cannot meet the current program requirments.

DATES: Effective date: March 7, 1978. Comments due: June 5, 1978.

ADDRESS: Send comments to Rules Docket Clerk, Office of General Cousel, Room 5218, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT:

William A. Rolfe, Director, Single Family Mortgage Insurance Division, Office of Insured and Direct Loan Programs, Department of Housing and Urban Development, Washington, D.C. 20410, 202-426-8914.

SUPPLEMENTARY INFORMATION: This interim rule will reduce the minimum downpayment to 3 percent of the cost of acquisition instead of 3 percent of the first $25,000 plus 5 percent of the acquisition cost in excess of $25,000. It will also increase the maximum subsidy level to reduce the effective interest rate from 5 percent to 4 percent. The result of these changes will be to make participation in the program possible for many eligible families which cannot meet the current program requirements.

Since the existing downpayment requirement and maximum interest subsidy level may constrain certain otherwise eligible lower income families from obtaining assistance, the Department has determined that these revisions in the section 235 program should be available to the public as soon as possible and that it is, therefore, impractical and contrary to the public interest to provide for comment and public participation before making these amendments effective. Good cause also exists for providing that §§ 235.2, 235.35, and 235.335, as amended, be effective upon publication.

Interested persons may participate in this rulemaking by submitting written data, views or arguments to the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410. Each person submitting a comment should include his name and address and refer to the document by the docket number indicated in the heading and give reasons for any recommendations. Comments received by June 5, 1978, will be considered before final action is taken on these interim regulations. Copies of all written comments received will be available for examination by interested persons in the Office of the Rules Docket Clerk at the address listed above. This interim rule will be adopted as final, revoked or amended at the end of the stated comment period.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the Office of the Rules Docket Clerk at the address listed above.

NOTE.—It is hereby certified that the economic and inflationary impacts of these amendments have been carefully evaluated in accordance with Executive Order 11821.

Accordingly, the Secretary of Housing and Urban Development amends Chapter II of 24 CFR as follows:

1. In § 235.2, paragraphs (a) and (d) are revised to read as follows:

§ 235.2 Basic program outline.

* * * * *

(a) Assistance will be in the form of monthly payments by the Secretary to the mortgagee to reduce effective interest costs to a homeowner on an insured market rate home mortgage to as low as four percent if the homeowner cannot afford the full mortgage payment with 20 percent of this income.

* * * * *

(d) The mortgagor must have paid in cash or its equivalent at least 3 percent of the acquisition cost.

* * * * *

2. In § 235.35 paragraph (b) is revised to read as follows:

§ 235.35 Mortgagor's investment.

* * * * *

(b) The mortgagor shall have paid, at the time the mortgage is insured, on account of the property, in cash or its equivalent, at least 3 percent of the Secretary's estimate of the cost of acquisition.

* * * * *

3. § 235.335 is amended to read as follows:

§ 235.335 Assistance payments and handling charges.

(a) * * *

(2) (i) * * *

(ii) With respect to mortgages approved for insurance under this Part by the Secretary on or after January 5, 1976, but before March 7, 1978, the difference between the required monthly payment under the mortgage for principal, interest, and mortgage insurance premium and the monthly payment which would be required for principal and interest if the mortgage bore an interest rate of 5 percent.

(iii) With respect to mortgages approved for insurance under this Part by the Secretary on or after March 7, 1978, the difference between the required monthly payment under the mortgage for principal, interest, and mortgage insurance premium and the

monthly payment which would be required for principal and interest if the mortgage bore an interest rate of 4 percent.

* * * * *

Issued at Washington, D.C., March 2, 1978.

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

[FR Doc. 78-6060 Filed 3-6-78; 8:45 am]

[8320-01]

Title 38—Pensions, Bonuses and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 36—LOAN GUARANTY

Increase in Maximum Permissible Interest Rate on New, Guaranteed, Insured and Direct Loans

AGENCY: Veterans Administration.

ACTION: Final Regulations.

SUMMARY: The amended regulations increase the maximum permissible interest rate on new, guaranteed, insured and direct loans.

The Administrator is required to establish a maximum interest rate for loans guaranteed, insured or made by the Veterans Administration as he finds the loan market demands. All recent indicators have shown that the loan market has become more restrictive. The maximum rate in effect for VA guaranteed loans has not been sufficiently competitive to induce private sector lenders to make VA guaranteed or insured loans without imposing substantial discounts. To assure a continuing supply of funds for home mortgages through the VA loan guaranty program it has been determined that an increase in the maximum permissible rate is necessary. The increased return to the lender will make VA loans competitive with other available investments and assure a continuing supply of funds for VA guaranteed and insured mortgages.

At present no change is being made in the maximum interest rate applicable to the mobile home loan program except as to loans to purchase mobile home lots. The lender's return on mobile home unit loans appears competitive with other forms of consumer financing to which this type of loan is comparable and no change in rate is justified at this time.

However, a loan to purchase a mobile home lot is similar to other real estate loans and for the purpose of assuring a continuing supply of funds and consistency with other real estate programs, the rate on these loans is also being increased.

EFFECTIVE DATE: February 28, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. George D. Moerman, Loan Guaranty Service (264), Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420; 202-389-3042.

SUPPLEMENTARY INFORMATION: The increase in the maximum allowable rate of interest is accomplished by amending Title 38, Code of Federal Regulations §§ 36.4212(a) (2) and (3), 36.4311(a) and 36.4503(a). Compliance with the procedure for publication of proposed regulations prior to final adoption is waived because compliance would create an acute shortage of mortgage funds pending the final date which would necessarily be more than 30 days after publication in proposed form.

APPROVED: February 27, 1978.

By direction of the Administrator.

RUFUS H. WILSON,
Deputy Administrator.

1. In § 36.4212, paragraph (a) (2) and (3) is revised to read as follows:

§ 36.4212 Interest rates and late charges.

(a) The interest rate charged the borrower on a loan guaranteed pursuant to 38 U.S.C. 1819 may not exceed the following maxima except on loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration prior to February 28, 1978. (38 U.S.C. 1819(f).)

* * * * *

(2) 8¾ percent simple interest per annum for that portion of the loan which finances the purchase of a lot and the cost of necessary site preparation, if any.

(3) 8¾ percent simple interest per annum on that portion of a loan which will finance the cost of the site preparation necessary to make a lot owned by the veteran acceptable as the site for the mobile home purchased with the proceeds of the loan except that a rate of not to exceed 12 percent may be charged if the portion of the loan to pay for the cost of such necessary site preparation does not exceed $2,500.

* * * * *

2. In § 36.4311, paragraph (a) is revised to read as follows:

§ 36.4311 Interest rates.

(a) Excepting loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration which specify an interest rate in excess of 8¾ per centum per annum, effective February 28, 1978, the interest rate on any loan guaranteed or insured wholly or in part on or after such date may not exceed 8¾ per centum per annum on the unpaid principal balance. (38 U.S.C. 1803(c)(1).)

* * * * *

3. In § 36.4503, paragraph (a) is revised to read as follows:

§ 36.4503 Amount and amortization.

(a) The original principal amount of any loan made on or after October 1, 1976, shall not exceed an amount which bears the same ratio to $33,000 as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to $17,500. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Loans made by the Veterans Administration shall bear interest at the rate of 8¾ percent per annum. (38 U.S.C. 1811(d)(1).)

* * * * *

[FR Doc. 78-5821 Filed 3-6-78; 8:45 am]

[6560-01]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 857-1]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Oklahoma; Administrative Revisions

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This rule approves administrative revisions to the following parts of the Oklahoma State Implementation Plan (SIP): Chapter 1, Summary of Oklahoma Air Quality Standards, which includes standards the same as Federal Standards; Chapter 8, Source Surveillance and Enforcement Systems, which relates to installation and operating permits; and the addition to the SIP of Appendix Q, which relates to state ambient air quality standards. All of the changes are considered administrative in nature and minor in substance. No changes to regulations or control

strategies are involved. This action is being taken to update the SIP to reflect current operating procedures and the description of air quality standards in Oklahoma. The procedures will provide for administrative details required to notify the Environmental Protection Agency of notice of public availability of application for permit to construct along with the State Agency's evaluation of a project's impact upon air quality, and the intent to approve or disapprove an application. Changes also incorporate current titles and the name of the agency.

EFFECTIVE DATE: April 6, 1978.

ADDRESS: A copy of the State's submittal is available at the following locations: Environmental Protection Agency, Region VI, Air Program Branch, 1201 Elm Street, Dallas, Tex. 75270; and Environmental Protection Agency, Public Information Reference Unit, Room 2922, EPA Library, 401 M Street Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

George I. Kennedy, Air Program Branch, Environmental Protection Agency, Region VI, 1201 Elm Street, Dallas, Tex. 75270, 214-749-3837.

SUPPLEMENTARY INFORMATION: On January 28, 1972, the Governor of Oklahoma submitted the SIP for attainment and maintenance of national ambient air quality standards. Provisions within EPA regulations permit the States to update or revise the SIP as needed. Administrative or minor revisions of the SIP may be submitted by the State agency rather than the Governor, and normally they do not have to be subjected to public hearing. On May 16, 1975, the Oklahona State Department of Health submitted a series of administrative revisions to Chapters 1 and 8, and added Appendix Q; these were clarified by letter on June 17, 1977.

In Chapter 8 of this revision, in section 8 A, B, and C, the State describes the procedures for processing permit applications and provides for a copy of the notice of public availability of permit application and review to be provided to the Administrator.

The revision of Chapter 1 is the correction of Table 2, summarizing the standards. The addition of Appendix Q incorporates the National Ambient Air Quality Standards, deleting the secondary sulfur dioxide annual and 24-hour standard, and describing all of the standards. A reserved section in Appendix Q provides for future development of significant deterioration standards. Appendix Q provides for applicability, effective date, monitoring, reference conditions, and air quality standards for particulates, sulfur oxides (sulfur dioxide), non-methane hydrocarbons, carbon monoxide, nitrogen dioxide, and photochemical oxidants. A summary table of standards is provided in Appendix Q which is the same as Table 2.

Some of the reference methods have been changed since Oklahoma first submitted this SIP revision. The methods for determining compliance with the ambient standards are to be those currently approved by EPA, and by approving this revision EPA recognizes that certain FEDERAL REGISTER cites in the Oklahoma submission of 1975 are no longer applicable.

While all revisions in this approval are considered administrative and minor substance, and as such as routine updates of the Oklahoma SIP, they were subjected to public hearing on January 14, 1975, having been publicly announced on November 22, 1974. The revisions were approved by the Oklahoma Air Quality Council on March 11, 1975. The public having been given ample opportunity for review previously, and considering the administrative nature of these revisions, the Administrator finds that these revisions should be approved without proposal.

The rulemaking is made under authority of section 110(a) of the Clean Air Act as amended, 42 U.S.C. 1857c-5(a).

Dated: March 1, 1978.

DOUGLAS M. COSTLE,
Administrator.

Part 52 of Chapter 1, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart LL—Oklahoma

1. In §52.1920, paragraph (c) is amended by adding paragraph (9) as follows:

§ 52.1920 Identification of plan.

* * * * *

(c) * * *

(9) Administrative revisions to Oklahoma SIP Chapter 1, Table 2, Oklahoma Ambient Air Quality Standards, Chapter 8, Source Surveillance and Enforcement System, section 8 A, B, and C relating to permits, and addition of Appendix Q, relating to Oklahoma Air Quality Standards, were submitted by the Oklahoma State Department of Health on May 16, 1975, with clarification submitted on June 17, 1977 (nonregulatory).

[FR Doc. 78-5817 Filed 3-6-78; 8:45 am]

[6560-01]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revisions to Section IX of the Texas Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This rule approves minor revisions to section IX of the Texas State implementation plan (SIP) for modifications to the State air quality surveillance system. Approval is being given to a request by the Texas Air Control Board (TACB) for changing the designation and location of several SIP air quality monitoring sites. These changes improve the information produced by the air quality surveillance network and allow the TACB surveillance system to be fully operational.

EFFECTIVE DATE: March 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Oscar Cabra, Jr., Air Program Branch, Environmental Protection Agency, Region VI, Dallas, Tex. 75270, 214-767-2745.

SUPPLEMENTARY INFORMATION: On August 12, 1977, the TACB submitted a number of minor revisions to section IX of the Texas SIP. After EPA's review of the submittal, a proposed approval was published in the FEDERAL REGISTER on December 13, 1977 (42 FR 62504). Specific changes to the air quality surveillance networks in several air quality control regions were discussed in detail in that publication and will not be repeated here.

PUBLIC COMMENTS

In the proposed approval of the revisions to section IX of the Texas SIP, interested persons were given 30 days to submit comments for consideration by EPA in making a final approval/disapproval decision. No comments on the proposed approval were received. Therefore, there is no information which conflicts with a decision to approve the revisions as proposed.

CURRENT ACTION

In this action, approval of the revisions to section IX of the Texas SIP is being promulgated as proposed.

This notice of final rulemaking is issued under the authority of section 110(a) of the Clean Air Act, as amended, 42 U.S.C. 1857c-5(a).

Dated: February 28, 1978.

DOUGLAS M. COSTLE,
Administrator.

Part 52 of Chapter 1, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart SS—Texas

1. In § 52.2270, paragraph (c) is amended by adding paragraph (15) as follows:

§ 52.2270 Identification of plan.

* * * * *

(c) * * *

(15) Revisions to section IX, air quality surveillance plan, which include changes in the designation and location of several air quality monitoring sites were submitted by the Texas Air Control Board on August 12, 1977.

[FR Doc. 78-5818 Filed 3-6-78; 8:45 am]

[6560-01]

SUBCHAPTER C—AIR PROGRAMS

[FRL 841-5]

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Lignite-Fired Steam Generators

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This final rule establishes standards of performance for new or modified lignite-fired steam generators with heat input rates greater than 73 megawatts (250 million Btu per hour) and limits emissions of nitrogen oxides to 260 ng/J of heat input except that 340 ng/J of heat input is allowed from cyclone-fired units which are fired with lignite mined in North Dakota, South Dakota, or Montana. Steam generators contribute significantly to air pollution, and the intended effect of this final rule is to require new steam generators which burn lignite to use the best control system for reducing emissions of nitrogen oxides.

EFFECTIVE DATE: March 7, 1978.

ADDRESSES: The "Standards Support and Environmental Impact Statement (SSEIS), Volume 2: Promulgated Standards of Performance for Lignite-Fired Steam Generators" (EPA-450/2-76-030b) may be obtained by writing the U.S. EPA Library (MD-35), Research Triangle Park, N.C. 27711. Volume 1 of the SSEIS, "Proposed Standards of Performance for Lignite-Fired Steam Generators" (EPA-450/2-76-030a), is also available at the same address. Please specify both the title and EPA number of the document desired. These documents and all public comments may be inspected at the Public Information Reference Unit (EPA Library), Room 2922, 401 M Street SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Don R. Goodwin, Director, Emission Standards and Engineering Division (MD-13), Environmental Protection Agency, Research Triangle Park, N.C. 27711, telephone 919-541-5271.

SUPPLEMENTARY INFORMATION: On December 23, 1971 (36 FR 24877), EPA established under Subpart D of 40 CFR Part 60 standards of performance for new steam generators with heat input rates greater than 73 megawatts (250 million Btu per hour). Steam generators which burn lignitie were exempted from the emission standards for nitrogen oxides (NO_x) because too little operating experience was available to adequately characterize NO_x emissions. (Lignite-fired steam generators were not exempted from the standards for sulfur oxides and particulate matter, however.) Since 1971, EPA has gathered additional information on lignite-fired facilities, and on December 22, 1976 (41 FR 55791), the Agency proposed to amend Subpart D by establishing a standard of performance of 260 nanograms per joule (ng/J) of heat input (0.6 pound per million Btu) for NO_x emissions from new lignite-fired steam generators. Supporting information for the proposed standard was published in Volume 1 of the SSEIS for lignite-fired steam generators. After reviewing issues raised during the public comment period which followed the proposal, EPA decided to promulgate standards which will permit the limited use of cyclone-fired facilities to burn lignite mined in North Dakota, South Dakota, and Montana (which causes severe fouling and slagging in pulverized-fired units). Supporting information for these final standards of performance appears in Volume 2 of the SSEIS.

Final Standards

NO_x emissions from lignite-fired steam generators are limited to 260 ng/J of heat in put (0.6 lb/10^6 Btu) except that 340 ng/J (0.8 lb/10^6 Btu) is allowed from cyclone-fired steam generators burning lignite mined in North Dakota, South Dakota, and Montana. Both standards apply only to boilers which burn lignite, with heat input rates greater than 73 megawatts (250 million Btu per hour), and for which construction or modification began after December 21, 1976.

Rationale for Final Standards

The NO_x standard originally proposed by EPA, 260 ng/J, may have prevented the use of cyclone-fired boilers, since it has not been demonstrated that emisisons from these units can be consistently controlled to levels below 260 ng/J. During the public comment period, several commenters argued that the utilization of cyclone-fired boilers is necessary to overcome the serious fouling and slagging problems which develop whenever the sodium content of the lignite burned exceeds about 5 percent, by weight. These high sodium content reserves are believed to be widespread, especially in North Dakota, and the utilities claim that their low sodium content reserves are being rapidly depleted. The commenters said that cyclones have inherently lower fouling and slagging rates than other large boiler designs because much less ash is carried through the boiler convective passes. In addition, they contended that in the Dakotas there has actually been very little operating experience with pulverized-fired boilers, the alternative to large cyclones, and it is doubtful that these units can burn high sodium lignite without experiencing severe problems. Thus, the commenters concluded that the proposed standard might restrict the use of valuable resources of high sodium lignite fuel by prohibiting the utilization of cyclone-fired boilers. The commenters also argued that the proposed standard would place an economic burden on the electirc power utilities which burn lignite by limiting competitve bidding for new boilers.

EPA agrees that at present there is too little operating experience with pulverized- or cyclone-fired boilers to be able to predict their reliability when burning high sodium lignite. Furthermore, the Agency does not want to establish a standard which might inhibit future efforts to find a successful way to burn this troublesome fuel. Consequently, EPA has established a separate nitrogen oxides emission standard of 340 ng/J (0.8 lb/10^6 Btu) for new cyclone-fired boilers which burn North Dakota, South Dakota, or Montana lignite. This standard will permit the limited utlization of cyclone-fired boilers and assure the continued use of our country's abundant resources of lignite. Lignite mined in Texas, the only other known major lignite formation, generally has low sodium content and has been successfully burned in pulverized-fired units for years. The standard is supported by emission test data and other information contained in Volume I of the SSEIS. Nitrogen oxides emissions from pulverized-fired boilers will be limited to 260 ng/J (0.6 lb/10^6 Btu), as originally proposed.

Cyclone-fired boilers could account for 10 to 20 percent of all new lignite-fired steam generators, based on EPA estimates of lignite consumption for the year 1980. EPA estimates that NO_x emissions from new cyclone-fired boilers may be reduced by as much as 20 percent as a result of the standard. The combined effect of both standards will be to reduce total NO_x emissions from all new boilers which burn lignite by about 25 percent.

It should be noted that standards of performance for new sources established under section 111 of the Clean Air Act reflect the degree of emission limitation achievable through application of the best adequately demonstrated technological system of continuous emission reduction (taking into consideration the cost of achieving such emission reduction, any nonair quality health and environmental impact and energy requirements). State implementation plans (SIPs) approved or promulgated under section 110 of the Act, on the other hand, must provide for the attainment and maintenance of national ambient air quality standards (NAAQS) designed to protect public health and welfare. For that purpose, SIPs must in some cases require greater emission reductions than those required by standards of performance for new sources. Section 173 of the Act requires, among other things, that a new or modified source constructed in an area which exceeds the NAAQS must reduce emissions to the level which reflects the "lowest achievable emission rate" for such category of source as defined in section 171(3), unless the owner or operator demonstrates that the source cannot achieve such an emission rate. In no event can the emission rate exceed any applicable standard of performance.

A similar situation may arise when a major emitting facility is to be constructed in a geographic area which falls under the prevention of significant deterioration of air quality provisions of the Act (Part C). These provisions require, among other things, that major emitting facilities to be constructed in such areas are to be subject to best available control technology. The term "best available control technology" (BACT) means "an emission limitation based on the maximum degree of reduction of each pollutant subject to regulation under this Act emitted from or which results from any major emitting facility, which the permitting authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such facility through application of production processes and available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of each such pollutant. In no event shall application of 'best available control technology' result in emissions of any pollutants which will exceed the emissions allowed by any applicable standard established pursuant to section 111 or 112 of this Act."

Standards of performance should not be viewed as the ultimate in achievable emission control and should not preclude the imposition of a more stringent emission standard, where appropriate. For example, while cost of achievement may be an important factor in determining standards of performance applicable to all areas of the country (clean as well as dirty), costs must be accorded far less weight in determining the "lowest achievable emission rate" for new or modified sources locating in areas violating statutorily-mandated health and welfare standards. Although there may be emission control technology available that can reduce emissions below those levels required to comply with standards of performance, this technology might not be selected as the basis of standards of performance due to costs associated with its use. This in no way should preclude its use in situations where cost is a lesser consideration, such as determination of the "lowest achievable emission rate."

In addition, States are free under section 116 of the Act to establish even more stringent emission limits than those established under section 111 or those necessary to attain or maintain the NAAQS under section 110. Thus, new sources may in some cases be subject to limitations more stringent than EPA's standards of performance under section 111, and prospective owners and operators of new sources should be aware of this possibility in planning for such facilities.

Environmental and Economic Impacts

The impact of the NO_x emission standards will be most significant in North Dakota and Texas where most new lignite-fired boilers will be located. Although ambient NO_x levels in these areas are now low, emission regulations are important because: (1) The standards will maintain low ambient NO_x concentrations in areas where population and industrial growth is expected in the future; (2) the standards will reduce the potential for development of rural smog which can form in regions having initially low ambient NO_x concentrations; and (3) the standards will reduce long distance transport of NO_x to areas having air pollution problems. In addition, since nationwide levels of NO_x are expected to rise in the future despite NO_x control regulations, the NO_x emission standards for lignite-fired boilers will help to alleviate this problem.

The standards will cause total NO_x emissions from all new lignite-fired steam generators to be reduced by about 25 percent. By comparison, NO_x emissions would have been reduced by about 29 percent if the use of cyclones had been restricted by the standard originally proposed. Thus, the continued use of cyclone-fired boilers will have only a minor adverse impact on air quality.

The NO_x emission standards will have no impact on water pollution, solid waste disposal, sulfur dioxide and particulate emissions, or energy consumption at new lignite-fired steam generators. In addition, the standards will not prohibit the use of any lignite reserves or adversely affect any other natural resources. Additional information about the environmental impact of the standards appears in Volumes 1 and 2 of the SSEIS.

The NO_x emission standards will cause capital costs for new lignite-fired plants to increase by, at most, only 0.5 percent and operating costs will rise even less. Therefore, capital and operating expenses will rise only nominally. Since the price consumers pay for electric power is generally proportional to the electric utility's operating costs, consumer power price increases will be negligible. The boiler manufacturers will experience no significant market disadvantages because the standards effectively permit the sale of all boiler designs and provide no sales advantages for any manufacturer. The small increases in capital costs resulting from the standards will not affect the boiler industry's overall sales. More information about the economic impact of the standards can be found in Volumes 1 and 2 of the SSEIS.

Public Comments

Seventeen comment letters were received during the public comment period. Many of the comments were critical of the information EPA used to support restriction of the cyclone-fired boiler. In particular, these arguments were made: (1) None of the pulverized-fired boilers which EPA tested operate reliably when burning lignite with a sodium content above about 5 percent; (2) the front-wall-fired plant cited by EPA has never burned lignite with an 8 percent sodium content for an extended period of time, as EPA has reported. Also, the plant's capacity factor has averaged about 72 percent, not 86 percent as stated by EPA; (3) although it is true that a North Dakota electric utility has recently agreed to purchase two tangentially-fired boilers, these units are guaranteed to burn lignite containing no more than 4.8 percent sodium. Also, the decision to purchase these boilers may have been influenced by the utility's concern that EPA might prohibit the use of cyclones; (4) recent experiments by the Energy Research and Development Administration have demonstrated that cyclone-fired boilers have significantly lower ash deposition rates than pulverized-fired boilers. This confirms arguments that cyclones have much lower fouling and slagging potentials when burning high sodium content lignite.

EPA agrees that there has not been enough successful operating experience with pulverized-fired boilers

which burn high sodium content lignite to justify eliminating cyclones from the market. Consequently, the Agency has decided to establish a separate NO_x emission standard for cyclones burning Dakota lignite which permits their use.

Another issue raised during the comment period concerned the potentially high NO_x emissions which could occur when Texas lignite with a high nitrogen content is burned. It was argued that these emissions could exceed the standard even if the best system of emission reduction were employed. In support of this contention, a commenter submitted data which indicate that the fuel-nitrogen content of Texas lignites ranges well above expected values. EPA has determined, however, that these data were accumulated around the turn of the century and are inconsistent with present-day values. Information from the Bureau of Economic Geology at the University of Texas and the Texas Railroad Commission indicates that Texas lignite nitrogen contents are typically low and should not cause NO_x emissions from a well controlled plant to exceed the standard.

These and all other comments are discussed in detail in Volume 2, Chapter 2 of the SSEIS.

The effective date of this regulation is (date of publication), because section 111(b)(1)(B) of the Clean Air Act provides that standards of performance or revisions thereof become effective upon promulgation.

NOTE.—The Environmental Protection Agency has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Analysis under Executive Orders 11821 and 11949 and OMB Circular A-107.

Dated: March 2, 1978.

DOUGLAS M. COSTLE,
Administrator.

Part 60 of Chapter I, Title 40 of the Code of Federal Regulations is amended by revising Subparts A and D as follows:

Subpart A—General Provisions

1. Section 60.2 is amended by substituting the International System of Units (SI) in paragraph (1) as follows:

§ 60.2 Definitions.

* * * * *

(1) "Standard conditions" means a temperature of 293 K (68° F) and a pressure of 101.3 kilopascals (29.92 in Hg).

* * * * *

Subpart D—Standards of Performance for Fossil Fuel-Fired Steam Generators

2. Section 60.40 is amended by revising paragraph (c) and by adding paragraph (d) as follows:

§ 60.40 Applicability and designation of affected facility.

* * * * *

(c) Except as provided in paragraph (d) of this section, any facility under paragraph (a) of this section that commenced construction or modification after August 17, 1971, is subject to the requirements of this subpart.

(d) The requirements of §§ 60.44(a)(4), (a)(5), (b), and (d), and 60.45(f)(4)(vi) are applicable to lignite-fired steam generating units that commenced construction or modification after December 22, 1976.

3. Section 60.41 is amended by adding paragraph (f) as follows:

§ 60.41 Definitions.

* * * * *

(f) "Coal" means all solid fuels classified as anthracite, bituminous, subbituminous, or lignite by the American Society for Testing Material. Designation D 388-66.

4. Section 60.44 is amended by adding paragraphs (a)(4) and (a)(5), by revising paragraph (b), and by adding paragraphs (c) and (d) as follows:

§ 60.44 Standard for nitrogen oxides.

(a) * * *

(4) 260 nanograms per joule heat input (0.60 lb per million Btu) derived from lignite or lignite and wood residue (except as provided under paragraph (a)(5) of this section).

(5) 340 nanograms per joule heat input (0.80 lb per million Btu) derived from lignite which is mined in North Dakota, South Dakota, or Montana and which is burned in a cyclone-fired unit.

(b) Except as provided under paragraphs (c) and (d) of this section, when different fossil fuels are burned simultaneously in any combination, the applicable standard (in ng/J) is determined by proration using the following formula:

$$PS_{NO_x} = \frac{w(260) + x(86) + y(130) + z(300)}{w + x + y + z}$$

where:

PS_{NO_x} = is the prorated standard for nitrogen oxides when burning different fuels simultaneously, in nanograms per joule heat input derived from all fossil fuels fired or from all fossil fuels and wood residue fired;

w = is the percentage of total heat input derived from lignite;

x = is the percentage of total heat input derived from gaseous fossil fuel;

y = is the percentage of total heat input derived from liquid fossil fuel; and

z = is the percentage of total heat input derived from solid fossil fuel (except lignite).

(c) When a fossil fuel containing at least 25 percent, by weight, of coal refuse is burned in combination with gaseous, liquid, or other solid fossil fuel or wood residue, the standard for nitrogen oxides does not apply.

(d) Cyclone-fired units which burn fuels containing at least 25 percent of lignite that is mined in North Dakota, South Dakota, or Montana remain subject to paragraph (a)(5) of this section regardless of the types of fuel combusted in combination with that lignite.

(Sections 111 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7411, and 7601).)

5. Section 60.45 is amended by adding paragraph (f)(4)(vi) as follows:

§ 60.45 Emission and fuel monitoring.

* * * * *

(f) * * *

(4) * * *

(vi) For lignite coal as classified according to A.S.T.M. D 388-66, $F = 2.659 \times 10^{-7}$ dscm/J (9900 dscf/million Btu) and $F_c = 0.516 \times 10^{-7}$ scm CO_2/J (1920 scf CO_2/million Btu).

(Sections 111, 114, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7411, 7414, and 7601).)

[FR Doc. 78-5975 Filed 3-6-78; 8:45 am]

[6560-01]

Title 41—Public Contracts and Property Management

CHAPTER 15—ENVIRONMENTAL PROTECTION AGENCY

[FRL 824-8]

PART 15-7—NEW CONTRACT CLAUSES

Confidential Business Information

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This rule adds two new clauses to be used when applicable and substitutes the appropriate "authorization and consent" clause for research and development contracts. The objective of the two new clauses, entitled "Treatment of Confidential Business Information" and "Screening Business Information for Claims of Confidentiality" is to provide the same degree of protection to commercial or financial information as provided under the Freedom of Information Act when, either the Agency may furnish confidential business information to an agency contractor necessary to the performance of his work; or an agency contractor is required to collect information that may be considered as proprietary or confidential by the business that has the right to the information. The substitute "authorization and consent" clause was adopted from the Armed Services Procurement Regulation.

EFFECTIVE DATE: March 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank Boyer, Contracts Policy and Review Branch, Environmental Protection Agency, Washington, D.C. 20460, 202-755-0900.

SUPPLEMENTARY INFORMATION: It is the general policy of the Environmental Protection Agency to provide time for interested persons to participate in the rulemaking process. However, the amendment herein implements the previously published Environmental Protection Agency regulations on confidentiality of business information in 40 CFR Part 2, Subpart B, and merely reflects the requirements stated therein. Therefore the public rulemaking process is waived in this instance and the amendment stated herein is effective immediately.

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

DOUGLAS M. COSTLE,
Administrator,
Environmental Protection Agency.

FEBRUARY 28, 1978.

The table of contents for Part 15-7 is amended to provide new entries as follows:

Sec.
15-7.350 Clauses to be used when applicable.
15-7.350-1 Treatment of confidential business information.
15-7.350-2 Screening business information for claims of confidentiality.
15-7.403-51 Treatment of confidential business information.
15-7.403-52 Screening business information for claims of confidentiality.
15-7.451-2 Treatment of confidential business information.
15-7.451-3 Screening business information for claims of confidentiality.

Subpart 15-7.3—Fixed-Price Research and Development Contracts

1. Section 15-7.302-55 is revised as follows:

§ 15-7.302-55 Authorization and consent.

Insert the following clause in fixed-price research and development contracts:

AUTHORIZATION AND CONSENT

The Government hereby gives its authorization and consent for all use and manufacture of any invention described in and covered by a patent of the United States in the performance of this contract or any part hereof or any amendment hereto or any subcontract hereunder (including any lower-tier subcontract).

2. Section 15-7.350 is added as follows:

§ 15-7.350 Clauses to be used when applicable.

3. Sections 15-7.350-1 and 15-7.350-2 are added as follows:

§ 15-7.350-1 Treatment of confidential business information.

Insert the following clause in fixed-price research and development contracts when the contracting officer has determined that in the performance of a contract EPA may furnish confidential business information to the contractor that EPA obtained under the Clean Air Act (42 U.S.C. 1857 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C. 136 et seq.), the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), or the Toxic Substances Control Act (15 U.S.C. 2601 et seq.). EPA regulations on confidentiality of business information in 40 CFR Part 2 Subpart B require that the contractor agree to the Clause entitled "Treatment of Confidential Business Information" before any confidential business information may be furnished to the contractor:

TREATMENT OF CONFIDENTIAL BUSINESS INFORMATION

(a) The Contracting Officer, after a written determination by the appropriate program office, may disclose confidential business information to the Contractor necessary to carry out the work required under this contract. The Contractor agrees to use the confidential information only under the following conditions:

(1) The Contractor and Contractor's Employees shall: (i) Use the confidential information only for the purposes of carrying out the work required by the contract; (ii) not disclose the information to anyone other than EPA employees without the prior written approval of the Deputy Associate General Counsel for Contracts and General Administration; and (iii) return to the Contracting Officer all copies of the information, and any abstracts or excerpts therefrom, upon request by the Contracting Officer, whenever the information is no longer required by the Contractor for the performance of the work required by the contract, or upon completion of the contract.

(2) The Contractor shall obtain a written agreement to honor the above limitations from each of the Contractor's Employees who will have access to the information, before the employee is allowed access.

(3) The Contractor agrees that these contract conditions concerning the use and disclosure of confidential information are included for the benefit of, and shall be enforceable by, both EPA and any affected business having a proprietary interest in the information.

(4) The Contractor shall not use any confidential information supplied by EPA or obtained during performance hereunder to compete with any business to which the confidential information relates.

(b) The Contractor agrees to obtain the written consent of the Contracting Officer, after a written determination by the appropriate program office, prior to entering into any subcontract that will involve the disclosure of confidential business information by the Contractor to the subcontractor. The Contractor agrees to include this clause, including this paragraph (b), in all subcontracts awarded pursuant to this contract that require the furnishing of confidential business information to the subcontractor.

§ 15-7.350-2 Screening business information for claims of confidentiality.

Insert the following clause in fixed-price research and development contracts when the contracting officer has determined that during performance of this contract the contractor may be required to collect information to perform the work required under this contract. Some of the information may consist of trade secrets or commercial or financial information that would be considered as proprietary or confidential by the business that has the right to the information. The following clause enables EPA to resolve any claims of confidentiality concerning the information that the contractor will furnish under a contract. The clause entitled "Treatment of Confidential Business Information" shall also be included in the contract:

SCREENING BUSINESS INFORMATION FOR CLAIMS OF CONFIDENTIALITY

(a) Whenever collecting information under this contract, the Contractor agrees to comply with the following requirements:

(1) If the Contractor collects information from public sources, such as books, reports, journals, periodicals, public records, or other sources that are available to the public without restriction, the Contractor shall submit a list of these sources to the appropriate program office at the time the information is initially submitted to EPA. The Contractor shall identify the information according to source.

(2) If the Contractor collects information from a State or local government or from a Federal agency, the Contractor shall submit a list of these sources to the appropriate program office at the time the information is initially submitted to EPA. The Contractor shall identify the information according to source.

(3) If the Contractor collects information directly from a business or from a source that represents a business or businesses, such as a trade association:

(i) Before asking for the information, the Contractor shall identify itself, explain that it is performing contractual work for the U.S. Environmental Protection Agency, identify the information that it is seeking to collect, explain what will be done with the information, and give the following notice:

(A) You may, if you desire, assert a business confidentiality claim covering part or all of the information. If you do assert a claim, the information will be disclosed by EPA only to the extent, and by means of the procedures, set forth in 40 CFR Part 2, Subpart B, 41 FR 36906, September 1, 1976.

(B) If no such claim is made at the time this information is received by (the Contractor), it may be made available to the public by the Environmental Protection Agency without further notice to you.

(ii) Upon receiving the information, the Contractor shall make a written notation that the notice set out above was given to the source, by whom, in what form and on what date.

(iii) At the time the Contractor initially submits the information to the appropriate program office, the Contractor shall submit

a list of these sources, identify the information according to source, and indicate whether the source made any confidentiality claim and the nature and extent of the claim.

(b) The Contractor shall keep all information collected from nonpublic sources confidential in accordance with the clause in this contract entitled "Treatment of Confidential Business Information" as if it had been furnished to the Contractor by EPA.

(c) The Contractor agrees to obtain the written consent of the Contracting Officer, after a written determination by the appropriate program office, prior to entering into any subcontract that will require the subcontractor to collect information. The Contractor agrees to include this clause, including this paragraph (c), and the clause entitled "Treatment of Confidential Business Information" in all subcontracts awarded pursuant to this contract that require the subcontractor to collect information.

Subpart 15-7.4—Cost-Reimbursement Type Research and Development Contracts

1. Section 15-7.402-54 is revised as follows:

§ 15-7.402-54 Authorization and consent.

Insert the clause set forth in § 15-7.302-55.

2. Section 15-7.403-51 and 15-7.403-52 are added as follows:

§ 15-7.403-51 Treatment of confidential business information.

Insert the clause set forth in § 15-7.350-1 under the conditions prescribed therein.

§ 15-7.403-52 Screening business information for claims of confidentiality.

Insert the clause set forth in § 15-7.350-2 under the conditions prescribed therein.

3. Section 15-7.450-8 is revised as follows:

§ 15-7.450-8 Authorization and consent.

Insert the clause set forth in § 15-7.302-55.

4. Sections 15-7.451-2 and 15-7.451-3 are added as follows:

§ 15-7.451-2 Treatment of confidential business information.

Insert the clause set forth in § 15-7.350-1 under the conditions prescribed therein.

§ 15-7.451-3 Screening business information for claims of confidentiality.

Insert the clause set forth in § 15-7.350-2 under the conditions prescribed therein.

[FR Doc. 78-5816 Filed 3-6-78; 8:45 am]

[6712-01]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 21455; RM-2917]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Station in Moses Lake, Wash.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: This action assigns a class A FM channel to Moses Lake, Wash. The channel provides for a second FM station which could render a fourth local aural broadcast service to the community.

EFFECTIVE DATE: April 12, 1978.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

REPORT AND ORDER—(PROCEEDING TERMINATED)

Adopted: February 27, 1978.

Released: March 1, 1978.

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations. (Moses Lake, Wash.), Docket No. 21455, RM-2917.

1. The Commission has before it the notice of proposed rulemaking adopted October 26, 1977, 42 FR 57695, proposing the assignment of Channel 257A to Moses Lake, Wash., as its second FM assignment. The proceeding was instituted on the basis of a petition filed by KSEM, Inc. ("petitioner"), licensee of full-time AM Station KSEM, Moses Lake, Wash. Supporting comments were filed by petitioner, reaffirming its intention to file for the channel, if assigned. No oppositions were received.

2. Moses Lake (pop. 10,310), in Grant County (pop. 41,881),[1] is located approximately 160 kilometers (100 miles) southwest of Spokane, Wash. It presently receives local broadcast service from full-time AM Station KSEM (licensed to petitioner), daytime-only AM Station KWIQ, and Class C FM Station KWIQ-FM (Channel 262).

3. Petitioner states that Moses Lake's population, according to the Chamber of Commerce, has increased from 10,310 (1970 Census) to 13,000 persons as of April, 1976. It points out that Moses Lake and Grant County are the hub of the Columbia Basin which area produces top yields of sugar beets, alfalfa, corn and wheat. We are told that these outstanding crop yields have drawn processing plants, fertilizer and chemical companies, farm equipment dealers and irrigation and sprinkler system distributors to the area.

4. Preclusion of otherwise possible assignments would occur only on the proposed channel. Eleven communities[2] are located in the precluded area. Of these eleven, four (Warden, Soap Lake, Cashmere and Coulee Dam) are without local aural broadcast service. Coulee Dam is located within 8 kilometers (5 miles) of Grand Coulee which has two unused FM assignments. An alternate channel is available for assignment to Soap Lake. The proposed channel, if assigned, could be used at Cashmere as well as Moses Lake, so long as the Cashmere transmitter site were located 4.8 kilometers (3 miles) northwest of the community. The preclusion of an assignment to Warden (pop. 1,254) is not sufficient to warrant refusal of the proposed assignment to Moses Lake.

5. While the proposed assignment would contravene the usual policy of avoiding intermixture of a Class A with a Class C channel, we have deviated from this policy where there is a demand for a Class A channel and the proponent has expressed a willingness to compete under such circumstances. Since petitioner is willing to apply for and operate Channel 257A at Moses Lake, in spite of the intermixture situation, we will make the assignment. The channel would provide for a second local FM broadcast service to the community.

6. The Canadian Government has given its concurrence to the proposed assignment of Channel 257A to Moses Lake, Wash.

7. Authority for the action taken herein is contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

8. In view of the foregoing, *it is ordered*, That effective April 12, 1978, § 73.202(b) of the Commission's rules, the FM Table of Assignments, is amended with respect to the community listed below:

City and Channel No.

Moses Lake, Wash., 257A, 262.

[1] Population figures are taken from the 1970 U.S. Census unless otherwise indicated.

[2] Washington: Othello (pop. 4,122), Warden (1,254), Quincy (3,237), Chelan (2,430), Ephrata (5,255); Soap Lake (1,064); Cashmere (1,976), Wenatchee (16,912), Ellensburg (13,568), Coulee Dam (1,425), Grand Coulee (1,302).

9. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083 (47 U.S.C. 154, 303, 307).)

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 78-5836 Filed 3-6-78; 8:45 am]

[7035-01]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Corrected S.O. No. 1304]

PART 1033—CAR SERVICE

Distribution of Covered Hopper Cars

AGENCY: Interstate Commerce Commission.

ACTION: Emergency order (corrected service order No. 1304).

SUMMARY: There is a shortage of jumbo covered hopper cars for transporting shipments of grain. A large number of these cars have been placed in unit-train service. Service order No. 1304 provides that no common carrier by railroad shall permit the use in unit-grain train service of more than 20 percent of its ownership of jumbo covered hopper cars.

DATES: Effective 11:59 p.m., March 1, 1978. Expires 11:59 p.m., April 30, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The order is printed in full below.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 24th day of February 1978.

An acute shortage of covered hopper cars for transporting shipments of grain, grain products, soybeans, or soybean meal exists in certain sections of the country. Some carriers have placed substantial numbers of large-capacity covered hopper cars in unit-train service for the movement of grain under tariff provisions which require that these cars remain in this service for five or more consecutive trips in the service of a single shipper. Such practices are depriving shippers, unable to ship to the destinations to which such services are available or unable to comply with tariff provisions applicable to such movements with respect to availability of tonnage in a single day or ability to receive grain in such quantities, of an equitable share of the supply of large covered hoppers thus creating great economic loss.

The Commission on July 28, 1977, in docket ex parte No. 307, ordered, and the carriers have incorporated in their tariffs, rules requiring that, in periods of shortages in the supplies of covered hopper cars, such cars assigned to the use of a shipper for five or more consecutive trips in unit-grain train service be returned to the control of the carrier for redistribution in a fair and equitable manner.

It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1304 Service order No. 1304.

(a) *Distribution of covered hopper cars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) *Restrictions on use of covered hopper cars.* Effective March 1, 1978, no common carrier by railroad shall permit the use in unit-grain train service of more than twenty percent (20%) of its ownership of jumbo covered hopper cars. (See exception.)

(2) *Repetitive trips.* After completion of five consecutive trips or of the minimum number of trips required by applicable tariffs to qualify for unit-grain train rates, whichever is the lesser, unit-grain trains comprised of jumbo covered hopper cars shall be returned to the origin carrier for distribution. In distributing cars so returned to the control of the carrier, consideration shall be given to the sequence of car orders, the amount of grain immediately available for shipment and the ratio of grain cars ordered to grain cars furnished during the previous 7-day period.[1] Nothing in this paragraph shall prohibit the reallocation of jumbo covered hopper cars to unit-grain train services provided the limitations of paragraph (1) and (5) of this section are not exceeded.

(3) *Completion period.* The period specified in applicable tariffs for completion of the total volume requirements of any unit-grain train shipment on which the required number of consecutive trips has been interrupted because of the provisions of paragraph (2) of this section, shall be extended by addition of the number of days of such interruption, to the total number of days allowed to fulfill such volume requirements.

(4) *Railroad cars mixed with private cars.* (i) Jumbo covered hopper cars of railroad ownership may be substituted for similar cars of private ownership in unit-grain trains normally consisting of cars of private ownership to replace cars which have been damaged by the railroad, provided such substitution does not exceed ten percent (10%) of the total number of cars in such train, fractions of a car to be computed by the next higher whole number of cars. The total of such railroad-owned cars shall be included in the total number of cars authorized herein to be used in unit-grain train service. (See exception (iii).)

(ii) Carrier may operate unit-grain trains comprised of cars of both railroad and private ownership. (See exception (iii).) The railroad-owned cars used in such unit train of mixed ownerships shall remain subject to the provisions of paragraph (2) of this section.

(iii) *Exception.* The provisions of parts (i) and (ii) of this paragraph shall not apply to unit-grain trains subject to tariff provisions requiring the exclusive use of cars of private ownership.

(5) *Increased use in unit trains prohibited.* No common carrier by railroad shall increase the proportion of its ownership of covered hopper cars operated in unit-grain train service above the proportion operated in unit-grain train service on February 15, 1978.

(6) *Exception.* Exceptions to this order may be authorized to carriers by the Railroad Service Board, Interstate Commerce Commission, Washington, D.C. 20423, upon written application stating the number of additional cars to be used in unit-grain train service, the points between which such cars are to be used and the effect upon the carrier's ability to supply cars to other grain shippers who are dependent on it for their car supplies.

(7) *Substitution of small cars for jumbo cars prohibited.* No common carrier shall substitute smaller covered hopper cars for jumbo covered hopper cars for use in unit-grain train service.

(8) *Monthly reports required.* Each common carrier by railroad owning jumbo covered hopper cars shall report to Mr. Joel E. Burns, Chairman, Railroad Service Board, Interstate Commerce Commission, Washington, D.C. 20423, on or before the 10th day of each month the number of jumbo covered hopper cars owned, as of the first of the month, the total number in unit-grain train service; by trains, the number of railroad owned and privately owned cars in unit-grain trains of mixed ownership; by trains, the number of railroad owned cars substituted for private cars which have been damaged by railroad and the number of private cars in such unit-grain

[1] Addition for clarification purposes.

trains; the number of railroad-owned cars in general grain service, the number in other services, the number of unit-grain trains operated during the previous month, and the number of trips made by such trains.

(b) *Definitions.*—(1) *Unit-grain train.* Unit-grain trains are hereby defined as trains of twenty (20) or more covered hoppers organized and operated as a unit from a single point of origin or concentration point, to one destination or distribution point in order to comply with published tariff requirements.

(2) *Jumbo covered hopper cars of railroad ownership.* Jumbo covered hopper cars of railroad ownership are hereby defined as cars listed in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 406, issued by W. J. Trezise, or successive issues thereof as bearing reporting marks issued to railroads and having mechanical designation "LO", and having cubical capacities of 4,000 cu. ft. or larger and weight-carrying capacities of 180,000 lbs. or greater.

(3) *Cars of private ownerships.* Cars of private ownership are hereby defined as cars listed in the section entitled "Private Car Owners," pages 709-1099, inclusive, of the Official Railway Equipment Register, I.C.C.-R.E.R. No. 406, issued by W. J. Trezise, or successive issues thereof.

(c) *Rules and regulations suspended.* In the event that the operation of any unit-grain train is discontinued by the shipper prior to March 15, 1978, as a result of this order, the discontinuance of such a train shall be deemed to have completed the tariff responsibility as to total volume required to be shipped and as to the number of consective trips required to be made by such unit-grain train. The operation of all other tariff provisions or of other rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

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

(e) *Effective date.* This order shall become effective at 11:59 p.m., March 1, 1978.

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., April 30, 1978, unless otherwise modified, changed, or suspended by order of this Commission.

(49 U.S.C. 1(10-17).)

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

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

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

[FR Doc. 78-5815 Filed 3-6-78; 8:45 am]

[7035-01]

[S.O. 1240; Amdt. 4]

PART 1033—CAR SERVICE

Chicago & North Western Transportation Co. Authorized To Operate Over Tracks of the Kansas City Southern Railway Co.

AGENCY: Interstate Commerce Commission.

ACTION: Extension of emergency order (amendment No. 4 to service order No. 1240).

SUMMARY: This amendment extends for 6 months an emergency order issued April 9, 1976, which authorized the Chicago & North Western Transportation Co. (CNW) to operate an unused yard of the Kansas City Southern Railway Co. (KCS) at Kansas City, Mo. Increases in traffic on the CNW in the Kansas City area have resulted in severe congestion and delays to shipments in the Kansas City terminals of that line. The adjoining Hennig Street yard of the KCS is no longer needed by that line because of changes in operating patterns. Use of this yard by the CNW enables that line to move traffic through Kansas City without the excessive delays previously encountered.

DATES: Effective 11:59 p.m., February 28, 1978. Expires 11:59 p.m., August 31, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The order is printed in full below.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 28th day of February, 1978.

Upon further consideration of service order No. 1240 (41 FR 15698, 48343; 42 FR 22367 and 44546), and good cause appearing therefor:

It is ordered, That:

§1033.1240, service order No. 1240, Chicago & North Western Transportation Co. authorized to operate over tracks of the Kansas City Southern Railway Co., is amended by substituting the following paragraph (e) for paragraph (e) thereof:

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

Effective date: This amendment shall become effective at 11:59 p.m., February 28, 1978.

(49 U.S.C. 1(10-17).)

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

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

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

[FR Doc. 78-5814 Filed 3-6-78; 8:45 am]

[4310-55]

Title 50—Wildlife and Fisheries

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

PART 26—PUBLIC ENTRY AND USE

Eastern Neck National Wildlife Refuge, Md.

AGENCY: United States Fish and Wildlife Service, Department of the Interior.

ACTION: Special Regulation.

SUMMARY: The director has determined that public access and specified recreational uses on Eastern Neck National Wildlife Refuge are compatible with the objectives for which the area was established and will provide additional recreational opportunity to the public.

DATES: January 1, 1978 through December 31, 1983.

FOR FURTHER INFORMATION CONTACT:

Phillip Feiger, Refuge Manager, Eastern Neck National Wildlife Refuge, Route 2, Box 225, Rock Hall, Md. 21661, 301-639-7415.

SUPPLEMENTARY INFORMATION:

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

MARYLAND

EASTERN NECK NATIONAL WILDLIFE REFUGE

Entry into and travel on the Eastern Neck National Wildlife Refuge is permitted year-round during daylight hours for photography, hiking, nature study, bicycling, and for access to public waters for fin fishing, shellfishing, and crabbing on areas designated by signs as open. These open areas are delineated on maps available at refuge headquarters and from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Mass. 02158.

Recreational uses shall be in accordance with all State and Federal regulations, subject to the following special regulations:

1. Bicycles and registered motor vehicles are permitted only on designated roads and parking areas. Parking and leaving vehicles unattended along refuge roads is not permitted.

2. Designated nature trails, boardwalks and recreation sites are closed during refuge deer hunts for safety purposes.

3. Boat access is permitted year-round at Bogle's Wharf for commercial and sport fin fishing, shellfishing, and crabbing.

4. The Ingleside Recreation Area and associated picnicking and boat launching sites are open from May 1, 1978 through September 30, 1978.

5. Pets are not permitted out of cars except in designated parking areas where they must be on a leash not exceeding ten feet in length.

6. Camping on the refuge is specifically prohibited.

7. During the period May 1 through September 30, 1978, the following activities are not permitted in an area delineated by posting at Eastern Neck Narrows: stopping or parking vehicles; standing on or fishing and crabbing from the roadside or shoreline; launching or removing boats.

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

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

WILLIAM C. ASHE,
Acting Regional Director, United States Fish and Wildlife Service.

FEBRUARY 27, 1978.

[FR Doc. 78-5915 Filed 3-6-78; 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

[7 CFR Part 2853]

MEATS, PREPARED MEATS, AND MEAT PRODUCTS

Grading, Certification, and Standards

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Revision and addition of locations for public hearings.

SUMMARY: The locations where the public hearings in San Francisco and Omaha were scheduled for persons to present oral comments on the proposed revisions in certain official U.S. standards for grades of meat and the related meat grading regulations and a companion rule to revise Federal meat inspection regulations pertaining to marking and labeling requirements have been changed to different sites. In addition, to provide a more easily accessible location for persons in the south-central United States to present oral comments, a fifth session is now scheduled for March 30, 1978, in Dallas, Tex.

DATES: See below.

FOR FURTHER INFORMATION CONTACT:

Mr. Jerry Goodall, Acting Director, Meat Quality Division, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-4727.

SUPPLEMENTARY INFORMATION: The hearing sessions' locations and dates as listed in the January 23, 1978, FEDERAL REGISTER (43 FR 3140) are now revised as follows:

1. March 16, 1978, Washington, D.C. 20250, Jefferson Auditorium, South Agriculture Building, 14th and Independence Avenue SW.
2. March 21, 1978, San Francisco, Calif. 94102, State Office Building, Room 1194, 455 Golden Gate Avenue.
3. March 23, 1978, Omaha, Nebr. 68102, Civic Auditorium, Assembly Hall, 17th Street and Capitol Avenue.
4. March 28, 1978, Atlanta, Ga. 30303, Federal Office Building, Room 556, 275 Peachtree Street NW.
5. March 30, 1978, Dallas, Tex. 75202, Federal Building, Room 7A23, 1100 Commerce Street.

Persons who wish to be heard at the Dallas session are requested to notify the Administrator, Food Safety and Quality Service, Washington, D.C. 20250, on or before March 14, 1978, stating how much time they will need to present their statement. Although advance notice will facilitate the conduct of the hearing, any person who wishes to be heard will be afforded such opportunity, whether or not that person has given advance notice.

Dated: March 2, 1978.

ROBERT ANGELOTTI,
Administrator,
Food Safety and Quality Service.

[FR Doc. 78-5837 Filed 3-6-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

Office of Conservation and Solar Application

[10 CFR Part 1010]

ELECTRIC AND HYBRID VEHICLE RESEARCH DEVELOPMENT, AND DEMONSTRATION PROJECT

Cancellation of Public Hearing

AGENCY: Department of Energy.

ACTION: Cancellation of public hearing.

SUMMARY: The Department of Energy is canceling the public hearing on proposed regulations for performance standards for electric and hybrid vehicles which was announced in a Notice of Proposed Rulemaking and Public Hearing issued on February 6, 1978 (43 FR 5841, February 10, 1978). The public hearing is canceled due to the lack of sufficient interest in the hearing. The deadline for comments remains the same as set forth in the February 6 notice.

FOR FURTHER INFORMATION CONTACT:

Charles E. Pax, Office of Conservation and Solar Applications, 20 Massachusetts Avenue NW., Washington, D.C. 20545, 202-376-4893.

Issued in Washington, D.C., March 3, 1978.

WILLIAM S. HEFFELFINGER,
Director of Administration.

[FR Doc. 78-6055 Filed 3-6-78; 8:45 am]

[4110-07]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Parts 404, 416]

[Regs. No. 4, 16]

FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE BENEFITS AND SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Rules for Adjudicating Disability Claims in Which Vocational Factors Must Be Considered

AGENCY: Social Security Administration, HEW.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The proposed amendments will expand existing regulations to include additional detailed criteria for the evaluation of those cases involving claims based on disability under title II and title XVI of the Social Security Act in which the determination as to disability cannot be made on medical severity alone or on the ability to do past work. In such instances the individual's impairment will be considered in conjunction with the individual's age, education, and work experience to determine his or her ability to engage in substantial gainful activity. In publishing the proposed amendments, the Social Security Administration intends to consolidate and elaborate upon longstanding medical-vocational evaluation policies for adjudicating disability claims in which an individual's age, education, and work experience must be considered in addition to the medical condition.

DATES: Comments must be received on or before May 8, 1978.

ADDRESSES: Prior to final adoption of the proposed amendments to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Md. 21203.

Copies of all comments received in response to this notice will be avail-

able for public inspection during regular business hours at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 5131, 330 Independence Avenue SW., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT:

William J. Ziegler, Legal Assistant, Office of Policy and Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, Md. 21235, telephone 301-594-7415.

SUPPLEMENTARY INFORMATION: The proposed amendments will expand existing regulations to include additional detailed criteria for the evaluation of those cases involving claims based on disability under title II and title XVI of the Social Security Act in which the determination as to disability cannot be made on medical severity alone or on the ability to do past work. In such instances the individual's impairment will be considered in conjunction with the indvidual's age, education, and work experience to determine his or her ability to engage in substantial gainful activity. The rules in Appendix 2 consider only impairments which result in exertional limitations. They do not apply where the impairment(s) causes only nonexertional limitations; e.g., certain mental, sensory or skin impairments. The regulations text provides the framework in which to evaluate impairments resulting only in nonexertional limitations. In any case where a numbered Appendix 2 rule does not apply, full consideration must be given to all the facts of the case in accordance with the definitions and discussions of each factor in the regulations.

These proposed amendments have no applicability in determining whether or not statutory blindness exists under title II or title XVI of the Social Security Act, or whether children under age 18 are disabled for purposes of title XVI or in determining disability of applicants for widows' or widowers' benefits under title II.

In order to obtain the public's views and comments before proceeding with the proposed amendments, public meetings were held in Baltimore, Md. (41 FR 51471), Dallas, Tex., and San Francisco, Calif. (42 FR 8223) on December 8, 1976, March 1, and March 3, 1977, respectively. All comments pertaining to the proposed amendments have been carefully considered and all issues identified in the comments are addressed in the preamble.

In publishing the proposed amendments, the Social Security Administration intends to consolidate and elaborate upon longstanding medical-vocational evaluation policies for adjudicating disability claims in which an individual's age, education, and work experience must be considered in addition to the medical condition. These policies have in the past been reflected in fragmented guides and have not been readily available in the same format at all levels of adjudication. While the majority of disability cases are resolved on the basis of medical considerations alone, or the ability to do past work, those cases that require the full consideration of an individual's age, education, and work experience are the most difficult to resolve at all levels of adjudication as well as for the general public to understand. Consolidating and incorporating these policies into the regulations will serve to make clearer to claimants and their representatives how disability is determined where vocational factors must be considered. In addition, it will serve to better assure the soundness and consistency of disability determinations in all claims that are filed regardless of the level at which adjudicated; and finally, it should promote better understanding and acceptance by the public and the courts of disability determinations that are made.

Background

Congress first amended the Social Security Act in 1954 to preserve the insurance rights of individuals who have periods of total disability before reaching retirement age. The 1954 provision defined disability, in pertinent part, as:

> inability to engage in any substantial gainful activity by reason of any medically determinble physical or mental impairment which can be expected to result in death or to be of long-continued and indefinite duration * * *
>
> (Section 106(d), Act of September 1, 1954, C. 1206, 68 Stat. 1080.)

The law, on its face, did not initially mandate consideration of any vocational factors. However, the Congress envisaged that the determination in every case be an individual one. Accordingly, since the inception of the social security disability program in 1954, in applying the statutory test, consideration has been given to the individual's vocational capacity, where pertinent, in determining whether the individual is disabled. However, because of the clearly limited statutory definition, those factors which relate primarly not to disability but to an individual's ability to obtain employment have been excluded from consideration.

The Social Security Administration's first effort in developing rules for disability determinations was in February 1955 when the Commissioner of Social Security appointed a Medical Advisory Committee to provide technical advice on administering guides and standards designed to provide equal consideration to all individuals in the evaluation of their disabilities under the 1954 law. This committee suggested that age, education, training, experience, and other individual factors would need consideration in any case requiring evaluation of facts beyond the medical report and work record even though the law did not specifically require consideration of such factors.

In 1956, the law was further amended to provide for payment of disability insurance benefits to insured individuals who were disabled; the above quoted statutory definition of disability was adopted for this purpose (Social Security Act as amended by section 103(a) of Pub. L. 84-880, approved August 1, 1956, (C836, 70 Stat. 815)). Regulations promulgated in 1957 to implement the statute also provided for the consideration of vocational factors. Section 404.1501 of Regulations No. 4 provided in pertinent part:

> "(b) In determining whether an individual's impairment makes him unable to engage in such activity [substantial gainful activity] primary consideration is given to the severity of his impairment. *Consideration is also given to such other factors as the individual's education, training and work experience.*
>
> "(c) It must be established by medical evidence, and where necessary by appropriate medical tests, that the applicant's impairment results in such a lack of ability to perform significant functions—such as moving about, handling objects, hearing or speaking, or, in a case of mental impairment, reasoning or understanding—*that he cannot, with his training, education and work experience, engage in any kind or substantial gainful activity.*" (Emphasis added.)

The initial years of operatin of the disability program were reviewed by the Subcommittee on the Administration of the Social Security Laws of the Committee on Ways and Means. This Subcommittee's Preliminary Report, issued on March 11, 1960, stated, in commenting on "nonmedical standards" in the disability program, that:

> The Subcommittee believes it is essential that there be a clear distinction between this program and one concerned with unemployment. It also believes it is desirable that disability determinations be carried out in as realistic a manner as possible, and that theoretical capacity in a severely impaired individual can be somewhat meaningless if it cannot be translated into an ability to compete in the open labor market.

In August 1960 the regulations were further amended. Among other things, the amended regulations continued to provide for the consideration of vocational factors including age, education, training, and work experience, in determining disability, and specifically stated:

> The physical or mental impairments must be the primary reason for the individual's inability to engage in substantial gainful ac-

tivity. Where for instance, an individual remains unemployed for a reason or reasons not due to his physical or mental impairment but because of the hiring practices of certain employers, technological changes in the industry in which he has worked, or local or cyclical conditions, such individual may not be considered under a disability
* * *

Reflecting concern about the disability insurance benefit program and the way the definition was being interpreted by the courts, the 1967 amendments to the law clarified the definition of disability. This legislation emphasized the role of medical standards in determining disability by stating that an individual is not to be considered under a disability unless the individual's impairment is of such severity that he or she is not only unable to do his or her previous work but cannot (considering his or her age, education, and work experience) engage in any other kind of substantial gainful work which exists in the national economy.

Specifically, the statutory definition of disability in section 223 of the Act was amended by the 1967 amendments to read, in pertinent part, as follows:

(d)(1) the term 'disability' means—
(A) inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months; or
(B) [blindness].
(2) For purposes of paragraph (1)(A)—
(A) an individual (except a widow, surviving divorced wife, or widower for purposes of section 202 (e) or (f)) shall be determined to be under a disability *only if his physical or mental impairment or impairments are of such severity that he is not only unable to do his previous work but cannot, considering his age, education, and work experience, engage in any kind of substantial gainful work which exists in the national economy,* regardless of whether such work exists in the immediate area in which he lives, or whether a specific job vacancy exists for him, or whether he would be hired if he applied for work. For purposes of the preceding sentence (with respect to any individual), 'work which exists in the national economy' means work which exists in significant numbers either in the region where such individual lives or in several regions of the country. (Emphasis added.)

* * * * *

(3) For purposes of this subsection, a 'physical or mental impairment' is an impairment that results from anatomical, physiological, or psychological abnormalities which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques.

* * * * *

(5) An individual shall not be considered to be under a disability unless he furnishes such medical and other evidence of the existence thereof as the Secretary may require. (Section 158(b), Pub. L. 90-248, January 2, 1968.)

The legislative history of this amendment indicates that the Congress clearly intended that medical factors be given predominant importance in making disability determinations. The House Report (H.R. Rep. No. 544, 90th Cong., 1st Sess. (1967)) states, at page 30:

* * * In most cases the decision that an individual is disabled can be made solely on the basis that his impairment or impairments are of a level of severity (as determined by the Secretary) to be sufficient so that, in the absence of an actual demonstration of ability to engage in substantial gainful activity, it may be presumed that he is unable to so engage *because* of the impairment or impairments. (Emphasis in original.)

Further, for the first time, albeit in a limited fashion, Congress specifically alluded to vocational factors in the statutory language (Section 223(d)(2)(A)) to provide guidance as to their applicability. In discussing such factors which must be applied to individuals whose medical impairments are not of a sufficient level of severity so that the presumption of disability would apply, the House Report went on to state, on the same page:

* * * that such an individual would be disabled only if it is shown that he has a severe medically determinable physical or mental impairment or impairments; that if, despite his impairment or impairments, an individual still can do his previous work, he is not under a disability; and that if, considering the severity of his impairment together with his age, education, and experience, he has the ability to engage in some other type of substantial gainful work that exists in the national economy even though he can no longer do his previous work, he also is not under a disability regardless of whether or not such work exists in the general area in which he lives or whether he would be hired to do such work. It is not intended, however, that a type of job which exists only in very limited numbers or in relatively few geographic locations would be considered as existing in the national economy. While such factors as whether the work he could do exists in his local area, or whether there are job openings, or whether he would or would not actually be hired may be pertinent in relation to other forms of protection, they may not be used as a basis for finding an individual to be disabled under this definition. It is, and has been, the intent of the statute to provide a definition of disability which can be applied with uniformity and consistency throughout the nation, without regard to where a particular individual may reside, to local hiring practices or employer preferences or to the state of the local or national economy.

Except for the existing appendix to the regulations listing specific medical impairments which are presumptive of disability due to the severity involved, the existing regulations have provided general guidance in the determination of disability. They have been supported by a wide array of specific administrative materials which have been used primarily at the initial and reconsideration levels in the making of each decision. Such materials (provided primarily from surveys of industry by the Department of Labor, the Bureau of the Census and State employment services) include a variety of specific, published documentations of jobs existing in the local and national economy and specific physical, mental and skill requirements of such jobs (e.g., the County Business Patterns, published by the Bureau of the Census, which show distribution of employment in the United States by locality and by industry; the Census Reports, published by the Bureau of the Census, which give detailed characteristics of the working population on a national, regional, and local level; occupational analyses of light and sedentary jobs prepared for the Social Security Administration by various State employment agencies; the Occupational Outlook Handbook, published by the Bureau of Labor Statistics, which shoes the nature of work, the training and other qualifications needed and working conditions and employment outlook for certain occupations; and the third edition of the Dictionary of Occupational Titles, published by the Department of Labor, which provides job definitions, requirements, worker traits, industry designations and indicators of skills). Thus, the relationsip between the physical abilities of specific individuals and the physical, mental, and skill requirements of specific jobs available in the national economy has been administratively determinable. The administrative notice which is taken of the mentioned reference materials is based on the fact that they are generally recognized in business, industry, and government as representing authoritative sources on jobs throughout the national economy. As later editions are published, e.g., the fourth edition of the Dictionary of Occupational Titles now being prepared by the Department of Labor, they will be used in the same manner.

Consistent with the definition of disability prescribed by the law and regulations issued thereunder, and the relationship between the physical abilities of specific individuals and the physical, mental, and skill requirements of specific jobs available in the national economy, detailed guides for determining whether disability exists have been developed by the Social Security Administration and have been provided in the form of administrative issuances at the initial and reconsideration levels for use in the adjudication of each case. Thousands of such cases are adjudicated each year under these evaluation guides. These guides are now proposed as rules for incorporation into the regulation. Their publication in this form will facilitate a sound determination of disability in those cases where the vocational impact of age, education, and work experience

must be assessed in conjunction with the severity of an individual's medical impairment(s), better assure consistency of determinations, and better serve to advise the public, adjudicatory personnel within the Social Security Administration, and the courts, of the specific rules followed by the Social Security Administration.

This need for publication of additional, more definitive medical-vocational rules has been further heightened by the advent of the recent title XVI (Supplemental Security Income) legislation which introduced into general adjudicative consideration for the first time a factor not normally present in the title II disability program—the vocational impact upon adult individuals who have no relevant work experience at all.

Under title II, the "insured status" requirement, which applies to most disability claimants, requires that the claimant have a significant and recent work history covered under the title II program. Under title XVI, the same test of disability is used as under title II, but the collateral requirements are directed to financial need rather than participation in a work-related contributory system. Therefore, needy disabled individuals may qualify under title XVI even if they have no work history.

Proposed Amendments Expanding the Regulations

GENERAL

For consistency with the statutory definition of disability, the proposed regulations contain a technical clarification of the language in Regulations No. 4 and Regulations No. 16 to reflect that an impairment that is "not severe" would support a finding that an individual is not disabled.

The proposed regulations specifically define the adjudicative weight to be given to impairment severity, age, education, and work experience. They emphasize that the adjudicative judgment is to be based on consideration of the interaction of all of the individual factors. They also add a new Appendix 2 which is composed of rules that reflect the major functional and vocational patterns that are encountered in cases where an individual with a severe medically determinable physical or mental impairment(s) is not engaging in substantial gainful activity and the individual's impairment(s) prevents the performance of his or her vocationally relevant past work. The rules in Appendix 2 also reflect the analysis of the various vocational factors in combination with the individual's residual functional capacity in evaluating the individual's ability to engage in substantial gainful activity in other than vocationally relevant past work. These rules are not presumptive, but are conclusive where the necessary findings with regard to each individual establish that a particular rule is met. That is, where the findings of fact made with respect to a particular individual's vocational factors and residual functional capacity coincide with all of the criteria of a particular rule, the rule directs a factual conclusion as to whether the individual is or is not disabled. However, these individual findings of fact are subject to rebuttal and the individual may present evidence to refute such findings. Where any one of the findings of fact does not coincide with the corresponding criterion of a rule, the rule does not apply in that particular case and, accordingly, does not direct a factual conclusion.

Because the rules consider only impairments which result in exertional limitations, they are not applicable where an individual's impairment(s) cause only non-exertional limitations, e.g., certain mental, sensory, or skin impairments. Further, the rules may not apply where a combination of impairments significantly limits the range of work an individual can perform at a given exertional level; nor do the rules apply where a finding of fact concerning age, education, or work experience differs from the vocational charcteristics required by a rule. The rules, however, are useful as adjudicative guides in considering borderline cases and cases involving combinations of impairments. In any case where a rule does not apply, full consideration must be given to all the facts of the case in accordance with the definitions and discussions of each factor in the regulations.

The proposed criteria are considered in appropriate sequence in the context of the overall disability sequential evaluation process. This sequence, conforming to existing social security regulations, and left substantially unchanged by the proposed amendments, is applied in the following manner.

1. *Determinations based on an individual engaging in substantial gainful activity.* Where an individual is actually engaging in substantial gainful activity, a finding will be made that such an individual is not under a disability without consideration of either medical or vocational factors.

2. *Determinations based solely on the medical severity of impairments.* a. Medical considerations alone can justify a finding that the individual is not under a disability where the medically determinable physical or mental impairment(s) is not severe, e.g., does not significantly limit the individual's physical or mental capacity to perform basic work-related functions.

b. On the other hand, medical considerations alone would (except where other evidence rebuts a finding of disability, e.g., the individual is actually engaging in substantial gainful activity) justify a finding of disability where the impairment meets the duration requirement (i.e., is expected to last at least 12 months or result in death) and meets or equals the severity of a listed impairment published in the Appendix (to be designated "Appendix 1") of the disability regulations.

3. *Determinations based on vocational as well as medical considerations.* a. Where an individual with a marginal education and long work experience (e.g., 35 to 40 years or more) limited to the performance of arduous unskilled physical labor, is not working and is no longer able to perform such labor because of a significant impairment or impairments, such an individual may be found to be under a disability.

b. Where a finding of disability (or its absence) is not made under any of the foregoing steps, the individual's impairment(s) is evaluated in terms of physical and mental demands of the individual's past revelant work. If the impairment(s) does not prevent the performance of past relevant work, disability will be found not to exist.

c. If an individual cannot perform his or her past relevant work but the individual's physical and mental capacities are consistent with his or her meeting the demands of a significant number of jobs in the national economy and the individual has the vocational capabilities (considering his or her age, education, and past work experience) to make an adjustment to work different from that which the individual has performed in the past, it will be determined that such an individual is not under a disability. However, if such an individual's physical and mental capacities in conjunction with his or her vocational capabilities (considering his or her age, education, and work experience) are not consistent with making an adjustment to work differing from that which the individual has performed in the past, it will be determined that such an individual is under a disability.

The proposed amendments and the addition of Appendix 2 primarily concern the last two steps of the process (3 b and c above) and principally the last step (3c above). They provide a logical sequence for evaluating disability within the last step, the step where it is necessary to evaluate the severity of the individual's impairment(s) in conjunction with his or here vocational profile (i.e., his or her age, education, and work experience). These rules apply only after a determination has been made that the individual's impairment(s), although severe, does not meet or equal the listing of impairments in Appendix 1 and the individual is unable to perform past relevant work, Moreover, the rules apply only

after the impairments have been translated into the individual's physical and mental ability to perform functions necessary for the performance of work. In the determination of the individual's impairments and ability to function, all medical evidence is evaluated. The individual has the burden of proving his or her case by furnishing evidence of disability, but all evidence adduced in the case from any source is fully considered. If, however, nothing in the evidence raises a question regarding a particular impairment or function, such as seeing or hearing, the individual is considered to be able, in that respect, to perform work activities.

The proposed amendments focus on the vocational factors of age, education, and work experience. They are premised on the necessity to adjudicate each case individually to determine exactly what work a specific individual is able to do. This includes a specific consideration of the individual's vocational profile. In making determinations of disability, administrative notice is taken of authoritative publications and studies which identify the kinds and numbers of jobs that exist in the national economy and their skill and exertional requirements.

Most sources not connected with the Social Security Administration which deal with the vocational implications of limitations resulting from impairments, age, education, and work experience do so from the standpoint of job placement rather than the social security concept of disability, which is concerned with the physical and mental ability to engage in jobs that exist. Such sources entail consideration of elements such as employer hiring practices which are precluded from consideration in social security disability adjudication. Thus, most of their findings are not directly applicable. Such data do, however, provide an overview of the realities of the labor market and some specific reference points that can be utilized. The extensive experience of the Social Security Administration is also used as a basis for consideration of vocational factors.

Recognizing the primary importance of the individual's impairment(s) and any limitations resulting therefrom, the proposed amendments require first that sound professional judgments be made as to an individual's maximum sustained work capability as a result of his or her impairment(s)—the individual's residual functional capacity. Then, a reliable basis is needed to relate the individual's residual functional capacity to what he or she could be expected to do in terms of work at various exertional levels. The individual has the burden of proving that he or she is disabled and where no issue is raised by his or her allegations or the evidence adduced as to specific physical or mental capacities, findings as to such capacities are not required.

In order to consider the individual's residual functional capacity in terms of the level of work his or her exertional capabilities would represent, the designations of sedentary, light, medium, heavy and very heavy work are used as such terms are defined in the third edition of the Dictionary of Occupational Titles published by the Department of Labor. This provides a "bridge" between assessment of residual functional capacity and the identification of ranges of work and types of jobs that remain within the individual's functional capabilities. The rules attach vocational significance to the functional capability for various ranges of work in terms of the relative numbers of jobs represented by the various capabilities.

The functional ability to perform heavy work, which includes the functional capability for work at all of the lesser functional levels as well, indicates the functional capability for almost all work that is listed in the third edition of the Dictionary of Occupational Titles. The functional ability to perform very heavy work includes the functional capability for all work that is listed in the third edition of the Dictionary of Occupational Titles.

The functional capacity to perform medium work includes the functional capacity to perform sedentary, light, and medium work and indicates a substantial work capability. Approximately 2,500 separate unskilled sedentary, light and medium occupations are identified in the Selected Characteristics of Occupations, a supplement to the third edition of the Dictionary of Occupational Titles. Each occupation represents numerous jobs found throughout the national economy.

The functional ability to perform a full or wide range of light work represents substantial work capability in diverse jobs and industries at all skill levels. Approximately 1,600 separate unskilled light and sedentary occupations can be identified in the Supplement to the Dictionary of Occupational Titles (third edition), each occupation representing numerous jobs found throughout the national economy.

Most sedentary occupations are skilled or semi-skilled, and fall within the professional, administrative, technical, clerical, machine trade, and benchwork classifications. There are also approximately 200 separate unskilled sedentary occupations which can be identified in the Supplement to the Dictionary of Occupational titles (third edition), each occupation representing numerous jobs found throughout the national economy. While sedentary work represents a significantly restricted range of work, this range itself is not so restricted as to negate work capability for substantial gainful activity. As with the other factors, the functional level of work which an individual can perform is not, in itself, determinative of disability but must be considered in conjunction with the individual's age, education, and work experience.

The proposed Appendix 2 considers the functional level of work which an individual can perform in relation to the individual's age, education, and work experience. Various combinations of these functions are arranged to direct a factual conclusion as to whether the individual is disabled. Where findings of fact as to the individual's remaining functional capacity, age, education and work experience coincide with the criteria of a specific rule, the indicated factual conclusion obtains. Where any one of the individual findings of fact does not coincide with a criterion specified in a particular rule, the rules does not apply in that particular case and, therefore, does not direct a factual conclusion of disabled or not disabled. In such instances the Appendix 2 rules will provide a guide for decision-making along the discussions of each factor in the body of the regulations.

If it is found that an individual does not have the physical-mental capacity to perform work even at a sedentary level—the level requiring the least exertion—disability will be determined to exist, absent specific evidence to the contrary (e.g., the individual is working in substantial gainful activity). (In such a situation, the individual should ordinarily have been determined to be disabled based solely on consideration of the medical severity of impairment under Step 2b in the sequential process described above.) If, on the other hand, it is found that the individual, although severely impaired, does have the physical-mental capacity to perform work at some exertional level (i.e., sedentary through heavy), consideration then must be given, as provided in the law, to whether "jobs exist in the national economy" that are within the individual's capability, considering his or her residual functional capacity in the light of his or her age, education, and work experience.

As previously set out, the law provides that "jobs exist in the national economy" when they exist in significant numbers either in the region where an individual lives or in several regions of the country. Further, in defining what constitutes disability, under sections 223(d) and 1614(a)(3) of the Social Security Act, the Congressional intent is that where an individual's physical or mental impariment(s) and his or her age, education, and past work experience are compatible with the performance of substantial gainful

activity, the individual cannot be considered under a disability because he or she is unsuccessful in obtaining work he or she can do; or because work he or she could do does not exist in his or her local area; or because of the hiring practices of employers, technological changes in the industry in which the individual has worked, or cyclical economic conditions; or because there are no job openings for the individual or the individual would not actually be hired to do work he or she could otherwise perform. On the other hand, an individual may be determined to be under a disability if the individual's physical or mental impairments are of such severity that the individual is not only unable to do his or her previous work but cannot, considering his or her age, education, and work experience, engage in any other kind of substantial gainful work which exists in the national economy.

In view of the provisions of the law and data which show that significant numbers of unskilled jobs do exist in the "national economy" at each of the levels of required exertion from sedentary through heavy and very heavy, an individual would not meet the requirements for disability if the individual has the residual functional capacity to do work at any of these levels and the individual's vocational capabilities, considering his or her age, education, and work experience, are not so adverse as to preclude his or her ability to engage in such work. Thus, for example, an individual who retains the physical ability to do a wide range of light work, who is not of advanced age, and is able to communicate, read, and write on an elementary level, would generally be considered to still be in the competitive labor market for light, unskilled work, despite the absence of special experience or skills. This is a longstanding guide used by social security disability program adjudicators and has been available in administrative issuances.

Within the context of the preceding discussion concerning the overall impact of vocational considerations in assessing disability, the expanded regulations also provide specific rules for assessing each of the vocational factors of age, education, and work experience. The bases for these rules are discussed below:

AGE

Reference sources and materials dealing with chronological age in terms of vocational relationship deal principally with employment and rehabilitation activities, basing their conclusions mainly on the rate of participation in the labor force, the unemployment rate, duration of unemployment, and the proportion of hires to applicants. It appears from such materials that the "older worker" is usually considered as an individual 45 years of age and older. See, for example "Services to Older Workers" by the Public Employment Service (May 1957), page 9; Training and Employment of the Older Worker, Recent Findings and Recommendations Based on Older Worker Experimental and Demonstration Projects by Sarah F. Leiter (February 1968), pages 1 and 2; The Productive Years Age 45-65 (undated) published by the National Association of Manufacturers; Meeting the Manpower Challenge of the Sixties with 40-plus Workers, a November 1960 Department of Labor publication, page 12.

It is further noted in publications that age 55 represents a critical point in the attempts of "older workers" to obtain employment. See, for example, A Survey of the Employment of Older Workers (1965) by the State of California, Department of Employment and Citizens' Advisory Committee on Aging, page 96; The Vocational Adjustment of the Older Disabled Worker, A Selective Review of the Recent Literature, by Herbert Rusalen, Ed. D. (a study for the Vocational Rehabilitation Administration), pages 9, 10, and 12; Services to Older Workers by the Public Employment Service (May 1957).

In viewing the overall implications of the data in the sources cited, it must be recognized that there is a direct relationship between age and the likelihood of employment. However, the statutory definition of disability provides specifically that vocational factors must be viewed in terms of their effect on the ability to perform jobs rather than the ability to obtain jobs—in essence, in terms of how the progressive deteriorative changes which occur as individuals get older affect their vocational capacities to perform jobs. Since no data or sources are available which relate varyng specific chronological ages to specific vocational limitations for performing jobs, it has been necessary to analyze and interpret for performing jobs, it has been necessary to analyze and interpret the available age—employment data to ascertain a point where it would be realistic to ascribe vocational limitations based on chronological age.

Prior experience of the Social Security Administration in determining when age makes a difference in disability determinations has also been considered, e.g., as shown in the Social Security Disability Applicant Statistics/1970 published by the U.S. Department of Health, Education, and Welfare, Social Security Administration, Office of Research and Statistics, September 1974, as well as the Veterans Administration Schedule for rating disabilities (38 CFR 4.17).

In this respect, while the data reflect employment problems as developing at age 45, they recognize that this problem becomes significantly intensified at age 55. It is at this point, age 55, where it can reasonably be anticipated, therefore, that the deteriorative changes which occur in older persons which affect vocational capacities would most likely occur. Further, the vocational adversity of age 55 was recognized in Report of the 1971 Advisory Council on Social Security published by the U.S. Government Printing Office, April 5, 1971; and age 55 has already gained Congressional recognition in legislation establishing special provisions for disability because of blindness (see 42 U.S.C. 423(d)(1)(B)).

Thus, from the standpoint of chronological age, the proposed amendments reflect age 55 and over as advanced age representing the point when age could be expected to be an adverse consideration in determining an individual's vocational adaptability to work differing from that of his or her past experience. This designation of age is an expectancy only and not an arbitrary limit and may not be crucial in a particular case. Indeed, whatever disadvantage "advanced age" may have generally may be offset in a specific case by an advantage such as skills or training. Further, no general application or inferences are intended regarding employer hiring practices with respect to age. (The Age Discrimination in Employment Act of 1967 prohibits discrimination in hiring practices because of age.) As noted earlier, employer hiring practices, regardless of their legality, are excluded from consideration in social security disability adjudication. The ultimate finding of whether an individual of advanced age can or cannot reasonably be expected to adjust to work other than that which the individual has performed in the past, is dependent upon an evaluation of the extent of the individual's limitations resulting from medically determinable impairments in interaction with his or her age, education, training, past work experience (or lack of work experience), and skills. In addition, these amendments take cognizance of the fact that the vocational impact of age does not abruptly change from a favorable to an adverse vocational consideration precisely at the point of attaining age 55. Therefore, the proposed amendments provide for consideration of a lesser, but nevertheless significant, degree of vocational adversity as advanced age is approached. The chronological ages shown in the Appendix 2 Rules (45, 50, 55, 60) as representative of the increasing adversity of age within the scope of consideration of this factor in social security disability adjudication are intended as specific indicators, but are not intended to be applied mechanically in borderline situations.

EDUCATION

Formal education is given adjudicative weight to the extent that it relates to an individual's ability to meet reasoning abilities, language, and arithmetical requirement of jobs. Reasoning ability would affect the individual's ability to follow instructions and make judgments in a work situation. Language competence relates to ability to read, write, and speak. The inability to meet the language requirements at an elementary level would restrict even the number of unskilled jobs a person would be able to do. Similarly, the inability to perform single calculations in addition and subtraction would represent vocational restrictions in performing some unskilled jobs. On the other hand the Dictionary of Occupational Titles, third edition, and particularly the supplement thereto, Selected Characteristics of Occupations published by the Department of Labor, reflects that individuals with basic competences in speaking, reading, writing, and making simple calculations do have the educational capabilities for performing unskilled work. The Occupational Outlook Handbook, published by the Bureau of Labor Statistics (page 778, 1970–1971 edition and page 764, 1974–1975 edition), also reflects that people who have less than a high school education and no previous experience often can qualify for unskilled jobs. Other materials indicate similar correlations and reflect that employability tends to increase with education. See, for example, in the Occupational Outlook Handbook, published by the Bureau of Labor Statistics (1974–1975 edition), the section within each occupational listing entitled "Training Other Qualifications, and Advancement," for example, see page 764; The Long Term Unemployed, Educational Attainment (October 1964) published by the Manpower Administration of the Department of Labor in cooperation with the Oklahoma Employment Security Commission (pages vi, and 18); Monthly Labor Review of January 1974, an article entitled "Educational Attainment of Workers, March 1973" (pages 58–61); Atuomation Manpower Services Program Report by the New Jersey State Employment Service entitled "The 'Mack' Worker, The Impact of His Job Loss 2½ Years Later (December 1965) (pages 14 and 15); A Survey of the Employment of Older Workers (1965), by the State of California Department of Employment and Citizens' Advisory Committee on Aging; The Impact of Technological Change in the Meatpacking Industry, published by the Division of Employment, Department of Labor in March 1966 (page 16). Illiteracy as an adverse factor has also been discussed in certain sources (e.g., Rehabilitation of the Aging prepared by Portland State College under auspices of Vocational Rehabilitation; Monthly Labor Review, September 1972, an article titled "How Employers Screen Disadvantaged Job Applicants").

An education of high school level or above may serve as a partial substitute for loss of physical capacity, i.e., better educated individuals are more likely to be engaged in sedentary and professional jobs. Thus, they are not as likely to apply for benefits or to be classified as disabled. In support of this, the data do not show the better educated to be heavily represented among the disabled; see, for example, Social Security Disability Applicant Statistics/1970, DHEW Pub. No. (SSA) 75-11911, pages 45, 46, 47, tables 18, 19, and 20.

In viewing the overall implications of the data in the sources cited, it must be recognized that there is a direct relationship between the level of education attained and the likelihood of employment. These sources indicate that young prople who have less than a high school education and no previous work experience often can only qualify for employment in unskilled jobs such as kitchen workers, dishwashers, or construction laborers. Also, it is noted that individuals with the least schooling tend to have the most unemployment. In the blue collar classification, skilled workers tend to have a higher educational attainment than semi-skilled workers. In the white collar classification, most employees are high school graduates. Additionally, upon becoming unemployed or laid off, individuals with at least a high school education have better success in finding new employment. As a corollary, the chronically unemployment tend to be functional illiterates since most employers require that prospective employees at least be able to read and write. This is true even in the case of some unskilled work.

Thus, it can be seen that employability tends to increase and unemployent tends to decrease as the level of education increases. Increasing adaptability to canging working conditions and acquisition of more readily transferable skills occurs with increased education. Further, when jobs require a specified minimal educational background, the lack of an adequate education, especially if illiteracy exists, serves to exclude such individuals from consideration for such jobs even though they might otherwise be able to perform satisfactorily. In considering the impact of education in social security disability adjudication, judgments must be made beyond the mere use of the number of grades of formal schooling an individual has achieved. In applying the rules in appendix 2, the factor of education must represent the individual's demonstrated competences in addition to or instead of a particular number of years of formal schooling or a lack of formal schooling.

WORK EXPERIENCE

An individual's past work experience is considered as demonstrating most persuasively the kinds of work and skill level at which an individual is qualified to perform. In the proposed regulations, previous experience, particularly if it resulted in work skills that are transferable to other jobs, is treated as a substantial vocational asset in accordance with sources which reflect that workers with skills tend to have fewer and shorter periods of unemployment, and that skilled workers are often in demand, even at age levels when some workers without acquired skills are experiencing difficulty in the labor market. Some of these sources are: *Counseling and Placement Services for Older Workers* (September 1956) published by the Department of Labor, Page 4, Section C.2.c; page 12, No. 14; page 15, No. 8, page 77, Section H.1; *A Survey of the Employment of Older Workers 1964*, published by the State of California, Department of Employment and Citizens' Committee on Aging, Page 9, Section B.1; Page 10, under the heading "Experience"; Page 49, Section A.; Page 70, Section 2.a.; and *Services to Older Workers* by the Public Employment Service (May 1957), published by the U.S. Department of Labor; Page 7, Section C. However, to be under a disability an individual must not only be unable to do his or her customary work but also must be unable to do any other kind of work that exists in significant numbers in the national economy. Although past work experience provides an individual with familiarity with certain work environments, as previously noted the third edition of the *Dictionary of Occupational Titles* and other sources identify many unskilled jobs in the national economy at all levels of exertion which do not require skills or previous work experience, and even individuals without past work experience may vocationally qualify for such jobs. Notwithstanding this fact, the expanded regulations do recognize that where the applicant has had no prior work experience (a significant number of applicants for Supplemental Security Income benefits fall in this category) this is an adverse vocational factor which must be taken into consideration, particularly for individuals of advanced age.

PUBLIC COMMENTS

In order to obtain the public's views and comments before proceeding with the proposed amendments, public meetings were held in Baltimore, Md. (41 FR 51471), Dallas, Tex., and San Francisco, Calif. (42 FR 8223) on De-

cember 8, 1976, March 1, 1977, and March 3, 1977, respectively. All comments pertaining to the proposed amendments have been carefully considered.

Several significant changes have been made as a result of written comments from members of the public and statements by persons who attended the public meetings. First, we have made it clear that the rules in Appendix 2 direct a factual conclusion of disabled or not disabled only where the findings of fact made with respect to a particular individual's vocational factors and residual functional capacity coincide with all of the criteria of a particular rule. Therefore, a disability claimant, or his or her representative, may introduce evidence to show that the criteria embodied in any rule in respect to age, education, previous work experience, and residual functional capacity do not apply in his or her specific case. Second, we have also explained that the rules do not preclude a younger individual from being found disabled and have included examples reflecting allowances of disability claims of younger persons. Third, we have emphasized that the number of grades of formal schooling does not always reflect educational accomplishments. Fourth, we have revised the proposed regulations to reflect existing policy in that the inability to communicate in English will generally represent a vocational handicap regardless of where the claimant resides. It should at the same time be emphasized strongly that inability to speak English will in no way cause an individual to be considered uneducated. Finally, we have deleted the word "objective" in describing the type of evidence necessary for an individual to establish inability to engage in substantial gainful activity. Using this word led many people to believe that the regulations would implement more rigid requirements for findings of disability. We have also made other changes of a clarifying nature.

There follows a discussion of issues which were identified from comments made by the public as a result of the public meetings held in Baltimore, Md. (December 8, 1976), Dallas, Tex. (March 1, 1977), and San Francisco, Calif. (March 3, 1977). These issues were identified both from oral testimony which was made during the course of the meetings and from written comments which were submitted. A number of the comments that were received pertain to social security matters which are not within the purview of these proposed regulatory amendments. All such comments have been referred for consideration to the appropriate components of the Social Security Administration.

The major objections to these proposed regulations are discussed. Some of the objections were repeatedly made at the Baltimore, Dallas, and San Francisco public meetings and in written comments submitted to the Social Security Administration. Other objections were only made by one or two members of the public. However, there is no significance to the order in which the objections are discussed. Many of the written comments received and statements made by individuals who spoke at the public meetings necessarily had to be condensed, summarized or paraphrased. However, we have tried to adequately express everyone's views and to respond to the issues raised.

The proposed regulations provide for making disability determinations on the basis of an "average man" concept. The question was raised by many commenters as to whether the proposed regulations—specifically Appendix 2—represent a change from individualized adjudication to an "average man" concept. Other writers described this in terms of "computerized" adjudication. It was suggested that this change would be brought about by treating claimants according to categories or classes rather than as individuals, and by forcing them into "pigeon holes" or "slots," whether or not they individually fit such classifications. One writer stated that this would impact most heavily on supplemental security income claimants, who are generally less sophisticated and less able to protest an attemt to force them into a "pigeon hole." Another commenter stated that the proposed regulations provide an excuse for the Social Security Administration not to gather all facts pertinent to an individual.

The proposed regulations, including Appendix 2, do not represent a departure from the concept of individualized adjudication and are not intended to promote expediency. They provide for individual assessments of each claimant's remaining functional capacity, age, education, and work experience, as presently required, while additionally setting out the policy guides in the form of rules showing the interaction of various combinations of these individual factors. It is not contemplated that all individuals will meet the criteria of a particular rule. The Social Security Administration's years of experience in the disability program supports the position that many will not. However, it must be recognized that it would be impossible to administer the social security disability program without guides and standards, whether in the form of medical standards alone as in the existing appendix to the regulations, or as medical-vocational standards as set out in the proposed regulations. The rules in Appendix 2 represent such standards and provide all adjudicative levels a regulatory structure for assuring more equitable, uniform assessment of individuals with similar factors wherever in the country they may file a claim, without loss of individualized assessment.

In light of the public concerns that the proposed regulations represent a change in policy to an "average man" concept with a loss of individualized adjudication, the proposed amendments have been modified to more clearly show the continuity of the Social Security Administration's commitment to individualized adjudication; and guard against any misuses of the proposed regulations—particularly Appendix 2. The modifications are:

(1) The addition of language in the explanatory material to emphasize the nature and use of the rules in Appendix 2; and

(2) The addition of language to preclude any tendency to cite a specific rule as justifying a finding of disabled or not disabled when all of the judgments resulting from individual assessments of all factors do not coincide with all of the criteria of that rule.

The proposed regulations will result in more denials of disability claims. The additional clarification and explanations of the intent and usage of the proposed amendments also serve to respond to the concerns of the many commenters who believe that the proposed amendments would result in a marked increase in denials of disability claims to the disadvantage of some claimants, as well as to various State assistance programs that would require additional funding to aid denied disability claimants. It is not intended—and not expected, based on extensive past experience—that the proposed amendments will result in any significant change in evaluating vocational factors under the disability programs. Existing policy is being set out in the same manner in the proposed amendments as it has been understood and practiced in the past. Past emphasis, however, has been on the initial and reconsideration levels of adjudication since statements of policy in administrative materials and internal guides and training sessions may not have been fully shared with the Bureau of Hearings and Appeals. However, recognizing the rather complex types of claims that are ordinarily dealt with at the hearing level, it would not be anticipated that any marked changes would take place on a national basis.

The proposed regulations discriminate against the younger person. Comments were received from several sources contending that the proposed amendments will force a denial of all claimants under 45 years of age unless they meet or equal the criteria of the medical listings. This, in fact, is not the case; no change of policy is involved in this area. In view of the ap-

parent misunderstanding, however, it has been further emphasized by additional language in the proposed amendments that any rule in Appendix 2 will apply in the case of a particular individual and, therefore, direct a factual conclusion of disabled or not disabled only where that individual's particular circumstances as reflected in the judgments made as to his or her remaining functional capacity, age, education, and work experience coincide with the criteria of that rule. Otherwise, the rule does not apply in the case of that particular individual and full consideration must be given to all of the relevant facts of the case in arriving at a decision as to disability. Since most of the examples of case situations of individuals under age 45 suggested by the commenters would not fit any of the numbered rules in proposed Appendix 2, they could not be denied on the basis of any of the rules—in effect the rule would not apply, as indicated above, and adjudication would proceed as set out in the explanatory material in Appendix 2. In order to additionally ensure that individual claims will be handled in the manner intended, the explanation of the consideration of individuals under age 45 has been expanded to include two specific case examples in which such claimants would be found disabled—as in the past—under the proposed regulations.

The proposed regulations, in using the word "objective" in describing necessary evidence, exclude consideration of subjective symptoms. Multiple comments were received expressing concerns about the addition of the word "objective" in describing the evidence necessary for an individual to establish inability to engage in substantial gainful activity. The commenters believe that the inclusion of this word would result in excluding subjective symptoms—particularly pain—from consideration in arriving at a disability decision.

The types of evidence needed to establish disability, the individual's responsibility for furnishing such evidence, and other rules concerning evidence are set forth in 20 CFR 404.1523 through 404.1530 and 20 CFR 416.923 through 416.930. The administrative law judge's responsibilities for inquiring fully into a case and establishing a sound record on which to base the decision are detailed in 20 CFR 404.927 and 416.1434. None of these regulatory sections are affected by the proposed amendments.

Inclusion of the word "objective" was in no way intended to alter the evidentiary requirements or to violate the established disability adjudicative process concerning subjective symptoms. Rather, the word was added to give emphasis to the need for evidence that is consistent with the requirements set forth in the regulations. However, since the use of "objective" in this sense has apparently caused some apprehension that more stringent evidence requirements would be employed, it has been removed from the proposed amendments.

The proposed regulations are unrealistic in evaluating non-English speaking peoples. Some commenters noted the change from existing policy in the proposed regulations regarding the adjudicative consideration of an individual's inability to communicate in English. One of these commenters stated that consideration of such a factor in regard to employability is racist in nature and to the detriment of non-English speaking persons. The Social Security Administration does not consider the additional adversity imposed upon an impaired individual by virtue of the inability to communicate in English, the predominant language in the national economy, in terms of employer hiring practices or preferences. Such considerations are, in fact, prohibited. However, in considering ranges of work and numbers of jobs that exist because of a medically determinable impairment, factors which diminish that range of work or preclude the performance of certain types of jobs must be recognized. Since individuals who are unable to communicate in English are further restricted in the range and types of work for which they are functionally capable of performing, this adverse factor should remain as an adjudicative consideration. Thus, it is not the racial or prejudicial factor that is being considered, but rather the reduced capability reflected by the inability to satisfactorily carry out the duties of those jobs which require communication in English. As the proposed regulations have now been revised, an individual's inability to communicate in English may be a decisive factor resulting in a finding of disabled but will not direct a finding of not disabled.

Other commenters questioned the policy as set out in the proposed amendments which is based upon the incidence of individuals with similar language capabilities in the area in which he or she resides. One writer asked what change in the Social Security Administration's experience brought about the change in this policy from the previously held position that inability to communicate in English was generally considered equally adverse in the terms of work remaining in the national economy regardless of the individual's place of residence. There has, in fact, been no change in the experience regarding this policy; accordingly, upon further consideration and in response to the public comments, the policy regarding the adjudicative treatment of the inability to communicate in English has been restored in the proposed amendments to agree with existing policy; i.e., the factor is generally considered a handicap to work adjustment without regard to an individual's place of residence. It has also been emphasized that the factor for adjudicative consideration is the inability to communicate in English in even a basic manner and that the particular non-English language in which an individual may be fluent is immaterial.

The proposed regulations will reduce the use of vocational witnesses at hearings. Several persons indicated that under the proposed regulations, vocational experts would be used much less frequently at the hearing level, particularly in relation to the taking of administrative notice of the existence of significant numbers of unskilled, entry-level sedentary and light jobs in the national economy. One individual concluded that the proposed regulations would entirely eliminate the need for vocational evidence of the existence of particular jobs which a particular individual can perform. Some pointed out that making judgments on issues such as the transferability of skills is beyond the expertise of an administrative law judge. Others commented that vocational experts are "preferable to a set of appendices," and that the basic due process guarantee of the right to cross-examine adverse witnesses might be eliminated or undermined.

The proposed regulation amendments do not contravene the basic social security regulations, 20 CFR 404.927 and 416.1434, which provide that the administrative law judge's responsibility is to inquire fully into the case before him or her and to establish a sound record on which to base his or her decision. In the past, not every disability hearing which involved vocational factors has included the testimony of a vocational expert (approximately one in four disability cases decided on their merits involve live vocational expert testimony); and, in several judicial districts, administrative notice of the existence of unskilled, entry-level sedentary and light jobs has been permitted in certain circumstances. Use of a vocational expert is at the discretion of the administrative law judge; this discretion is not being abridged. However, when the sole issue is one of a claimant's exertional limitation to sedentary or light work as defined by the Department of Labor and quoted in these proposed regulations, the services of a vocational expert should not be necessary merely to establish that the national economy contains significant numbers of these jobs. In such cases, the use of the regulations rather than vocational experts to support the conclusion is valid and does not conflict with any "due process" guarantees. On the other

hand, the medical findings of fact may be complex and lead to difficult judgments; e.g., a claimant may have one condition which limits him or her to light exertion, another which prevents him or her from being in contact with certain substances encountered in his or her usual occupation, and yet another which narrows the range of light work which the individual can perform. In situations such as this, it would be the proper function of a vocational expert to determine whether there are, in fact, significant numbers of appropriate light jobs in the national economy which are compatible with the claimant's impairments. A further complexity would be added where the claimant was older and had done skilled work, for then an allowance or denial would depend upon whether he or she could readily transfer his or her work skills to specific occupations within his or her remaining functional capacity; a vocational expert would have the expertise to determine this and to testify as to the existence in significant numbers of such jobs in the national economy. Hence, it is anticipated that many issues on hearing will continue to require the services of vocational experts.

In view of the considerable public misapprehension about the intent of prior references to lessening the need for vocational testimony, all such references have been deleted from the proposed amendments.

Rule 201.05, pertaining to "education" in the proposed regulations is erroneous. Two commenters stated that Rule 201.05 in proposed Appendix 2 is excessively harsh—that an unfavorable decision in this situation cannot but be an erroneous conclusion. Another indicated that this rule is illustrative of faulty "legal reasoning" on the Secretary's part and suggested that if this rule is erroneous, there may also be "errors in other categories." This rule provides that an advanced age claimant whose sustained work capability is limited to sedentary work and who has a high school education or more—education that provides for direct entry into skilled work—will be found not disabled whether or not he previously worked.

Rule 201.05 is consistent with the other rules in Appendix 2 that provide for the weighing of education and/or skills to offset unfavorable vocational considerations. Where an individual, even though of advanced age, possesses education or skills that permit direct entry into skilled work, he or she possesses significant advantages for effecting adjustment to new work over an uneducated, unskilled, older worker.

While the particular situation set forth in Rule 201.05 occurs rarely, the provision for this situation is included as a rule in recognition of the possibility that it may occur. We concur, however, that additional clarifications of the intent of the rule to prevent misapplication is indicated. This has been done by the inclusion of additional explanatory language in section 201.00(d) of proposed Appendix 2. The explanatory language clearly indicates that in order for education, in and of itself, to provide for direct entry into skilled work (in the absence of skilled work experience), the education must have been recently acquired.

The proposed regulations are outside the legal authority of the Secretary. The Social Security Act (the "Act") has given the Secretary very broad authority to make rules and regulations. Section 205(a) of the Act provides that

> The Secretary shall have full power and authority to make rules and regulations and to establish procedures, not inconsistent with the provisions of (title II), which are necessary or appropriate to carry out such provisions, and shall adopt reasonable and proper rules and regulations to regulate and provide for the nature and extent of the proofs and evidence and the method of taking and furnishing the same in order to establish the right to benefits hereunder.

Section 1613(d)(1) of the Act states that the provisions of section 205(a) shall apply with respect to title XVI to the same extent as they apply in the case of title II. In addition, section 1102 of the Act provides that the Secretary shall make and publish such rules and regulations, not inconsistent with the Act, as may be necessary to the efficient administration of the functions with which he is charged under the Act.

The statute, thus, bestows very broad authority upon the Secretary to issue regulations to discharge his responsibilities for administering the social security programs, subject only to the limitation that the Secretary's rules, regulations and procedures should not be "inconsistent" with the provisions of the Act. There is nothing in the legislative history of the Act's disability provisions to indicate that Congress intended to remove from this broad grant of authority the power to issue rules for adjudicating disability claims or, more specifically, rules for relating a claimant's impairment, age, education, and work experience to his or her ability or inability to engage in substantial gainful activity.

Indeed, it is apparently the view of the staff of the House Ways and Means Committee that Congress intended the Secretary to have not only the power, but also the duty, to issue regulations in this area. The staff, commenting on the broad language of the disability definition enacted by Congress, concluded that:

> the original idea was that the broad language of the statutory definition would be amplified by regulations based on operational experience. (Staff of the House Committee on Ways and Means, 93d Cong., 2d Sess., Committee Staff Report on the Disability Insurance Program 6 (July 1974).)

The staff went on to suggest that the Department

> • • • should explore the possibilities as to whether the definition of disability can be stated more specifically in the law or regulation, and whether more operational presumptions may be incorporated into its administration • • •

The staff also endorsed the conclusion of the 1960 Harrison Subcommittee report which urged the Department to develop and refine criteria for the weight to be given vocational factors and make them available to the evaluators and to the public in the form of published regulations.

Thus, in the view of the staff of the House Committee directly responsible for social security legislation, the Secretary does have statutory authority to promulgate regulations which establish rules, including presumptions, guidelines and procedural and evidentiary rules concerning the effect of vocational factors.

Not only does the Social Security Act authorize the issuance of such regulations but, under the Administrative Procedure Act, important policies governing claims adjudication (such as the current vocational guidelines) are required to be published as regulations. 5 U.S.C. 552(a)(1), 553.

The clear language of the Social Security Act, apparent Congressional intent, and the provisions of the Administrative Procedure Act, all support a conclusion that regulations in some form are "necessary or appropriate" to carry out the disability provisions of titles II and XVI and are thus within the Secretary's power to issue as long as they are not inconsistent with the Act.

The proposed regulations are not clear on how transferable work skills are determined. With respect to transferable work skills, one question at a public meeting related to how they are determined, and whether a decision is made by comparing two specific jobs or a specific job with a broad range of work. A writer suggested that, to make the fact-finding process more objective, the words "definite relationship" should be included in the proposed regulations to clarify the connection between a person's previous occupation and other occupations for which he or she has transferable skills. Transferability of skills is determined by comparing the essential elements and functions of jobs in a person's past experience with those required in other, specific occupations he or she may reasonably be expected to perform. Where the skill is so specialized or was acquired in such an isolated work setting that it is not readily usable in other industries, jobs and work environments, an individual's vo-

cational outlook may be as limited as if he or she had no skills. Conversely, skills such as clerical ones are generally transferable to a great number of occupations in varied industries, while very specialized skills such as those in nuclear physics may be highly marketable but only in a narrow range of work. To compensate for the adversity of advanced age, a finding of transferability of skills should be made only where very little adjustment is required by someone at age 55 or older. Transferability is most probable and meaningful among jobs in which (a) the same or a lesser degree of skill is required; (b) the same or similar tools and machines are used; and (c) the same or similar raw materials, products, processes or services are involved. This does not contemplate a direct relationship between the occupations themselves but does necessarily imply a similarity of these factors as they relate to past work and other potential work under consideration; however, a complete similarity of all three factors is not necessary to warrant the inference of transferability. To require that there be a "definite relationship" between a person's previous occupation and other occupations for which he or she has transferable skills would be an abridgement of sections 223(d)(2)(A) and 1614(a)(3)(B) of the Social Security Act, which state that an individual "* * * shall be determined to be under a disability only if his physical or mental impairment or impairments are of such severity that he is not only unable to do his previous work but cannot, considering his age, education, and work experience, engage in any other kind of substantial gainful work which exists in the national economy * * *." Therefore, no change is being made as a result of this comment.

The proposed regulations are not a codification of existing vocational evaluation policies. Several commenters were concerned as to whether the proposed amendments are actually a codification of existing vocational evaluation policies. As now explained elsewhere in this preamble, the proposed regulations do, in fact, represent a consolidation and elaboration of longstanding medical-vocational evaluation policies which have their bases in the Social Security Act and are in accordance with Congressional intent. These policies, however, have heretofore been reflected in fragmented guides and have not been readily available in the same format at all levels of adjudication. For example, at the initial and reconsideration levels, the existing regulations are supplemented by vocational evaluation guides published by the Bureau of Disability Insurance. While these supplemental guides are all reflective of existing vocational evaluation policies, the risk of variance in policy interpretations is obviously enhanced by the fact that the guides are not consolidated and fully explained in a common, structured format which is binding at all adjudicative levels. The Social Security Administration is convinced that implementation of the proposed amendments will promote greater consistency in the disability determination process at all levels of adjudication and will provide a better understanding of the social security disability programs by all concerned.

The proposed regulations do not consider a person's personal preference for kinds of work. One commenter indicated that the proposed regulations are remiss in that they provide no consideration for personal preference of work along with the consideration of age, education and work experi- ence. Sections 223(d)(2)(A) and 1614(a)(3)(B) of the Social Security Act state that disability shall be determined if physical or mental impairments are of such severity that an individual cannot, *considering his age, education and work experience,* engage in substantial gainful work existing in the national economy (italic added).

The proposed regulations are not clear as to what impact they will have on the workloads of administrative law judges. One participant in a public meeting asked what impact the proposed regulations would have on administrative law judges' workloads. In the long run, when applicants know what facts are to be at issue and adjudicative personnel have definitive and comprehensive vocational evaluation instructions which they must follow, it is expected that fewer claims will be pursued beyond the initial and reconsideration levels. Of course, there will always be cases involving complex issues which will be pursued to the hearing level, as well as others where the claimant simply believes that an erroneous decision has been made. However, it is likely that a hearing decision can be made more promptly in those cases not involving highly complex issues once the necessary findings of fact have been made.

The proposed regulations do not consider employers' hiring practices. Two commenters expressed concern about the Social Security Administration's failure to consider employer attitudes and hiring practices in the disability adjudication process and, further, that there is no concession made to this consideration in the proposed revision of regulations. Another writer suggested that a separate and distinct set of vocational factors regulations is needed for title XVI claimants which would consider employer attitudes toward the developmentally dis- abled. Sections 223(d)(2)(A) and 1614(a)(3)(B) of the Social Security Act state that a finding of disabled may not be made if work exists in the national economy that an individual can physically and mentally do, regardless of whether "* * * a specific job vacancy exists for him or *whether he would be hired if he applied for work*" (italic added). This statutory provision effectively precludes from consideration all hiring practices of employers, whether by reason of certain attitudes, local current (cyclical) conditions, technological changes or employer interpretation of insurance restrictions or of what constitutes a safety hazard. While it is recognized that economic conditions, local cyclical business conditions, technological conditions, employer attitudes and employer hiring practices contribute to unemployment, these conditions represent non-disability reasons for unemployment.

Under the proposed regulations, not all of a claimant's impairments would be properly evaluated. To commenters expressed the fear that not all of a claimant's impairments would be identified, delinated and considered if findings are to be made only with respect to issues of specific physical or mental capacities raised by the individual or in the evidence adduced. One suggested, as an example, that a deep depression might be overlooked unless it were detected by attentive observation at a hearing.

This matter does not pertain to vocational factors, *per se,* but to the preliminary medical issue of identifying a claimant's impairments and establishing the level of severity of the impairments including, in appropriate cases, the residual functional capacity. There are countless physical and mental abnormalities which a person may have. However, where an applicant does not refer to a certain physical or mental condition, and it is not mentioned in any of the medical reports or other evidence obtained, and the evidence pertaining to that claimant appears to be complete, it must be presumed that the evidence accurately portrays the situation and that such abnormality does not affect the person's ability to work. In the administration of the Social Security disability programs which process over 2,000,000 cases annually, it has not proved necessary nor would it be administratively or fiscally sound, to give each claimant a comprehensive general physical and mental examination in order to learn what other abnormalities may be present in addition to those detectable by our usual and customary development practices. In the event that a claimant alleged only a heart condition, for example, but also suffered from a deep depression, the second abnormality probably would not escape notation in medical reports since a physician is a trained medical observer and has competence in under-

standing when his or her patient has difficulty in speaking of certain problems.

The proposed regulations are being promulgated for the purpose of conserving trust fund reserves. Several commenters suggested that the proposed amendments were drafted in response to "short falls" in the trust fund reserves and represent an effort by the Social Security Administration to conserve the trust fund. There has been a great deal of concern and attendant publicity about the depletion of the social security trust funds and efforts to deal with that problem. These proposed regulations, however, are in no way related to those efforts and concerns. As explained in greater detail elsewhere in this preamble, the proposed regulations are intended as a consolidation and elaboration of long-standing medical-vocational evaluation policies. Since the purpose of the proposed regulations is not to increase nor decrease the allowance/denial ratio, it is anticipated that their publication would virtually have no effect on the trust funds.

The proposed regulations will require more detailed medical reports. One commenter was concerned that the proposed regulations will require additional medical evidence, particularly for the purpose of establishing range of motion and related information. The evidence requirements for establishing disability, which are set forth in the existing regulations (20 CFR 404.1523 through 404.1530 and 416.923 through 416.930) have not been altered by the proposed amendments. Further, the existing regulations require evaluation of an individual's ability to perform such significant functions as moving about, handling objects, hearing, speaking, reasoning and understanding, for the purpose of assessing whether such individual can do previous work or work commensurate with previous work or any other kind of substantial gainful work which exists in the national economy. The provisions in the proposed regulations clarify and refine these guidelines for considering such functions in order to assist an adjudicator in reaching a decision about an individual's ability to do past or other work in the economy while providing for greater uniformity in the adjudicative process. They do not, however, affect the requirements for that decision. In view of the foregoing, there should be no need for claimants to furnish more evidence under the proposed amendments than has been required in the past.

Administrative law judges were not asked for their views on these proposed regulations. One participant in a public meeting inquired whether administrative law judges have been asked for their views on the proposed regulatory amendments and, if so, what is their concensus. Individual administrative law judges have not had the proposed regulations officially submitted to them for comments. However, through the administrative process, the draft was made available to some administrative law judges and, as a consequence, the Association of Administrative Law Judges provided comments on the proposed regulations. Additionally, individual administrative law judges, one of whom provided testimony, were present at the public meetings. Their comments, which expressed some of the same concerns which were voiced by members of the public, are being afforded the same careful consideration as the public comments and are being addressed in this preamble.

The proposed regulations rely too much upon the Dictionary of Occuptional Titles, which is out of date and does not apply to impaired workers. One speaker at a public meeting noted that the "Dictionary of Occuptional Titles (DOT), Third Edition," was published in 1966 and suggested that it is out of date. The DOT, published by the Department of Labor in 1965, provides the most comprehensive information available concerning jobs in the national economy. Supplements to the publication have been issued by the Department of Labor, and a thoroughly updated and revised edition is soon to be published. The fourth edition and subsequent editions will be used as they become available.

Another commenter on the "Dictionary of Occuptional Titles" wrote that it is not directly applicable for use as indicated in the proposed regulations. He feared that a claimant would have an unreasonable burden of proof to rebut the presumption that he could do light work, as an example, rather than specific light occupations which are known to exist currently. In the adjudication of a claim in which a finding of fact is that the claimant can do a wide range of light work, the claimant does have have an opportunity to present evidence showing that the finding of fact was incorrect. Aside from the possibility of an erroneous conclusion, however, a conclusion that an individual can do light work at the entry level does not mean that the person can do each and every unskilled light job in the national economy; the import is that he or she would have a reasonable employment opportunity among all the 1,400 unskilled light occupations, each representing many jobs in the country. Furthermore, since the functional capacity to perform a full range of light work encompasses the capacity to perform sedentary work, such a claimant would also be expected to adjust to the approximately 200 separate unskilled sedentary occupations, each again representing numerous jobs in the national economy. When a claimant has slight limitations within light work, such as the need to avoid hazards or certain environmental substances he may present evidence to show that he is unable to perform selected occupations. However, this would not necessarily establish that he is unable to perform the preponderance of light and sedentary jobs.

Still another writer asked if, in view of the generalizations and partial outdatedness shortly after publication of the "Dictionary of Occuptional Titles" and "Occupational Outlook Handbook," a claimant's eligibility status would fluctuate from year to year with the occupational outlook. There must, of course, be a certain amount of stability and predictability in a program such as disability under social security so that neither persons already receiving benefits nor individuals applying for them would be subjected to year-by-year fluctuations in standards. The test in this program is whether a person retains the physical and mental capacity to do a job, not whether there is a job opening for him or her. Within these limitations, experience has shown that these resource materials, which are the most complete and authoritative sources available on the subject, are adequate for the purpose and that little would be gained by having daily, monthly or otherwise more current reference works.

The proposed regulations are unrealistic in using a "national economy test" when jobs do not exist locally. Three inquiries focused on the use of a national economy test in determining ability to work, indicating that taking administrative notice of jobs available in the nation, when none exist locally, is not realistic.

The disability definition in sections 223(d)(2)(A) and 1614(a)(3)(B) of the Social Security Act is comprised of multiple considerations. One of these considerations is ability (or inability) to do work "which exists in the national economy." Job availability is addressed on a national basis by design, since it was intended by the Congress that the statute provide a definition of disability which could be uniformly and consistently applied throughout the nation without regard to the place of an individual's residence. For this reason, the issue of job availability is satisfied when work which the individual can perform "exists in significant numbers either in the region where such individual lives *or* in several regions of the country," regardless of whether such work exists in the immediate area where the individual lives (italic added). While provisions of the law specifically preclude application of local economy criteria, provisions of regulations have been extended to ex-

clude from consideration isolated jobs of types that exist only in very limited numbers or that exist in relatively few geographic locations.

The proposed regulations are not clear as to vocational rehabilitation services. One writer commented on the lack of identifiable relationships and referral mechanisms to State vocational rehabilitation regulations. The Administration for Handicapped Individuals of the Department's Office of Human Development Services and the Social Security Administration jointly promulgate regulations (45 CFR 1361.110-1361.118 and 45 CFR 1361.120-1361.128) which govern rehabilitation programs pertaining to disability claimants under titles II and XVI of the Social Security Act. However, 20 CFR 416.1703 describes the referral mechanism for title XVI cases; the referral mechanism for title II cases is described in operating instructions. Additionally, 20 CFR 404.422 and 20 CFR 416.1705 describe the nonpayment of benefits when an individual refuses, without good cause, to accept vocational rehabilitation services. The proposed regulations presented here are not addressed to the rehabilitation aspects of the disability programs.

The proposed regulations do not give sufficient consideration to the impact of multiple impairments. A writer commented that the amendments should contain specific language to the effect that the combined impact of multiple impairments shall be considered in determining whether an individual is disabled. Existing regulations provide considerable scope for the exercise of sound judgment in determining the severity of an individual's condition as a result of a combination of impairments. With respect to determining the impact of an individual's medical condition, proposed regulations are quite explicit in requiring that limitations imposed by multiple impairments, both physical and mental, be considered.

The proposed regulations were not submitted to Congress for approval. One commenter asked if Congress had been requested to provide opinions on the proposed regulatory amendments. As discussed in this preamble, the proposed amendments are considered to reflect Congressional intent as expressed in the Social Security Act, rather than being representative of a change of direction in policy. However, the draft amendments were provided on request to the staff of the Subcommittee on Social Security of the Committee on Ways and Means, House of Representatives, and were subsequently included in two of the Subcommittee's publications:

(1) "Reports of Consultants on Actuarial and Definitional Aspects of Social Security Disability Insurance," dated May 17, 1976; and

(2) "Disability Insurance Program, Public Hearings Before the Subcommittee on Social Security of the Committee on Ways and Means, House of Representatives, Nineth-Fourth Congress, Second Session," May 17, 21, 24; June 4, 11, 1976.

While this does not imply Congressional endorsement of the proposed regulations, it does indicate a general awareness of the Social Security Administration's intent to proceed with the proposed amendments. It has not generally been the practice to solicit Congressional opinions before drafting a proposed regulation.

The proposed regulations do not give proper consideration to non-exertional impairments. A number of commenters indicated that under the proposed amendments non-exertional impairments would not be considered, or if considered would not be accorded proper adjudicative weight. One writer was specifically concerned that the charts in Appendix 2 relate only to strength requirements of jobs, and that using the Appendix 2 rules would result in summary decisions of not disabled on the basis of strength requirements alone, effectively precluding consideration of other than strength limitations. One physician's comments included suggestions as to how skin impairments could be evaluated in terms of the exertional levels of work defined in the proposed amendments.

In fact, the proposed amendments represent no change in the adjudication of non-exertional impairments, and language in the proposed amendments has been modified and supplemented to emphasize this point. The specific rules in proposed Appendix 2 are to be used as sole indicators of disabled or not disabled only where the judgments as to each individual factor coincide with the criteria of a specific rule. For example, the rules do not apply to non-exertional impairments. However, even where a rule does not apply, as was the case in most of the examples cited by the commenters, a reference to the rules in many instances would aid an adjudicator in assessing the extent of a claimant's limitations in relation to other claimants. For example, reference to the rule nearest the individual's exertional limitations (or absence thereof) resulting from a medically determinable impairment(s) would provide an adjudicator with a frame of reference in which to evaluate the effect of any additional limitations resulting from medically determinable non-exertional impairments. As has been explained in this preamble, the Social Security Administration intends to continue to work on more definitive standards for medical-vocational evaluation of non-exertional impairments.

In a related comment, one writer stated that the rules in proposed Appendix 2 would "regulate" only a small number of claims—those in which an impairment has resulted in a limitation of an individual's weight-lifting capacity. Exertional limitations, as set out in the definitions in the proposed amendments, encompass more than an individual's ability to life weight, although such ability is a basic requirement of work, varying only in the amount and frequency of lifting required.

The proposed regulations, in adding the words "not severe" will result in a substantially larger percentage of claims being denied on medical considerations alone. Two writers expressed concern that proposed regulations, which provide that an individual is not under a disability where the medically determinable impairment(s) is "not severe," would result in a substantially larger percentage of claims that are denied based on medical consideration alone. Similarly, a few writers asked if the use of the word "severe" in describing impairment(s) throughout the proposed regulations contemplates a more serious impairment(s) than previously needed for a finding of disability when vocational factors are adverse. One writer suggested that a physician's classification of an individual's impairment(s) as "moderate" would not meet the "severe" requirement. Another writer foresees no problem with the use of the term.

The Social Security Act, Sections 223(d)(2)(A) and 1614(a)(3)(B) provide, in pertinent part, that an individual shall be determined to be under a disability *only if his physical or mental impairment(s) is of such severity* that he is not only unable to do his previous work but cannot, considering his age, education, and work experience, engage in any other substantial gainful work which exists in the national economy. (Also, see H.R. Rep. 544, 90th Cong., 1st Sess., p. 30 and Senate Rep. No. 744, 90th Cong. 1st Sess., pp. 46-50.) There are, of course, various levels of impairment severity. On the basis of the statutory provisions, existing regulations provide that medical considerations alone can justify a finding of disabled (absent rebutting evidence) where the requisite duration requirement is met and the impairment(s) is listed in the appendix to the regulations or is medically the equivalent of a listed impairment. This, in effect, represents the upper range of impairment severity. Conversely, there is a point in the range of impairment severity below which the effects of the impairment(s) have such a minimal effect on the individual that they would not be expected to interfere with his or her ability to work, irrespective of his or her age, education, and work experience.

Introducing the term "not severe" in the proposed amendments and the

word "severe" when describing impairments elsewhere in the proposed amendments, was not intended to alter the levels of severity for a finding of disabled or not disabled on the basis of medical considerations alone, or on the basis of medical and vocational considerations. Rather, it was intended only to clarify the circumstances under which a finding of not disabled would be justified on the basis of medical considerations alone.

The proposed regulations are contradictory in requiring a mentally impaired individual to submit evidence to establish his disability. Another commenter stated that a contradiction exists in proposed regulations in that a mentally impaired individual, on the one hand, must be mentally capable of filing an application and submitting the necessary evidence in support of his or her claim but, on the other hand, must be mentally disabled in order to qualify for benefits. Many mentally impaired individuals are capable of filing an application for benefits, raising issues with respect to their impairments, and submitting evidence in support of their claim. This does not preclude a finding a disabled on the basis of a mental impairment. In other instances, a mentally impaired person may have a representative, e.g., a family member or guardian, who will act on his or her behalf by filing an application and providing the necessary information in support of the claim. Lastly, should a mentally impaired individual file an application on his or her own behalf, but appear to require assistance in prosecuting his or her claim, operating procedures provide for rendering special assistance to that individual.

The proposed regulations will not result in fair and consistent disability decisions. One commenter asked if there are guarantees that implementation of the proposed amendments will result in fair and consistent decisions. It is expected that publication of the proposed amendments will result in a higher degree of consistency and equity of medical-vocational adjudication throughout the country at all adjudicative levels. This expectation stems from the Social Security Administration's extensive experience with the disability program and with the policy concepts set out in the proposed amendments. However, careful monitoring of the proposed amendments will ensure that any unforeseen undesirable effects are identified and corrected.

Another commenter questioned whether lack of uniformity in the adjudication of social security disability claims may be partly due to "prolonged case processing;" and whether uniformity resulting from the proposed amendments will assure correctness of decisions. It is possible that a claimant's medical condition may worsen during the time that he or she is pursuing his or her claim. The change in medical condition may result in a finding of disabled at the next level of appeal. This does not mean the prior finding of not disabled was incorrect nor is it indicative of a lack of adjudicative consistency. Lack of uniformity or lack of adjudicative consistency as used in this preamble relates to decisions of disabled and not disabled which are based on essentially the same degree of impairment and similar vocational factors, regardless of the level of adjudication or where the application has been filed—not to differing decisions because of different factual circumstances. The proposed amendments are intended to improve adjudicative consistency by promoting decisions at all adjudicative levels that are consistent with the Social Security Act and Congressional intent thus helping to improve the uniformity of decisions throughout the country.

The proposed regulations "shift" the burden of proof from the Secretary to the claimant where the issue is "ability to do work other than past work". Several commenters questioned whether the proposed regulations shift the burden of proof from the Secretary to the claimant where the issue is ability to do other than relevant past work. Three of these commenters indicated that it is particularly disadvantageous to a claimant for the Secretary to take administrative notice of ranges of work a claimant can do rather than be required to identify specific jobs. One additional commenter stated that numbers of jobs within ranges of work should be omitted to allow matching of specific jobs to a particular individual.

Where a claimant has established inability to perform relevant past work, the burden shifts to the Secretary to establish that other work exists in the national economy that the claimant can do. The Secretary fulfills this burden by providing definitive documentation in support of his decision that an individual has the capacity for work that represents reasonable and realistic vocational opportunities for that individual. The Secretary is responsible to establish that such work exists for an individual who can do only what the claimant can do in the region where he or she lives or in several regions of the country (referred to as the national economy test). This is true under both the existing regulations and the proposed amendments.

The major recognized authorities for labor market statistics and job information are the U.S. Department of Labor and the U.S. Department of Commerce, both of which prepare comprehensive information published in the "County Business Patterns," "Occupational Outlook Handbood" and the "Dictionary of Occupational Titles." These publications supplemented by other materials provide information that can be translated into kinds and ranges of work in the economy. By utilizing this information and, as required, the services of vocational experts and work evaluation centers, the Secretary satisfies the requirements of law that he provide proof of reasonable job opportunities for the individual.

The proposed regulations will disadvantage disability claimants who do not know their age or understate it. One writer suggested that applicants who do not know their age and underestimate it will be disadvantaged by the proposed amendments. Existing regulations (20 CFR 404.703 and 416.801) provide that an applicant shall file supporting evidence showing the date of his or her birth if his or her age is a condition of eligibility for benefits or is otherwise relevant to the payment of benefits. In disability claims in which vocational factors must be considered, age is a factor for consideration. It is not anticipated that the incidence of material age discrepancies would increase with the proposed amendments. However, should it be necessary to resolve a material age discrepancy in a particular case, the means of doing so exist both in existing regulations and operating instructions.

The proposed regulations are inconsistent with title XVI of the Social Security Act. One writer suggested that the legislative history of title XVI may indicate a more liberal treatment for title XVI claimants which the proposed regulations do not encompass. Another questioned how the definition of disability under both titles II and XVI would be affected by the proposed regulations. Congressional direction provided that the basic definition of disability under title II would apply under title XVI. This definition provides a "* * * reasonable, objective, and fair (test) of disability * * * which (is) appropriate * * *" (Report of the Committee on Ways and Means on House of Representatives 1, May 26, 1971, p. 147.) The Senate report stated that the definition of disability which is used in the disability insurance program "* * * would be generally applicable to disabled * * * people under the new supplemental income program." (Report of the Committee on Finance, United State Senate, to accompany House of Representatives 1, September 26, 1972, p. 384.) Consequently, the title XVI statutory language defining disability is identical to the basic definition of disability described in the title II statutory language. It is not within the purview of the Secretary to promulgate regulations which would provide a different interpretation, i.e., more liberal treat-

ment for title XVI claimants than for title II claimants; or which would alter the statutory definition of disability. Accordingly, the proposed regulations will have no effect on the statutory definition of disability.

Another commenter suggested that a title XVI claimant's ability to obtain a job specifically be judged as a part of the basis for determining whether the individual is disabled. In elaborating on the statutory definition of disability, Sections 223(d)(2)(A) and 1614(a)(2)(B) of the Social Security Act specifically state that "* * * an individual shall be determined to be under a disability only if * * * he is * * * not only unable to do his previous work but cannot, considering his age, education and work experience, engage in any other kind of substantial gainful work which exists in the national economy, *regardless of * * * whether a specific job vacancy exists for him, or whether he would be hired if he applied for work*" (emphasis added). Thus, the consideration of an individual's ability to obtain a job is specifically precluded by the Act.

The proposed regulations do not reflect the standards established by the courts. One writer suggested that case law be incorporated into the regulations and that standards set by courts be applied to the initial and reconsideration adjudicative phases. All court decisions are reviewed for program implications and to determine whether an appeal is in order. The Social Security Administration is bound by law to follow standards which are enunciated by the Supreme Court. However, in some instances, a lower court, by its interpretation of the Social Security Act and regulations, sets standards which are recognized as sound principles and adopted as program policy. An example of this is *Kerner* v. *Fleming*, 283F 2nd 916 (2nd Cir. 1960), which enunciated the standard of determining "what an applicant can do and what employment opportunities there are for someone who can do only what the applicant can do". In those situations where a court advances standards which are considered to be incompatible with the Act, the Social Security Administration may recommend an appeal.

The proposed regulations are not clear as to how they will apply to a person who is physically limited to less than a full range of sedentary work. One person asked whether a person who is physically limited to less than a full range of sedentary work activity will be deemed disabled. The capacity to do no more than a full range of sedentary work represents a fairly restrictive range of work capability; less than such capability generally means that the impairment(s) is so severe that a finding of disabled is warranted on medical grounds alone because the impairment(s) is listed in the Listing of Impairments immediately following 20 CFR 404.1539 and 416.985, or is medically the equivalent of a listed impairment. Accordingly, a very careful assessment of severity should be made on a purely medical basis before vocational factors are considered. Even in those exceptional situations where such a claimant is not found disabled on medical grounds alone and vocational factors must be considered, a finding of disabled would generally be expected following assessment of the individual's functional capacity.

The proposed regulations will affect disability claims already adjudicated. Another writer questioned how cases already adjudicated would be affected by the proposed regulations. Upon implementation, the proposed regulations would, of course, apply at all levels of adjudication. However, since the proposed regulations are representative of long-standing policy guides, it is not intended that disability claimants or persons already on the rolls would be adversely affected by their implementation. Persons on the rolls will be subject to a continuing disability investigation only on the same bases as they are at present, i.e., where there is reported or expected improvement in the beneficiary's medical condition or the individual is working and such work may represent a capacity to engage in substantial gainful activity.

The proposed regulations will disadvantage unskilled workers applying for disability benefits. One commenter stated that by using a national availability criteria, particularly at the unskilled job level, many potential disabled individuals would be excluded from disability benefits because of the "glut of unskilled jobs on the market." It would not be reasonable to discount unskilled work from consideration, since large numbers of disability applicants have performed only unskilled work throughout their working lives. These individuals would not qualify for work involving skills; thus, if the capability for unskilled work were not considered, the disability definition would be altered to an occuptional definition (i.e., the inability to do past work) for many applicants, particularly those who are unskilled. This would have far-reaching program ramifications and, moreover, would be inconsistent with the legal definition of disability in the Social Security Act which provides that if an individual is unable to do previous work, consideration must be given to whether he can do *any other kind of substantial gainful work* (italic added) which exists in the national economy. Skills would, in many instances, enhance an applicant's work capability. Where an applicant possesses skills, such skills are, of course, taken into consideration.

The proposed regulations violate the Administrative Procedure Act. One commenter indicated that the proposed amendments are representative of existing guidelines which have been used only at the initial and reconsideration levels, and that claimants who have been found not disabled at the reconsideration level and failed to appeal have been subjected to a more stringent standard in violation of the Federal Administrative Procedure Act. This commenter further suggested that the requirements of the Federal Administrative Procedure Act would be satisfied if the Social Security Administration would provide a hearing for each claimaint who has been denied benefits at the reconsideration level and did not appeal. This commenter has assumed that two entirely separate and distinct tests of disability are used depending upon the level at which the claim is being considered, and that a more stringent test of disability is employed at the initial and reconsideration levels. Another writer stated that use of the charts in proposed Appendix 2 would be appropriate at the lower levels of adjudication where rigid categories would promote more efficient adjudication of cases, but that less rigid criteria should be used at the hearing level.

The Social Security Act does not provide for different standards of disability at different adjudicative levels, and the same definition of disability has been used at all levels. Existing medical-vocational evaluation policy as embodied in the proposed amendments is reflective of the Social Security Act and is not different from the policies intended for use at all other levels of adjudication, even though as previously stated, some of the policies may not have been available in specific form beyond the initial and reconsideration levels. The policies being promulgated in these regulations may generally be found in operating instructions used at the initial and reconsideration levels, but these instructions were not binding upon administrative law judges at the hearing level or upon the Appeals Council, because they were not issued as regulations or rulings. One of the major purposes of the proposed amendments is to help improve the consistency and equity of disability decisions at all levels of adjudication in all parts of the nation, but the proposed amendments in no way abridge the Social Security Act which has always been determinative of adjudicative standards.

The proposed regulations do not provide sufficient guidance for documenting or assessing residual functional capacity. Four commenters expressed concern about the lack of uniformity of residual functional capacity assessments and indicated that it is imperative that guidelines for documenting and assessing residual functional capacity be made a part of the regula-

tions. Each disability decision involving vocational factors requires an assessment of residual functional capacity with respect to those specific physical or mental capacities that are in doubt by reason of the individual's allegations or evidence submitted on his or her behalf. Where such doubt does not exist with respect to particular physical or mental capacities, there is no reason to believe that those capacities are diminished. Residual functional capacity assessment may be based solely on medical evidence where such evidence included sufficient findings, e.g., signs, symptoms, and laboratory findings, to support judgments about the individuals capacity for work-related physical capacities, mental demands, and sensory requirements. Where the medical findings, in and of themselves, are not supportive of an adequate assessment of residual functional capacity, such additional factors as the claimant's description of his or her impairment, recorded observations of the claimant, and any other evidence of record may be considered in conjunction with the medical findings. Assessments that describe an individual's ability to sustain work-related activities in terms of an ordinary work day on a continuous day-to-day basis can be matched to the physical and mental demands of jobs, and may be supportive of conclusions that such an individual can perform his or her previous work or other work that exists in the national economy. Conversely, where an assessment establishes that the individual does not have the capacity for work-related functions associated with his previous work or other work that exists in the national economy, or establishes that he or she has the capacity for such functions only on an erratic or irregular basis, such findings are supportive of inability to perform substantial gainful work. The assessment of residual functional capacity is a highly individualized process and must take into account all relevant factors involving a particular claimant. The proposed amendments clarify the considerations in assessing residual functional capacity.

In the proposed regulations the 15-year period, which is used in determining the relevance of an individual's past work, does not have any logical basis. One writer noted that the period of fifteen years which is considered in determining the relevance of an individul's past work shows no reference nor identifiable rationale. The 15-year period is predicated on the assumption that in our economic system, a gradual transition occurs in the job functions of most jobs so that by the time fifteen years have elapsed, the change is such that it is no longer realistic to assume that skills and abilities acquired in a job performed more than fifteen years ago continue to be relevant. This period is designated essentially as a safeguard in the interest of the claimant to insure that current vocational relevance is not imputed to remote work experience which could not reasonably be expected to enhance an individual's vocational outlook at the present time.

The proposed regulations are inaccurate in using grade levels as a measure of education. One writer stated that whether a particular individual's education has provided him or her with skills can only be determined by actually measuring his or her performance and is only roughly indicated by the grade level the individual has completed, and that this rough indicator will often be inaccurate. Adjudicative weight is ascribed to formal education only to the extent that such education contributes to the individual's ability to meet the vocational requirements of jobs; e.g., reasoning ability, communications skills or language competence, arithmetical ability. Lack of formal education is not necessarily proof that the individual is uneducated or lacks such capacities; and, conversely, the significance of an individual's educational background may be materially affected by the time lapse between the completion of his or her formal education and the onset of physical or mental impairment(s) and by what the individual has done with his or her education in a work context. Thus the judgment must be an individualized one and pertain to the facts presented about the claimant being evaluated. Grade level is only determinative in absence of evidence to the contrary.

Contrary to the proposed regulations, there is usually insufficient evidence in the record to assess job skills before the hearing level. One commenter stated that below the hearings level there is never enough evidence to decide the degree of job-acquired skills. The Social Security Administration's operating experience has shown that a large number of the individuals who file for social security disability benefits are unskilled, and that the issue of transferability of skills is the decisive factor in only a relatively small number of cases. Further, transferability of skills may not be an issue even in cases involving skilled workers (e.g., an individual not of advanced age who can do medium work and who has a high school education). Where transferability of skills is not at issue, evidence supporting such considerations is unnecessary. In setting out the definitions and rules, the proposed amendments prescribe the evidence required to reach the necessary judgments as to each individual factor at all adjudicative levels while directing the consideration of the factors in proper sequence, thereby aiding the adjudicators in determining when sufficient evidence for a disability decision has been obtained. The same commenter noted, as has been found in the Social Security Administration's experience, that job titles in themselves are not reliable determinants of skills and that evidence relating to an individual's job duties must be used in reaching such conclusions.

The proposed regulations do not consider motivation for work. Three writers stated that while the regulations require a physician to look at the exertional limitations of an individual, there is no way to consider the individual's motivational level, particularly the impact of a medical problem which can reduce the functional level but not eliminate employability. Motivation is not a factor for consideration in determining whether a claimant is disabled under the provisions of the Social Security Act, nor is the factor of "employability." The individual must be unable to engage in any substantial gainful activity by reason of a medically determinable impairment(s). The physical or mental impairment(s) must be the primary reason for the inability to engage in substantial gainful activity although such other factors as the age, education, and work experience of the individual must also be considered in addition to the functional limitations imposed by the physical or mental impairment(s) in those instances where a decision of disabled or not disabled is not warranted solely on the basis of medical findings. The assessment to determine an individual's functional limitations (and his residual functional capacity) must be based on all relevant evidence which pertains to his or her capacity for work-related physical functions, mental demands, and sensory requirements. This precludes consideration of the individual's motivational level.

The proposed regulations are not clear as to how they will be applied where an individual has limitations in the ability to reach, pull, push, or engage in sustained activity. Several commenters expressed concern that even though a claimant may be able to meet the exertional demands for the performance of a particular range of work, e.g., light, such individual may have limitations with respect to the ability to reach, pull, push, or engage in sustained activity which would restrict the number of jobs within that range that he or she could perform. One commenter suggested that there should be a mechanism for sorting out those jobs which a claimant would not be able to perform because of specific limitations; another indicated that this might be done by considering vocational rehabilitation success rates in retraining people with specified exertional limitations and percentages of hearing and appeals reversal decisions in various categories.

All of these comments suggest that the commenters believe that only the

primary strength requirements (i.e., lifting, carrying, pushing, and pulling) are considered in determining the range of work which a claimant would be capable of performing. Also considered, however, are physical capacities (or specified physical traits) such as climbing, balancing, stooping, bending, kneeling, crouching, fingering, feeling, talking, hearing and seeing. While some of these physical capacities may be more critical than others to the performance of jobs within a particular range of work, the individual must possess physical capacities equal to the strength requirements for the majority of jobs within a particular range of work in order to be so classified. Thus, where an individual has the capacity to meet the strength requirements for a particular range of work, but is unable to perform such activities on a sustained basis, he or she would not be deemed capable of performing work within that range. On the other hand, where the physical capacities normally required for a particular range of work are not appreciably diminished, it would be appropriate to conclude that the individual does have the capacity to perform work within the range being contemplated. It would not, however, be appropriate to assess an individual's anticipated job success based on the job success of other individuals who, though similarly impaired, have been rehabilitated to a work situation. Projecting such expectations on this basis would be contrary to the individualized adjudicative concept. Similarly, the individualized adjudicative approach would preclude comparison with percentages of hearing and appeal reversal decisions.

The proposed regulations will disadvantage persons who improve their skills and education and will be a disincentive to such improvement. A person appearing at a public meeting indicated that an adjudicator must be extremely wary of making a finding of not disabled on the basis that a claimant can perform work for which he or she has recently been trained unless he or she has actually engaged in substantial gainful activity in the new occupation. The commenter observed, on the other hand, that a beneficiary may be found to be no longer disabled and his or her benefits terminated if he or she demonstrated his or her newly acquired skills or abilities in productive work activity. Similarly, another person observed that a beneficiary might abandon plans to pursue an education if faced with the possible loss of benefits because of the attainment of new skills.

As noted, when an applicant for disability benefits is shown to have had vocational training or special education without it being reflected in his work history, care must be taken to ascertain that the applicant did, in fact, satisfactorily complete the training or education, and the reasons for not making use of it. A handicapped person cannot legitimately be expected to make use of training or education where there are good reasons for not having been able to do so before the onset of his disability.

The same caution is exercised where a beneficiary has successfully completed vocational rehabilitation or training but has not used the skills acquired in productive work. Benefits may not be terminated on the basis that the individual has become a "skilled" worker. In the absence of work activity, a finding that disability ceased would be justified only where the evidence establishes that the individual no longer meets the definition of disability. Thus, in the absence of medical recovery, benefits would be continued until the individual has completed a trial work period and has demonstrated the ability to engage in substantial gainful activity. The recent acquisition of skills, by itself, would not be convincing of regained ability to engage in substantial gainful activity.

The proposed regulations are unrealistic in attributing labor market adaptability to persons between ages 18 and 49, as "so called younger individuals". One writer objected to the use of the term "younger individual" to denote ages 18 through 49, and said that the age level should be 18 through 40. It is recognized that progressive deteriorative changes, which affect the vocational capacity to perform jobs, occur as individuals get older. Since no conclusive data which relate varying specific chronological ages to specific vocational limitations for performing jobs are available, it was necessary to analyze and interpret the available age and employment data to ascertain points where it would be realistic to ascribe vocational limitations based on chronological age. Past experience of the Social Security Administration in determining when age makes a difference in disability determinations has also been considered. The consensus resulting from such data and prior experiences is that employment problems develop at age 45; intensify at age 50; and are significantly evident at age 55. The considerations given to age are appropriately reflected in proposed Appendix 2 but are not to be applied mechanically in borderline situations.

Rule 203.10, in the proposed regulations, discriminates against title II disability claimants in comparison with title XVI disability claimants. One commenter stated that Rule 203.10 of proposed Appendix 2 would place more emphasis on the absence of previous work experience than on medical factors as the primary reason for inability to engage in substantial gainful activity. (This rule provides for a finding of disabled where the claimant's maximum sustained work capability is limited to medium work as a result of a medically determinable impairment(s), and such person is of advanced age, has a limited (or less) education, and has no previous work experience.) The commentor noted that the capacity to perform medium work activity represents a substantial vocational opportunity regardless of a person's age, education, and previous work experience, or lack thereof. It was also pointed out that a finding of not disabled would be made in a situation where, all other factors being equal, the claimant had a history of unskilled work (Rule 203.11). This, in the commenter's view, would create an inequity in the handling of title II and title XVI claimants.

As stated in the Social Security Act, in existing regulations, and in the proposed regulations, an individual's physical or mental impairment(s) must be the primary reason for the inability to engage in any substantial gainful activity. Rule 203.10 does not change that requirement. Rather, the rule takes into account the absence of any work experience as an adverse vocational factor. While this factor is always recognized as a particular vocational handicap, the ability to compensate is inverse to other characteristics such as age, education, and skill attainment. The proposed rules, therefore, provide for the same treatment, up to a point, of claimants without work experience and those who have performed only unskilled work, all other factors being equal. As a person grows older, however, the ability to compensate diminishes. The claimant without work experience, on reaching advanced age, may have a significantly more adverse vocational outlook than his or her counterpart who has engaged in unskilled work. The latter, contrary to the former, will have developed worker characteristics such as the basic knowledge of a product or service; an ability to relate and communicate to supervisors and coworkers; the work habits of scheduling of time, use of time clocks or other elements of time usage; and other worker habits and abilities to aid in adjusting to a new work situation, even through at the older age level.

A General Accounting Office study found disability determinations made by the various State agencies to be inconsistent. Several persons commented on the findings of a General Accounting Office (GAO) study which indicated that disability claimants are receiving unequal treatment because their claims are being handled in an inconsistent manner by the various State agencies which make disability determinations under an agreement

with the Social Security Administration. GAO attributed this, in part, to the Social Security Administration's failure to provide clear, concise criteria and instructions upon which to render decisions. In line with this criticism, GAO specifically criticized the absence of comprehensive vocational factors evaluation criteria in published form. Although the Social Security Administration took exception to the methodology employed in the study and questioned the validity and accuracy of the study findings, it should nevertheless be stressed that one of the objectives of the proposed regulations is to assure consistency in the disability determination process. This would meet the criticism of the GAO study by providing timely, clear, concise criteria and instructions upon which to render decisions based on medical-vocational factors.

The proposed regulations permit "administrative notice" of unsubstantiated conclusions and disputed findings without allowing for rebuttal of these findings and conclusions. One writer suggested that the conclusive effect of administrative notice will be given to disputable facts. Another stated that noticed facts which are contained in various reference and source materials, (e.g., the "Dictionary of Occupational Titles," "County Business Patterns," "Census Reports") are adjudicative facts and, as such, are subject to rebuttal, though no provision is made for rebuttal in the proposed regulations.

Administrative notice is taken of the various source and reference materials, themselves, on the basis that they are generally recognized in business, industry, and government as representing authoritative sources on jobs throughout the national economy. However, any rule in proposed Appendix 2 which is reflective of facts contained in the administratively noticed reference materials will direct a factual conclusion as to whether an individual is or is not disabled only where all of the findings of fact made with respect to the individual's vocational factors and residual functional capacity coincide with all of the criteria of a particular rule. The individual findings of fact are subject to rebuttal; and where any one of the findings of fact does not coincide with the corresponding criterion of a rule, the rule does not apply in that particular case and, accordingly, does not direct a factual conclusion of disabled or not disabled. This principle is discussed in § 200.00(a) of proposed Appendix 2. However, where the findings of fact are determined to coincide with a particular rule, the conclusion established by the rule is not subject to rebuttal. These conclusions rest, in part, on various source and reference materials which are being considered in the rule-making process and which form part of the factual basis for the proposed rules. The law does not require the Social Security Administration to permit rebuttal of these legislative facts in the determination of individual claims.

The proposed regulations will increase the need for legal representation in order for a claimant to be allowed disability benefits at a hearing. Two persons asked if the proposed regulations place an increased premium on the need for legal representation at a disability hearing. It is difficult to predict what effect publication of the proposed regulations would have on attorney representation. There has been a steady increase in the incidence of attorney representation over the past five years, possibly due in part to the increased value of the disability benefit and the greater accessibility of legal services. This trend may continue regardless of what action is taken on the proposed regulations. Hence, attorney representation may be perceived as becoming more valuable when vocational criteria are available to the public and the legal profession. On the other hand, one of the purposes of the regulations is to make available to the public the guides for adjudicating disability cases that require full consideration of an individual's age, education and work experience.

If the proposed regulations are implemented, denied claimants should be advised that the determination is binding and that legal assistance should be obtained. One writer suggested that where a claimant is found not disabled, the notice should advise that the determinaton is a binding conclusion and that he or she should seek legal assistance. The commenter also suggested that the Social Security Administration should refer denied claimants to the bar association or legal aid groups, and then proceed at the next adjudicative level only after the claimant has been advised that the previous decision is binding and waives his or her right to legal representation.

Unless an appeal is timely filed, every determination is final and conclusive of individual benefit rights with respect to the application under consideration. The denial notice at each adjudicative level clearly informs the claimant of appeal rights and furnishes instructions as to the procedures to be followed if he or she disagrees with the decision. Although the Social Security Administration assists a claimant to pursue his or her claim, a claimant has the right to be represented by a person of his or her own choice, and if he or she expresses interest in having such representation, the interviewer explains the right to be represented; how to appoint a representative; what a representative may do; and fee regulations.

The proposed regulations do not take cognizance of the fact that some individuals, especially younger persons, are temporarily disabled for at least 12 months. One writer stated that the proposed regulation fails to recognize the concept of a "closed or temporary" period of disability and ignores (for example) the entitlement of young wage earners who are well-educated, but who are temporarily severely injured or ill for 12 or more months. On the basis of the example cited, it appears that the writer believes that the proposed regulations would impinge upon the 12-month duration requirement, which is an integral part of the statutory definition of disability, and that a finding of disabled would be precluded in any case where a claimant's impairment(s) is no longer disabling at the time of adjudication or where it can be projected that the impairment(s) will no longer be disabling in the near future. As explained elsewhere in this preamble, the proposed regulation in no way effects the severity and duration requirements of the definiton of disability, and it would be beyond the scope of the Secretary's authority to promulgate a regulation which would be inconsistent with the statute. (For a specific discussion of the adjudicative treatment of younger workers, see § 201.00(h) of proposed Appendix 2.)

The proposed regulations should provide that vocational factors will not be evaluated without the claimant's consent and the evaluation should be done by a professional vocational consultant. Two commenters stated that the applicant's consent should be obtained where it is necessary that vocational factors be evaluated to determine disability, and that such evaluation be conducted by trained vocational evaluators or other trained professionals.

Section 223(d)(2)(A) of the Social Security Act requires consideration of an applicant's physical and mental capacity for previous and other work. Assessment of work capacity is based on independent evidence and information—obtained from treating and other examining physicians, hospitals, clinics, and other medical sources as well as the claimant himself. The interpretation of this information is perfored by an evaluation team composed of a physician employed by the State Disability Determination Services, and a lay disability adjudicator who is a professional evaluator by reason of specialized training and experience. Both the physican and lay adjudicator are uniquely equipped to translate functional and vocational evidence in terms of demands of jobs in the economy and to assess the individual's remaining capacity for such work. The evaluation of vocational and function-

al evidence is governed by the Social Security Act and regulations. Thus, while information pertinent to an individual's claim may be received from any source, the evaluation of such evidence requires persons who not only possess medical-legal qualifications but are also well versed in the law and regulations. In some cases where vocational qualifications are difficult to measure, claimants are referred to work evaluation centers and professional vocational consultants for an evaluation at Government expense.

The proposed regulations are not based on any scientific studies or pretesting. A question was raised by several commenters as to whether the Social Security Administration has done research and studies regarding the bases for the policies and definitions of terms set out in the proposed regulations. One writer noted that it might be advisable to provide more recent data in support of the adverse vocational presumptions embodied in the proposed regulations, particularly in regard to advanced age. The bases for the policies and definitions in the proposed regulations are the Social Security Act itself, and Congressional intent as expressed over the years. This is fortified by the Social Security Administration's experience in adjudicating hundreds of thousands of disability claims over a period of many years. The definitions are those that have been used for a number of years. Most derive from pre-existing outside sources and research, such as data complied by the Department of Labor (some of which was specifically arranged for use by the Social Security Administration), which are authoritative and generally accepted, and which are compatible with the social security disability program. The reference sources and materials which are cited in support of the adverse vocational presumptions in regard to advanced age reflect a consistency over the period 1957-1974, which is shown to be continuing.

Likewise, pretesting is considered unnecessary, since pretesting for some limited period of time would not provide as good a test of validity as the Social Security Administration's adjudicatory experience in handling hundreds of thousands of cases over many years from which these rules are derived. Only actual operating experience, court experience and careful monitoring will, in the final analysis, prove the effect of the proposed regulations.

SUMMATION

In essence, the proposed regulations and Appendix 2 identify and define the individual medical-vocational factors which Congress intended to be considered in appropriate cases and illustrate the relative weights to be ascribed to each factor in conjunction with all of the other variables in determining an individual's ability or inability to perform substantial gainful activity. Proposed Appendix 2 sets forth these interactions in the form of individual profiles demonstrating the changing adjudicative weights to be accorded each factor in relation to the others. The determination of disabled or not disabled shown in a rule reflects whether or not a severely impaired individual with that particular combination of individual characteristics is able to engage in substantial gainful activity. The determination is predicated on the basis of a medical-vocational determination of capacity for the performance of ranges of work, rather than singular or isolated occupations and, therefore, inherently considers the performance of a significant number of jobs that exist in the national economy.

The publication of Appendix 2 is not intended to direct the adjudication of social security disability claims on the basis of an "average man" approach. Rather, the rules make the process of determining the ability to engage in substantial gainful work more uniform and definitive while preserving the individuality of the determination. While the standards for evaluation included in Appendix 2 are rules whereby each case is evaluated, they do not detract from the requirement that the determination in every case be an individual one. To the contrary, the rules require that individualized findings of fact be made with respect to each individual's age, education, work experience, and physical and mental limitations, and that all factors resulting from those findings of fact coincide with the criteria of a particular rule in order for that rule to direct a factual conclusion of disabled or not disabled in the individual case. Thus, the rules require that each individual's age, education, work experience, and physical and mental limitations personal to him or her, be taken through account of before the rules are applied to the facts in the case. The rules need to be definitive so that the claims of all individuals similarly situated are handled in a consistent manner and to assure that determinations made by one set of adjudicators on the basis of the same facts will be handled the same way by another group of adjudicators, wherever in the country they are located. The necessity for each determination to be an individual one does not eliminate the need for consistency and uniformity in determinations. The way that is achieved administratively is by the regulations and the Appendices (1 and 2).

With respect to those claims not covered within the specific parameters of a rule in Appendix 1 or 2, a determination will have to be made on the basis of the discussions and definitions in the main body of the regulations, taking appropriate account of the rules in Appendix 2.

The rules stated herein represent a consolidation and elaboration of longstanding medical-vocational evaluation policies, which heretofore have been reflected in fragmented guides not readily available in the same format at all levels of adjudication. The proposed regulations and Appendix 2 take appropriate account of the Social Security Administration's extensive experience to date in administering disability programs. Proposed Appendix 2 will help insure individual consideration of all appropriate factors in each case, while providing meaningful rules for soundness, consistency and equity of disability adjudications.

The proposed amendments, if adopted in full or in part, will not become effective until 90 days after they are published in final form in the FEDERAL REGISTER.

The proposed amendments are to be issued under the authority contained in sections 205, 223, 1102, 1614, and 1631, of the Social Security Act, as amended; 53 Stat. 1368, as amended; 70 Stat. 815, as amended; 49 Stat. 647, as amended; 86 Stat. 1471; 86 Stat. 1475; 42 U.S.C. 405, 423, 1302, 1382c, 1383.

(Catalog of Federal Domestic Assistance Program No. 13.802, Disability Insurance; No. 13.807, Supplemental Security Income Program.)

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

Dated: January 23, 1978.

DON WORTMAN,
Acting Commissioner of Social Security.

Approved: February 21, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary of Health, Education, and Welfare.

Part 404 and Part 416 of Chapter III of Title 20 of the Code of Federal Regulations are amended as follows:

1. Section 404.1502 is revised to read as follows:

§ 404.1502 Evaluation of disability in general.

The provisions of §§ 404.1502 through 404.1513 apply to cases involving disability insurance benefits (except statutory blindness) under section 223 of the Act, child's insurance benefits based on disability under section 202(d) of the Act, and a period of disability under section 216(i)(1)(A) of the Act. In general, the individual has the burden of proving that he or she is

disabled and of raising every issue with respect to his or her alleged disability. Whether an impairment in a particular case constitutes a disability, is determined from all the pertinent facts of that case. The determination of disability may be based on medical considerations alone, or on medical considerations and vocational factors as follows:

(a) *Disability determinations on the basis of medical considerations alone.* Medical evidence (i.e., signs, symptoms and laboratory findings) alone, can justify a finding that an individual is or is not under a disability, absent evidence to the contrary.

(b) *Disability determinations in which vocational factors must be considered along with the medical evidence.* In those cases where a finding of disabled or not disabled cannot be made based on medical evidence alone, other evidence is required. This other evidence may include information about:

(1) The individual's residual functional capacity;

(2) The individual's age, education, and work experience; and

(3) The kinds of substantial gainful activity (work) which exist in significant numbers in the national economy for someone who can do only what the individual can do.

(c) *Disability determinations in which vocational factors are extremely adverse.* Where an individual with a marginal education and long work experience (e.g., 35 to 40 years or more) limited to the performance of arduous unskilled physical labor is not working and is no longer able to perform such labor because of a significant impairment or impairments, such an individual may be found to be under a disability.

§§ 404.1503 through 404.1507 [Redesignated as § 404.1514 through 404.1518]

2. Sections 404.1503 through 404.1507 are redesignated as §§ 404.1514 through 404.1518 respectively.

3. New §§ 404.1503 through 404.1513 are added to read as follows:

§ 404.1503 Considerations in the sequential evaluation of disability.

(a) *General.* In the determination of whether or not an impairment in a particular case constitutes a disability as defined in § 404.1501, consideration is given to all the pertinent facts of that case. If the individual is engaging in substantial gainful activity, a determination that he or she is not disabled shall be made. In all other cases, primary consideration is given to the physical or mental impairment(s), which must be severe. The impairment(s) must also meet the duration requirement before disability can be found to exist. However, in determining whether an individual is disabled, a sequential evaluation process shall be followed, whereby current work activity, severity of the impairment(s), and vocational factors are assessed in that order. The following evaluation steps shall be followed in the sequence shown, but when a determination that an individual is or is not disabled can be made at any step, evaluation under a subsequent step shall be unnecessary.

(b) *Is the individual currently engaging in substantial gainful activity?* Where an individual is actually engaging in substantial gainful activity, a finding shall be made that the individual is not under a disability without consideration of either medical or vocational factors.

(c) *Does the individual have any severe impairment?* Where an individual does not have any impairment(s) which significantly limits his or her physical or mental capacity to perform basic work-related functions, a finding shall be made that he or she does not have a severe impairment and therefore is not under a disability without consideration of the vocational factors.

(d) *Does the individual have any impairment(s) which meets or equals those listed in Appendix I?* Where an individual's impairment(s) meets the duration requirement and is either listed in Appendix I or is determined to be medically the equivalent of a listed impairment, a finding of disability shall be made without consideration of the vocational factors.

(e) *Does the individual have any impairment(s) which prevents past relevant work?* Where a finding of disability or no disability cannot be made based on current work activity or on medical considerations alone, and the individual has a severe impairment(s), his or her residual functional capacity and the physical and mental demands of his or her past relevant work shall be evaluated. If the impairment(s) does not prevent the individual from meeting the physical and mental demands of past relevant work, including arduous unskilled physical labor, disability shall be found not to exist.

(f) *Does the individual's impairment(s) prevent other work?* If an individual cannot perform any past relevant work because of a severe impairment(s), but the individual's remaining physical and mental capacities are consistent with his or her meeting the physical and mental demands of a significant number of jobs (in one or more occupations) in the national economy, and the individual has the vocational capabilities (considering age, education, and past work experience) to make an adjustment to work different from that which he or she has performed in the past, it shall be determined that the individual is not under a disability. However, if an individual's physical and mental capacities in conjunction with his or her vocational capabilities (considering age, education, and past work experience) do not permit the individual to adjust to work different from that which he or she has performed in the past, it shall be determined that the individual is under a disability.

§ 404.1504 Determining whether disability exists—medical and other considerations.

(a) *Medical considerations*—(1) *Finding individual not disabled.* Medical considerations alone can justify a finding that an individual is not under a disability where the medically determinable impairment is not severe. A medically determinable impairment is not severe if it does not significantly limit an individual's physical or mental capacity to perform basic work-related functions.

(2) *Finding individual disabled.* Medical considerations alone (including the physiological and psychological manifestations of aging) can justify a finding that an individual is under a disability, absent evidence to the contrary. Medical considerations which justify a finding that an individual is under a disability are those that bring an individual's impairment(s) under the listing in Appendix 1 of this subpart or which justify a determination by the Secretary that the impairment(s) is the medical equivalent of an impairment listed in Appendix 1 of this subpart.

(b) *Additional considerations.* Any medically determinable impairment(s) may justify a finding that an individual is under a disability if the impairment(s) is severe and prevents an individual from engaging in substantial gainful activity. In determining whether impairment(s) not listed in Appendix 1 of this subpart (nor found to be the equivalent of an impairment listed in Appendix 1) meet this test, additional considerations are evaluated. These include determining whether an individual can qualify because he or she has only performed arduous unskilled work for a long period of time or, if not, whether he or she can perform vocationally relevant past work. In those cases in which an individual is found unable to perform vocationally relevant past work, age, education, and work experience must then be considered in addition to the functional limitations imposed by the individual's physical or mental impairment(s).

§ 404.1505 Residual functional capacity.

(a) *General.* Physical or mental impairment(s) may impose functional limitations on an individual's ability to engage in substantial gainful activity. The kind and severity of the

impairment(s) determine the individual's work limitations and residual functional capacity. The manner in which the impairment(s) affects the individual's ability to perform work-related physical and mental activities, and the kind and extent of function the individual retains, are assessed in determining the individual's residual functional capacity. Where multiple impairments are involved, the assessment of residual functional capacity reflects the totality of restrictions resulting from all impairments. Assessments of residual functional capacity may be based solely on medical evidence where such evidence includes sufficient findings (e.g. signs, symptoms and laboratory findings) to permit and support the necessary judgments where relevant, with respect to the individual's physical, mental, and sensory capabilities. Where all reasonably obtainable relevant medical findings alone are not sufficient for an adequate assessment of residual functional capacity, additional factors may be considered. Such additional factors as the individual's description of the impairment, recorded observations of the individual, and any other evidence of record may be considered in conjunction with the medical findings.

(b) *Physical capacities.* Assessment of physical capacities (e.g., strength and exertional capabilities) includes an evaluation of the individual and indicates the individual's maximal residual functional capacity for sustained activity on a regular basis. The assessment also includes the evaluation of the individual's ability to perform significant physical functions such as walking, standing, lifting, carrying, pushing or pulling. The assessment includes the evaluation of other physical traits and sensory characteristics such as reaching, handling, seeing, hearing, and speaking, insofar as limited capacity to perform these functions may also affect the individual's capacity for work for which the indiviual would otherwise be qualified.

(c) *Mental impairments.* The assessment of impairments because of mental disorders includes a consideration of such factors as the capacity to understand, to carry out and remember instructions, and to respond appropriately to supervision, co-workers and customary work pressures in a routine work setting.

(d) *Non-exertional limitations.* Any medically determinable impairments resulting in non-exertional limitations (such as certain mental, sensory, or skin impairments) must be considered in terms of the limitations resulting from the impairment. When an individual has a non-exertional impairment in addition to an exertional impairment(s), the residual functional capacity must be assessed in terms of the degree of any additional narrowing of the individual's work-related capabilities.

(e) *When assessment is required.* An assessment of residual functional capacity is required only with respect to those specific physical or mental capacities that are in doubt by reason of the individual's allegations or the evidence adduced. Where such doubt does not exist with respect to particular physical or mental capacities, the individual is considered to have no restrictions with respect to those capacities.

(f) *Relationship of residual functional capacity to ability to do work.* Where the residual functional capacity so determined is sufficient to enable the individual to do his or her previous work (i.e., usual work or other vocationally relevant past work), a determination is made that the individual is not under a disability. Where the residual functional capacity so determined is not sufficient to enable the individual to do his or her previous work, it must be determined what work, if any, the individual can do, taking into consideration the individual's residual functional capacity, age, education, and work experience and whether work that the individual can do exists in significant numbers in the national economy.

§ 404.1506 Age as a vocational factor.

(a) *General.* The term "age" refers to chronological age and the extent to which it affects the individual's capability to engage in work in competition with others. However, the factor of age in itself is not determinative of disability; the residual functional capacity and the education and work experience of the individual must also be considered. An individual who is unemployed because of age cannot be found incapable of engaging in substantial gainful activity when the individual's impairment and other vocational considerations, e.g., education and work experience, would enable the individual to perform a significant number of jobs which exist in the national economy.

(b) *Younger individual.* In the case of a younger individual (under age 50), age in itself is ordinarily not considered to affect significantly the individual's ability to adapt to a new work situation.

(c) *Individual approaching advanced age.* For the individual not of advanced age but who is closely approaching advanced age (age 50–54), the factor of age, in combination with a severe impairment and limited vocational background may substantially affect the individual's adaptability to a significant number of jobs in a competitive work environment.

(d) *Individual of advanced age.* "Advanced" age (age 55 or over) represents the point where age significantly affects the ability to engage in substantial work. Where a severely impaired individual is of advanced age, such ability may be adversely affected except where the individual has skills that are readily transferable to jobs which exist in significant numbers in the national economy.

§ 404.1507 Education as a vocational factor.

(a) *General.* The term "education" is primarily used in the sense of formal schooling or other training which contributes to the individual's ability to meet vocational requirements, e.g., reasoning ability, communication skills, and arithmetical ability. Lack of formal schooling is not necessarily proof that the individual is uneducated or lacks such capacities. For individuals with past work experience, the kinds of responsibilities assumed when working may indicate the existence of such intellectual capacities although their formal education is limited. Other evidence of such capacities, for individuals with or without past work experience, may consist of daily activities, hobbies, or the results of testing. The significance of an individual's educational background may be materially affected by the time lapse between the completion of the individual's formal education and the onset of physical or mental impairment(s) and by what the individual has done with his or her education in a work context. Formal education that was completed many years prior to onset of impairment or unused skills and knowledge that were a part of such formal education may no longer be useful or meaningful in terms of the individual's ability to work. The term "education" also indicates whether an individual has the ability to communicate in English, since that ability is often acquired or enhanced through educational exposure. In evaluating the educational level of an individual, the following classifications are used:

(b) *Illiteracy.* Illiteracy refers to the inability to read or write. An individual who is able to sign his or her name, but cannot read or write a simple communication (e.g., instructions, inventory lists), is considered illiterate. Generally, and illiterate individual has had little or no formal schooling.

(c) *Marginal education.* Marginal education refers to competence in reasoning, arithmetic, and language skills which are required for the performance of simple, unskilled types of jobs. Absent evidence to the contrary, formal schooling at a grade level of sixth grade or less is considered a marginal education.

(d) *Limited education.* Limited education refers to competence in reasoning, arithmetic, and language skills

which, although more than that which is generally required to carry out the duties of unskilled work, does not provide the individual with the educational qualifications necessary to perform the majority of more complex job duties involved in semi-skilled or skilled jobs. Absent evidence to the contrary, a seventh grade through the eleventh grade of formal education is considered a limited education.

(e) *High school education and above.* High school education and above refers to competence in reasoning, arithmetic, and language skills acquired through formal schooling at a level of grade twelve or above. Absent evidence to the contrary, these educational capacities qualifiy an individual for work at a semi-skilled through a skilled level of job complexity.

(f) *Inability to communicate in English.* Ability to communicate in English is often acquired or enhanced through educational exposure, and this may be considered an educational factor. Where there is inability to communicate in English, the dominant language of the national economy, this may be considered a vocational handicap because it often narrows an individual's vocational scope. For example, the inability to communicate in English may preclude an individual from performing jobs which require conversing with peers and supervisors in English, or reading instructions, signs, forms, etc., which are printed in English. However, the inability to communicate in English in no sense implies that an individual lacks formal schooling or intelligence. A person unable to communicate in English has a vocational handicap which must be considered in assessing what work, if any, the individual can do. The particular non-English language in which an individual may be fluent is generally immaterial.

§ 404.1508 Work experience as a vocational factor.

The term "work experience" means skills and abilities acquired through work previously performed by the individual which indicates the type of work the individual may be expected to perform. Work for which the individual has demonstrated a capability is the best indicator of the kind of work that the individual can be expected to do. Such work experience has current vocational relevance where the recency of the work and the skills acquired demonstrate the individual's ability to perform work which exists in the national economy. Work performed 15 years or more prior to the point at which the claim is being considered for adjudication (or when the earnings requirement was last met) is ordinarily not considered vocationally relevant. In our economic system, a gradual transition occurs in the job functions of most jobs so that by the time 15 years have elapsed, it is no longer realistic to assume that skills and abilities acquired in a job performed more than 15 years ago continue to be relevant. The 15-year guide is essentially intended to insure that current vocational relevance is not imputed to remote work experience which could not reasonably be expected to enhance an individual's vocational prospect as of the point of adjudication. An individual who has no prior work experience or has worked only sporadically or for brief periods of time during the 15-year period may be considered to have no relevant work experience. Any skills acquired through work experience are vocational assets unless they are not transferable to other skilled or semi-skilled work within the individual's current capacities. When acquired skills are not transferable, the individual is considered capable of only unskilled work. However, an individual need not have work experience to qualify for unskilled work which requires little or no judgment in the performance of simple duties which can be learned in a short period of time.

§ 404.1509 Work which exists in the national economy.

(a) *General.* Work is considered to exist in the national economy when it exists in significant numbers either in the region where such individual lives or in several other regions of the country, regardless of whether such work exists in the immediate area in which the individual lives, or whether a specific job vacancy exists for the individual, or whether the individual would be hired if the individual applied for work. A finding that work exists in the national economy is made when there is a significant number of jobs (in one or more occupations) having typical requirements which do not exceed the individual's physical or mental capacities and vocational qualifications. Isolated jobs of a type that exist only in very limited number or in relatively few geographic locations outside of the region where the individual resides are not considered to be "work which exists in the national economy" for purposes of determining whether an individual is under a disability; an individual is not denied benefits on the basis of the existence of such jobs. If such work that the individual can do does not exist in the national economy, disability shall be determined to exist. If such work does exist in the national economy, disability shall be determined not to exist.

(b) *Inability of individual to obtain work.* If an individual's residual functional capacity and vocational capabilities are consistent with the performance of work which exists in the national economy but the individual remains unemployed because the individual is unsuccessful in obtaining such work or because such work does not exist in the individual's local area; or because of the hiring practices of employers, technological changes in the industry in which the individual has worked, or cyclical economic conditions; or because there are no job openings for the individual or the individual would not actually be hired to do work the individual could otherwise perform, the individual is considered not to be under a disability as defined in § 404.1501.

(c) *Administrative notice of job data.* In the determination of whether jobs, as classified by their exertional and skill requirements, exist in significant numbers either in the region or the national economy, administrative notice shall be taken of reliable job information available from various governmental and other publications; e.g., "Dictionary of Occupational Titles," published by the Department of Labor; "County Business Patterns", published by the Bureau of the Census; "Census Reports", also published by the Bureau of the Census; occupational analyses prepared for the Social Security Administration by various State employment agencies; and the "Occupational Outlook Handbook", published by the Bureau of Labor Statistics.

§ 404.1510 Exertional requirements.

(a) *General.* For the purpose of determining exertional requirements of work in the national economy, jobs are classified as "sedentary," "light," "medium," "heavy," and "very heavy." Such terms have the same meaning as they have in the "Dictionary of Occupational Titles", published by the Department of Labor, and when used in making disability determinations under this subpart are defined as follows:

(b) *Sedentary work.* Sedentary work entails lifting 10 pounds maximum and occasionally lifting or carrying such articles as dockets (e.g., files), ledgers, and small tools. Although a sedentary job is defined as one which involves sitting, a certain amount of walking and standing is often necessary in carrying out job duties. Jobs are sedentary if walking and standing are required occasionally and other sedentary criteria are met.

(c) *Light work.* Light work entails lifting 20 pounds maximum with frequent lifting or carrying of objects weighing up to 10 pounds. Even though the weight lifted may be only a negligible amount, a job is in this category when it requires walking or standing to a significant degree, or when it involves sitting most of the time with a degree of pushing and pulling of arm or leg controls. To be considered capable of performing a

full or wide range of light work, an individual must be capable of performing substantially all of the foregoing activities. The functional capacity to perform light work includes the functional capacity to perform sedentary work.

(d) *Medium work.* Medium work entails lifting 50 pounds maximum with frequent lifting or carrying of objects weighing up to 25 pounds. The functional capacity to perform medium work includes the functional capacity to perform sedentary work and light work as well.

(e) *Heavy work.* Heavy work entails lifting 100 pounds maximum with frequent lifting or carrying of objects weighing up to 50 pounds. The functional capacity to perform heavy work include the functional capacity to perform work at all of the lesser functional levels.

(f) *Very heavy work.* Very heavy work entails lifting objects in excess of 100 pounds with frequent lifting or carrying of objects weighing 50 pounds or more. The functional capacity to perform very heavy work includes the functional capacity to perform work at all of the lesser functional levels.

§ 404.1511 Skill requirements.

(a) *General.* For purposes of assessing the skills reflected by an individual's work experience, and of determining the existence in the national economy of work the individual is competent to do, occupations are classified as unskilled, semi-skilled, and skilled. When used in making disability determinations under this subpart, these terms are used in the following sense:

(b) *Unskilled work.* Unskilled work denotes work which requires little or no judgment in the performance of simple duties that can be learned on the job in a short period of time. Considerable strength may or may not be required. As an example, where the primary work function of occupations consists of handling, feeding and offbearing (i.e., placing or removing materials from machines which are automatic or operated by others), or machine tending, and average successful job performance can ordinarily be achieved within 30 days, such occupations are considered unskilled. Other types of jobs requiring little specific vocational preparation and little judgment are likewise unskilled. No acquired work skills can be attributed to individuals who have performed only unskilled work.

(c) *Semi-skilled work.* Semi-skilled work denotes work in which some skills are involved but the more complex work functions are not required. Semi-skilled jobs may require alertness and close attention to watching machine processes; or inspecting, testing or otherwise detecting irregularities; or tending or guarding equipment, property, materials, or persons against loss, damage or injury; or other types of activities involving less complex work functions. A job may be classified as semi-skilled where coordination and dexterity are necessary as in the use of the hands or feet for the rapid performance of repetitive tasks.

(d) *Skilled work.* Skilled work requires qualifications in which the independent judgment of the individual determines the machine and manual operations to be performed in obtaining the proper form, quality, or quantity of material to be produced. The individual may be required to lay out work, to estimate quality, suitability and needed quantities of materials, to make precise measurements, to read blueprints or other specifications, and to make necessary computations or mechanical adjustments to control or regulate processes. Other skilled jobs may require dealing with personnel, data, or abstract ideas at a high level of complexity.

(e) *Transferable work skills.* An individual is considered to have transferable skills when the skilled or semi-skilled work functions which he has demonstrated in his or her past work can be applied to meet the requirements of skilled or semi-skilled work functions of other jobs or kinds of work. Transferability depends largely on the similarity of occupationally significant work functions among jobs. Transferability is most probable and meaningful among jobs in which the same or a lesser degree of skill is required; and the same or similar tools and machines are used; and the same are similar raw materials, products, processes, or services are involved. There are degrees of transferability ranging from a close approximation of work functions involving all three factors to only remote and incidental similarities among jobs. A complete similarity of all three factors is not necessary to warrant the inference of transferability. (Also, see Appendix 2, § 201.00(e), (f), and § 202.00(e), (f).)

§ 404.1512 Effect of performance of arduous unskilled physical labor.

Where an individual with a marginal education and long work experience (e.g., 35 to 40 years or more) limited to the performance of arduous unskilled physical labor is not working and is no longer able to perform such labor because of a significant impairment or impairments and, considering his or her age, education, and vocational background is unable to engage in lighter work, such individual may be found to be under a disability. On the other hand, a different conclusion may be reached where it is found that such individual is working or has worked despite his or her impairment or impairments (except where such work is sporadic or is medically contraindicated) depending upon all the facts in the case. In addition, an individual who was doing heavy physical work at the time he or she suffered such impairment might not be considered unable to engage in any substantial gainful activity if the evidence shows that he or she has the training or past work experience which qualifies him or her for substantial gainful work in another occupation consistent with his or her impairment, either on a full-time or a reasonable regular part-time basis.

Example. B, a 60-year old miner, with a fourth grade education, after a life-long history of arduous physical labor alleged that he was under a disability because of arthritis of the spine, hips, and knees and other impairments. Medical evidence shows a combination of impairments and establishes that these impairments prevent B from performing his usual work or any other type of arduous physical labor. His vocational background does not disclose either through performance of by similarly persuasive evidence that he has skills or capabilities needed to do lighter work which would be readily transferrable to another work environment. Under these circumstances, B may be found to be under a disability.

§ 404.1513 Listing of medical-vocational guidelines in Appendix 2.

In light of information that is available about jobs (classified by their exertional and skill requirements) that exist in the national economy, Appendix 2 sets forth rules reflecting the major functional and vocational patterns which are encountered in cases which do not fall within the criteria of § 404.1504(a) and (b) or § 404.1512, where an individual is not engaging in substantial gainful activity and is prevented by a medically determinable impairment from performing his or her vocationally relevant past work. The Appendix 2 rules do not encompass all possible variations of factors and, as explained in § 200.00 of Appendix 2, are not applicable in any case where any one of the findings of fact made with respect to the individual's vocational factors and residual functional capacity does not coincide with the corresponding criterion of a rule. In such instances, full consideration must be given to all relevant facts in accordance with the definitions and discussions of each factor in §§ 404.1505–404.1511. However, when the findings of fact made as to all factors coincide with the criteria of a rule, that rule directs a factual conclusion of disabled or not disabled.

Appendix (Listing of Impairments) [Redesignated as Appendix 1]

4. Subpart P of part 404 is further amended by designating the Appendix

(Listing of Impairments), appearing at the end thereof, as Appendix 1, and by adding a new Appendix 2, to read as follows:

APPENDIX 2—MEDICAL—VOCATIONAL GUIDELINES

Sec.
200.00 Introduction.
201.00 Maximum sustained work capability limited to sedentary work as a result of severe medically determinable impairment(s).
202.00 Maximum sustained work capability limited to light work as a result of severe medically determinable impairment(s).
203.00 Maximum sustained work capability limited to medium work as a result of severe medically determinable impairment(s).
204.00 Maximum sustained work capability limited to heavy work (or very heavy work) as a result of severe medically determinable impairment(s).

200.00 *Introduction.* (a) The following rules reflect the major functional and vocational patterns which are encountered in cases which do not fall within the criteria of § 404.1504 (a) and (b) or § 404.1512, where an individual with a severe medically determinable physical or mental impairment(s) is not engaging in substantial gainful activity and the individual's impairment(s) prevents the performance of his or her vocationally relevant past work. They also reflect the analysis of the various vocational factors (i.e., age, education, and work experience) in combination with the individual's residual functional capacity (used to determine his or her maximum sustained work capability for sedentary, light, medium, heavy, or very heavy work) in evaluating the individual's ability to engage in substantial gainful activity in other than his or her vocationally relevant past work. Where the findings of fact made with respect to a particular individual's vocational factors and residual functional capacity coincide with all of the criteria of a particular rule, the rule directs a factual conclusion as to whether the individual is or is not disabled. However, each of these findings of fact is subject to rebuttal and the individual may present evidence to refute such findings. Where any one of the findings of fact does not coincide with the corresponding criterion of a rule, the rule does not apply in that particular case and, accordingly, does not direct a factual conclusion of disabled or not disabled. In any instance where a rule does not apply, full consideration must be given to all of the relevant facts of the case in accordance with the definitions and discussions of each factor in §§ 404.1505–404.1513.

(b) The existence of jobs in the national economy is reflected in the "Decisions" shown in the rules; i.e., in promulgating the rules, administrative notice has been taken of the numbers of unskilled jobs that exist throughout the national economy at the various functional levels (sedentary, light, medium, heavy, and very heavy) as supported by the "Dictionary of Occupational Titles" and the "Occupational Outlook Handbook," published by the Department of Labor; the "County Business Patterns" and "Census Surveys" published by the Bureau of the Census; and occupational surveys of light and sedentary jobs prepared for the Social Security administration by various State employment agencies. Thus, when all factors coincide with the criteria of a rule, the existence of such jobs is established. However, the existence of such jobs for individuals whose remaining functional capacity or other factors do not coincide with the criteria of a rule must be further considered in terms of what kinds of jobs or types of work may be either additionally indicated or precluded.

(c) In the application of the rules, the individual's residual functional capacity (i.e., the maximum degree to which the individual retains the capacity for sustained performance of the physical-mental requirements of jobs), age, education, and work experience must first be determined.

(d) The correct disability decision (i.e., on the issue of ability to engage in substantial gainful activity) is found by then locating the individual's specific vocational profile. If an individual's specific profile is not listed within this Appendix 2, a factual conclusion of disabled or not disabled is not directed. Thus, for example, an individual's ability to engage in substantial gainful work where his or her residual functional capacity falls between the ranges of work indicated in the rules (e.g., the individual who can perform more than light but less than medium work), is decided on the basis of the principles and definitions in the regulations, giving consideration to the rules for specific case situations in this Appendix 2. These rules represent various combinations of exertional capabilities, age, education and work experience and also provide an overall structure for evaluation of those cases in which the judgments as to each factor do not coincide with those of any specific rule. Thus, when the necessary judgments have been made as to each factor and it is found that no specific rule applies, the rules still provide guidance for decisionmaking, such as in cases involving combinations of impairments. For example, if strength limitations resulting from an individual's impairment(s) considered with the judgments made as to the individual's age, education and work experience correspond to (or closely approximate) the factors of a particular rule, the adjudicator then has a frame of reference for considering the jobs or types of work precluded by other, nonexertional impairments in terms of numbers of jobs remaining for a particular individual.

(e) Since the rules are predicated on an individual's having an impairment which manifests itself by limitations in meeting the strength requirements of jobs, they may not be fully applicable where the nature of an individual's impairment does not result in such limitations, e.g., certain mental, sensory, or skin impairments. In addition, some impairments may result solely in postural and manipulative limitations or environmental restrictions. Environmental restrictions are those restrictions which result in inability to tolerate some physical feature(s) of work settings that occur in certain industries or types of work, e.g., an inability to tolerate dust or fumes.

(f) In the evaluation of disability where the individual has solely a nonexertional type of impairment, determination as to whether disability exists shall be based on the principles of §§ 404.1505–404.1513, giving consideration to the rules for specific case situations in this Appendix 2. The rules do not direct factual conclusions of disabled or not disabled for individuals with solely nonexertional types of impairments.

(g) However, where an individual has an impairment or combination of impairments resulting in both strength limitations and nonexertional limitations, the rules in this subpart are considered in determining first whether a finding of disabled may be possible based on the strength limitations alone and, if not, the rule(s) reflecting the individual's maximum residual strength capabilities, age, education, and work experience provide a framework for consideration of how much the individual's work capability is further diminished in terms of any types of jobs that would be contraindicated by the nonexertional limitations. Also, in these combinations of nonexertional and exertional limitations which cannot be wholly determined under the rules in this subpart, full consideration must be given to all of the relevant facts in the case in accordance with the definitions and discussions of each factor in §§ 404.1505–404.1513, which will provide insight into the adjudicative weight to be accorded each factor.

201.00 *Maximum sustained work capability limited to sedentary work as a result of severe medically determinable impairment(s).* (a) Most sedentary occupations fall within the skilled, semi-skilled, professional, administrative, technical, clerical, and benchwork classifications. Approximately 200 separate unskilled sedentary occupations can be identified, each representing numerous jobs in the national economy. Approximately 85 percent of these jobs are in the machine trades and benchwork occupational categories. These jobs (unskilled sedentary occupations) may be performed after a short demonstration or within 30 days.

(b) These unskilled sedentary occupations are standard within the industries in which they exist. While sedentary work represents a significantly restricted range of work, this range in itself is not so prohibitively restricted as to negate work capability for substantial gainful activity.

(c) Vocational adjustment to sedentary work as defined in § 404.1510(b) may be expected where the individual has special skills or experience relevant to sedentary work or where age and basic educational competences provide sufficient occupational mobility to adapt to the major segment of unskilled sedentary work. Inability to engage in substantial gainful activity would be indicated where an individual who is restricted to sedentary work because of a severe medically determinable impairment lacks special skills or experience relevant to sedentary work, lacks educational qualifications relevant to most sedentary work (e.g., has a limited education or less) and the individual's age, though not necessarily advanced, is a factor which significantly limits vocational adaptability.

(d) The adversity of functional restrictions to sedentary work at advanced age (55 and over) for individuals with no relevant past work or who can no longer perform vocationally relevant past work and have no transferable skills, warrants a finding of disabled in the the absence of the rare situation where the individual has recently completed education which provides a basis for direct entry into skilled sedentary work. Advanced age and a history of unskilled work or no work experience would ordinarily offset any vocational advantages that might accrue by reason of any remote past education, whether it is more or less than limited education.

(e) The presence of acquired skills that are readily transferable to a significant range of skilled work within an individual's residual functional capacity would ordinari-

ly warrant a finding of ability to engage in substantial gainful activity regardless of the adversity of age, or whether the individual's formal education is commensurate with his or her demonstrated skill level. The acquisition of work skills demonstrates the ability to perform work at the level of complexity demonstrated by the skill level attained regardless of the individual's formal educational attainments.

(f) In order to find transferability of skills to skilled sedentary work for individuals who are of advanced age (55 and over), there must be very little, if any, vocational adjustment required in terms of tools, work processes, work settings, or the industry.

(g) Individuals approaching advanced age (age 50–54) may be significantly limited in vocational adaptability if they are restricted to sedentary work. When such individuals have no past work experience or can no longer perform vocationally relevant part work and have no transferable skills, a finding of disabled ordinarily obtains. However, recently completed education which provides for direct entry into sedentary work will preclude such a finding. For this age group, even a high school education or more (ordinarily completed in the remote past) would have little impact for effecting a vocational adjustment unless relevant work experience reflects use of such education.

(h) The term "younger individual" is used to denote an individual age 18 through 49. For those within this group who are age 45–49, age is a less positive factor than for those who are age 18–44. Accordingly, for such individuals; (1) who are restricted to sedentary work, (2) who are unskilled or have no transferable skills, (3) who have no relevant past work or who can no longer perform vocationally relevant past work, and (4) who are either illiterate or unable to communicate in the English language, a finding of disabled is warranted. On the other hand, age is a more positive factor for those who are under age 45 and is usually not a significant factor in limiting such an individual's ability to make a vocational adjustment; even an adjustment to unskilled sedentary work, and even where the individual is illiterate or unable to communicate in English. However, a finding of disabled is not precluded for those individuals under age 45 who do not meet all of the criteria of a specific rule and who do not have the ability to perform a full range of sedentary work. The following examples are illustrative: Example 1: An individual under age 45 with a high school education can no longer do past work and is restricted to unskilled sedentary jobs because of a severe medically determinable cardiovascular impairment (which does not meet or equal the listings in Appendix 1). A permanent injury of the right hand limits the individual to sedentary jobs which do not require bilateral manual dexterity. None of the rules in Appendix 2 are applicable to this particular set of facts, because this individual cannot perform the full range of work defined as sedentary. Since the inability to perform bilateral manual dexterity significantly compromises the only range of work for which the individual is otherwise qualified (i.e., sedentary), a finding of disabled would be appropriate. Example 2: An illiterate 41 year old individual with mild mental retardation (IQ of 78) is restricted to unskilled sedentary work and cannot perform vocationally relevant past work, which had consisted of unskilled agricultural field work; his or her particular characteristics do not specifically meet any of the rules in Appendix 2, because this individual cannot perform the full range of work defined as sedentary. In light of the adverse factors which further narrow the range of sedentary work for which this individual is qualified, a finding of disabled is appropriate.

(i) While illiteracy or the inability to communicate in English may significantly limit an individual's vocational scope, the primary work functions in the bulk of unskilled work relate to working with things (rather than with data or people) and in these work functions at the unskilled level, literacy or ability to communicate in English has the least significance. Similarly the lack of relevant work experience would have little significance since the bulk of unskilled jobs require no qualifying work experience. Thus, the functional capability for a full range of sedentary work represents sufficient numbers of jobs to indicate substantial vocational scope for those individuals age 18–45 even if they are illiterate or unable to communicate in English.

TABLE NO. 1.—*Residual functional capacity, maximum sustained work capability limited to sedentary work as a result of severe medically determinable impairment(s)*

Rule	Age	Education	Previous work experience	Decision
201.01	Advanced	Limited or less	Unskilled or none	Disabled.
201.02	do	do	Skilled or semiskilled—skills not transferable[1].	Do.
201.03	do	do	Skilled or semiskilled—skills transferable[1].	Not disabled.
201.04	do	High school graduate or more—does not provide for direct entry into skilled work[2].	Unskilled or none	Disabled.
201.05	do	High school graduate or more—provides for direct entry into skilled work[2].	Unskilled or none	Not disabled.
201.06	do	High school graduate or more—does not provide for direct entry into skilled work[2].	Skilled or semiskilled—skills not transferable[1].	Disabled.
201.07	do	High school graduate or more—does not provide for direct entry into skilled work[2].	Skilled or semiskilled—skills transferable[1].	Not disabled.
201.08	do	High school graduate or more—provides for direct entry into skilled work[2].	Skilled or semiskilled—skills not transferable[1].	Do.
201.09	Closely approaching advanced age.	Limited or less	Unskilled or none	Disabled.
201.10	do	do	Skilled or semiskilled—skills not transferable.	Do.
201.11	do	do	Skilled or semiskilled—skills transferable.	Not disabled.
201.12	do	High school graduate or more—does not provide for direct entry into skilled work[2].	Unskilled or none	Disabled.
201.13	do	High school graduate or more—provides for direct entry into skilled work[2].	do	Not disabled.
201.14	do	High school graduate or more—does not provide for direct entry into skilled work[2].	Skilled or semiskilled—skills not transferable.	Disabled.
201.15	do	do	Skilled or semiskilled—skills transferable.	Not disabled.
201.16	do	High school graduate or more—provides for direct entry into skilled work[2].	Skilled or semiskilled—skills not transferable[1].	Do.
201.17	Younger individual age 45–49.	Illiterate or unable to communicate in English.	Unskilled or none	Disabled.
201.18	do	Limited or less—at least literate and able to communicate in English.	do	Not disabled.
201.19	do	Limited or less	Skilled or semiskilled—skills not transferable.	Do.
201.20	do	do	Skilled or semiskilled—skills transferable.	Do.
201.21	do	High school graduate or more.	Skilled or semiskilled—skills not transferable.	Do.
201.22	do	do	Skilled or semiskilled—skills transferable.	Do.
201.23	Younger individual age 18–44.	Illiterate or unable to communicate in English.	Unskilled or none	Do.[4]
201.24	do	Limited or less—at least literate and able to communicate in English.	do	Do.[4]
201.25	do	Limited or less	Skilled or semiskilled—skills not transferable.	Do.[4]

TABLE No. 1.—*Residual functional capacity, maximum sustained work capability limited to sedentary work as a result of severe medically determinable impairment(s)*—Continued

Rule	Age	Education	Previous work experience	Decision
201.26	do	do	do	Do.[4]
201.27	do	High school graduate or more.	Unskilled or none	Do.[4]
201.28	do	do	Skilled or semiskilled—skills not transferable.	Do.[4]
201.29	do	do	do	Do.[4]

[1]See 201.00(f). [2]See 201.00(d). [3]See 201.00(g). [4]See 201.00(h).

202.00 *Maximum sustained work capability limited to light work as a result of severe medically determinable impairment(s).* (a) The functional capacity to perform a full range of light work as defined in §404.1510(c) includes the functional capacity to perform sedentary as well as light work. Approximately 1,600 separate sedentary and light unskilled occupations can be identified in eight broad occupational categories, each occupation representing numerous jobs in the national economy. These jobs can be performed after a short demonstration or within 30 days, and do not require special skills or experience.

(b) The functional capacity to perform a wide or full range of light work represents substantial work capability compatible with making a work adjustment to substantial numbers of unskilled jobs and, thus, generally provides sufficient occupational mobility even for severely impaired individuals who are not of advanced age and have sufficient educational competences for unskilled work.

(c) However, for individuals of advanced age who can no longer perform vocationally relevant past work and who have a history of unskilled work experience, or who have only skills that are not readily transferable to a significant range of skilled work that is within the individual's functional capacity, or who have no work experience, the limitations in vocational adaptability represented by functional restriction to light work warrant a finding of disabled. Ordinarily, even a high school education or more which was completed in the remote past will have little positive impact on effecting a vocational adjustment unless relevant work experience reflects use of such education.

(d) Where the same factors in paragraph (c) of this section regarding education and work experience are present, but where age, though not advanced, is a factor which significantly limits vocational adaptability (i.e., closely approaching advanced age, 50-54) and an individual's vocational scope is further significantly limited by illiteracy or inability to communicate in English, a finding of disabled is warranted.

(e) The presence of acquired skills that are readily transferable to a significant range of skilled work within an individual's residual functional capacity would ordinarily warrant a finding of not disabled regardless of the adversity of age, or whether the individual's formal education is commensurate with his or her demonstrated skill level. The acquisition of work skills demonstrates the ability to perform work at the level of complexity demonstrated by the skill level attained regardless of the individual's formal educational attainments.

(f) For a finding of transferability of skills to light work for individuals of advanced age who are closely approaching retirement age (age 60-64), there must be very little, if any, vocational adjustment required in terms of tools, work processes, work settings, or the industry.

(g) While illiteracy or the inability to communicate in English may significantly limit an individual's vocational scope, the primary work functions in the bulk of unskilled work relate to working with things (rather than with data or people) and in these work functions at the unskilled level, literacy or ability to communicate in English has the least significance. Similarly, the lack of relevant work experience would have little significance since the bulk of unskilled jobs require no qualifying work experience. The capability for light work, which includes the ability to do sedentary work, represents the capability for substantial numbers of such jobs. This, in turn, represents substantial vocational scope for younger individuals (age 18-49) even if illiterate or unable to communicate in English.

TABLE No. 2.—*Residual functional capacity maximum sustained work capability limited to light work as a result of severe medically determinable impairment(s)*

Rule	Age	Education	Previous work experience	Decision
202.01	Advanced age	Limited or less	Unskilled or none	Disabled.
202.02	do	do	Skilled or semiskilled—skills not transferable.	Do.
202.03	do	do	Skilled or semiskilled—skills transferable[1].	Not disabled.
202.04	do	High school graduate or more—does not provide for direct entry into skilled work[2].	Unskilled or none	Disabled.
202.05	do	High school graduate or more—provides for direct entry into skilled work[2].	do	Not disabled.
202.06	do	High school graduate or more—does not provide for direct entry into skilled work[2].	Skilled or semiskilled—skills not transferable.	Disabled.
202.07	do	do	Skilled or semiskilled—skills transferable[1].	Not disabled.
202.08	do	High school graduate or more—provides for direct entry into skilled work[2].	Skilled or semiskilled—skills not transferable.	Do.
202.09	Closely approaching advanced age.	Illiterate or unable to communicate in English.	Unskilled or none	Disabled.
202.10	do	Limited or less—At least literate and able to communicate in English.	do	Not disabled.
202.11	do	Limited or less	Skilled or semiskilled—skills not transferable.	Do.
202.12	do	do	Skilled or semiskilled—skills transferable.	Do.
202.13	do	High school graduate or more.	Unskilled or none	Do.
202.14	do	do	Skilled or semiskilled—skills not transferable.	Do.
202.15	do	do	Skilled or semiskilled—skills transferable.	Do.
202.16	Younger individual.	Illiterate or unable to communicate in English.	Unskilled or none	Do.
202.17	do	Limited or less—At least literate and able to communicate in English.	do	Do.
202.18	do	Limited or less	Skilled or semiskilled—skills not transferable.	Do.
202.19	do	do	Skilled or semiskilled—skills transferable.	Do.
202.20	do	High school graduate or more.	Unskilled or none	Do.
202.21	do	do	Skilled or semiskilled—skills not transferable.	Do.
202.22	do	do	Skilled or semiskilled—skills transferable.	Do.

[1]See 202.00(f). [2]See 202.00(c).

203.00 *Maximum sustained work capability limited to medium work as a result of severe medically determinable impairment(s).* (a) The functional capacity to perform medium work as defined in §404.1510(d) includes the functional capacity to perform sedentary, light, and medium work. Approximately 2,500 separate sedentary, light, and medium occupations can be identified, each occupation representing numerous jobs in the national economy which do not require skills or previous experience and which can be performed after a short demonstration or within 30 days.

(b) The functional capacity to perform medium work represents such substantial work capability at even the unskilled level that a finding of disabled is ordinarily not warranted in cases where a severely impaired individual retains the functional ca-

pacity to perform medium work. Even the adversity of advanced age (55 or over) and a work history of unskilled work may be offset by the substantial work capability represented by the functional capacity to perform medium work. (Note that the provisions of §404.1512 must have been given prior consideration.)

(c) However, the absence of any relevant work experience becomes a more significant adversity for individuals of advanced age (55 and over). Accordingly, this factor, in combination with a limited education or less, militates against making a vocational adjustment to even this substantial range of work and a finding of disabled is appropriate. Further, for individuals closely approaching retirement age (60-64) with a work history of unskilled work and with marginal education or less, a finding of disabled is appropriate.

TABLE NO. 3.—*Residual functional capacity maximum sustained work capability limited to medium work as a result of severe medically determinable impairment(s)*

Rule	Age	Education	Previous work experience	Decision
203.01	Closely approaching retirement age.	Marginal or none	Unskilled or none	Disabled.
203.02	...do	Limited or less	None	Do.
203.03	...do	Limited	Unskilled	Not disabled.
203.04	...do	Limited or less	Skilled or semiskilled—skills not transferable.	Do.
203.05	...do	...do	Skilled or semiskilled—skills transferable.	Do.
203.06	...do	High school graduate or more.	Unskilled or none	Do.
203.07	...do	High school graduate or more—does not provide for direct entry into skilled work.	Skilled or semiskilled—skills not transferable.	Do.
203.08	...do	...do	Skilled or semiskilled—skills transferable.	Do.
203.09	...do	High school graduate or more—provides for direct entry into skilled work.	Skilled or semiskilled—skills not transferable.	Do.
203.10	Advanced age	Limited or less	None	Disabled.
203.11	...do	...do	Unskilled	Not disabled.
203.12	...do	...do	Skilled or semiskilled—skills not transferable.	Do.
203.13	...do	...do	Skilled or semiskilled—skills transferable.	Do.
203.14	...do	High school graduate or more.	Unskilled or none	Do.
203.15	...do	High school graduate or more—does not provide for direct entry into skilled work.	Skilled or semiskilled—skills not transferable.	Do.
203.16	...do	...do	Skilled or semiskilled—skills transferable.	Do.
203.17	...do	High school graduate or more—provides for direct entry into skilled work.	Skilled or semiskilled—skills not transferable.	Do.
203.18	Closely approaching advanced age.	Limited or less	Unskilled or none	Do.
203.19	...do	...do	Skilled or semiskilled—skills not transferable.	Do.
203.20	...do	...do	Skilled or semiskilled—skills transferable.	Do.
203.21	...do	High school graduate or more.	Unskilled or none	Do.
203.22	...do	High school graduate or more—does not provide for direct entry into skilled work.	Skilled or semiskilled—skills not transferable.	Do.
203.23	...do	...do	Skilled or semiskilled—skills transferable.	Do.
203.24	...do	High school graduate or more—provides for direct entry into skilled work.	Skilled or semiskilled—skills not transferable.	Do.
203.25	Younger individual.	Limited or less	Unskilled or none	Do.
203.26	...do	...do	Skilled or semiskilled—skills not transferable.	Do.
203.27	...do	...do	Skilled or semiskilled—skills transferable.	Do.
203.28	...do	High school graduate or more.	Unskilled or none	Do.
203.29	...do	High school graduate or more—does not provide for direct entry into skilled work.	Skilled or semiskilled—skills not transferable.	Do.
203.30	...do	...do	Skilled or semiskilled—skills transferable.	Do.
203.31	...do	High school graduate or more—provides for direct entry into skilled work.	Skilled or semiskilled—skills not transferable.	Do.

204.00 *Maximum sustained work capability limited to heavy work (or very heavy work) as a result of severe medically determinable impairment(s).* The residual functional capacity to perform heavy work as defined in §404.1510(e), or very heavy work as defined in §404.1510(f), included the functional capability for work at the lesser functional levels as well, and represents substantial work capability for jobs in the national economy at all skill and physical demand levels. Individuals who retain the functional capacity to perform heavy work (or very heavy work) ordinarily will not have a severe impairment or will be able to do their past work—either of which would have already provided a basis for a decision of "not disabled." Environmental restrictions ordinarily would not significantly affect the range of work existing in the national economy for individuals with the physical capability for heavy work (or very heavy work). Thus an impairment which does not preclude heavy work (or very heavy work) would not ordinarily be the primary reason for unemployment, and generally is sufficient for a finding of not disabled, even though age, education, and skill level of prior work experience may be considered adverse.

5. Section 416.902 is revised to read as follows:

§416.902 Evaluation of disability in general.

The provisions of §§416.902 through 416.913 apply to cases involving supplemental security income benefits based on disability under §1614 of the Act (except for statutory blindness and children under age 18). In general, the individual has the burden of proving that he or she is disabled and of raising every issue with respect to his or her alleged disability. Whether an impairment in a particular case constitutes a disability is determined from all the pertinent facts of that case. The determination of disability may be based on medical consideration alone, or on medical considerations and vocational factors as follows:

(a) *Disability determinations on the basis of medical considerations alone.* Medical evidence i.e., signs, symptoms and laboratory findings alone, can justify a finding that an individual is or is not under a disability, absent evidence to the contrary.

(b) *Disability determinations in which vocational factors must be considered along with the medical evidence.* In those cases where a finding of disabled or not disabled cannot be made based on medical evidence alone, other evidence is required. This other evidence may include information about:

(1) The individual's residual functional capacity;

(2) The individual's age, education, and work experience; and

(3) The kinds of substantial gainful activity (work) which exist in significant numbers in the national economy for someone who can do only what the individual can do.

(c) *Disability determinations in which vocational factors are extremely*

adverse. Where an individual with a marginal education and long work experience (e.g., 35 to 40 years or more) limited to the performance of arduous unskilled physical labor is not working and is no longer able to perform such labor because of a significant impairment or impairments, such an individual may be found to be under a disability.

§ 416.903 through 416.907 [Redesignated §§ 416.914 through 416.918]

6. Sections 416.903 through 416.907 are redesignated as sections 416.914 through 416.918 respectively.

7. New §§416.903 through 416.913 are added to read as follows:

§ 416.903 Considerations in the sequential evaluation of disability.

(a) *General.* In the determination of whether or not an impairment in a particular case constitutes a disability as defined in § 416.901, consideration is given to all the pertinent facts of that case. If the individual is engaging is substantial gainful activity, a determination that he or she is not disabled shall be made. In all other cases, primary consideration is given to the physical or mental impairment(s), which must be severe. The impairment(s) must also meet the duration requirement before disability can be found to exist. However, in determining whether an individual is disabled, a sequential evaluation process shall be followed, whereby current work activity, severity of the impairment(s), and vocational factors are assessed in that order. The following evaluation steps shall be followed in the sequence shown, but when a determination that an individual is or is not disabled can be made at any step, evaluation under a subsequent step shall be unnecessary.

(b) *Is the individual currently engaging in substantial gainful activity?* Where an individual is actually engaging in substantial gainful activity, a finding shall be made that the individual is not under a disability without consideration of either medical or vocational factors.

(c) *Does the individual have any severe impairments?* Where an individual does not have any impairment(s) which significantly limits his or her physical or mental capacity to perform basic work-related functions, a finding shall be made that he or she does not have a severe impairment and therefore is not under a disability without consideration of the vocational factors.

(d) *Does the individual have any impairment(s) which meets or equals those listed in Part A of Appendix 1?* Where an individual's impairment(s) meets the duration requirement and is either listed in Part A of Appendix 1 or is determined to be medically the equivalent of a listed impairment, a finding of disability shall be made without consideration of the vocational factors.

(e) *Does the individual have any impairment(s) which prevents past relevant work?* Where a finding of disability or no disability cannot be made based on current work activity or on medical consideration alone, and the individual has a severe impairment(s), his or her residual functional capacity and the physical and mental demands of his or her past relevant work shall be evaluated. If the impairment(s) does not prevent the individual from meeting the physical and mental demands of past relevant work, including arduous unskilled physical labor, disability shall be found not to exist.

(f) *Does the individual's impairment(s) prevent other work?* If an individual cannot perform any past relevant work because of a severe impairment(s), but the individual's remaining physical and mental capacities are consistent with his or her meeting the physical and mental demands of a significant number of jobs (in one or more occupations) in the national economy, and the individual has the vocational capabilities (considering age, education, and past work experience) to make an adjustment to work different from that which he or she has performed in the past, it shall be determined that the individual is not under a disability. However, if an individual's physical and mental capacities in conjunction with his or her vocational capabilities (considering age, education, and past work experience) do not permit the individual to adjust to work different from that which he or she has performed in the past, it shall be determined that the individual is under a disability.

§ 416.904 Determining whether disability exists—medical and other considerations.

(a) *Medical considerations.*—(1) *Finding individual not disabled.* Medical consideration alone can justify a finding that an individual is not under a disability where the medically determinable impairment is not severe. A medically determinable impairment is not severe if it does not significantly limit an individual's physical or mental capacity to perform basic work-related functions.

(2) *Finding individual disabled.* Medical consideration alone (including the physiological and psychological manifestations of aging) can justify a finding that an individual is under a disability, absent evidence to the contrary. Medical considerations which justify a finding that an individual is under a disability are those that bring an individual's impairment(s) under the listing in Part A of Appendix 1 of this subpart or which justify a determintion by the Secretary that the impairment(s) is the medical equivalent of an impairment listed in Part A of Appendix 1 of this subpart.

(b) *Additional considerations.* Any medically determinable impairment(s) may justify a finding that an individual is under a disability if the impairment(s) is severe and prevents an individual from engaging in substantial gainful activity. In determining whether impairment(s) not listed in Part A of Appendix 1 of this subpart (nor found to be the equivalent of an impairment listed in Part A of Appendix 1) meet this test, additional

considerations are evaluated. These include determining whether an individual can qualify because he has only performed arduous unskilled work for a long period of time or, if not, whether he or she can perform vocationally relevant work. In those cases in which an individual is found unable to perform vocationally relevant past work, age, education, and work experience must then be considered in addition to the functional limitations imposed by the individual's physical or mental impairment(s).

§ 416.905 Residual functional capacity.

(a) *General.* Physical or mental impairment(s) may impose functional limitations on an individual's ability to engage in substantial gainful activity. The kind and severity of the impairment(s) determine the individual's work limitations and residual functional capacity. The manner in which the impairment(s) affects the individual's ability to perform work-related physical and mental activities, and the kind and extent of function the individual retains, are assessed in determining the individual's residual functional capacity. Where multiple impairments are involved, the assessment of residual functional capacity reflects the totality of restrictions resulting from all impairments. Assessments of residual functional capacity may be based solely on medical evidence where such evidence includes sufficient findings (e.g., signs, symptoms, and laboratory findings) to permit and support the necessary judgments where relevant, with respect to the individual's physical, mental, and sensory capabilities. In establishing disability for purposes of title XVI, the Secretary will assist the individual in meeting that burden by securing and paying for medical evidence needed for a sound determination. Where all reasonably obtainable relevant medical findings alone are not sufficient for an adequate assessment of residual functional capacity, additional factors may be considered. Such additional factors as the individual's description of the impairment, recorded observations of the individual, and any other evidence of record may be considered in conjunction with the medical findings.

(b) *Physical capacities.* Assessment of physical capacities (e.g., strength and exertional capabilities) includes an evaluation of the individual and indicates the individual's maximal residual functional capacity for sustained activity on a regular basis. The assessment also includes the evaluation of the individual's ability to perform significant physical functions such as walking, standing, lifting, carrying, pushing or pulling. The assessment includes the evaluation of other physical traits and sensory characteristics such as reaching, handling, seeing, hearing, and speaking, insofar as limited capacity to perform these functions may also affect the individual's capacity for work for which the individual would otherwise be qualified.

(c) *Mental impairments.* The assessment of impairments because of mental disorders includes a consideration of such factors as the capacity to understand, to carry out and remember instructions, and to respond appropriately to supervision, co-workers and customary work pressures in a routine work setting.

(d) *Non-exertional limitations.* Any medically determinable impairments resulting in non-exertional limitations (such as certain mental, sensory, or skin impairments) must be considered in terms of the limitations resulting from the impairment. When an individual has a non-exertional impairment in addition to an exertional impairment(s), the residual functional capacity must be assessed in terms of the degree of any additional narrowing of the individual's work-related capabilities.

(e) *When assessment is required.* An assessment of residual functional capacity is required only with respect to those specific physical or mental capacities that are in doubt by reason of the individual's allegations or the evidence adduced. Where such doubt does not exist with respect to particular physical or mental capacities, the individual is considered to have no restrictions with respect to those capacities.

(f) *Relationship of residual functional capacity to ability to do work.* Where the residual functional capacity so determined is sufficient to enable the individual to do his or her previous work (i.e., usual work or other vocationally relevant past work), a determination is made that the individual is not under a disability. Where the residual functional cpacity so determined is not sufficient to enable the individual to do his or her previous work, it must be determined what work, if any, the individual can do, taking into consideration the individual's residual functional capacity, age, education, and work experience and whether work that the individual can do exists in significant numbers in the national economy.

§ 416.906 Age as a vocational factor.

(a) *General.* The term "age" refers to chronological age and the extent to which it affects the individual's capability to engage in work in competition with others. However, the factor of age in itself is not determinative of disability; the residual functional capacity and the education and work experience of the individual must also be considered. An individual who is unemployed because of age cannot be found incapable of engaging in substantial gainful activity when the individual's impairment and other vocational consideration, e.g., education and work experience, would enable the individual to perform a significant number of jobs which exist in the national economy.

(b) *Younger individual.* In the case of a younger individual (under age 50), age in itself is ordinarily not considered to affect significantly the individual's ability to adapt to a new work situation.

(c) *Individual approaching advance age.* For the individual not of advanced age but who is closely approaching avanced age (age 50–54), the factor of age, in combination with a severe impairment and limited vocational background, may substantially affect the individual's adaptability to a significant number of jobs in a competitive work environment.

(d) *Individual of advanced age.* "Advanced" age (age 55 or over) represents the point where age significantly affects the ability to engage in substantial work. Where a severely impaired individual is of advanced age, such ability may be adversely affected except where the individual has skills that are readily transferable to jobs which exist in significant numbers in the national economy.

§ 416.907 Education as a vocational factor.

(a) *General.* The term "education" is primarily used in the sense of formal schooling or other training, which contributes to the individual's ability to meet vocational requirements, e.g., reasoning ability, communication skills, and arithmetical ability. Lack of formal schooling is not necessarily proof that the individual is uneducated or lacks such capacities. For individuals with past work experience, the kinds of responsibilities assumed when working may indicate the existence of such intellectual capacities although their formal education is limited. Other evidence of such capacities, for individuals with or without past work experience, may consist of daily activities, hobbies, or the results of testing. The significance of an individual's educational background may be materially affected by the time lapse between the completion of the individual's formal education and the onset of physical or mental impairment(s) and by what the individual has done with his or her education in a work context. Formal education that was completed many years prior to onset of impairment or unused skills and knowledge that were a part of such formal education may no longer be useful or meaningful in terms of the individual's ability to work. The term "education" also includes whether an individual has the ability to communicate in English, since that ability is

often acquired or enhanced through educational exposure. In evaluating the educational level of an individual, the following classifications are used:

(b) *Illiteracy.* Illiteracy refers to the inability to read or write. An individual who is able to sign his or her name, but cannot read or write a simple communication (e.g., instructions, inventory lists), is considered illiterate. Generally, an illiterate individual has had little or no formal schooling.

(c) *Marginal education.* Marginal education refers to competence in reasoning, arithmetic, and language skills which are required for the performance of simple, unskilled types of jobs. Absent evidence to the contrary, formal schooling at a grade level of sixth grade or less is considered a marginal education.

(d) *Limited education.* Limited education refers to competence in reasoning, arithmetic, and language skills which, although more than that which is generally required to carry out the duties of unskilled work, does not provide the individual with the educational qualifications necessary to perform the majority of more complex job duties involved in semi-skilled or skilled jobs. Absent evidence to the contrary, a seventh grade through the eleventh grade of formal education is considered a limited education.

(e) *High school education and above.* High school education and above refers to competence in reasoning, arithmetic, and language skills acquired through formal schooling at a level of grade twelve or above. Absent evidence to the contrary, these educational capacities qualify an individual for work at a semi-skilled through a skilled level of job complexity.

(f) *Inability to communicate in English.* Ability to communicate in English is often acquired or enhanced through educational exposure, and this may be considered an educational factor. Where there is inability to communicate in English, the dominant language of the national economy, this may be considered a vocational handicap because it often narrows an individual's vocational scope. For example, the inability to communicate in English may preclude an individual from performing jobs which require conversing with peers and supervisors in English, or reading instructions, signs, forms, etc., which are printed in English. However, the inability to communicate in English in no sense implies that an individual lacks formal schooling or intelligence. A person unable to communicate in English has a vocational handicap which must be considered in assessing what work, if any, the individual can do. The particular non-English language in which an individual may be fluent is generally immaterial.

§ 416.908 Work experience as a vocational factor.

The term "work experience" means skills and abilities acquired through work previously performed by the individual which indicates the type of work the individual may be expected to perform. Work for which the individual has demonstrated a capability is the best indicator of the kind of work that the individual can be expected to do. Such work experience has current vocational relevance where the recency of the work and the skills acquired demonstrate the individual's ability to perform work which exists in the national economy. Work performed 15 years or more prior to the point at which the claim is being considered for adjudication (or when the earnings requirement was last met) is ordinarily not considered vocationally relevant. In our economic system, a gradual transition occurs in the job functions of most jobs so that by the time 15 years have elapsed, it is no longer realistic to assume that skills and abilities acquired in a job performed more than 15 years ago continue to be relevant. The 15-year guide is essentially intended to insure that current vocational relevance is not imputed to remote work experience which could not reasonably be expected to enhance an individual's vocational prospect as of the point of adjudication. An individual who has no prior work experience or has worked only sporadically or for brief periods of time during the 15-year period may be considered to have no relevant work experience. Any skills acquired through work experience are vocational assets unless they are not transferable to other skilled or semi-skilled work within the individual's current capacities. When acquired skills are not transferable, the indivdual is considered capable of only unskilled work. However, an individual need not have work experience to qualify for unskilled work which requires little or no judgment in the performance of simple duties which can be learned in a short period of time.

§ 416.909 Work which exists in the national economy.

(a) *General.* Work is considered to exist in the national economy when it exists in significant numbers either in the region where such individual lives or in several other regions of the country, regardless of whether such work exists in the immediate area in which the individual lives, or whether a specific job vacancy exists for the individual, or whether the individual would be hired if the individual applied for work. A finding that work exists in the national economy is made when there is a significant number of jobs (in one or more occupations) having typical requirements which do not exceed the individual's physical or mental capacities and vocational qualifications. Isolated jobs of a type that exist only in very limited number or in relatively few geographic locations outside of the region where the individual resides are not considered to be "work which exists in the national economy" for purposes of determining whether an individual is under a disability; an individual is not denied benefits on the basis of the existence of such jobs. If such work that the individual can do does not exist in the national economy, disability shall be determined to exist. If such work does exist in the national economy, disability shall be determined not to exist.

(b) *Inability of individual to obtain work.* If an individual's residual functional capacity and vocational capabilities are consistent with the performance of work which exists in the national economy but the individual remains unemployed because the individual is unsuccessful in obtaining such work or because such work does not exist in the individual's local area; or because of the hiring practices of employers, technological changes in the industry in which the individual has worked, or cyclical economic conditions; or because there are no job openings for the individual or the individual would not actually be hired to do work the individual could otherwise perform, the individual is considered not to be under a disability as defined in § 416.901.

(c) *Administrative notice of job data.* In the determination of whether jobs as classified by their exertional and skill requirements exist in significant numbers either in the region or the national economy, administrative notice shall be taken of reliable job information available from various governmental and other publications; e.g., "Dictionary of Occupational Titles," published by the Department of Labor; "County Business Patterns," published by the Bureau of the Census; "Census Reports," also published by the Bureau of the Census; occupational analyses prepared for the Social Security Administration by various State employment agencies; and the "Occupational Outlook Handbook," published by the Bureau of Labor Statistics.

§ 416.910 Exertional requirements.

(a) *General.* For the purpose of determining exertional requirements of work in the national economy, jobs are classified as "sedentary," "light," "medium," "heavy," and "very heavy." Such terms have the same meaning as they have in the "Dictionary of Occupational Titles," published by the Department of Labor, and when used in making disability determinations under this subpart, are defined as follows:

(b) *Sedentary work.* Sedentary work entails lifting 10 pounds maximum and occasionally lifting or carrying such articles as dockets (e.g., files), ledgers, and small tools. Although a sedentary job is defined as one which involves sitting, a certain amount of walking and standing is often necessary in carrying out job duties. Jobs are sedentary if walking and standing are required occasionally and other sedentary criteria are met.

(c) *Light work.* Light work entails lifting 20 pounds maximum with frequent lifting or carrying of objects weighing up to 10 pounds. Even though the weight lifted may be only a negligible amount, a job is in this category when it requires walking or standing to a significant degree, or when it involves sitting most of the time with a degree of pushing and pulling of arm or leg controls. To be considered capable of performing a full or wide range of light work, and individual must be capable of performing substantially all of the foregoing activities. The functional capacity to perform light work includes activities. The functional capacity to perform light work includes the functional capacity to perform sedentary work.

(d) *Medium work.* Medium work entails lifting 50 pounds maximum with frequent lifting or carrying of objects weighing up to 25 pounds. The functional capacity to perform medium work includes the functional capacity to perform sedentary work and light work as well.

(e) *Heavy work.* Heavy work entails lifting 100 pounds maximum with frequent lifting or carrying of objects weighing up to 50 pounds. The functional capacity to perform heavy work includes the functional capacity to perform work at all of the lesser functional levels.

(f) *Very heavy work.* Very heavy work entails lifting objects in excess of 100 pounds with frequent lifting or carrying of objects weighing 50 pounds or more. The functional capacity to perform very heavy work includes the functional capacity to perform work at all of the lesser functional levels.

§ 416.911 Skill requirements.

(a) *General.* For purposes of assessing the skills reflected by an individual's work experience, and of determining the existence in the national economy of work the individual is competent to do, occupations are classified as unskilled, semi-skilled, and skilled. When used in making disability determinations under this subpart, these terms are used in the following sense:

(b) *Unskilled work.* Unskilled work denotes work which requires little or no judgment in the preformance of simple duties that can be learned on the job in a short period of time. Considerable strength may or may not be required. As an example, where the primary work function of occupations consists of handling, feeding, and offbearing (i.e., placing or removing materials from machines which are automatic or operated by others), or machine tending, and average successful job performance can ordinarily be achieved within 30 days, such occupations are considered unskilled. Other types of jobs requiring little specific vocational preparation and little judgment are likewise unskilled. No acquired work skills can be attributed to individuals who have performed only unskilled work.

(c) *Semi-skilled work.* Semi-skilled work denotes work in which some skills are involved but the more complex work functions are not required. Semi-skilled jobs may require alertness and close attention to watching machine processes; or inspecting, testing or otherwise detecting irregularities; or tending or guarding equipment, property, materials, or persons against loss, damage or injury; or other types of activities involving less complex work functions. A job may be classified as semi-skilled where coordination and dexterity are necessary as in the use of the hands or feet for the rapid performance of repetitive tasks.

(d) *Skilled work.* Skilled work requires qualifications in which the independent judgment of the individual determines the machine and manual operations to be performed in obtaining the proper form, quality, or quantity of material to be produced. The individual may be required to lay out work, to estimate quality, suitability and needed quantities of materials, to make precise measurements, to read blueprints or other specifications, and to make necessary computations or mechanical adjustments to control or regulate processes. Other skilled jobs may require dealing with personnel, data, or abstract ideas at a high level of complexity.

(e) *Transferable work skills.* An individual is considered to have transferable skills when the skilled or semi-skilled work functions which he has demonstrated in his past work can be applied to meet the requirements of skilled or semi-skilled work functions of other jobs or kinds of work. Transferability depends largely on the similarity of occupationally significant work functions among jobs. Transferability is most probable and meaningful among jobs in which the same or a lesser degree of skill is required; and the same or similar tools and machines are used; and the same or similar raw materials, products, processes, or services are involved. There are degrees of transferability ranging from a close approximation of work functions involving all three factors to only remote and incidental similarities among jobs. A complete similarity of all three factors is not necessary to warrant the inference of transferability. (Also see Appendix 2, § 201.00 (e), (f), and § 202.00 (e), (f).)

§ 416.912 Effect of performance of arduous unskilled physical labor.

Where an individual with a marginal education and long work experience (e.g., 35 to 40 years or more) limited to the performance of arduous unskilled physical labor is not working and is no longer able to perform such labor because of a significant impairment or impairments and, considering his or her age, education, and vocational background is unable to engage in lighter work, such individual may be found to be under a disability. On the other hand, a different conclusion may be reached where it is found that such individual is working or has worked despite his or her impairment or impairments (except where such work is sporadic or is medically contraindicated) depending upon all the facts in the case. In addition, an individual who was doing heavy physical work at the time he or she suffered such impairment might not be considered unable to engage in any substantial gainful activity if the evidence shows that he or she has the training or past work experience which qualifies him or her for substantial gainful work in another occupation consistent with his or her impairment, either on a full-time or a reasonably regular part-time basis.

Example. B, a 60-year old miner, with a fourth grade education, after a life-long history of arduous physical labor alleged that he was under a disability because of arthritis of the spine, hips, and knees and other impairments. Medical evidence shows a combination of impairments and establishes that these impairments prevent B from performing his usual work or any other type of arduous physical labor. His vocational background does not disclose either through performance or by similarly persuasive evidence that he has skills or capabilities needed to do lighter work which would be readily transferable to another work environment. Under these circumstances, B may be found to be under a disability.

§ 416.913 Listing of medical-vocational guidelines in Appendix 2.

In light of information that is available about jobs (classified by their exertional and skill requirements) that exist in the national economy, Appendix 2 sets forth rules reflecting the major functional and vocational patterns which are encountered in cases which do not fall within the criteria of § 416.904 (a) and (b) or § 416.912 where an individual is not engaging in substantial gainful activity and is prevented by medically determinable impairment from performing his or her vocationally relevant past work. The Appendix 2 rules do not encompass all

possible variations of factors and, as explained in §200.00 of Appendix 2, are not applicable in any case where any one of the findings of fact made with respect to the individual's vocational factors and residual functional capacity does not coincide with the corresponding criterion of a rule. In such instances, full consideration must be given to all relevant facts in accordance with the definitions and discussions of each factor in §§416.905-416.911. However, when the findings of fact made as to all factors coincide with the criteria of a rule, that rule directs a factual conclusion of disabled or not disabled.

8. Subpart I of Part 416 is further amended by adding a new Appendix 2, to read as follows:

APPENDIX 2—MEDICAL—VOCATIONAL GUIDELINES

Secs.—

200.00 Introduction.
201.00 Maximum sustained work capability limited to sedentary work as a result of severe medically determinable impairment(s).
202.00 Maximum sustained work capability limited to light work as a result of severe medically determinable impairment(s).
203.00 Maximum sustained work capability limited to medium work as a result of severe medically determinable impairment(s).
204.00 Maximum sustained work capability limited to heavy work (or very heavy work) as a result of severe medically determinable impairment(s).

200.00 *Introduction.* (a) The following rules reflect the major functional and vocational patterns which are encountered in cases which do not fall within the criteria of §416.904 (a) and (b) or §416.912, where an individual with a severe medically determinable physical or mental impairment(s) is not engaging in substantial gainful activity and his or her impairment(s) prevents the performance of his or her vocationally relevant past work. They also reflect the analysis of the various vocational factors (i.e., age, education, and work experience) in combination with the individual's residual functional capacity (used to determine his or her maximum sustained work capability for sedentary, light, medium, heavy, or very heavy work) in evaluating his or her ability to engage in substantial gainful activity in other than his or her vocationally relevant past work. Where the findings of fact made with respect to a particular individual's vocational factors and residual functional capacity coincide with all of the criteria of a particular rule, the rule directs a factual conclusion as to whether the individual is or is not disabled. However, each of these findings of fact is subject to rebuttal and the individual may present evidence to refute such findings. Where any one of the findings of fact does not coincide with the corresponding criterion of a rule, the rule does not apply in that particular case and, accordingly, does not direct a factual conclusion of disabled or not disabled. In any instance where a rule does not apply, full consideration must be given to all of the relevant facts of the case in accordance with the definitions and discussions of each factor in §§416.905-416.913.

(b) The existence of jobs in the national economy is reflected in the "Decisions" shown in the rules; i.e., in promulgating the rules, administrative notice has been taken of the numbers of unskilled jobs that exist throughout the national economy at the various functional levels (sedentary, light, medium, heavy, and very heavy) as supported by the "Dictionary of Occupational Titles" and the "Occupational Outlook Handbook," published by the Department of Labor; the "County Business Patterns" and "Census Surveys" published by the Bureau of the Census; and occupational surveys of light and sedentary jobs prepared for the Social Security Administration by various State employment agencies. Thus, when all factors coincide with the criteria of a rule, the existence of such jobs is established. However, the existence of such jobs for individuals whose remaining functional capacity or other factors do not coincide with the criteria of a rule must be further considered in terms of what kinds of jobs or types of work may be either additionally indicated or precluded.

(c) In the application of the rules, the individual's residual functional capacity (i.e., the maximum degree to which the individual retains the capacity for sustained performance of the physical-mental requirements of jobs), age, education, and work experience must first be determined.

(d) The correct disability decision (i.e., on the issue of ability to engage in substantial gainful activity) is found by then locating the individual's specific vocational profile. If an individual's specific profile is not listed within this Appendix 2, a factual conclusion of disabled or not disabled is not directed. Thus, for example, an individual's ability to engage in substantial gainful work where his or her residual functional capacity falls between the ranges of work indicated in the rules (e.g., the individual who can perform more than light but less than medium work), is decided on the basis of the principles and definitions in the regulations, giving consideration to the rules for specific case situations in this Appendix 2. These rules represent various combinations of exertional capabilities, age, education and work experience and also provide an overall structure for evaluation of those cases in which the judgments as to each factor do not coincide with those of any specifc rule. Thus, when the necessary judgments have been made as to each factor and it is found that no specific rule applies, the rules still provide guidance for decisionmaking. The rules are useful in cases involving combinations of impairments. For example, if the strength limitations resulting from an individual's impairment(s) considered with the judgments made as to his or her age, education and work experience correspond to (or closely approximate) the factors of a particular rule, the adjudicator then has a frame of reference for considering the jobs or types of work precluded by other, non-exertional impairments in terms of numbers of jobs remaining for a particular individual.

(e) Since the rules are predicated on an individual's having an impairment which manifests itself by limitations in meeting the strength requirements of jobs, they may not be fully applicable where the nature of an individual's impairment does not result in such limitations, e.g., certain mental, sensory, or skin impairments. In addition, some impairments may result solely in postural and manipulative limitations or environmental restrictions. Environmental restrictions are those restrictions which result in inability to tolerate some physical features(s) of work settings that occur in certain industries or types of work, e.g., an inability to tolerate dust or fumes.

(1) In the evaluation of disability where the individual has solely a nonexertional type of impairment, determination as to whether disability exists shall be based on the principles of §§416.905-416.913, giving consideration to the rules for specific case situations in this Appendix 2. The rules do not direct factual conclusions of disabled or not disabled for individuals with solely nonexertional types of impairments.

(2) However, where an individual has an impairment or combination of impairments resulting in both strength limitations and nonexertional limitations, the rules in this subpart are considered in determining first whether a finding of disabled may be possible based on the strength limitations alone and, if not, the rule(s) reflecting the individual's maximum residual strength capabilities, age, education, and work experience provide a framework for consideration of how much the individual's work capability is further diminished in terms of any types of jobs that would be contraindicated by the nonexertional limitations. Also, in these combinations of nonexertional and exertional limitations which cannot be wholly determined under the rules in this subpart, full consideration must be given to all of the relevant facts in the case in accordance with the definitions and discussion of each factor in §§416.905-416.913, which will provide insight into the adjudicative weight to be accorded each factor.

201.00 *Maximum sustained work capability limited to sedentary work as a result of severe medically determinable impairment(s).* (a) Most sedentary occupations fall within the skilled, semiskilled, professional, administrative, technical, clerical, and benchwork classifications. Approximately 200 separate unskilled sedentary occupations can be identified, each representing numerous jobs in the national economy. Approximately 85 percent of these jobs are in the machine trades and benchwork occupational categories. These jobs (unskilled sedentary occupations) may be performed after a short demonstration or within 30 days.

(b) These unskilled sedentary occupations are standard within the industries in which they exist. While sedentary work represents a significantly restricted range of work, this range in itself is not so prohibitively restricted as to negate work capability for substantial gainful activity.

(c) Vocational adjustment to sedentary work as defined in §416.910(b) may be expected where the individual has special skills or experience relevant to sedentary work or where age and basic educational competences provide sufficient occupational mobility to adapt to the major segment of unskilled sedentary work. Inability to engage in substantial gainful activity would be indicated where an individual who is restricted to sedentary work because of a severe medically determinable impairment lacks special skills or experience relevant to sedentary work, lacks educational qualifications relevant to most sedentary work (e.g., has a limited education or less), and his or her age, though not necessarily advanced, is a factor which significantly limits vocational adaptability.

(d) The adversity of functional restriction to sedentary work at advanced age (55 and

over) for individuals with no relevant past work or who can no longer perform vocationally relevant past work, and have no transferable skills, warrants a finding of disabled in the absence of the rare situation where the individual has recently completed education which provides a basis for direct entry into skilled sedentary work. Advanced age and a history of unskilled work or no work experience would ordinarily offset any vocational advantages that might accrue by reason of any remote past education, whether it is more or less than limited education.

(e) The presence of acquired skills that are readily transferable to a significant range of skilled work within an individual's residual functional capacity would ordinarily warrant a finding of ability to engage in substantial gainful activity regardless of the adversity of age, or whether the individual's formal education is commensurate with his or her demonstrated skill level. The acquisition of work skills demonstrates the ability to perform work at the level of complexity demonstrated by the skill level attained regardless of the individual's formal educational attainments.

(f) In order to find transferability of skills to skilled sedentary work for individuals who are of advanced age (55 and over), there must be very little, if any, vocational adjustment required in terms of tools, work processes, work settings, or the industry.

(g) Individuals approaching advanced age (age 50-54) may be significantly limited in vocational adaptability if they are restricted to sedentary work. When such individuals have no past work experience or can no longer perform vocationally relevant past work and have no transferable skills, a finding of disabled ordinarily obtains. However, recently completed education which provides for direct entry into sedentary work will preclude such a finding. For this age group, even a high school education or more (ordinarily completed in the remote past) would have little impact for effecting a vocational adjustment unless relevant work experience reflects use of such education.

(h) The term "younger individual" is used to denote an individual age 18 through 49. For those within this group who are age 45-49, age is a less positive factor than for those who are age 18-44. Accordingly, for such individuals (1) who are restricted to sedentary work, (2) who are unskilled or have no transferable skills, (3) who have no relevant past work or who can no longer perform vocationally relevant past work, and (4) who are either illiterate or unable to communicate in the English language, a finding of disabled is warranted. On the other hand, age is a more positive factor for those who are under age 45 and is usually not a significant factor in limiting such an individual's ability to make a vocational adjustment; even an adjustment to unskilled sedentary work, and even where the individual is illiterate or unable to communicate in English. However, a finding of disabled is not precluded for those individuals under age 45 who do not meet all of the criteria of a specific rule and who do not have ability to perform a full range of sedentary work. The following examples are illustrative: Example 1: An individual under age 45 with a high school education can no longer do past work and is restricted to unskilled sedentary jobs because of a severe medically determinable cardiovascular impairment (which does not meet or equal the listings in Part A of Appendix 1). A permanent injury of the right hand limits the individual to sedentary jobs which do not require bilateral manual dexterity. None of the rules in Appendix 2 are applicable to this particular set of facts, because this individual cannot perform the full range of work defined as sedentary. Since the inability to perform bilateral manual dexterity significantly comprises the only range of work for which the individual is otherwise qualified; (i.e., sedentary), a finding of disabled would be appropriate. Example 2: An illiterate 41 year old individual with mild mental retardation (IQ of 78) is restricted to unskilled sedentary work and cannot perform vocationally relevant past work, which had consisted of unskilled agricultural field work; his or her particular characteristics do not specifically meet any of the rules in Appendix 2, because this individual cannot perform the full range of work defined as sedentary. In light of the adverse factors which further narrow the range of sedentary work for which this individual is qualified, a finding of disabled is appropriate.

(i) While illiteracy or the inability to communicate in English may significantly limit an individual's vocational scope, the primary work functions in the bulk or unskilled work relate to working with things (rather than with data or people) and in these work functions at the unskilled level, literacy or ability to communicate in English has the least significance. Similarly, the lack of relevant work experience would have little significance since the bulk of unskilled jobs require no qualifying work experience. Thus, the functional capability for a full range of sedentary work represents sufficient numbers of jobs to indicate substantial vocational scope for those individuals age 18-45 even if they are illiterate or unable to communicate in English.

TABLE No. 1.—*Residual functional capacity maximum sustained work capability limited to sedentary work as a result of severe medically determinable impairment(s)*

Rule	Age	Education	Previous work experience	Decision
201.01	Advanced age	Limited or less	Unskilled or none	Disabled.
201.02	do	do	Skilled or semiskilled—skills not transferable[1].	Do.
201.03	do	do	Skilled or semiskilled—skills transferable[1].	Not disabled.
201.04	do	High school graduate or more—does not provide for direct entry into skilled work[2].	Unskilled or none	Disabled.
201.05	do	High school graduate or more—provides for direct entry into skilled work[2].	do	Not disabled.
201.06	do	High school graduate or more—does not provide for direct entry into skilled work[2].	Skilled or semiskilled—skills not transferable[1].	Disabled.
201.07	do	do.[3]	Skilled or semiskilled—skills transferable[1].	Not disabled.
201.08	do	High school graduate or more—provides for direct entry into skilled work[2].	Skilled or semiskilled—skills not transferable[1].	Do.
201.09	Closely approaching advanced age.	Limited or less	Unskilled or none	Disabled.
201.10	do	do	Skilled or semiskilled—skills not transferable.	Do.
201.11	do	do	Skilled or semiskilled—skills transferable.	Not disabled.
201.12	do	High school graduate or more—does not provide for entry into skilled work[2].	Unskilled or none	Disabled.
201.13	do	High school graduate or more—provides for direct entry into skilled work[2].	do	Not disabled.
201.14	do	High school graduate or more—does not provide for direct entry into skilled work[2].	Skilled or semiskilled—skills not transferable.	Disabled.
201.15	do	do.[3]	Skilled or semiskilled—skills transferable.	Not disabled.
201.16	do	High school graduate or more—provides for direct entry into skilled work[2].	Skilled or semiskilled—skills not transferable.	Do.
201.17	Younger individual, age 45 to 49.	Illiterate or unable to communicate in English.	Unskilled or none	Disabled.
201.18	do	Limited or less—at least literate and able to communicate in English.	do	Not disabled.
201.19	do	Limited or less	Skilled or semiskilled—skills not transferable.	Do.
201.20	do	do	Skilled or semiskilled—skills not transferable.	Do.
201.21	do	High school graduate or more.	Skilled or semiskilled—skills not transferable.	Do.
201.22	do	do	Skilled or semiskilled—skills transferable.	Do.

TABLE No. 1.—*Residual functional capacity maximum sustained work capability limited to sedentary work as a result of severe medically determinable impairment(s)*—Continued

Rule	Age	Education	Previous work experience	Decision
201.23	Younger individual, age 18 to 44	Illiterate or unable to communicate in English.	Unskilled or none	Do.[4]
201.24	do	Limited or less—at least literate and able to communicate in English.	do	Do.[4]
201.25	do	Limited or less	Skilled or semiskilled—skills not transferable.	Do.[4]
201.26	do	do	Skilled or semiskilled—skills transferable.	Do.[4]
201.27	do	High school graduate or more.	Unskilled or none	Do.[4]
201.28	do	do	Skilled or semiskilled—skills not transferable.	Do.[4]
201.29	do	do	Skilled or semiskilled—skills transferable.	Do.[4]

[1] See 201.00(f). [2] See 201.00(d). [3] See 201.00(g). [4] See 201.00(h).

202.00 *Maximum sustained work capability limited to light work as a result of severe medically determinable impairment(s).* (a) The functional capacity to perform a full range of light work as defined in § 416.910(c) includes the functional capacity to perform sedentary as well as light work. Approximately 1,600 separate sedentary and light unskilled occupations can be identified in eight broad occupational categories, each occupation representing numerous jobs in the national economy. These jobs can be performed after a short demonstration or within 30 days, and do not require special skills or experience.

(b) The functional capacity to perform a wide or full range of light work represents substantial work capability compatible with making a work adjustment to substantial numbers of unskilled jobs and, thus, generally provides sufficient occupational mobility even for severely impaired individuals who are not of advanced age and have sufficient educational competences for unskilled work.

(c) However, for individuals of advanced age who can no longer perform vocationally relevant past work and who have a history of unskilled work experience, or who have only skills that are not readily transferable to a significant range of skilled work that is within the individual's functional capacity, or who have no work experience, the limitations in vocational adaptability represented by functonal restriction to light work warrant a finding of disabled. Ordinarily, even a high school education or more which was complete in the remote past will have little positive impact on effecting a vocational adjustment unless relevant work experience reflects use of such education.

(d) Where the same factors in paragraph (c) of this section regarding education and work experience are present, but where age, though not advanced, is a factor which significantly limits vocational adaptability (i.e., closely approaching advanced age, 50-54) and an individual's vocational scope is further significantly limited by illiteracy or inability to communicate in English, a finding of disabled is warranted.

(e) The presence of acquired skills that are readily transferable to a significant range of skilled work within an individual's residual functional capacity would ordinarily warrant a finding of not disabled regardless of the adversity of age, or whether the individual's formal education is commensurate with his or her demonstrated skill level. The acquisition of work skills demonstrates the ability to perform work at the level of complexity demonstrated by the skill level attained regardless of the individual's formal educational attainments.

(f) For a finding of transferability of skills to light work for individuals of advanced age who are closely approaching retirement age (age 60-64), there must be very little, if any, vocational adjustment required in terms of tools, work processes, work settings, or the industry.

(g) While illiteracy or the inability to communicate in English may significantly limit an individual's vocational scope, the primary work functions in the bulk of unskilled work relate to working with things (rather than with data or people) and in these work functions at the unskilled level, literacy or ability to communicate in English has the least significance. Similarly, the lack of relevant work experience would have little significance since the bulk of unskilled jobs require no qualifying work experience. The capability for light work, which includes the ability to do sedentary work, represents the capability for substantial numbers of such jobs. This, in turn, represents substantial vocational scope for younger individuals (age 18-49) even if illiterate or unable to communicate in English.

TABLE No. 2.—*Residual functional capacity maximum sustained work capability limited to light work as a result of severe medically determinable impairment(s)*

Rule	Age	Education	Previous work experience	Decision
202.01	Advanced age	Limited or less	Unskilled or none	Disabled.
202.02	do	do	Skilled or semiskilled—skills not transferable.	Do.
202.03	do	do	Skilled or semiskilled—skills transferable[1].	Not disabled.
202.04	do	High school graduate or more—does not provide for direct entry into skilled work[2].	Unskilled or none	Disabled.
202.05	do	High school graduate or more—provides for direct entry into skilled work[2].	do	Not disabled.
202.06	do	High school graduate or more—does not provide for direct entry into skilled work[2].	Skilled or semiskilled—skills not transferable.	Disabled.
202.07	do	do.[2]	Skilled or semiskilled—skills transferable[1].	Not disabled.
202.08	do	High school graduate or more—provides for direct entry into skilled work[2].	Skilled or semiskilled—skills not transferable.	Do.
202.09	Closely approaching advanced age.	Illiterate or unable to communicate in English.	Unskilled or none	Disabled.
202.10	do	Limited or less—at least literate and able to communicate in English.	do	Not disabled.
202.11	do	Limited or less	Skilled or semiskilled—skills not transferable.	Do.
202.12	do	do	Skilled or semiskilled—skills transferable.	Do.
202.13	do	High school graduate or more.	Unskilled or none	Do.
202.14	do	do	Skilled or semiskilled—skills not transferable.	Do.
202.15	do	do	Skilled or semiskilled—skills transferable.	Do.
202.16	Younger individual.	Illiterate or unable to communicate in English.	Unskilled or none	Do.
202.17	do	Limited or less—at least literate and able to communicate in English.	do	Do.
202.18	do	Limited or less	Skilled or semiskilled—skills not transferable.	Do.
202.19	do	do	Skilled or semiskilled—skills transferable.	Do.
202.20	do	High school graduate or more.	Unskilled or none	Do.
202.21	do	do	Skilled or semiskilled—skills not transferable.	Do.
202.22	do	do	Skilled or semiskilled—skills transferable.	Do.

[1] See 202.00(f) [2] See 202.00(c)

203.00 *Maximum sustained work capability limited to medium work as a result of severe medically determinable impairment(s).* (a) The functional capacity to perform medium work as defined in 416.910(d) includes the functional capacity to perform sedentary, light, and medium work. Approximately 2,500 separate sedentary, light, and medium occupations can be identified, each occupation representing numerous jobs in the national economy which do not require skills or previous experience and which can be performed after a short demonstration or within 30 days.

(b) The functional capacity to perform medium work represents such substantial work capability at even the unskilled level that a finding of disabled is ordinarily not warranted in cases where a severely impaired individual retains the functional capacity to perform medium work. Even the adversity of advanced age (55 and over) and a work history of unskilled work may be offset by the substantial work capability represented by the functional capacity to perform medium work. (Note that the provisions of §416.912 must have been given prior consideration.)

(c) However, the absence of any relevant work experience becomes a more significant adversity for individuals of advanced age (55 and over). Accordingly, this factor, in combination with a limited education or less, militates against making a vocational adjustment to even this substantial range of work and a finding of disabled is appropriate. Further, for individuals closely approaching retirement age (60-64) with a work history of unskilled work and with marginal education or less, a finding of disabled is appropriate.

TABLE NO. 3.—*Residual functional capacity maximum sustained work capability limited to medium work as a result of severe medically determinable impairment(s)*

Rule	Age	Education	Previous work experience	Decision
203.01	Closely approaching retirement age.	Marginal or none	Unskilled or none	Disabled.
203.02	...do	Limited or less	None	Do.
203.03	...do	Limited	Unskilled	Not disabled.
203.04	...do	Limited or less	Skilled or semiskilled—skills not transferable.	Do.
203.05	...do	...do	Skilled or semiskilled—skills transferable.	Do.
203.06	...do	High school graduate or more.	Unskilled or none	Do.
203.07	...do	High school graduate or more—does not provide for direct entry into skilled work.	Skilled or semiskilled—skills not transferable.	Do.
203.08	...do	...do	Skilled or semiskilled—skills transferable.	Do.
203.09	...do	High school graduate or more—provides for direct entry into skilled work.	Skilled or semiskilled—skills not transferable.	Do.
203.10	Advanced age	Limited or less	None	Disabled.
203.11	...do	...do	Unskilled	Not disabled.
203.12	...do	...do	Skilled or semiskilled—skills not transferable.	Do.
203.13	...do	...do	Skilled or semiskilled—skills transferable.	Do.
203.14	...do	High school graduate or more.	Unskilled or none	Do.
203.15	...do	High school graduate or more—does not provide for direct entry into skilled work.	Skilled or semiskilled—skills not transferable.	Do.
203.16	...do	...do	Skilled or semiskilled—skills transferable.	Do.
203.17	...do	High school graduate or more—provides for direct entry into skilled work.	Skilled or semiskilled—skills not transferable.	Do.
203.18	Closely approaching advanced age.	Limited or less	Unskilled or none	Do.
203.19	...do	...do	Skilled or semiskilled—skills not transferable.	Do.
203.20	...do	...do	Skilled or semiskilled—skills transferable.	Do.
203.21	...do	High school graduate or more.	Unskilled or none	Do.
203.22	...do	High school graduate or more—does not provide for direct entry into skilled work.	Skilled or semiskilled—skills not transferable.	Do.
203.23	...do	...do	Skilled or semiskilled—skills transferable.	Do.
203.24	...do	High school graduate or more—provides for direct entry into skilled work.	Skilled or semiskilled—skills not transferable.	Do.
203.25	Younger individual.	Limited or less	Unskilled or none	Do.

TABLE No. 3.—*Residual functional capacity maximum sustained work capability limited to medium work as a result of severe medically determinable impairment(s)*—Continued

Rule	Age	Education	Previous work experience	Decision
203.26	do	do	Skilled or semiskilled—skills not transferable.	Do.
203.27	do	do	Skilled or semiskilled—skills transferable.	Do.
203.28	do	High school graduate or more.	Unskilled or none	Do.
203.29	do	High school graduate or more—does not provide for direct entry into skilled work.	Skilled or semiskilled—skills not transferable.	Do.
203.30	do	do	Skilled or semiskilled—skills transferable.	Do.
203.31	do	High school graduate or more—provides for direct entry into skilled work.	Skilled or semiskilled—skills not transferable.	Do.

204.00 *Maximum sustained work capability limited to heavy work (or very heavy work) as a result of severe medically determinable impairment(s).* The residual functional capacity to perform heavy work as defined in §416.910(e), or very heavy work as defined in §416.910(f) includes the functional capability for work at the lesser functional levels as well, and represents substantial work capability for jobs in the national economy at all skill and physical demand levels. Individuals who retain the functional capacity to perform heavy work (or very heavy work) ordinarily will not have a severe impairment or will be able to do their past work—either of which would have already provided a basis for a decision of "not disabled". Environmental restrictions ordinarily would not significantly affect the range of work existing in the national economy for individuals with the physical capability for heavy work (or very heavy work). Thus, an impairment which does not preclude heavy work (or very heavy work) would not ordinarily be the primary reason for unemployment; and generally is sufficient for a finding of not disabled even though age, education, and skill level or prior work experience may be considered adverse.

[FR Doc. 78-5475 Filed 3-6-78; 8:45 am]

[6560-01]

Food and Drug Administration

[21 CFR Part 193]

[FAP 3H5030/P10; FRL 865-1]

TOLERANCES FOR PESTICIDES IN FOOD ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Proposed Food Additive Tolerance for Dalapon

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice reproposes that a tolerance be established for residues of the herbicide dalapon in potable water. The proposal was submitted by the U.S. Department of the Interior. This amendment to the regulations would establish a maximum permissible level for residues of dalapon in potable water.

DATE: Comments must be received by April 6, 1978.

ADDRESS COMMENTS TO: Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Room 401, East Tower, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Mrs. Patricia Critchlow, Registration Division (WH-567), Office of Pesticide Programs, EPA, 202-755-2516.

SUPPLEMENTARY INFORMATION: On July 8, 1977, a notice of proposed rulemaking was published in the FEDERAL REGISTER (42 FR 35171) announcing that the U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240, had submitted a petition (FAP 3H5030). This petition proposed that 21 CFR 193 be amended by the establishment of a food additive tolerance for residues of the herbicide dalapon (2,2-dichloropropionic acid) in potable water at 0.2 part per million (ppm) when present therein as a result of the application of dalapon sodium-magnesium salt mixtures to irrigation canal and ditch banks.

No requests for referral to an advisory committee were received in response to this notice of proposed rulemaking. One comment was received from the USDI Bureau of Reclamation, objecting to the unnecessary restrictiveness of the proposed regulation. Under the regulation as proposed, dalapon could not be used on irrigation ditch and canal banks of irrigation projects or systems having no connection with the Bureau of Reclamation's projects. However, the Bureau's water conveyance and distribution facilities serve only 20 percent of the approximately 50 million irrigated acres in the western United States, the rest being privately served.

Thus, the Agency concludes that the restriction limiting dalapon application to only those programs of the USDI Bureau of Reclamation should be deleted. Since the removal of this restriction could result in increased exposure to dalapon residues than there otherwise might have been, the regulation is being reproposed at this time. The scientific data and other information used to support the proposed regulation are included in this document by reference to the previous proposal of July 8, 1977. It is concluded that the pesticide may be safely used in the prescribed manner when such use is in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973, 89 Stat. 751; 7 U.S.C. 136(a) et seq.). (A related document establishing tolerances for residues of dalapon on a variety of crops and crop groupings appears elsewhere in today's FEDERAL REGISTER.)

It is also noted that the proposed regulation provided for the use of dalapon to irrigation canal banks as well as irrigation ditch banks. In order to be consistent with the labeling, it is concluded that the use on irrigation canal banks be deleted from the regulation.

Any person who has registered, or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request, by April 6, 1978, that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. The comments must bear a notation indicating both the subject and the petition/document control number, "FAP 3H5030/P10". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the office of the Federal Register from 8:30 a.m. to 4 p.m. Monday through Friday.

(Section 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346(e)).)

Dated: February 28, 1978.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

It is proposed that Part 193, Subpart A, be amended by adding the new § 193.105 as follows:

§ 193.105 Dalapon.

A tolerance of 0.2 part per million is established for residues of the herbi-

cide dalapon (2,2-dichloropropionic acid) in potable water when present therein as a result of the application of dalapon sodium-magnesium salt mixtures to irrigation ditch banks in the western United States.

[FR Doc. 78-5676 Filed 3-6-78; 8:45 am]

[4110-03]

[21 CFR Part 820]

[Docket No. 75N-0140]

CURRENT GOOD MANUFACTURING PRACTICES FOR MEDICAL DEVICES

Availability of the Second Draft Final Regulation; Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice of meetings on draft regulations.

SUMMARY: This notice announces the availability of the second draft final good manufacturing practice regulation for medical devices. This notice also announces 12 meetings to explain the draft final regulation.

FOR FURTHER INFORMATION CONTACT:

Edward J. McDonnell, Bureau of Medical Devices (HFK-130), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Avenue, Silver Spring, Md. 20910, 301-427-8120.

SUPPLEMENTARY INFORMATION:

Since December 1, 1973, the Food and Drug Administration (FDA) has been involved in the development of regulations concerning good manufacturing practices (GMP's) for medical devices. A proposed device GMP regulation was published in the FEDERAL REGISTER of March 1, 1977 (42 FR 11998). A notice of availability of a draft final GMP regulation was published in the FEDERAL REGISTER of October 25, 1977 (42 FR 56348). This first draft final regulation was reviewed at a meeting of FDA's Device GMP Advisory Committee, held on October 27-28, 1977. A notice of this meeting was published in the FEDERAL REGISTER of September 13, 1977 (42 FR 45955).

After this meeting, FDA prepared a second draft final regulation. FDA and the American Society for Quality Control (ASQC) are holding 12 two-day meetings across the country to explain this draft final regulation to manufacturers. Speakers will be drawn from FDA headquarters and field offices and the membership of ASQC. The dates and locations of the meetings are as follows:

Date (1978)	City	Site	Program chairman
Mar. 6, 7	Seattle	Washington Plaza, Fifth Ave. at Westlake, 206-624-7400.	Ralph Anderson, Physio-Control, 206-833-1181, ext. 305.
Mar. 9, 10	Denver	Airport Hilton Inn, I-70 at North Peoria St. exit, 303-373-5730.	Bruce Murray, Valleylab, 303-449-2340, ext. 511.
Mar. 13, 14	Atlanta	Peachtree Plaza, Peachtree at Cain, 404-659-1400.	Joseph Silbereis, McDonough Power Equipment, 404-957-9141.
Mar. 16, 17	Minneapolis	Curtis Hotel, 10th St. and 4th Ave. South, 612-340-5300.	Hartley Erickson, Searle Diagnostics, 312-635-3146.
Mar. 20, 21	Chicago	Sheraton O'Hare, 6810 North Mannheim Rd., 312-297-1234.	Jim Sayre, Abbott Laboratories, 312-688-7718.
Mar. 22, 23	Kansas City	Granada Royale, 220 West 43d St., 816-756-1720.	James Gillingham, Marion Laboratory, 816-761-2500.
Apr. 3, 4	Los Angeles	Ambassador Hotel, 3400 Wilshire Blvd., 213-387-7011.	Sanford Hoffman, Shiley Scientific, 714-979-0503.
Apr. 6, 7	San Francisco	Hyatt Regency, Embarcadero, 5 Embarcadero Center, 415-788-1234.	Dorothy Biggs, Cutter Laboratories, 415-841-0123.
Apr. 17, 18	Dallas	Holiday Inn North, Highway 114 and Esters Rd., 214-255-7147.	Suzanne Teboy, Precept, Inc., 817-283-6641.
Apr. 19, 20	Philadelphia	Holiday Inn, Center City, 1800 Market St., 215-561-7500.	Harvey Schock, Product Assurance Consultant, 609-428-6170.
Apr. 24, 25	New York	Americana of New York, 801 7th Ave., 212-581-1000.	Marvin Rosenbaum, Photovolt Corp., 212-989-2900.
Apr. 26, 27	Boston	Copley Plaza, Copley Square, 617-267-5300	Phillip Spergel, Instrumentation Laboratory, 617-861-0710.

Copies of the second draft final regulation will be available at these meetings. In addition, the document is on display in the office of the Hearing Clerk, Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, and may be seen from 9 a.m. to 4 p.m., Monday through Friday.

The draft regulation is still being reviewed within FDA. The draft regulation regulation is being made available solely to enable meaningful discussion, at the FDA-ASQC meetings, of future FDA requirements.

Dated: March 1, 1978.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc. 78-5834 Filed 3-2-78; 9:58 am]

[4810-28]

DEPARTMENT OF TREASURY

Office of Revenue Sharing

[31 CFR Part 51]

EMPLOYEE SELECTION PROCEDURES

Proposed Amendments

FEBRUARY 24, 1978.

AGENCY: Office of Revenue Sharing.

ACTION: Proposed rulemaking.

SUMMARY: The Department of the Treasury proposes to adopt the Uniform Guidelines on Employee Selection Procedures, when such guidelines are adopted by the Equal Employment Opportunity Commission, the Civil Service Commission, the Department of Justice and the Department of Labor. Those four agencies have published a draft of such guidelines for comment (42 FR 65542, Dec. 30, 1977). The proposed language adopting such guidelines will replace 31 CFR 51.53(b). The Uniform Guidelines when finalized will be published as an appendix to 31 CFR Part 51.[1]

DATES: Written comments should be received by April 6, 1978.

ADDRESSES: Written comments on the question of whether the Office of Revenue Sharing should adopt the Uniform Guidelines or the manner in which it should do so should be ad-

[1] Proposed Uniform Guidelines filed as a part of original document.

dressed to: Office of Revenue Sharing, Department of the Treasury, Washington, D.C. 20226. Written comments on the substance of the Uniform Guidelines should be addressed to Executive Secretariat, Equal Employment Opportunity Commission, 2401 E Street NW., Washington, D.C. 20506. "Uniform Guidelines on Employee Selection Procedures" should appear at the lower left hand corner of the envelope. Comments so addressed will be shared with the Office of Revenue Sharing.

SUPPLEMENTARY INFORMATION: The Department of the Treasury agrees with the position of the Equal Employment Opportunity Commission, the Civil Service Commission, the Department of Justice and the Department of Labor that the Federal government should speak with one voice on the important subject of equal employment opportunity. See 42 FR 65542 (Dec. 30, 1977). For that reason, the Treasury Department intends to amend its existing regulations to adopt the uniform guidelines on employee selection procedures at the same time they are adopted by the other agencies.

Pursuant to the authority contained in the State and Local Fiscal Assistance Act of 1972 (Title I of Pub. L. 92-512) as amended by the State and Local Fiscal Assistance Amendment of 1976 (Pub. L. 94-488) 31 U.S.C. 1221, et seq.) and 5 U.S.C. 301, notice is hereby given that the Department of the Treasury proposes to amend 31 CFR 51.53 by striking paragraph (b) and substituting therefore the following as set forth below.

BERNADINE DENNING,
Director, Office of Revenue Sharing.

Approved:

ROGER C. ALTMAN,
Assistant Secretary.

MARCH 1, 1978.

§ 51.53 Employment discrimination.

* * * * *

(b) The Equal Employment Opportunity Commission, the Civil Service Commission, the Department of Justice and the Department of Labor in carrying out their responsibilities in ensuring compliance with Federal equal employment opportunity law have promulgated Uniform Guidelines on Employee Selection Procedures to assist in establishing and maintaining equal employment opportunities. 29 CFR Part 1607; 990-1 (Book 3) of the Federal Personnel Manual; 28 CFR 50.14, and 41 CFR 60.3. The Uniform Guidelines on Employee Selection procedures appear as appendix A to this part. Among other things, these guidelines recognize the unlawfulness of the use of any employee selection procedures (including tests and minimum education levels) which disqualify a disporportionate number of persons on grounds of race, color, religion, sex or national origin and which have not been properly validated or otherwise justified in accordance with Federal law. Recipient governments may not use a selection procedure in a manner which is inconsistent with the Uniform Guidelines on Employee Selection Procedure.

[FR Doc. 78-5883 Filed 3-6-78; 8:45 am]

[4310-70]

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

YELLOWSTONE NATIONAL PARK, WYOMING, MONTANA, IDAHO

Fishing Regulations

AGENCY: National Park Service.

ACTION: Proposed rule.

SUMMARY: The proposed regulations set forth below are a partial revision of existing regulations promulgated to control sport fishing within Yellowstone National Park. Controls are necessary to protect native fish species, to provide for sport fishing with adequate replenishment of fish populations through natural reproduction, and to minimize conflicts of the fishing activity with other park resources. Research findings and field experience indicate the need for further protection of native species, for correction of difficult law enforcement situations, and for reduction of confrontations between fishermen and the threatened grizzly bear.

DATES: Written comments, suggestions, or objections regarding this proposal will be accepted until April 6, 1978.

ADDRESS: Comments should be directed to: Superintendent, Yellowstone National Park, P.O. Box 168, Yellowstone National Park, Wyo. 82190.

FOR FURTHER INFORMATION CONTACT:

Edmund J. Bucknall, Resources Management Specialist, Yellowstone National Park, Wyo. 82190, 207-344-7381.

SUPPLEMENTARY INFORMATION: The purpose of this amendment is to reset the opening date on Yellowstone Lake tributaries from August 1 to July 15; to establish a catch limit on these waters of two fish, under 13 inches in length; to extend the closure on the Yellowstone River from the Upper Falls upstream to the Chittenden Bridge to protect a domestic water intake; to establish catch-and-release restrictions on the entire Pelican Creek Drainage, the entire Slough Creek Drainage and on Pocket, Sylvan, and Cascade Lakes; to extend the five fish limit to the entire Gardner River Drainage; and to prevent removal of the heads and tails of fish taken on waters with maximum length limits.

The 13 inch maximum length protects larger, more productive spawners while permitting some fish to be taken. Resetting the opening date to July 15 reduces confusion with other opening dates in this drainage and relieves early season pressure on this drainage outside the park.

Cutthroat runs on Pelican Creek have been reduced by heavy fishing pressure over the years. Catch-and-release restrictions protect native cutthroat populations jeopardized by heavy fishing. In addition, the catch-and-release program may be beneficial to the grizzly bear by reducing public use thus protecting this species from undue harassment and lessening the chance of human injury.

(Sec. 3 of the Act of August 25, 1916 (39 Stat. 535, as amended: 16 U.S.C. 3); the Act of May 7, 1894 (Stat. 73, as amended; 16 U.S.C. 26); 245 DM 1 (42 FR 12931), as amended; and National Park Service Order No. 77 (38 FR 7478) as amended.)

IMPACT ANALYSIS: The National Park Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107. An Environmental Statement for the Master Plan for Yellowstone National Park has been prepared by the National Park Service which discusses, among other things, the impacts of controlling the fishing within the park. This statement is available for review at the address given above, or interested parties may request copies of it from the Superintendent.

DANIEL J. TOBIN, Jr.,
Associate Director, National Park Service.

FEBRUARY 24, 1978.

In consideration of the foregoing, it is proposed that paragraph (e) of § 7.13 of Title 36, Code of Federal Regulations, be amended as follows:

§ 7.13 Yellowstone National Park.

* * * * *

(e) *Fishing* * * *

(2) *Open fishing season.* (i) All rivers and creeks in the Yellowstone River drainage above the Upper Falls at Canyon, except as otherwise provided in paragraph (e)(3) of this section, are open to fishing from 5 a.m. on July 15 to 10 p.m. on October 31. Rivers and creeks include those portions of Yellowstone Lake within 100 yards of the

river or creek inlet, as marked by buoys.

* * * * *

(3) *Closed waters.* * * *

* * * * *

(iv) The Yellowstone River from the Chittenden Bridge downstream to a point directly below the overlook known as Inspiration Point.

* * * * *

(x) Fishing is prohibited from the shores of Yellowstone Lake within 100 yards of the mouth of any stream that is closed to fishing.

* * * * *

(5) *Catch and release waters.* * * *

* * * * *

(iii) Slough Creek and all its tributaries including McBride Lake.

* * * * *

(vii) Pelican Creek and all its tributaries.
(viii) Pocket Lake.
(ix) Sylvan Lake.
(x) Cascade Lake.
(6) *Daily limits by waters.* * * *

* * * * *

(iii) Yellowstone Lake and all its tributaries (except as provided in subparagraph (3) of this paragraph) including the upper Yellowstone River and Riddle Lake: Two fish, under 13 inches. Removal of the heads or tails of any fish caught in the park waters with a maximum length limit is prohibited until the angler is off the lake or stream and has returned to his auto, camp or the established fish cleaning station at Bridge Bay.
(iv) The entire Gardner River Drainage and Blacktail Deer Creek Drainage including Blacktail Ponds: Five fish any size, of which at least three must be brook trout.

* * * * *

[FR Doc. 78-5865 Filed 3-6-78; 8:45 am]

[8320-01]

VETERANS ADMINISTRATION

[38 CFR Part 21]

EDUCATION BENEFITS

Medical-Dental Courses

AGENCY: Veterans Administration.

ACTION: Proposed rules.

SUMMARY: The clinical portion of a medical or dental technician course may only be approved as institutional training if substantial professional training is included. The existing provisions do not make clear that the type of program with which the provisions are concerned does not include courses primarily in the secretarial, clerical or receptionist area. The change is intended to bar status for courses primarily directed to clerical, administrative, secretarial, or receptionist duties. Also the rule pertaining to programs for full-time physicians' or dentists' assistants is restricted to those offered by the Veterans Administration and dentists' assistants are renamed expanded-function dental auxiliaries in keeping with the new terminology. The existing provisions erroneously implied that the regulation applied to such programs when offered by organizations other than the Veterans Administration.

DATES: Comments must be received on or before April 6, 1978. It is proposed to make these amendments effective date of final approval.

ADDRESSES: Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420. Comments will be available for inspection at the address shown above during normal business hours until April 17, 1978.

FOR FURTHER INFORMATION CONTACT:

June C. Schaeffer, Assistant Director for Policy and Program Administration, Education and Rehabilitation Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420, 202-389-2092.

SUPPLEMENTARY INFORMATION: The Administrator of Veterans Affairs proposes regulatory changes to Part 21 of Title 38, Code of Federal Regulations, relating to approval and measurement of courses in the medical and dental technical fields.

Section 21.4265(c) provides guidelines for the approval and assessment of certain medical and dental technician training courses. The proposed rule makes the requirement that the course consist substantially of professional type training, i.e., in medical and dental technology rather than in office management areas.

Sections 21.4265(d) and 21.4275(d) are amended to accord with the provisions of section 4114, Title 38, United States Code, as to training in the medical-dental field offered in Veterans Administration facilities or in facilities under contract to the Veterans Administration for the purposes of training veterans.

Subsection (e) was added to the provisions of section 4114, Title 38, United States Code, to grant to the Administrator the right to prescribe a program of training for such persons and to determine the manner of measurement of full-time training for payment purposes under chapter 34, Title 38, United States Code. When the provisions of §§ 21.4265(d) and 21.4275(d) were added to the regulations, the language used was not sufficiently specific to indicate that the program had to be one directly under Veterans Administration auspices and the proposed rules will make clear that programs offered under the auspices of other entities must meet the requirements of different rules, such as § 21.4265 (c) or (f).

Additional Comment Information

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays), until April 17, 1978. Any person visiting central office for the purpose of inspecting any such comments will be received by the central office Veterans Services Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in central office and furnished the address and the above room number.

Approved: February 28, 1978.

By direction of the Administrator.

Rufus H. Wilson,
Deputy Administrator.

1. In § 21.4265, paragraphs (c)(1) and (d) are revised to read as follows:

§ 21.4265 Practical training approved as institutional training or on-job training.

* * * * *

(c) *Medical and dental specialty courses.* (1) Required clinical training included in a school course given in an affiliated hospital, clinic, laboratory, or medical center as a part of a medical or dental specialty course whether accredited or nonaccredited offered by a school such as X-ray technician, medical technician, medical records administrator, physical therapist, or dental technician shall be assessed as institutional training provided:
(i) The student remains enrolled in the course during the clinical period;
(ii) The clinical training is;
(*a*) An integral part of the course;
(*b*) A prerequisite to the successful completion of the course; and
(*c*) Under the direction and supervision of the school; and

(iii) The course includes substantial professional training and does not consist of training primarily directed to clerical, administrative, secretarial, or receptionist duties.

* * * * *

(d) *Medical and dental assistants coursed for the Veterans Administration.* A course prescribed by the Administrator for full-time physicians' assistants or for full-time expanded-function dental auxiliaries (formerly referred to as dentists' assistants) may be approved as institutional training, if the course is conducted at Veterans Administration facilities or in facilities operated by hospitals, medical schools, or medical installations pursuant to a contract with the Veterans Administration. (38 U.S.C. 4114(e).)

* * * * *

2. In § 21.4275, paragraph (d) is revised to read as follows:

§ 21.4275 Practical training courses; measurement.

* * * * *

(d) *Medical and dental assistants courses for the Veterans Administration.* Programs approved in accordance with the provisions of § 21.4265(d) will be measured on a clock-hour basis as appropriate in accordance with § 21.4270, however, the program will be regarded as full-time institutional training: *Provided,* The combined total of the classroom and other formal instruction portion of the program and the on-job-training portion of the program requires 30 or more clock hours of attendance per week.

* * * * *

[FR Doc. 78-5902 Filed 3-6-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

[FRL 865-2; PP 3E1385/P71]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Proposed Tolerances for the Pesticide Chemical Dalapon

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice reproposes that tolerances be established for residues of the herbicide dalapon on a variety of crops and crop groupings. The proposal was submitted by the U.S. Department of the Interior. This amendment to the regulations would permit the safe use of dalapon on irrigation ditch banks in the western United States.

DATE: Comments must be received by April 6, 1978.

ADDRESS COMMENTS TO: Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, room 401, East Tower, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Mrs. Patricia Critchlow, Registration Division (WH-567), Office of Pesticide Programs, EPA, 202-755-2516.

SUPPLEMENTARY INFORMATION: On July 8, 1977, a notice of proposed rulemaking was published (42 FR 35173) announcing that the U.S. Department of the Interior (USDI), Bureau of Reclamation, Washington, D.C. 20240, had submitted a pesticide petition (PP 3E1385) to the EPA. This petition requested that the Administrator propose that 40 CFR 180.150 be amended by the establishment of tolerances for residues of the herbicide dalapon (2,2-dichloropropionic acid) resulting from application of dalapon sodium-magnesium salt mixtures to irrigation ditch banks in the western United States in programs of the USDI Bureau of Reclamation in or on the raw agricultural commodities and commodity groups flaxseed, forage grasses, forage legumes, and wheat at 2 parts per million (ppm); cucurbits, grain crops (except wheat), leafy vegetables, and seed and pod vegetables at 0.5 ppm; and avocados, citrus fruits, cottonseed, fruiting vegetables, hops, nuts, pome fruits, root crop vegetables, small fruits, and stone fruits at 0.2 ppm.

No requests for referral to an advisory committee were received in response to this notice of proposed rulemaking. One comment was received from the USDI Bureau of Reclamation, objecting to the unnecessary restrictiveness of the proposed regulation. Under the regulation as proposed, dalapon could not be used on irrigation ditch banks of irrigation projects or systems having no connection with the Bureau of Reclamation's projects. However, the Bureau's water conveyance and distribution facilities serve only 20 percent of the approximately 50 million irrigated acres in the western United States, the rest being privately served.

Thus, the Agency concludes that the restriction limiting dalapon application to only those programs of the USDI Bureau of Reclamation should be deleted. Since the removal of this restriction could result in increased exposure to dalapon residues than there otherwise might have been, the regulation is being reproposed at this time. It has been concluded that the reproposed tolerance will protect the public health. The scientific data and other information used to support the proposed regulation are included in this document by reference to the previous proposal of July 8, 1977. (A related document establishing a food additive regulation for residues of dalapon in potable water appears elsewhere in today's FEDERAL REGISTER.)

Any person who has registered, or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request, by April 6, 1978, that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. The comments must bear a notation indicating both the subject and the petition/document control number, "PP 3E1385/P71". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the office of the Federal Register from 8:30 a.m. to 4 p.m. Monday through Friday.

(Section 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)).)

Dated: February 28, 1978.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

It is proposed that Part 180, Subpart C, Section 180.150 be revised (1) by designating the existing tolerances as paragraph (a), (2) by deleting the negligible residue designation ("N"), (3) by establishing the new paragraph (b) containing tolerances for residues of dalapon resulting from application of delapon sodium-magnesium salt mixtures to irrigation ditch banks in the western United States, and (4) by editorially restructuring paragraph (a) into a tabular alphabetized listing, to read as follows:

§ 180.150 Dalapon; tolerances for residues.

(a) Tolerances are established for residues of the herbicide dalapon (2,2-dichloropropionic acid) resulting from application of dalapon sodium salt or sodium-magnesium salt mixtures in or on the following raw agricultural commodities:

Commodity:	*Parts per million*
Almonds	10.0
Almonds, hulls	50.0

Commodity:	Parts per million
Apples	3.0
Apricots	1.0
Asparagus	30.0
Bananas	5.0
Beans	1.0
Beans, straw	1.0
Beets, sugar (roots)	5.0
Beets, sugar (tops)	5.0
Cattle, mbyp	0.2
Cattle, meat	0.2
Coffee beans	2.0
Corn, ear, dried (K+C)	10.0
Corn, fodder	5.0
Corn, forage	5.0
Corn, fresh (including sweet K+CWHR)	5.0
Corn, grain	10.0
Cottonseed	35.0
Cranberries	5.0
Eggs	0.3
Flaxseed	75.0
Goats, mbyp	0.2
Goats, meat	0.2
Grapefruit	5.0
Grapes	3.0
Grasses, pasture	10.0
Grasses, range	10.0
Hogs, mbyp	0.2
Hogs, meat	0.2
Lemons	5.0
Limes	5.0
Macadamia nuts	1.0
Milk	0.1
Oranges	5.0
Peaches	15.0
Pears	3.0
Peas, shelled	15.0
Peas, unshelled	15.0
Peas, vine, with pod	15.0
Peas, vine, without pod	15.0
Pecans	0.1
Pineapples	3.0
Plums	1.0
Potatoes	10.0
Poultry, (excluding kidney)	3.0
Poultry, kidney	9.0
Sheep, mbyp	0.2
Sheep, meat	0.2
Sorghum	1.0
Sorghum, forage	5.0
Soybeans	1.0
Soybeans, straw	1.0
Sugarcane	0.1
Tangerines	5.0
Walnuts	5.0

(b) Tolerances are established for residues of dalapon (2,2-dichloropropionic acid) resulting from application of dalapon sodium-magnesium salt mixtures to irrigation ditch banks in the western United States in or on the following raw agricultural commodities. Where tolerances are established at higher levels from other uses of dalapon on the subject crops, the higher tolerance applies also to residues from the irrigation ditch bank use.

Commodity:	Parts per million
Avocados	0.2
Citrus fruits	0.2
Cottonseed	0.2
Cucurbits	0.5
Flaxseed	2.0
Fruits, pome	0.2
Fruits, small	0.2
Fruits, stone	0.2
Grain crops (exc wheat)	0.5
Grasses, forage	2.0
Hops	0.2
Legumes, forage	2.0
Nuts	0.2
Vegetables, fruiting	0.2
Vegetables, leafy	0.5
Vegetables, root crop	0.2
Vegetables, seed and pod	0.5
Wheat	2.0

[FR Doc. 78-5977 Filed 3-6-78; 8:45 am]

[1505-01]

[40 CFR Part 413]

[FRL 853-5]

ELECTROPLATING POINT SOURCE CATEGORY

Pretreatment Standards for Existing Sources

Correction

In FR Doc. 78-3843, appearing at page 6560 in the issue of Tuesday, February 14, 1978, the fourth entry in the middle and right hand columns of the table in column two on page 6570 should read, "1.0" and "0.5" respectively.

[4910-06]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[49 CFR Chapter II]

[Docket No. RSGC-2; Notice 1]

STROBE LIGHTS ON LOCOMOTIVES

Advance Notice of Proposed Rulemaking

AGENCY: Federal Railroad Administration (FRA), Department of Transportation.

ACTION: Advance Notice of Proposed Rulemaking (ANPRM).

SUMMARY: In an effort to reduce the number of grade crossing accidents occurring throughout the nation, the FRA is considering development of proposed safety regulations to require locomotives to be equipped with lighted devices that are more effective than the standard headlights now in use in alerting motorists that a train is approaching a grade crossing. FRA solicits its public comment to assist it in assessing the merits of this approach to reducing the number of grade crossing accidents.

DATES: Written comments must be received by May 1, 1978. Comments received after that date will be considered to the extent practicable.

ADDRESSES: (1) Submission of written comments. Written comments should identify the docket number and notice number and be submitted in triplicate to the docket clerk, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590. (2) Examination of written comments. All written comments received will be available for examination, both before and after the closing date for written comments, during regular business hours in Room 5101, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FUTHER INFORMATION CONTACT:

Principal Program Person: John A. McNally, Office of Safety, Federal Railroad Administration, Washington, D.C., 20590, 202-426-9178. Principal Attorney: Edward F. Conway, Jr., Office of Chief Counsel, Federal Railroad Administration, Washington, D.C. 20590, 202-426-8836.

SUPPLEMENTAL INFORMATION:

BACKGROUND

The National Grade Crossing Inventory indicates the following number of crossings: 219,082 public; 142,338 private; and 3,601 pedestrian. During the 10-year period 1967 through 1976, an annual average of 1,328 fatalities and 3,680 injuries resulted from rail-highway grade crossing accidents involving collisions between rail equipment and motor vehicles, other vehicles or machines and pedestrians. In 1976, the most current year for which data has been finalized, there was a total of 12,114 crossing accidents of all types resulting in 1,168 fatalities and 4,887 injuries. Of the total number of accidents, 11,700 involved collisions between rail equipment and motor vehicles which are the accidents most pertinent to this proceeding. The 11,700 accidents consisted of 8,352 collisions where a train struck a motor vehicle (resulting in 846 fatalities, 2,941 injuries) and 3,348 collisions in which a motor vehicle ran into the side of a train (resulting in 182 fatalities and 1,473 injuries). Of the 11,700 collisions, 7,121 or 60.9 percent occurred in daylight and 4,579 or 39.1 percent took place at night. A breakdown of the types of protection at the crossings where these accidents occurred indicates that 929 occurred at crossings protected by gates, 4,505 at crossings protected by flashing lights, wigwags or bells and 6,266 at crossings protected by passive warning signs only.

The FRA presently has in effect a regulation (49 CFR 230.231) which requires each locomotive used in road service to be equipped with a headlight "which shall afford sufficient illumination to enable a person in the cab of such locomotive who possesses the usual visual capacity required of locomotive enginemen, to see in a clear atmosphere, a dark object as large as a man of average size standing erect at a distance of at least 800 feet ahead and in front of such headlight; and such headlight must be maintained in good condition." In the case of locomotives used in yard service, the distance re-

quirement is reduced to 300 feet. Additionally, FRA requires that each locomotive be provided with a "suitable whistle or its equivalent" (49 CFR 230.234).

The Association of American Railroads (AAR) Standards Code of Operating Rules is the foundation for the operating rules and practices of most railroads, including rules governing the display of a locomotive headlight and use of the locomotive bell and whistle. Using the AAR Code as a guideline, each railroad constructs, interprets, applies, and expands upon the Code rules as it sees fit according to conditions or operating practices prevailing on the individual railroad. Rule 17 of the AAR Code provides that: "The headlight must be displayed brightly to the front of every train by day and by night. When an engine is running backward, a white light must be displayed by night on the leading end." Rule 18 of the AAR Code provides that: "Yard engines will display the headlight to the front and rear by night. When not provided with a headlight at the rear, a white light must be displayed".

A number of railroads have equipped some of their locomotives with lighting devices other than the conventional headlight. These devices generally afford greater visual conspicuity. Three types are now being utilized by a number of railroads: the oscillating white headlight, the oscillating emergency red headlight and the revolving colored dome warning light mounted on the locomotive roof. The oscillating white headlight is utilized to provide an increased degree of visual conspicuity over and above that of a stationary white headlight for vehicular traffic at grade crossings; it supplements the standard fixed beam headlight which is burning at the same time. The red emergency oscillating light is actuated to provide maximum conspicuity when emergency circumstances prevail. The revolving colored dome light mounted on the roof of a locomotive provides added conspicuity at a maximum height calling attention to the locomotive movement not only to the front and rear, but also to the sides. While the oscillating headlight and the revolving color dome light may have a positive effect on grade crossing safety, FRA has no statistical data available to substantiate this. Each railroad's operating rules govern the use of these devices as well as locomotive whistles, horns and bells as trains approach and pass over public crossings.

FRA has conducted research to determine means of enhancing the visibility of trains at grade crossings. Several types of devices including strobe lights were investigated. This research is documented in the following reports:

"The Visibility and Audibility of Trains Approaching Grade Crossings," J. P. Aurelius and N. Korobow, System Consultants, Inc., FRA-RP-71-2; May 1971 (NTIS No. PB-202-668). "Field Evaluation of Locomotive Conspicuity Lights," D. B. Devoe and C. N. Abernethy, Transportation Systems Center, FRA-ORD-75-54; May 1975 (NTIS No. PB-244-532). "Guidelines for Enhancement of Visual Conspicuity of Trains at Grade Crossings," John B. Hopkins and A. T. Newfell, Transportation Systems Center, FRA-ORD-71; May 1975 (NTIS No. PB-244-551).

Copies of these reports may be obtined from the National Technical Information Service, Springfield, Va. 22161.

The research up to this point had included both laboratory and field testing, but had not included any operational tests of strobe lights. For this reason, a joint project was initiated in fiscal year 1977 with Amtrak, Santa Fe, Chessie, and Boston and Maine Railroads to evaluate the effectiveness of the strobe lights, and to identify and remedy any operational problems associated with their operation. This project should be completed in fiscal year 1979.

Members of Congress have also expressed their interest in the use of strobe lights to improve grade crossing safety. Congressman Paul Simon has introduced a bill on this subject (H.R. 8017). If enacted, it would require the Secretary of Transportation to issue regulations that would require the locomotive of all freight, passenger, and commuter trains to be equipped with strobe lights. These regulations must also require that the strobe lights be operated at grade crossings and at other locations where the Secretary finds that their operation is required in the interest of safety.

Public Participation Requested

The purpose of this advance notice is to solicit public participation and comment on the need for and the specific requirements of regulations that FRA may develop governing the application and operation of lighted devices on locomotives to warn the public of trains approaching grade crossings.

Specific advice is requested on the following points:

1. What types of lights should FRA consider requiring on locomotives to increase their conspicuity? Strobe lights, more powerful or oscillating headlights, or revolving dome lights? Could any of these lights be confused with other lights in the present railroad environment and result in potentially dangerous situations? Could any of these lights have a negative or distracting effect on railroad employees, motorists, pedestrians or persons who reside near a railroad? Describe and explain.

2. Should these lights be required on all locomotives or only on road locomotives? Should these lights be required to be installed only on locomotives that operate independently of other locomotives or that are used as the lead unit of locomotive consists?

3. How many lights should be required on each locomotive? What color should they be? What values should be specified for light intensity, frequency of flashing, and width and height of beam or angular coverage? Explain.

4. How effective would each type of light be in alerting motorists and preventing grade crossing accidents? Explain. Based upon available statistics, what percentage of accidents that occurred in 1977 could have been avoided by each type of light?

5. How costly would each type of light be to install and maintain? What would be the labor and material costs per locomotive to install each type? What would be the annual maintenance cost for each type? Is each type readily available in sufficient number? How much time would be required to equip all locomotives with each type?

6. If regulations were promulgated requiring locomotives to be equipped with two strobe lights that flash alternatively, each with an effective intensity of between 800 and 3,000 candela over the forward 270 degrees of the lamp with a vertical beam width of 5+ degrees and with a flash rate of between 60 and 90 flashes/minutes for each lamp, what would be the labor and material costs per locomotive to install these lights? What would be the annual maintenance costs for these lights per locomotive? Are these lights readily available in sufficient supply? How much time would be required to equip locomotives with these lights?

7. Should these lights be illuminated at all times when the locomotive is in motion? Only at night or during reduces visibility? Only when approaching grade crossings that are not protected by flashing lights or gates? When approaching all grade crossings regardless of the type of grade crossing protection provided? What discretion, if any, should railroads and localities be allowed in this respect? If these lights are to be activated only when approaching grade crossings, should they be installed so that they are automatically activated whenever the locomotive bell or horn is used or should they be independently activated?

8. What State and local jurisdictions have laws, ordinances and regulations in effect that:

(a) Require locomotives to diplay strobe lights, flashing lights or any other type of lights to alert motorists at grade crossings?

(b) Prohibit or limit the use of strobe lights, flashing lights or any other type of lights?

(c) Prohibit or limit the use of horns, bells, whistles or other types of audible warning devices?

Please provide a copy of each law, ordinance or regulation or summarize it and provide the appropriate legal citation. What percentage of grade crossings are subject to these laws, ordinances and regulations?

9. How many of the following grade crossing accidents occurred in 1977:

(a) A locomotive equipped only with a standard fixed headlight struck a motor vehicle or pedestrian?

(b) A locomotive equipped with an oscillating headlight, strobe light, or revolving light struck a motor vehicle or pedestrian?

(c) A motor vehicle struck the side of a locomotive or one of the first 20 cars in a train when the locomotive was equipped with a standard fixed headlight? When the locomotive was equipped with an oscillating headlight, strobe light, or revolving light?

10. For each accident category in question 9,

(a) What was the grade crossing accident rate based on locomotive miles?

(b) How many fatalities resulted?

(c) How many injuries resulted? Categorize injuries as permanently disabling, major and minor or superficial to the extent possible.

(d) How much damage resulted to railroad and other private property?

(e) How many accidents occurred at grade crossings protected by gates? By flashing lights with and without bells? By wigwags with and without bells? By passive warning signs?

(f) How many accidents occurred in daylight, dawn/dusk, and in darkness?

(Sec. 202, Federal Railroad Safety Act of 1970 (45 U.S.C. 431), as amended by sec. 5(b), Federal Railroad Authorization Act of 1976, Pub. L. 94-348, 90 Stat. 817, July 18, 1976; sec. 209, Federal Railroad Safety Act of 1970, as amended (45 U.S.C. 438; § 1.49(m) of the regulations of the Office of the Secretary, 49 CFR 1.49(n).)

Issued in Washington, D.C., on February 28, 1978.

JOHN M. SULLIVAN,
Administrator.

[FR Doc. 78-5820 Filed 3-6-78; 8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[6320-01]

CIVIL AERONAUTICS BOARD

[Docket No. 30332; Agreement CAB 26883]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to North and Central Pacific Cargo Rates; Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 1st day of March, 1978.

By Order 77-9-82, September 21, 1977, the Board established procedural dates for the receipt of justification, comments, and replies regarding a mail vote agreement among the carrier members of the International Air Transport Association (IATA). In general, the agreement would increase North and Central Pacific cargo rates to compensate for rising fuel costs. While leaving minimum charges unchanged, it would increase all general cargo rates (GCR's) and specific commodity rates (SCR's) by 1.5 percent of the 45-kilogram-and-over general cargo rates between Los Angeles and points common-rated with Los Angeles, on the one hand, and the various points in Asia and the Pacific, on the other. The agreement would also increase the minimum charge for unit load devices (ULD's) by an amount equal to the product of this bulk rate increment and the pivot weight of the ULD; the over-pivot weight charge for ULD's would be increased by the same increment per kilogram.

Flying Tiger Line Inc. (FTL), Northwest Airlines, Inc. (Northwest), and Pan American World Airways, Inc. (Pan American), submitted economic justifications of the increase. Emery Air Freight Corporation (Emery) and the Puget Sound Traffic Association (PSTA) filed objections.

Northwest presents no information on its unit fuel costs, and Pan American notes only that it paid an average price of 40.78 cents per gallon in August 1977. FTL asserts that its average fuel cost has risen by 2.41 cents per gallon since the last North/Central Pacific rate increase (from 38.59 cents/gallon in 1974 to 41.00 in August 1977), but concedes that the revenue produced by the proposed rate increase in the forecast period would significantly exceed the increase in fuel costs along.[1]

All three carriers argue nevertheless that a North/Central Pacific cargo rate increase is warranted on the basis of overall costs and generally low returns on investment. Pan American, Northwest, and FTLK report historical ROI's of −6.27, 3.00, and 5.92 percent, respectively, in their North/Central Pacific scheduled cargo operations for the year ended June 30, 1977. For the forecast year ending September 30, 1978, they project ROI's of −1.52, 1.43, and 7.45 percent, respectively, at present cargo rates, and 0.26, 2.27, and 9.22 percent, respectively, with the proposed increase.

Emery objects that the proposed rate increase, in effect, would raise lower cargo rates (SCR's and rates for ULDs) by a larger percentage than higher general cargo rates, discriminate against shippers with heavyweight shipments by disproportionately increasing the lower-level rates, and weaken incentives for shippers to use more efficient containerized shipments at ULD rates. PSTA objects to the common-rating of Seattle and the more distant California points, which this agreement would maintain, and contends that this common-rating of west coast ports is unlawful, subjects Seattle to undue prejudice, and provides undue preference to the California gateways.

We will approve the agreement.

While the proposed rate increase is ostensibly intended to compensate for rising fuel prices, we will not consider it in that context. Previous fuel-related fare and rate increases were approved only as emergency measures during a period of rapidly escalating fuel prices, and our special attention to fuel costs in those cases represented a major departure from our long-standing policy of evaluating fare and rate proposals on the basis of the carrier's overall financial results rather than individual cost items. The carriers have provided no evidence that present circumstances justify such extraordinary treatment. We have, therefore, evaluated the proposal in terms of the carriers' overall costs, revenues, and ROI's.

We find that an increase in North/Central Pacific cargo rates is warranted in light of the carriers' low rates of return on scheduled cargo services. Pan American, Northwest, and FTL achieved a composite ROI of only 2.65 percent for the year ending June 30, 1977, and at present rates are projected to earn 4.01 percent for the year ending September 30, 1978. Even with the full rate increase proposed in this agreement, the carriers' composite ROI for the forecast period would be only 5.6 percent—well below the Board's 12-percent guideline.[2]

In response to Emery's objections, we note that the increase proposed here is relatively small—1.5 percent of the 45-kilogram-and-over GCR to/from Los Angeles. While the increase would have a proportionately greater impact on the lower-level rates, as Emery contents, this slight differential does not constitute sufficient grounds for disapproval of the agreement.

The issues raised by PSTA about the common-rating of Seattle and other west coast points are similar to the ones it has raised in Docket 30938, and have been addressed by the Board in that forum. By Order 77-11-127, November 23, 1977, the Board decided to defer investigation of transpacific cargo common-rating until the current investigation of transpacific common passenger fares has been concluded.

Pursuant to the Federal Aviation Act of 1958, and particularly sections 102, 204(a), and 412:

It is not found that Resolution JT31,123(Mail 95)003ff, incorporated in Agreement CAB 26883, is adverse to the public interest or in violation of the Act.

Accordingly, *it is ordered*, That:

1. Agreement CAB 26883 is approved; and

2. Tariffs implementing Agreement CAB 26883 shall be marked to expire not later than September 30, 1978.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[3]

PHYLLIS T. KAYLOR,
Secretary.

[1] FTL forecasts a revenue increase of $3,829,000 and a fuel cost increase of $2,195,919.

[2] See Appendix.

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

Historical and forecast financial results, North/Central Pacific scheduled cargo services

[Dollars in thousands]

	Historical year ended June 30, 1977				Forecast year ending Sept. 30, 1978							
					Present rates				Proposed rates			
	Flying Tiger	Northwest	Pan American	Composite	Flying Tiger	Northwest	Pan American	Composite	Flying Tiger	Northwest	Pan American	Composite
Operating revenue	$124,396	$53,141	$59,808		$157,074	$46,579	$63,314		$160,903	$47,847	$64,490	
Operating expense	117,226	51,737	65,687		146,041	45,182	65,870		146,057	45,182	65,911	
Operating profit (loss)	7,170	1,404	(5,879)		11,033	1,397	(2,556)		14,846	2,665	(1,421)	
Nonoperating income and expense (net)	(2,370)	(278)	(1,813)		(5,426)	(800)	(1,719)		(5,426)	(800)	(1,719)	
Taxable income	4,800	1,126	(7,692)		5,607	597	(4,275)		9,420	1,865	(3,140)	
Income tax at 48 pct	[1] 2,034	541	(3,692)		2,691	287	(2,052)		4,522	895	(1,508)	
Net income after taxes	2,496	585	(4,000)		2,916	310	(2,223)		4,898	970	(1,632)	
Plus: Interest expense	2,370	1,385	1,813		5,426	800	1,719		5,426	800	1,719	
Return	4,866	1,970	(2,187)	$4,649	8,342	1,110	(504)	$8,948	10,324	1,770	87	$12,181
Investment	74,700	65,619	34,873	175,192	112,000	77,859	33,080	222,939	112,000	77,859	33,080	222,939
Return on investment (ROI) (in percent)	6.51	3.00	(6.27)	2.65	7.45	1.43	1.52	4.01	9.22	2.27	0.26	5.46

[1] FTL's computation of its historical financial results included income tax at $2,745,000, as reported in form 242, rather than $2,304,000, as computed at the 48-pct ratemaking standard, and has been adjusted accordingly. Use of the ratemaking tax figure raises FTL's ROI from 5.92 pct to 6.51 pct for the year ended June 30, 1977.

[FR Doc. 78-5916 Filed 3-6-78; 8:45 am]

[3510-07]

DEPARTMENT OF COMMERCE

Bureau of the Census

SPECIAL CENSUSES

The Bureau of the Census conducts a program whereby a local or State government can contract with the Bureau to conduct a special census of population. The content of a special census is ordinarily limited to questions on household relationship, age, race, and sex, although additional items may be included at the request and expense of the sponsor. The enumeration in a special census is conducted under the same concepts which govern the decennial census.

Summary results of special censuses are published semiannually in the Current Population Reports—Series P-28, prepared by the Bureau of the Census. For each area which has a special census population of 50,000 or more, a separate publication showing data for that area by age, race, and sex is prepared. If the area has census tracts, these data are shown by tracts.

The data shown in the following table are the results of special censuses conducted since December 31, 1976, for which tabulations were completed between February 1, 1978, and February 28, 1978.

Dated: March 2, 1978.

MANUEL D. PLOTKIN,
Director,
Bureau of the Census.

State/place or special area	County	Date of census	Population
Arkansas:			
Greenwood city	Sebastian	Dec. 2, 1977	2,753
Lavaca city	...do	Nov. 21, 1977	873
Nashville city	Howard	Nov. 29, 1977	4,385
Illinois:			
Barrington Hills village	Cook, Kane Lake, and McHenry.	Nov. 17, 1977	3,251
Hampton village	Rock Island	Nov. 21, 1977	1,767
Highland city	Madison	Nov. 11, 1977	6,652
New Baden village	Clinton and St. Clair	Nov. 30, 1977	2,278
St. Charles city	DuPage and Kane	Nov. 16, 1977	16,145
Sycamore city	DeKalb	Nov. 30, 1977	8,864
Tower Lakes village	Lake	...do	1,115
Vienna city	Johnson	Dec. 12, 1977	1,420
Indiana:			
Newburgh town	Warrick	Nov. 29, 1977	2,472
Santa Claus town	Spencer	Nov. 30, 1977	426
North Carolina:			
Hope Mills town	Cumberland	Dec. 5, 1977	4,016
North Dakota:			
Morton County		Nov. 3, 1977	23,798
Ohio:			
Lebanon city	Warren	Nov. 30, 1977	8,402

[FR Doc. 78-5888 Filed 3-6-78; 8:45 am]

[3510-24]

Economic Development Administration

AMERICAN PILLOW COMPANY, INC., AND ABBOT CLOSURES, INC.

Petitions for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions were accepted for filing on February 28, 1978, from two firms: (1) American Pillow Co., Inc., 99 Willie Street, Lowell, Mass. 01852, a producer of outerwear jackets and vests; and (2) Abbot Closures, Inc., 111 Eight Avenue, New York. N.Y. 10001, a producer of slide fasteners. The petitions were submitted pursuant to section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the adustment assistance regulations for firms and communities (13 CFR Part 315).

Consequently, the U.S. Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by 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 each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of

the tenth calendar day following the publication of this notice.

CHARLES L. SMITH,
Acting Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc. 78-5899 Filed 3-6-78; 8:45 am]

[3510-25]

Industry and Trade Administration

MANAGEMENT-LABOR TEXTILE ADVISORY COMMITTEE

Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5, U.S.C. App. I (1976 ed.) notice is hereby given that a meeting of the Management-Labor Textile Advisory Committee will be held on March 30, 1978, at 1:30 p.m., Room 4833, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C. 20230.

The Committee was established by the Secretary of Commerce on October 18, 1961, to advise U.S. Government officials on problems and conditions in the textile and apparel industry and furnish information on world trade in textiles and apparel.

The agenda for the meeting will be as follows:

1. Review of import trends.
2. Implementation of textile agreements.
3. Report on conditions in the domestic market.
4. Other business.

A limited number of seats will be available to the public on a first-come basis. The public may file written statements with the Committee before or after each meeting. Oral statements may be presented at the end of the meeting to the extent time is available.

Copies of the minutes of the meeting will be made available on written request, addressed to the ITA Freedom of Information Officer, Freedom of Information Control Desk, Room 3012, U.S. Department of Commerce, Washington, D.C. 20230.

Telephone requests for the minutes of the meetings and further information concerning the Committee may be directed to Arthur Garel, Director, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-377-5078.

Dated: March 2, 1978.

ROBERT E. SHEPHERD,
Deputy Assistant Secretary for Domestic Business Development.

[FR Doc. 78-5898 Filed 3-6-78; 8:45 am]

[3510-25]

SEMICONDUCTOR 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 Semiconductor Technical Advisory Committee will be held on Friday, March 31, 1978, at 9:30 a.m. in Room 4833, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Semiconductor Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974 and January 13, 1977, the Assistant Secretary for Administration approved for 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 semiconductor products, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls.

The Committee meeting agenda has five parts:

GENERAL SESSION

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Review of membership status and suggestions for new members.
4. Review of critical technologies and determination of course of action.

EXECUTIVE SESSION

5. Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting is open to the public, at which a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (5), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 27, 1977, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government in the Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under Executive Order 11652. All Committee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Room 3012, Industry and Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, 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 Semiconductor Technical Advisory Committee and of any subcommittees thereof was published in the FEDERAL REGISTER on March 2, 1977 (42 FR 12078).

Dated: March 2, 1978.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of Trade Regulation, U.S. Department of Commerce.

[FR Doc. 78-5919 Filed 3-6-78; 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, March 23, 1978, at 10 a.m., in room 5611, Main Commerce Building, 14th Street and Constitution Avenue NW., Washington, D.C.

The Telecommunications Equipment Technical Advisory Committee was initially established on April 5, 1973. On March 12, 1975, and March 16, 1977, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee 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 February 9, 1978, meeting.
4. Report on recent technical developments and foreign availability in the Eastern Bloc since the last meeting.
5. Discussion and finalization of the 1977 annual report.

EXECUTIVE SESSION

6. Discussion of matters properly classified under Executive Order 11652, dealing with the United States 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 criteria established by an Executive order to be kept secret in the interests of national defense or foreign policy. All materials to be reviewed and discussed by the Committee during the executive session of the meeting have been properly classified under 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 area code 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: March 2, 1978.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of Trade Regulation, U.S. Department of Commerce.

[FR Doc. 78-5918 Filed 3-6-78; 8:45 am]

[1505-01]

NORTHWESTERN UNIVERSITY MEDICAL SCHOOL

Decision on Application for Duty-Free Entry of Scientific Article

Correction

In FR Doc. 78-4374 appearing at page 6987 in the issue for Friday, February 17, 1978, in the first column, first line of the third paragraph of the document, "Docket No. 77-00024 * * *" should have read "Docket No. 78-00024 * * *".

[3510-13]

National Bureau of Standards

TFE-FLUOROCARBON (POLYTETRAFLUOROETHYLENE) RESIN SHEET

Commercial Standard; Intent To Withdraw

In accordance with § 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10), notice is hereby given of the intent to withdraw Commercial Standard CS 239-63, "TFE-Fluorocarbon (Polytetrafluoroethylene) Resin Sheet."

This withdrawal action is being proposed for the reason that CS 239-63 is adequately covered by the American Society for Testing and Materials' standard ASTM D3293-74, "standard Specification for TFE-Fluorocarbon Resin Sheet," and duplication is inappropriate and not in the public interest.

Any comments or objections concerning this intended withdrawal of this standard should be made in writing to the Standards Development Services Section, National Bureau of Standards, Washington, D.C. 20234, on or before April 6, 1978. The effective date of withdrawal will not be less than 60 days after the final notice of withdrawal. Withdrawal action terminates the authority to refer to a published standard as a voluntary standard developed under the Department of Commerce procedures from the effective date of withdrawal.

Dated: March 2, 1978.

ERNEST AMBLER,
Director.

[FR Doc. 78-5884 Filed 3-6-78; 8:45 am]

[6355-01]

CONSUMER PRODUCT SAFETY COMMISSION

ADVISORY COMMITTEES

Invitation For Membership Application

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of Advisory Committee vacancies and invitation to apply for membership.

SUMMARY: The purpose of this notice is to invite application for membership on three advisory committees of the Consumer Product Safety Commission for vacancies that will occur in June 1978. The advisory committees are: (1) the Product Safety Advisory Council, (2) the National Advisory Committee for the Flammable Fabrics Act, and (3) the Technical Advisory Committee on Poison Prevention Packaging. This notice contains information on the function and composition of the advisory committees; the

number and representational category of the vacancies occurring on each committee in June 1978; the representational categories and expertise of members remaining on the committees; general criteria for selection of members on Consumer Product Safety Commission advisory committees; and procedures for making application or nomination of candidates for membership.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Dee Wilson, Committee Management Officer, Office of the Secretary, Suite 300, 1111 18th Street NW., Washington, D.C. 20207, 202-634-7700.

CLOSING DATE: May 19, 1978. Applications received after that date will be considered too late for consideration for June 1978 vacancies.

SUPPLEMENTARY INFORMATION:

PRODUCT SAFETY ADVISORY COUNCIL

Section 28 of the Consumer Product Safety Act (15 U.S.C. 2077) provides that the Commission shall establish a 15-member Product Safety Advisory Council to be composed of: (1) Five Members selected from governmental agencies including Federal, State and local governments; (2) five members selected from consumer product industries including at least one representative of small business; and (3) five members selected from among consumer organizations, community organizations, and recognized consumer leaders.

The Council functions in an advisory capacity providing the Commission with diverse viewpoints on major policy issues, proposed rulemaking, and approaches to special problems and issues in implementing the Commission's legislative mandate to protect the public against unreasonable risks of injury associated with consumer products. The Council may also propose safety rules for the Commission's consideration.

The Commission anticipates seven (7) vacancies in June 1978; two (2) in the consumer category, two (2) in the government category and (3) three in the industry category.

The eight (8) members remaining on the Product Safety Advisory Council include: In the consumer category, a former United States Senator from Portland, Oreg. with expertise in consumer affairs and women's programs; a professor from Yale University with expertise in marketing, and a consumer specialist with the Virginia Citizens Consumer Council. In the industry category there remains an assistant vice president of AMFAC, Inc., San Francisco; and the President of Skil Corp., a manufacturer of portable power tools; and in the government category a deputy director in the Governor's Office of Consumer Protection in Baton Rouge, La., and assistant attorney general for consumer affairs for the state of Vermont, and a health education officer for the State of Hawaii. The Commission in evaluating candidates for membership, will seek those individuals who will provide additional diversity of qualifications, experience, and background to that now present on the advisory council.

NATIONAL ADVISORY COMMITTEE FOR THE FLAMMABLE FABRICS ACT

The National Advisory Committee for the Flammable Fabrics Act was first established in 1968 by the Department of Commerce under Section 17 of the Flammable Fabrics Act, as amended (Pub. L. 83-88, U.S.C. 1204). Functions under the Act, including administration of the National Advisory Committee, were transferred, effective May 14, 1973, to the Commission by Section 30(b) of the Consumer Product Safety Act (15 U.S.C. 2079 (b)).

The National Advisory Committee provides the Commission with advice, opinions, and recommendations on its proposed regulations or other programs to reduce the frequency and severity of burn injuries involving flammable fabrics. The Flammable Fabrics Act provides that the Commission shall consult with the Committee before prescribing flammability standards pursuant to the Act.

The National Advisory Committee for the Flammable Fabrics Act is composed of 20 members, ten (10) of whom are representative of the consuming public and ten (10) of whom are representatives of manufacturers and distributors, with manufacturers to include the natural fiber producing industry, the man-made fiber producing industry, and manufacturers of fabrics, related materials, apparel or interior furnishings.

Nine (9) vacancies are anticipated in June 1978 on the National Advisory Committee—four (4) in the consumer category and five (5) in the industry category.

The eleven (11) members remaining on the National Advisory Committee include among the consumer representatives three academicians: An assistant dean of graduate nursing education at the University of Kentucky; a teacher educator in consumer science technology at Florida A & M University; and an assistant professor of textile science at the University of Washington. The other consumer members include a community volunteer affiliated in the past with the Girl Scouts and the YWCA; and two medical practitioners—a nurse with the Bothin Burn Unit, St. Francis Memorial Hospital in San Francisco and the Chairman of Plastic and Reconstructive Surgery, George Washington University Medical Center, Washington, D.C.

The remaining industry members on the National Advisory Committee are the manager of a testing laboratory at Marshall field & Company, a retailer; the president of Guilford Laboratories, N.C., a scientist in research and development with GAF Corp., a manufacturer of felt and filter products; the president of Loomtext Corp., a converter of fabrics; and a vice-president of a carpet manufacturer.

The Commission, in evaluating candidates for membership will seek those individuals who will provide additional diversity of qualifications, experience and background to that now present on the committee.

TECHNICAL ADVISORY COMMITTEE ON POISON PREVENTION PACKAGING

The Technical Advisory Committee on Poison Prevention Packaging was First established in 1971 by the Department of Health, Education, and Welfare under the Poison Prevention Packaging Act of 1970 (Pub. L. 91-601; 15 U.S.C. 1471, et seq.). Functions under this Act including administration of the Technical Advisory Committee on Poison Prevention Packaging, were transferred, effective May 14, 1973, to the Commission by section 30(a) of the Consumer Product Safety Act (15 U.S.C. 2079(a)).

The Technical Advisory Committee provides advice and recommendations to the Commission on the establishment of packaging standards to protect children from serious personal injury or illness resulting from handling, using or ingesting household substances. Further, an important function of the Technical Advisory Committee is to review and evaluate petitions requesting exemption from Poison Prevention Packaging regulations. The Poison Prevention Packaging Act provides that the Commission shall consult with the committee in making findings and in establishing standards pursuant to the Act.

The Poison Prevention Packaging Act specifies that the Technical Advisory Committee shall be composed of not more than 18 members who are representatives of (1) the Department of Health, Education, and Welfare, (2) the Department of Commerce, (3) manufacturers of household substances subject to the Act, (4) scientists with expertise related to the Act and licensed practitioners in the medical field, (5) consumers, and (6) manufacturers of packages and closures for household substances. In order to achieve maximum balance of views on the committee, the Commission by regulation established that, excepting the two specified government representatives, the remaining 16 members of the committee are equally divided among consumer and industry interests, with scientists and medical practitioners included in either the con-

sumer or industry category depending upon their employment affiliation.

The Commission anticipates eight (8) vacancies on the Technical Advisory Committee: three (3) representatives of the consuming public; and five (5) representatives of industry interest.

The eight (8) members remaining on the committee, in addition to the representatives from DHEW and DOC, include among the consumers a pediatric cardiologist, Spokane, Wash., a public health physician assigned to the Nevada Nuclear Test Site; a professor of pharmacology and toxicology at the University of Louisville; a director of pharmacy, Strong Hospital, Rochester; and the Chief Toxicologist, Medical Examiner's Office, Philadelphia. The industry members remaining on the Technical Advisory Committee are a manufacturer of pump sprays; a pharmacist; and a manufacturer of pharmaceuticals and chemicals.

The Commission, in evaluating candidates for membership, will seek those individuals who will provide additional diversity of qualifications, experience, and background to that now present on the committee.

Membership Criteria and Application Procedure

The membership of the Commission's advisory committees shall be, insofar as practicable, fairly balanced in terms of geographic location, age, sex, and minorities. Further, within the representational categories specifically mandated by law, the Commission seeks in the selection of individual members to ensure an advisory committee of the widest possible diversity of experience, expertise, background, and interests. Examples of such diversity are provided below for each of the advisory committees.

Product Safety Advisory Council. Among consumer representatives such diversity would include past or current involvement in the areas of consumer protection and consumer information; activities directed to the special needs of children, the handicapped, minorities, low-income, elderly, etc., teaching and/or research in safety of consumer products, public interest law, and educational programs for consumers. Diversity among industry representatives would include occupational responsibilities such as quality control, product testing, product engineering and design, marketing experience, voluntary standards development, trade associations, policy level corporate executives, import/export of products, etc. Among government representatives, such diversity would include involvement in activities at the Federal, State, or local level related to product safety regulatory activiities, community groups and/or programs, product-related research and/or testing, etc.

National Advisory Committee for the Flammable Fabrics Act. Among consumers on this committee, such diversity would include past or current involvement in burn treatment programs, fire prevention programs, teaching and/or research relating to textiles and home furnishings, consumer organization or local citizen group activities relating to flammability, public interest law, homemaking, etc. Diversity among industry representatives within the basic categories provided for by law would include past or current activities related to voluntary standards development in the area of fabric/textile flammability, fire-prevention programs, trade associations, research and/or teaching, occupational responsibilities such as quality control, product testing, product engineering, export/import of consumer products, etc.

Technical Advisory Committee on Poison Prevention Packaging. Diversity among consumer representatives would include past or current involvement in activities related to poison control centers, data gathering research and analysis of incidents of poisoning in children, pediatrics, public interest law, home accident prevention efforts, teaching and/or research relating to household substances and drugs, homemaking, childrearing, etc. Diversity among industry representatives within the basic categories provided for by law would relate to specific types of products dealt with, past or current occupational responsibilities such as quality control, product testing, product engineering and design, marketing, voluntary standards development, practicing pharmacists, medical practitioners and scientists with industry employment affiliation, etc.

Interested persons may apply for committee membership by submitting the information requested at the end of this notice on or before May 19, 1978. Persons wishing to nominate another individual to serve on an advisory committee should submit the same information on the nominee for consideration and should include a statement that the person nominated has agreed to serve if selected by the Commission.

Privacy Act Notice

In accordance with the requirements of "The Privacy Act of 1974" (Pub. L. 93-579), persons from whom personal information is collected by a Federal Agency are to be advised of the authority which authorizes the solicitation of information, whether disclosure is mandatory or voluntary, the principal purpose for which the information is collected and the routine use to which it will be put, and the effects, if any, of not providing all or any part of the requested information. Accordingly, applicants for membership on the Consumer Product Safety Commission's advisory committees are advised of the following: (1) The authority for collecting the requested information is the Consumer Product Safety Act, sections 28, 30(a) and 30(b), (15 U.S.C. 2077, 2079(a)) and 2079(b), the Flammable Fabrics Act, section 17 (15 U.S.C. 1204) and the Poison Prevention Packaging Act of 1970, section 6 (15 U.S.C. 1475). The submission of applications for advisory committee membership is on a voluntary basis. (2) The purpose for which the requested information is collected and the routine use to which it will be put is to evaluate and select candidates for filling vacancies on advisory committees. (3) The effect of not providing the requested information is to preclude the Commission from properly evaluating a candidate for membership on an advisory committee.

Application Format

Note.—If applying for more than one CPSC Advisory Committee, please submit separate application for each Committee. Please use typewriter or black ink to prepare application.

1. Name of advisory committee for which application is submitted:
   - Product Safety Advisory Council
   - National Advisory Committee for the Flammable Fabrics Act
   - Technical Advisory Committee on Poison Prevention Packaging
2. Name of applicant
3. Sex
4. Age
5. Home address and telephone number (include area code)
6. Employment affiliation:
   a. Current position and description of duties.
   b. Employer's name, address, and telephone number (include area code).
   c. Do you perform consulting work? If yes, specify kind of consulting work, for whom, and if paid or volunteer.
   d. Are you involved in the performance of work under a contract of grant awarded by CPSC? If yes, specify contract title and number and describe your involvement.
7. If not employed, please state if homemaker, retired, student, etc.
8. Category of Representation (specify product):
   —Industry
   a. Manufacturer
   b. Importer
   c. Distributor
   d. Retailer
   e. Small business
   f. Self-employed
   g. Trade association
   h. Other (specify)
   - Consumer: Specify membership and/or involvement in national or local consumer groups, public interest groups, community service groups, etc. or other activities indicating consumer participation and interest.
   - Scientist/Medical practitioner: indicate specialty. Applicants in this category may be representatives of industry or consumers depending on employment affiliation.
   - Government: Specify Federal, State, or local.

9. Experience/Expertise: Specify and describe experience or extracurricular activities related to product safety generally and the activities of the advisory committee for which you are applying.
   Check applicable areas and provide descriptive comments for each area checked.
   - ☐ Product safety regulatory activities
   - ☐ Hazardous substances
   - ☐ Flammable fabrics
   - ☐ Poison prevention packaging
   - ☐ Voluntary standards development
   - ☐ Burn treatment programs
   - ☐ Fire prevention programs
   - ☐ Poison control centers
   - ☐ Trade association
   - ☐ Product design
   - ☐ Product testing
   - ☐ Product related research
   - ☐ Quality control
   - ☐ Accidents in the home
   - ☐ Problems of elderly or handicapped
   - ☐ Public interest law
   - ☐ Import/export activities
   - ☐ Consumer education/information
   - ☐ Consumer protection
   - ☐ Teaching
   - ☐ Marketing
   - ☐ Corporate policy development
   - ☐ Health/safety programs
   - ☐ Other relevant experience/expertise
10. Interest Questions:
    a. Why are you interested in serving on the Committee?
    b. What contribution do you believe you can make?
    c. Would you be able to attend approximately four two-day sessions annually in Washington, D.C. Travel expenses are reimbursable in accordance with Federal Regulations.
11. Other affiliations. Without restating information given above, specify all affiliations, past and current, either paid or as a volunteer, that bear any relationship to the subject area of product safety or to membership on the Advisory Committee for which you are applying.
12. Signature of Applicant.
13. Signature of Person Making Nomination if Application Submitted by other than the Applicant.

Applications should be submitted not later than May 19, 1978 to the Committee Management Officer, Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207.

Dated: March 2, 1978.

SADYE E. DUNN,
Acting Secretary.

[FR Doc. 70-5917 Filed 3-6-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

ISSUANCE OF PROPOSED DECISIONS AND ORDERS BY THE OFFICE OF ADMINISTRATIVE REVIEW

February 13 Through February 17, 1978

Notice is hereby given that during the period February 13, 1978 through February 17, 1978, the Proposed Decisions and Orders which are summarized below were issued by the Office of Administrative Review of the Economic Regulatory Administration of the Department of Energy with regard to Applications for Exception which had been filed with that Office.

Amendments to the DOE's procedural regulations, 10 CFR Part 205, were issued in proposed form on September 14, 1977 (42 FR 47210 (September 20, 1977)), and are currently being implemented on an interim basis. Under the new procedures any person who will be aggrieved by the issuance of the Proposed Decision and Order in final form may file a written Notice of Objection within ten days of service. For purposes of the new procedures, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. The new procedures also specify that if a Notice of Objection is not received from any aggrieved party within the time period specified in the regulations, the party will be deemed to consent to the issuance of the Proposed Decision and Order in final form. Any aggrieved party that wishes to contest any finding or conclusion contained in a Proposed Decision and Order must also file a detailed Statement of Objections within 30 days of the date of service of the Proposed Decision and Order. In that Statement of Objections an aggrieved party must specify each issue of fact or law contained in the Proposed Decision and Order which it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these Proposed Decisions and Orders are available in the Public Docket Room of the Office of Administrative Review, Room B-120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1 p.m. and 5 p.m., e.s.t., except federal holidays.

Dated: February 28, 1978.

MELVIN GOLDSTEIN,
Director, Office of Administrative Review.

PROPOSED DECISIONS AND ORDERS

Keener Oil Co., Tulsa, Okla., FEE-4513, crude oil

Keener Oil Co. filed an Application for Exception from the provisions of 10 CFR 212.73 which, if granted, would permit the firm to sell the crude oil produced from the Lizzie-Orwig No. 1 well in Seminole County, Okla. at upper tier ceiling prices. In a Proposed decision and order which it issued to Keener on February 17, 1978, the DOE determined that Keener should be permitted to sell 29 percent of the crude oil produced from the Lizzie-Orwig well at upper tier ceiling prices.

Koch Exploration Co., Duchesne County, Utah, DXE-0410, DXE-0411, crude oil

Koch Exploration Co. filed two Applications for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception requests, if granted, would result in extensions of the exception relief which the DOE previously granted Koch and would permit the firm to sell certain quantities of the crude oil produced from the Sink Draw No. 1 Lease and the Cedar Rim No. 3 Lease at upper tier ceiling prices. On February 14, 1978, the DOE issued a Proposed Decision and Order which determined that the exception request regarding the Sink Draw No. 1 Lease be denied and that the exception request regarding the Cedar Rim No. 3 Lease be granted.

Monsanto Co., Houston, Tex., DEE-0422, crude oil

The Monsanto Co. filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart D. The exception request, if granted, would permit Monsanto to sell the crude oil it produces from the Hendrick "A" Property at upper tier ceiling prices. On February 13, 1978 the DOE issued a Proposed Decision and Order which determined that Monsanto should be permitted to sell 100 percent of the crude oil produced from the Hendrick "A" Property at upper tier ceiling prices.

Tonkawa Refining Co., Washington, D.C., FEE-4604, refining petroleum products

Tonkawa Refining Co. filed an Application for Exception from the provisions of 10 CFR 212.83. The exception request, if granted, would permit Tonkawa to be considered as a new refiner subsequent to July 1, 1975. The firm would therefore be permitted to establish the prices which it charged for covered products subsequent to that date pursuant to the new item rule. On February 13, 1978, the DOE issued a Proposed Decision and Order in which it determined that the exception request should be granted.

A. H. Wadsworth, Jr., Houston, Tex., DEE-0033, crude oil

A. H. Wadsworth, Jr. filed an Application for Exception from the provisions of 10 CFR 212.73, which, if granted, would permit the working interest owners to sell the crude oil produced from the Moody Ranch lease, located in Jackson County, Tex. at upper tier ceiling prices. On February 17, 1978, the DOE issued a Proposed Decision and Order which determined that the exception request be granted in part.

REQUESTS FOR EXCEPTION RECEIVED FROM NATURAL GAS PROCESSORS

The Office of Administrative Review of the Department of Energy has issued Proposed Decisions and Orders granting exception relief from the provisions of 10 CFR 212.165 to the natural gas processors listed below. The proposed exception relief permits the firms involved to increase the prices of the production of the gas plants listed below to reflect certain non-product cost increases:

Company	Case No.	Plant	Location	Amount of price increase (dollars in gallons)
Allied Chemical Corp	DEE-0323	Chaney Dell	Major County, Okla	$0.0261
	DEE-0324	Toca	Plaquemines Parish, La	.0143
Atlantic Richfield Co	DEE-0322	Stevens-Calidon	Kern County, Calif	.0087
Gas Systems, Inc	DEE-0164	McGregor	Archer County, Tex	.29175
Getty Oil Co	DEE-0295	Calumet	St. Mary Parish, La	.0062
	DEE-0296	Camrick	Beaver County, Okla	.0160
	DEE-0297	Coalinga Nose	Fresno County, Calif	.0060
	DEE-0298	Cocodrie	Evangeline Parish, La	.0153
	DEE-0299	Elmwood	Beaver County, Okla	.0067
	DEE-0300	Fashing	Atascosa County, Tex	.0297
	DEE-0301	Grand Chenier	Cameron Parish, La	Denied
	DEE-0302	Headlee	Midland County, Tex	.0262
	DEE-0303	Hitchcock	Blaine County, Tex	Denied
	DEE-0304	Hulldale	Schleicher County, Tex	.0307
	DEE-0305	Katy	Harris County, Tex	Denied
	DEE-0306	Levelland	Hockley County, Tex	.0161
	DEE-0307	Medicine Lodge	Barber County, Tex	.0078
	DEE-0308	North Cowden	Ector County, Tex	Denied
	DEE-0309	Red Fish Bay	San Patricia County, Tex	Denied
	DEE-0310	South Coles Levee	Kern County, Calif	Denied
	DEE-0311	Ysclosky	St. Bernard Parish, La	Denied
Standard Oil Co. (Indiana)	DEE-0252	Bairoil	Sweetwater County, Wyo	.0064
	DEE-0253	Elmwood	Beaver County, Okla	.0102
	DEE-0259	Hitchcock	Blaine County, Okla	.0065
Texaco, Inc	DEE-0062	Henry	Vermillion Parish, La	.0062
	DEE-0102	Fairway	Henderson County, Tex	.0099
	DEE-0103	Fordoche	Pointe Coupee Parish, La	.0346
	DEE-0426	Crossett	Upton County, Tex	.0377
	DEE-0427	Floodway	St. Mary Parish, La	.0059
	DEE-0428	Kittie	Live Oak County, Tex	.0173
	DEE-0429	Levelland	Hockley County, Tex	.0106
	DEE-0430	Mabee	Andrews County, Tex	.0246
	DEE-0431	Maurice	Vermillion Parish, La	.0488
	DEE-0432	Montebello	Los Angeles County, Calif	.0870
	DEE-0433	Putnam-Oswego	Dewey County, Okla	.0280
Union Oil Co. of Calif	DEE-0238	Coyanosa	Pecos County, Tex	.0164
	DEE-0239	Indian Basin	Eddy County, N. Mex	.0125
	DEE-0240	Laverne	Harper County, Okla	.0062
	DEE-0241	O'Keene	Woodward County, Okla	.0316
	DEE-0359	Santa Clara Valley	Ventura County, Calif	.0097

[FR Doc. 78-5778 Filed 3-6-78; 8:45 am]

[6740-02]

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. E-9611]

COLUMBUS WATER & LIGHT DEPARTMENT VS. WISCONSIN POWER & LIGHT CO.

Order Determining Refund Obligation, Granting Late Intervention and Denying Motion

FEBRUARY 27, 1978.

On October 17, 1977, the Columbus Water & Light Department of the City of Columbus, Wis. (Columbus) tendered for filing with this Commission a complaint directed against the Wisconsin Power and Light Co. (WP&L) , in which Columbus states its belief that WP&L has violated Section 205(d) of the Federal Power Act by changing the rate at which it sells electric power to Columbus without providing thirty days prior notice to the Commission and to the public. Columbus requests that WP&L be directed to refund to Columbus all amounts collected from Columbus in excess of the rate schedule on file with the Commission for Columbus, together with interest at the rate of 9% per annum.

Public notice of Columbus' complaint was issued on November 15, 1977, with all protests or petitions to intervene due on or before December 12, 1977. On December 23, 1977, the Public Service Commission of Wisconsin filed an untimely Notice of Intervention stating its desire to participate in the event that a formal hearing is convened.

A copy of the complaint was forwarded to WP&L by letter dated November 15, 1977, with an answer required to be filed within thirty days pursuant to § 1.9 of the Commision's rules of practice and procedure. On December 19, 1977, WP&L filed a late answer in which the Company denies that it has violated Section 205(d) or any other section of the Federal Power Act, and requests that the Commission dismiss the complaint or take other appropriate action.

Columbus, contending that WP&L's answer had contained certain misleading implications, tendered a reply to WP&L's answer on January 3, 1978, together with a motion for leave to file such reply. In this accompanying motion, Columbus states that its reply raises no new allegations, but attempts to clarify the issue before the Commission. Because the nature of the controversy is sufficiently clear from a reading of Columbus' complaint and WP&L's answer thereto, we shall deny Columbus' motion for leave to file its reply.

The events giving rise to the instant controversy involve two independent rate increases which WP&L tendered for filing on December 30, 1974,[1] and December 4, 1975, in Docket Nos. E-9198 and ER76-331, respectively. WP&L's filing in Docket No. E-9198 proposed certain changes in WP&L's W-2 and W-3 Electric Service Tariff, Wholesale For Resale. Among the customers to be affected by the proposed rate increases were Columbus and five other customers each having fixed price and fixed term contracts with WP&L.[2] By order issued February 19,

[1] WP&L was notified by Commission letter that its December 30, 1974 filing was deficient and, in response to this deficiency letter, WP&L, on January 20, 1975, submitted additional information in order to complete its tender for filing as of that date.

[2] See the following table:

Customer	FPC rate schedule No.	Contract expiration date
City of Columbus	66	June 26, 1977.
City of Stoughton	59	Feb. 13, 1977.
City of Princeton	68	Oct. 21, 1977.
City of Shullsburg	104	July 30, 1978.
Pioneer Power & Light.	60	Oct. 14, 1976.
Cross Plains Electric Co.	67	Sept. 16, 1977.

1975, the Federal Power Commission (FPC) determined, inter alia, that with respect to these six customers, the proposed revisions, unilaterally filed by WP&L, were inconsistent with the subject contracts and thus contravened the Mobile-Sierra doctrine.[3] Accordingly, while accepting the proposed rate increases for filing as to the remaining customers encompassed by the revised tariff, subject to suspension and a refund obligation, the FPC rejected the proposed terms, conditions, and charges insofar as they would have applied to the six fixed price, fixed term customers (hereinafter collectively referred to as fixed rate customers).

On April 18, 1975, the FPC issued a second order in Docket No. E-9198, denying a petition for rehearing filed by WP&L on March 20, 1975. The FPC therein rejected WP&L's contention that its fixed rate customers had waived future rights to contest unilaterally filed rate increases by virtue of their concurrence in an earlier settlement agreements.[4] However, the FPC further noted that waiver of the ninety-day notice provision of the Commission's Regulations was appropriate with respect to the fixed rate customers.[5] Citing the decision of the United States Court of Appeals for the District of Columbia in *Municipal Electric Utility Association of Alabama* v. *FPC*,[6] the FPC stated:

[3] *United Gas Pipeline Co.* v. *Mobile Gas Service Corp.*, 350 U.S. 332 (1956) and *FPC* v. *Sierra Pacific Power Co.*, 350 U.S. 348 (1956).

[4] This Settlement Agreement was approved by FPC order of September 4, 1974, in Docket No. E-8158. Although the fixed rate customers therein waived any objections they may have had under the Mobile-Sierra rule, this waiver was limited to the rate increase involved in Docket No. E-8158, and did not extend to future rate change proposals.

[5] As discussed infra, at pp. 7-8, the FPC's waiver of the notice requirement applicable to the filing of rate schedules was not intended to concurrently waive the ninety-day notice provision of § 35.15 of the Commission's regulations which pertains to the cancellation or termination of rate schedules.

[6] 485 F.2d 967 (D.C. Cir. 1973).

[W]e will require that as each of the abovementioned fixed rate contracts expires, WP&L will file with the Commission a superseding service agreement capable of serving as a notice of termination of contractual service required by 16 [sic] CFR 35.15 and an amended list of purchasers. Upon review of this material, we shall then make a determination whether additional data is necessary to demonstrate the continuing validity of the proposed rate and, if necessary, we shall suspend extension of the rate schedule to the additional customers.

On December 4, 1975, WP&L again filed proposed rate revisions applicable to a number of its customers, including the six fixed rate customers. Those proceedings were assigned Docket No. ER76-331. WP&L requested that the increased rates become effective on the expiration dates of the contracts governing service to each of the fixed rate customers. By order issued December 31, 1975, the FPC, noting that the proposed rate changes were premature as applied to the fixed rate customers, rejected the revisions as to these customers, without prejudice to WP&L's right to timely file such rate change proposals upon expiration or cancellation of the existing contracts.[7]

Columbus states in its October 17, 1977 complaint that since the June 26, 1977 expiration date of Columbus' contract with WP&L, the Company has billed Columbus under the W-3 rates in effect for other customers of WP&L as a result of the rate increase proceedings in Docket No. ER76-331. Columbus further states that it has paid the amounts billed by WP&L since that date but has done so under protest. In support of its allegation that WP&L has violated Section 205(d) of the Federal Power Act, Columbus asserts that the FPC order issued on December 31, 1975, in Docket No. ER76-331, rejected the proposed increased rates and charges as to WP&L's fixed rate customers, and that the Company did not exercise its right to "timely file" the proposed rate change for Columbus as required by that order. Columbus concludes that the only rate on file with the Commission which would apply to Columbus for the period immediately following expiration of its contract with WP&L is the rate designated in the expired contract[8]

In contrast, WP&L states in its December 19, 1977 answer, that the only rate schedule under which it could render service to Columbus following the expiration of the City's contract, was the W-3 schedule as revised in Docket No. ER76-331. WP&L, however, arrives at this conclusion through misinterpretation of the FPC orders previously issued in Docket Nos. E-9198 and ER76-331. The Company initially concedes that the rate increase involved in Docket No. ER76-331 was rejected insofar as it concerned Columbus. However, WP&L contends that the only impediment to the application of that rate to Columbus was the existence of the fixed rate contract. The Company then resorts to language contained in the FPC's order of April 18, 1975, in Docket No. E-9198,[9] in an effort to justify its application of the subsequently filed rate which was rejected for Columbus in Docket No. ER76-331. Relying on the order issued in the prior docket, WP&L asserts that when it mailed a notice terminating the existing contract to Columbus and to the FPC on March 2, 1976, the single impediment to the application of the then filed W—3 rate schedule was removed and, in the absence of a subsequent FPC order suspending or rejecting the revised W-3 rate, this rate became effective for Columbus immediately upon termination of the fixed rate contract.

The fallacy inherent in WP&L's reasoning is readily apparent. The rates filed by WP&L Docket No. ER76-331 were unconditionally rejected to the extent that they were to apply to Columbus. The order of December 31, 1975, in that docket, placed an affirmative burden on WP&L to refile such rate changes upon expiration of Columbus' fixed rate contract. Because WP&L made no such timely filing, we find that the Company has improperly sought to collect from Columbus the W-3 rate approved by the FPC in Docket No. ER76-331.[10]

In order to avoid future controversy, it is appropriate to further note that WP&L may not bill Columbus for the period following its contract expiration under the rate level approved in Docket No. E-9198 for certain of WP&L's customers. We believe that the Company's selective reading of the April 18, 1975 order issued in Docket No. E-9198, distorts the clear intent of the FPC in issuing that order. As noted above, that order granted waiver of the Commission's ninety-day notice reqirement so as to conditionally

[7] A Settlement Agreement arrived at in Docket No. ER76-331 was approved by order issued July 1, 1977. In that order, the FPC repeated that WP&L's rate increase filing had been rejected for the six fixed rate customers by order of December 31, 1975. Thus, the fixed rate customers were not parties to the Settlement Agreement.

[8] The billings disputed by Columbus in the instant proceedings involve the locked-in period between June 26, 1977—the expiration date of Columbus' fixed rate contract—and December 1, 1977. On May 2, 1977, WP&L tendered for filing another rate increase applicable to 39 wholesale customers, including Columbus. By order issued July 1, 1977, in Docket No. ER77-347, those rates were accepted for filing and suspended until December 1, 1977, when they became effective subject to refund. Consequently, the increased rates proposed in Docket No. ER77-347 have applied to Columbus since December 1, 1977.

[9] See language quoted at p. 4 supra.

[10] P&L contends that the application of any rate to Columbus other than the W-3 rate would constitute discrimination against the Company's other customers. We cannot, however, permit WP&L to benefit from its failure to act in accordance with the FPC's directive, by subsequently asserting that its neglect may have created a discriminatory situation.

permit WP&L to apply the rate proposed in Docket No. E-9198 to its fixed rate customers upon the expiration of their respective contracts. This waiver of notice, however, was expressly conditioned upon the requirement that WP&L file a suitable notice of termination of contractual service "when each of their respective contracts expiers." WP&L asserts in its answer to Columbus' complaint that the letter of termination which it forwarded to Columbus and to the FPC on March 2, 1976, satisfied this condition and precluded the necessity for any additional notification to the FPC. We repeat, however, that the contract between WP&L and Columbus expired on June 26, 1977, some fifteen months after the aforementioned termination letter was transmitted to the FPC. Even assuming, arguendo, that the format of this notice was sufficient,[11] it is readily apparent that the FPC, by use of the phrase "when each of their respective contracts expires," contemplated notification at some point in relatively close proximity to the actual expiration date, so as to apprise the Commission and the public of the imminent application of the revised rate schedule to Columbus.

This conclusion is consistent both with the Commission's Regulations and with the *Municipal Electric Utility Association of Alabama* case, *supra*, upon which the FPC relied in its order of April 18, 1975, in Docket No. E-9198. The notice of termination which that order required WP&L to submit was to be filed pursuant to the provisions of § 35.15 of the regulations. Significantly, §§ 35.3 and 35.15 contain independent ninety-day notice requirements, the former pertaining to the filing of rate schedules and the latter relating to the filing of termination notices. Although the FPC waived the notice provision of § 35.3 so as to permit WP&L to tender for filing its proposed rate increases more than ninety days prior to the expiration dates of the various fixed rate contracts, the FPC neither expressly nor impliedly waived the requirement that WP&L file notices of termination within ninety days of the respective expiration dates.

In Municipal Electric Utility Association of Alabama, the Court of Appeals aptly explained the rationale for continuing Commission review as each fixed rate customer becomes subject to rates which were filed well in advance of their applicability to that customer:

> The effect of filing—at the time of conversion from contractual to tariff schedule service—of the necessary amendments to Alabama Power's index of purchasers and the new service agreements will be to afford each affected customer a renewed opportunity to seek FPC review under Section 205(e), as contemplated in the Act * * * opportunity must be given the customers having late-expiring contracts to call on the utility to show that the assumptions underlying the FPC's earlier determination of the tariff's lawfulness have been validated by experience * * *. The procedures outlined above do no more than to require continuing agency supervision of the tariff as its scope is enlarged to include all of Alabama Power's wholesale municipal customers, thus assuring that the regulatory premises upon which approval was based retain their validity as the tariff is applied in practice.

WP&L's failure to file a notice of termination reasonably close to the date on which service was to commence to Columbus under the revised rate prevented both Columbus and the FPC from taking the "second look" at that rate which the Court of Appeals contemplated.

Our review of the matter herein at issue indicates that the only rate properly chargeable by WP&L for sales and service to Columbus for the period immediately following the June 26, 1977 expiration date of its contract was that rate provided for in the expired contract. We will therefore direct WP&L to refund to Columbus all amounts collected from that City for service rendered by the Company between June 26, 1977 and December 1, 1977,[12] which are in excess of the rate incorporated in Columbus' fixed rate contract, together with interest, all as hereinafter ordered.

The Commission finds: (1) Good cause exists to direct WP&L to refund to Columbus all amounts collected for service rendered between June 26, 1977 and December 1, 1977, which exceed the amount properly collectable by WP&L under the rate schedule on file with the Commission for Columbus, with interest.

(2) Good cause exists to grant late intervention status to the Public Service Commission of Wisconsin.

(3) Good cause exists to deny Columbus' motion for leave to file its January 3, 1978 reply in this proceeding.

The Commission orders: (A) Within thirty days of the date of this order, WP&L is hereby directed to refund to Columbus all amounts collected from Columbus for service rendered by the Company between June 26, 1977 and December 1, 1977, which are in excess of the rate incorporated in the contract between Columbus and WP&L that expired on June 26, 1977, together with interest at the rate of 9% per annun.

(B) Within thirty days after refunds have been made, WP&L shall file with the Commission a compliance report showing monthly billing determinants and revenues under the contract rates and the rates collected. The report shall also show the monthly rate refund, and the monthly interest computation together with a summary of such information for the total refund period. A copy of such report shall also be furnished to each State Commission within whose jurisdiction the wholesale customer distributes and sells electric energy at retail.

(C) The Public Service Commission of Wisconsin is hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That participation of such intervenor shall be limited to the matters affecting asserted rights and interests specifically set forth in the petition to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved by any orders entered in this proceeding.

(D) Columbus' motion for leave to file its January 3, 1978 reply to WP&L's answer is hereby denied.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission. Chairman Curtis voted present.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-5873 Filed 3-6-78; 8:45 am]

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[11] WP&L acknowledges that the FPC had "contemplated that a new service agreement under the filed rate could be filed as a notice of termination." The Company, however, suggests that it did not file such an agreement because Columbus had not yet executed a written contract. We need not reach this issue since we believe that WP&L's notification was otherwise deficient.

[12] As indicated in footnote 8, supra, WP&L filed a superseding rate increase in Docket No ER77-347 which became effective, subject to refund, on December 1, 1977.

[6740-02]

[Docket No. RP72-149; PGA77-10]

MISSISSIPPI RIVER TRANSMISSION CORP.

Order Granting Rehearing, Vacating Prior Order, Granting Intervention, and Terminating Proceeding

FEBRUARY 27, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977), and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission (FPC ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary and the Federal Energy Regulatory Commission (FERC or Commission) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted.

All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC By section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer on Proceedings to the Secretary of Energy and the FERC," 10 CFR —: *Provided,* That this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above-mentioned authorities.

On August 31, 1977, Mississippi River Transmission Corp. (MRT) tendered for filing with the Federal Power Commission (FPC) certain revised tariff sheets to its gas tariff setting forth increased rates proposed by MRT to become effective on October 1, 1977. The proposed rates reflect MRT's share of costs flowed-through by its supplier, United Gas Pipe Line Co. (United) attributable to emergency gas purchases made by United under the Emergency Natural Gas Act of 1977 (ENGA).[1] The proposed rates also include carrying charges on MRT's share of the emergency gas costs.

On September 27, 1977, Laclede Gas Co. (Laclede) filed a protest and petition to intervene that objected on two grounds to MRT's treatment of the costs associated with ENGA gas purchases by United as allocated to MRT. First, Laclede questions the appropriateness of recovering ENGA costs, and carrying charges thereon, which have been allocated to storage and requests that MRT be required to modify its filing so as to exclude these costs. Second, Laclede challenges the allocation of the balance of the gas costs associated with the ENGA gas purchased by United. Because MRT owns and operates substantial storage facilities, Laclede alleged that the monthly assignment of gas costs may well represent a misallocation of costs that is unduly prejudicial to MRT's jurisdictional customers.

MRT's proposed rates were suspended by the FPC by letter order dated September 30, 1977, and were permitted to become effective on October 2, 1977, subject to refund. The letter order permitted Laclede to intervene in the proceeding and provided, in addition, that: "A hearing shall be held in this proceeding at a later date to be established by this Commission."

On October 27, 1977, MRT filed an application for rehearing, questioning the Commission's actions in the September 30, 1977, letter order.[2] On November 14, 1977, Laclede filed a response to MRT's application for rehearing.[3] Rehearing for purposes of further consideration was granted on Novemger 28, 1977. For the reasons set forth in this order, the Commission shall grant MRT's application for rehearing.

MRT argues that the Commission erred because it lacks jurisdiction to take action with respect to recovery of ENGA costs, because the Commission did not permit MRT to respond to Laclede's protest of September 27, 1977, and because the Commission does not have the substantive authority to preclude the full recovery of ENGA purchases paid by United.

In its response to the MRT application for rehearing, Laclede argues that it is not seeking outright disallowance of ENGA costs but it does contest the view that there should be automatic flow-through under ENGA of capitalized costs associated with gas storage or that nonjurisdictional purchasers of ENGA gas should not be made to bear some portion of the costs. Also, Laclede asserts that since MRT did not directly purchase ENGA gas, it should not proceed under the recoupment provisions of the ENGA enacted regulations; rather, MRT must justify its purchased gas costs under the Natural Gas Act, appropriate Commission regulations, and MRT's tariff.

Issue

During the 1977 winter emergency, United utilized ENGA to purchase volumes of natural gas for its system supply. As part of the authorized ENGA procedures, which will be discussed later, United allocated to its customers, one of whom is MRT, a portion of the cost incurred in entering into the emergency sales. The first question then, is whether MRT is a qualified party to flow-through to its customers the share of ENGA costs allocated to MRT by United. Secondly, if flow-through is permissible, did MRT properly assign its costs among the MRT customers?

Whether ENGA applies to MRT in this situation depends on an interpretation of the statute. Section 6(a) of the law provides:

> The President may authorize any interstate pipeline or local distribution company served by an interstate pipeline (or class or category of such pipelines or companies) to contract upon such terms and conditions as the President determines to be appropriate (including provisions respecting fair and equitable prices), for emergency supplies of natural gas for delivery before August 1, 1977—
>
> (1) From any producer of natural gas (other than a producer who is affiliated with the purchaser as determined by the President) if (A) such natural gas is not produced from the Outer Continental Shelf and (B) the sale or transportation of such gas was not, immediately before the date on which such contract was entered into, certificated under the Natural Gas Act, or
>
> (2) From any intrastate pipeline, local distribution company, or other person (other than in interstate pipeline or a producer of natural gas).

Purchases made under section 6(a) were exempt from the provisions of the Natural Gas Act[4] and the costs incurred could not be disallowed for flow-through by the Federal Power Commission.[5] Thus, it is clear that United, the contracting party, was entitled to recover its ENGA expense from MRT, the customer. But, since MRT was not the contracting party, and is not a "local distribution company served by an interstate pipeline" under section 6(a), can MRT pass through the ENGA costs allocated to it by United?

A literal reading of the statutory language could lead to the conclusion that MRT, as an intermediary, is not covered by section 6(a) of ENGA. We decline to adopt this limited view because the result would not be consistent with the Congressional intent in enacting the emergency legislation nor with the orders of the Administrator in running the program.[6]

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[1] Pub. L. No. 95-2, 91 Stat. 4 (1977).

[2] On November 16, 1977, Illinois Power a customer of MRT, filed an untimely petition to intervene. Illinois Power Company cites Laclede's September 27, 1977, protest and states that the increase sought by MRT is excessive and may be unjust and unreasonable. We grant this petition to intervene hereinafter.

[3] On November 23, 1977, MRT also filed a motion to strike Laclede's response to the application for rehearing. On December 16, 1977, MRT filed a response in opposition to Laclede's response of November 14. Because of the Commission's disposition on rehearing in favor of MRT, the motion to strike is rendered moot.

[4] Section 6(b)(1) of ENGA states in pertinent part: The provisions of the Natural Gas Act shall not apply—(A) to any sale of natural gas to an interstate pipeline or local distribution company under the authority of subsection (a) or to any transportation by an intrastate pipeline in connection with any such sale * * *.

[5] Section 6(b)(2) of ENGA states: In exercising its authority under the Natural Gas Act, the Federal Power Commission shall not disallow, in whole or in part, recovery by any interstate pipeline, through the rates and charges made, demanded, or received by such pipeline, the amounts actually paid by it for natural gas purchased, transported, or other costs incurred pursuant to subsection (a).

[6] *See U.S.* v. *American Trucking Ass'ns Inc.*, 310 U.S. 534, 543 (1940). There is, of course, no more persuasive evidence of the purpose of a statute than the words by which the legislature undertook to give expression to its wishes. Often these words are sufficient in and of themselves to determine the purpose of the legislation. In such cases we have followed their plain meaning. When that meaning has led to absurd or futile results, however, this Court has

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The severe weather conditions during the 1976-77 winter season raised the prospect of curtailment into priority one if additional supplies could not be made available to interstate market.[7] The Federal Power Commission's emergency purchase provisions were not deemed adequate to meet the emergency, largely because of the legal consequences of an intrastate company making an interstate sale in excess of 60 days.[8]

The proposed ENGA legislation was designed to authorize:

> * * * emergency sales of intrastate natural gas to the interstate market through July 31, 1977, at prices that are fair and equitable, thereby ending legal uncertainties presently connected with such sales.[9]

> It is our intention to provide price certainty so that once a specific transaction has been authorized by the President, there would be no risk of a roll-back for that transaction.
>
> * * * * *
>
> In any event, there would be no roll-back of the price for a specific transaction once it had been authorized by the President.[10]

Furthermore, the bill was passed on the express representation that prices approved by the President would not be subject to subsequent tampering.

Continued

looked beyond the words to the purpose of the act. Frequently, however, even when the plain meaning did not produce absurd results but merely an unreasonable one "plainly at variance with the policy of the legislation as a whole" this Court has followed that purpose, rather than the literal words.

[7] See Statement of Harley O. Staggers, Cong. Rec. H514 (January 26, 1977), introducing the ENGA legislation.

[8] Letter from President Carter to the Honorable Walter F. Mondale, President of the Senate, January 26, 1977, transmitting the ENGA legislation to the Senate, introduced into the Congressional Record by Senator Robert C. Byrd, Cong. Rec. S. 1538-39. The President stated: The natural gas pipelines and the Federal Power Commission are attempting to cope with this emergency, but both agree that existing laws may be inadequate to prevent further human suffering in February. The Federal Government lacks clear and effective authority to allocate supplies needed to meet these needs. In addition, surplus gas may be available in the intrastate market that would not flow into interstate commerce under existing law. See *Houston Pipe Line Company, Order Interpreting Section 2.68 Of The Commission's General Policy And Interpretations*, Docket No. CP77-117 (January 14, 1977), *rehearing denied* (March 10, 1977).

[9] President Carter's letter of January 26, 1977, *supra*, note 8.

[10] Conference Report to accompany S. 474, Report No. 95-7, 95th Cong., 1st Sess. (February 2, 1977) at 10, citing a letter dated January 31, 1977, from James R. Schlesinger, Assistant to the President, to the Honorable Adlai E. Stevenson.

From this we conclude that ENGA ensured price certainty to emergency purchases made thereunder by the initial purchaser. Also, we find that since the legislation was intended to protect end users, it was those persons who would bear the costs incurred. Obviously, if the argument of Laclede is accepted, not only would there be no price certainty for the ENGA purchases at issue here, but there would also be the possibility that in a rate review under the Natural Gas Act the actual users of the gas purchased would not be assessed the full value of the ENGA costs. This result is patently alien to the statutory purpose and is rejected.

Our interpretation of ENGA is supported by the actions taken thereunder by its Administrator, then FPC Chairman Richard Dunham.[11]

In Order No. 2[12] the Administrator interpreted Section 6(a) of ENGA and declared that:

> [n]o subsequent action by the Administrator may require a refund of any monies collected or the reduction of prices in any transaction complying with the Act.[13]

In addition, Order No. 7,[14] which will be discussed in greater detail later, dealt with the allocation and billing method of the ENGA costs. The Order refers in footnote two to Section 7 of the Act, part of which reads:

> [c]ompensation paid by an interstate pipeline for deliveries or emergency purchases of natural gas pursuant to * * * section 6 shall be charged to such interstate pipeline's local distribution companies in porportion to their share of such natural gas deliveries or purchases.

The Administrator interpreted that language to mean that:

> [s]uch allocation shall apply to sales made to direct customers and *pipeline purchases*, as well as distribution companies.[15]

It is apparent then that the Administrator viewed the ENGA costs as inviolate, and that the purchases of one interstate pipeline for system supply that includes service to another interstate pipeline would still qualify for untouched flow-through to the end user.

For these reasons, we are compelled to reject Laclede's interpretation that the flow-through provisions of ENGA extend only to costs incurred by the pipeline who contracts for the emergency gas, in this case United. To so find would be to conclude that Congress intended that the allocation and recovery of ENGA-related costs could stop at a certain level and therafter be subject to regulation under statutory authority other than ENGA. Yet, Section 6(b)(2) of ENGA, by its terms, indicates that no such limitation applies. Recovery of *all* costs by *any* interstate pipeline is not to be denied under the authority of the Natural Gas Act. We believe that Congress did not intend to impose restrictions other than those contained in ENGA. Congress intended that the ENGA gas and the costs therefor would flow-through to the burner tip governed only by the provisions of ENGA and actions of the Administrator pursuant thereto. The construction of ENGA urged by Laclede is neither a fair construction nor consistent with the intent of Congress.

Laclede's second assertion is that proper ENGA costs do not include capitalized costs incurred in filling storage, and that ENGA costs must be allocated to nonjurisdictional as well as jurisdictional customers. Order No. 7 delineates the procedures by which ENGA costs would be recovered. In that Order the Administrator determined that ENGA charges attributable to gas purchased for general system supply, as in the instant case, would be billed proportionately according to the pipeline's applicable curtailment plan.[16] Regulations had already been enacted to define the proper billing procedures.[17] Order No.

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[11] Chairman Dunham was delegated the authority reserved by ENGA to the President, except under Section 3 authorizing the declaration or termination of a natural gas emergency, by Executive Order No. 11969, 42 FR 6791 (February 4, 1977). The President declared a natural gas emergency in Proclamation No. 4485, 42 FR 6789 (February 4, 1977), stating:

> Abnormal weather conditions have caused prevailing temperatures in the United States, particularly in the East and Midwest, to be well below normal for the past three months. Many interstate natural gas pipeline and local natural gas distribution companies do not have sufficient supplies of flowing or stored gas to meet current demand. The shortage of natural gas available to some interstate pipelines and local distribution companies has been so severe as to cause them to curtail or to be in imminent danger of curtailing natural gas supplies to residences, small commercial establishments and other high priority users, so as to endanger life or health, and risk damage to plant or other facilities.

[12] 42 FR 7948 (February 8, 1977).

[13] See Order No. 5, 42 FR 9673 (February 17, 1977) further interpreting Order No. 2.

When a transaction is made under that order, including all delivery or transportation arrangements, whether or not covered by an express authorization of the Administrator in a specific order, the transaction shall be deemed to be "authorized" and "ordered" for purposes of Sections 6 and 9 of the Act.

[14] 42 FR 22146 (May 2, 1977).

[15] Id. (emphasis added).

[16] This allocation method was decided upon as the fairest method of balancing the costs incurred and the benefits derived by the pipeline's customers. Order No. 7 at mimeo pp. 4-5.

[17] 18 CFR § 1000.9, entitled Allocation of Charges for Emergency Purshase. See also, Order Establishing Accounting and Billing Procedures for Interstate Natural Gas Pipelines, Docket No. RM77-10 (February 5, 1977).

7 also provided for the allocation of costs between sales for resale, direct sales and storage injection on the basis of volumes delivered for each month that ENGA purchases were made.

United billed MRT $8,105,866 as its share of United's emergency gas purchases under ENGA. MRT then allocated that amount among its various services according to the following categories: jurisdictional sales for resale, $4,162,343; nonjurisdictional direct sales, $1,938,960; and storage injections, $2,004,564. Laclede alleges that because of the interposition of storage between MRT's purchases and deliveries, the allocation of costs for individual monthly periods may represent a misallocation of costs that is unduly prejudicial to the company's jurisdictional customers.

Laclede's concern appears to be with the differing circumstances (customers and gas usage change between winter and summer) between the time that gas is purchased for injection into storage and the time these volumes are withdrawn from storage for delivery to distributors. For example, the second allocation by MRT occurs when the cost previously assigned to storage, $2,004,564, are divided between jurisdictional ($1,754,512) and nonjurisdictional ($250,052) customers, based upon projected winter season volumes. Thus, MRT has sought herein to recover the $4,162,342 originally assigned to sales for resale and the $1,754,512 originally assigned to storage and later allocated to jurisdictional customers.

As to the $4,162,342, MRT elected to bank its costs, pursuant to Order No. 7, for recovery over the eleven-month period commencing October 1, 1977. MRT computed a surcharge for each of its customers based on their purchases during the months when the costs were incurred and the customer's anticipated purchases for the proposed recovery period, October 1, 1977 to August 31, 1978. In order to recover the $1,754,512, MRT set a separate uniform storage surcharge, also to be effective for the October to August period. Both surcharges will remain in effect according to Order No. 7 until the banked ENGA costs, plus applicable carrying charges, have been fully repaid.

Natural gas injected during the summer months is withdrawn during the winter heating season. Lower priority and nonjurisctional interruptible customers that may be served in the summer would normally be cut off during the winter. Thus, in allocating costs for ENGA purchases made to fill depleted storage in anticipation of the coming (1977-78) winter, using the actual withdrawals for this winter as the measure of payment assigns the burden of payment to those that benefit from the storage. We recognize that during certain of the winter months both ENGA gas and storage withdrawals were required to meet market requirements; since both sources were used for system supply, it is equitable to assign the ENGA gas costs on the basis of monthly deliveries or sales.

ENGA was enacted to help alleviate a critical natural gas shortage that had the potential for endangering life and property. Storage balances were critically low and there was uncertainty as to whether sufficient gas supply would be available during the ensuing summer to replenish these reservoirs. Section 6 of ENGA provided for emergency purchases through July 31, 1977, for the express purpose of filling storage.[18] In acknowledgement of this goal, the Administrator provided for the allocation, on a volumetric basis, of emergency gas costs between storage and sales. Our review of the MRT rate filings and the other filings in this docket results in the conclusion that the company's method of allocation, which was, in our judgment, consistent with Order No. 7, properly assigned to its jurisdictional customers a reasonable level of costs.

Laclede has also argued that carrying costs on storage injection under the existing curtailment plan is not properly recoverable under ENGA. The regulations enacted in Order No. 7 provide specifically to the contrary.

§ 1000.9(e)(i) The following billing procedures may be utilized by interstate pipeline companies to *flow-through all authorized costs* of ENGA purchases pursuant to Section (6) of the Act:

If an interstate pipeline company's monthly ENGA purchases exceed 2 percent of its forecasted monthly sales in its September 1976 FPC Form No. 16 for the months of February and March 1977 and for ensuing months its April 1977 FPC Form No. 16, alternate billing options are available to the company. ENGA purchases would be allocated pro rata to its customers and *storage* on the basis of total sales and *general system storage injections* for the billing month and may be recovered as follows:

* * * * *

The Company may elect to bank the ENGA costs allocated to each customer through July 31, 1977. These banked costs, *plus carrying costs* computed at nine (9) percent per annum, would be recovered from each customer over an eleven month period beginning October 1, 1977 and ending August 31, 1978. Individual surcharges for each customer would be computed by dividing each customer's banked costs by each customer's forecasted eleven month sales included in the pipeline company's September 1977 FPC Form No. 16.

(3) If an interstate pipeline company elects to utilize the revenue recovery procedures provided in 2(ii) above, each individual surcharge will remain in effect until the interstate pipeline company recovers banked costs, *plus applicable carrrying charges.* (Footnote omitted—emphasis added.)

Since MRT is seeking merely to flow-through authorized ENGA costs according to the procedures instituted by the Administrator, Laclede's allocation argument has no basis and is rejected.

Based on the foregoing considerations, the Commission concludes that under the circumstances presented by this case the Commission is without authority to suspend or disallow rates derived from authorized ENGA purchases calculated in accordance with the Administrator's Order No. 7. The Commission's letter order of September 30, 1977, shall be vacated, and MRT's proposed tariff sheet shall be accepted for filing, effective October 1, 1977.

The Commission finds: (1) It is appropriate and in the public interest that MRT's application for rehearing be granted as hereinafter ordered.

(2) The issues raised by Laclede in its September 27, 1977, filing would require Commission action which is in excess of its authority or which is inconsistent with the provisions of the Emergency Natural Gas Act of 1977 and orders issued pursuant thereto. The issues raised by Laclede in its September 27, 1977, filing are without merit.

The Commission orders: (A) MRT's application for rehearing is granted.

(B) The FPC's letter order of September 30, 1977, in this docket, is vacated.

(C) Alternate Original Sheet No. 3B to MRT's Gas Tariff, First Revised Volume No. 1 is accepted for filing effective October 1, 1977.

(D) This proceeding is terminated.

(E) Illinois Power Company is hereby permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission: *Provided,* That participation by the specifically set forth in the petition to intervene: *Provided, further,* That the admission of petitioner shall not be construed as recognition by the Commission that petitioners might be aggrieved by any order or orders entered in this proceeding.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-5874 Filed 3-6-78; 8:45 am]

[18] Senator Stevenson, Senate manager of ENGA, stated, Cong. Rec. S1670 (January 31, 1977): This measure, which we act upon today, is also a measure to protect the country for next winter because it will, through its pricing provisions, enable the interstate pipeline companies to buy such stores of natural gas as are available and restock their depleted natural gas storage facilities.

[6740-02]

[Docket No. RI72-250; Rate Schedule Nos. 318 and 415]

MOBIL OIL CORP.

Order Terminating Suspension Proceeding and Directing Refunds

FEBRUARY 27, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by Section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977 by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR——: *Provided,* That this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

On May 25, 1972, the Commission[1] issued an order in Docket No. RI72-250 which suspended Mobil Oil Corp.'s (Mobil) proposed changes in rate under its Rate Schedule Nos. 318 and 415[2] and permitted Mobil to collect these rates subject to refund pending a determination as to whether under Opinion No. 595[3] the old or new gas rate was applicable. By instituting rate renewal pricing in Opinion No. 639[4] and the subsequent filing or replacement contracts by Mobil, the question of applicable rate ceiling has been resolved.

Specifically, Mobil has filed for unilateral increases[5] in their Rate Schedule Nos. 318 and 415 from 19¢ to 24¢ which was the new gas ceiling rate established in Opinion No. 595. Mobil claimed that the gas sold subsequent to the expiration of their contracts was surplus gas and as a new dedication was entitled to the new gas rate. These filings were made prior to the Commission's adoption of its "rollover" policy. The Commission suspended Mobil's proposed changes[6] and permitted Mobil to collect these increased rates subject to refund pending determination of the appropriate rate.

Following these suspensions, the Commission issued Opinion No. 639, announcing its intention to apply literally the vintaging provisions of previous area rate opinions. "The new gas ceiling may be applied upon execution of a new contract for deliveries of gas previously certificated and dedicated to the interstate market under a contract which has expired by its own terms."[7]

Under the vintage policy set forth in Opinion No. 639, Mobil would not be entitled to collect the new gas price for these sales until it had entered into new replacement contracts with purchasers and such contracts had been filed with and accepted by the Commission. Mobil filed the appropriate replacement contracts under Rate Schedule Nos. 318 and 415; these contracts were accepted by the Commission.[8]

Therefore, it is now appropriate to terminate the suspension proceedings and require Mobil to refund with interest, those amounts collected in excess of the flowing gas ceiling rate[9] for the period involved prior to the acceptance of the new contracts.[10] Sales made from newly discovered reservoirs pursuant to Opinion No. 567[11] filings during such period are exempt from this refund requirement.

The Commission orders: (A) The suspension proceeding in Docket No. RI72-250 is terminated, without further Commission order, upon compliance by Mobil with the provisions of this order.

(B) Within thirty days of the issuance of this order, Mobil must refund, with 7 percent interest per annum for the period prior to October 10, 1974, and with 9 percent for the period thereafter all amounts collected for the subject sales, except insofar as such sales were made pursuant to Opinion No. 567 filings, in excess of 19¢ per Mcf until October 1, 1973 and 20¢ per Mcf thereafter for the periods prior to November 16, 1973 under Rate Schedule No. 318 and prior to June 21, 1974, under Rate Schedule No. 415.

(C) With respect to such refunds mentioned in ordering paragraph (B), Mobil must:

(1) File three copies of a refund report showing all amounts collected in excess of the above rates, plus interest from the dates of collection to the date of the refund report,

(2) Disburse the respective refunds to the purchasers,

(3) File a copy of a release from each purchaser with respect to the refunds received.

(D) Upon notification by the Secretary, each purchaser is required (1) to credit the refunds received to their deferred purchase gas cost accounts: (2) to notify the Commission's Secretary: (3) to send a copy of the notifications to each of their customers and interested state regulatory commission.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

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[1] Prior to October 1, 1977, "the Commission" refers to the Federal Power Commission; subsequent to that date, it refers to the Federal Energy Regulatory Commission.

[2] Rate Schedule No. 318 involves a sale to Transcontinental Gas Pipeline Corp. from LaGloria Field, Jim Wells and Brooks Counties, Tex. Rate Schedule No. 415 involves a sale to Natural Gas Pipeline Co. of America from the TCB Field in Jim Wells County, Tex.

[3] Opinion No. 595, Opinion and Order Determining Just and Reasonable Rates for Natural Gas produced in the Texas Gulf Coast Area, issued May 6, 1971 in Docket Nos. AR64-2, et al.

[4] Opinion No. 639, Opinion and Order Denying Petitions To Amend Regulations Governing Sales in Interstate Commerce of Natural Gas Produced in the Appalachian and Illinois Basin Areas, issued December 12, 1972 in Docket No. R-371.

[5] Mobil's basic contracts had expired by their own terms at the time Mobil requested a rate increase.

[6] The proposed increase under Rate Schedule No. 318 was suspended until June 1, 1972, and the proposed increase under Rate Schedule No. 415 was suspended until May 28, 1972.

[7] Order Denying Applications for Rehearing and Granting Petitions to Intervene, Issued February 8, 1973 in Docket No. R-371.

[8] Rate Schedule No. 318 replacement contract was effective on November 16, 1973. Rate Schedule No. 415 replacement contract was effective on June 21, 1974.

[9] The flowing gas ceiling rate would be 19¢ until October 1, 1973 and 20¢ thereafter.

[10] The period should run from the date Mobil was permitted to collect these rates subject to refund to the date of acceptance of the replacement contract by the Commission. (June 1, 1972 to November 16, 1973 for Rate Schedule No. 318; May 28, 1972 to June 21, 1974 for Rate Schedule No. 415.)

[11] Opinion and Order Promulgating Statement of Policy Prescribing Base Area Rates and Initial Rates for Previously Committed Acreage, Amending Regulations and Denying Motion for Reconsideration, issued October 3, 1969 in Docket No. AR64-1 et al. The rate ceiling for producers drilling in newly discovered reservoirs on previously committed acreage was not determined by the contract date but by the date of discovery of the reservoir.

By the Commission. Commissioner Sheldon voted present.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-5875 Filed 3-6-78; 8:45 am]

[6740-02]

[Docket No. ER77-511]

NEW YORK POWER POOL

Order Granting Late Intervention

FEBRUARY 28, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977), and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR ——, *provided,* That this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above-mentioned authorities.

On August 1, 1977, the Federal Power Commission issued an order in the above-captioned docket accepting for filing and suspending for one day the effectiveness of the superseding New York power pool agreement containing increased rates and charges for power pool members. By order issued January 18, 1978, the Federal Energy Regulatory Commission set dates for the submittal of power pool's case-in-chief and the prehearing conference.

On February 1, 1978, the New York Public Service Commission (NYPSC) filed a late petition to intervene in this docket. The NYPSC states that it has jurisdiction over the retail sales of electric energy and power within New York State and that the power pool's proposed increased rates and charges may affect the retail sales under its jurisdiction. The Commission believes that the interests of petitioner are sufficient to warrant intervention.

The Commission finds: It is desirable and in the public interest to allow the above-named petitioner to intervene.

The Commission orders: (A) The above-named petitioner is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission: *Provided, however,* That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intevene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that the intervenor might be aggrieved because of any order or orders of the Commission entered in this proceeding and that the Petitioner accept the record as it presently stands.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-5876 Filed 3-6-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 863-7]

APPROVAL OF ALTERNATE WATER POLLUTANT TESTING PROCEDURE

Chemical Oxygen Demand (COD)

In accordance with § 136.5, 40 CFR Part 136, "Guidelines for Test Procedures for the Analysis of Pollutants" (FEDERAL REGISTER, Vol. 41, No. 233, Wednesday, December 1, 1976, pp. 52780-52786), the Oceanography International Corp. applied for approval of a new test procedure for the measurement of COD. The new procedure incorporates a modification of the digestion technique of the approved procedure in that it uses a semimicro volume of sample and reagents, sealed in a glass ampule, with reflux digestion performed in an oven.

After a through review and evaluation by the Environmental Protection Agency (EPA) of the results of a comparability testing study and other information submitted by the applicant in accordance with § 136.5, the EPA has designated the Oceanography International COD procedure as an approved alternate procedure for nationwide use. All information submitted by the applicant is on file and available for public inspection, to the extent consistent with 40 CFR Part 2 (the EPA's regulation implementing the Freedom of Information Act) at the Environmental Monitoring and Support Laboratory, 26 West St. Clair Street, Cincinnati, Ohio 45268.

As an approved alternate test procedure, the Oceanography International COD procedure is acceptable for use by any person required to use approved procedures under § 304(g) of the Federal Water Pollution Control Act Amendments of 1972. For such use, the procedure must be used in strict accordance with the methods descriptions. The approved methods descriptions and prepackaged reagent ampules are available for the standard, low value, and high chloride ampule COD procedures from Oceanography International Corp., P.O. Box 2980, 512 West Loop, College Station, Tex. 77840.

Additional information concerning this action may be obtained by writing to the Director, Environmental Monitoring and Support Laboratory, 26 West St. Clair Street, Cincinnati, Ohio 45268.

Dated: March 2, 1978.

STEPHEN J. GAGE,
Acting Assistant Administrator for Research and Development.

[FR Doc. 78-5965 Filed 3-6-78; 8:45 am]

[6560-01]

[OPP-180177; 864-2]

ARIZONA COOPERATIVE EXTENSION SERVICE

Issuance of a Specific Exemption To Use Paraquat To Desiccate Okra

The Environmental Protection Agency (EPA) has granted a specific exemption to the Arizona Cooperative Extension Service (hereafter referred to as the "Applicant") to use paraquat to desiccate 100 acres of okra in that State. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (WM-567), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, D.C. 20460.

According to the Applicant, one application of the herbicide paraquat is

needed because there has been insufficient frost in November; the frost usually matures the plants. The okra to be treated is being grown for seed purposes only, and therefore, will not be consumed by man or animals. According to the Applicant, the State of Arizona produces 80 percent of the Nation's okra seed on 100 acres in Maricopa County; these acres must be desiccated to provide uniform drying of the okra seed. The entire crop, valued at $50,000 by the Applicant, may be lost if a desiccant is not applied immediately. No adverse effects on man or the environment are anticipated as a result of this use pattern.

After reviewing the application and other available information, EPA has determined that (a) an emergency situation does exist in Arizona; (b) there is no pesticide presently registered and available for use to control the okra seed situation in Maricopa County; (c) there are no alternative methods of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the okra seed are not desiccated; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until January 31, 1978, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. Paraquat may be aerially applied at a dosage rate of 0.5 pound active ingredient per acre. All applicators must be State-certified;

2. Only okra grown for seed production is to be treated with paraquat;

3. All precaution must be taken to minimize drift to nontarget areas. Applications are not to be made where runoff is likely to occur;

4. All applicable label use directions, precautions, and restrictions must be adhered to;

5. The EPA shall be immediately informed of any adverse effects resulting from the use of paraquat in connection with this exemption; and

6. The State Board of Pesticide Control will be advised by the Applicant of the time and date of the application of paraquat. The Board is to assure that such application is in compliance with the conditions of this exemption.

STATUTORY AUTHORITY: Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136 et seq.).

Dated: March 2, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 78-5966 Filed 3-6-78; 8:45 am]

[6560-01]

[OPP-50359; FRL 864-7]

CHEMPAR CHEMICAL CO.

Issuance of Experimental Use Permit

The Environmental Protection Agency (EPA) has issued an experimental use permit to the following applicant. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 7173-EUP-8. Chempar Chemical Co., Inc., New York, N.Y. 10016. This experimental use permit allows the use of .015 pound of the rodenticide 3-[3-(4'-Bromo[1,1'-biphenyl]4-yl)3-hydroxy-1-phenylproply]-4-hydroxy-2*H*-1-benzopyran-2-one baits to evaluate control of rats and mice. The test is to be conducted on 12 indoor sites and 6 outdoor sites; the program is authorized only in the States of California, Florida, Michigan, New Jersey, New Mexico, New York, Ohio, and Texas. The experimental use permit is effective from January 26, 1978 to January 26, 1979.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, D.C. 20460. It is suggested that such interested persons call 202-755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. This file will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

(Section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.).)

Dated: February 28, 1978.

DOUGLAS D. CAMPT,
Acting Director, Registration Division.

[FR Doc. 78-5970 Filed 3-6-78; 8:45 am]

[6560-01]

[OPP-50360; FRL 864-8]

ELANCO PRODUCTS CO.

Issuance of Experimental Use Permits

The Environmental Protection Agency (EPA) has issued experimental use permits to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 1471-EUP-48. Elanco Products Co., Indianapolis, Ind. 46206. This experimental use permit allows the use of 1,558 pounds of the herbicide N-[[4(Dipropylamino)-3,5-dinitrophenyl]sulfonyl]-S, S-dimethylsul- filimine on turfgrasses to evaluate control of crabgrass. A total of 675 acres is involved; the program is authorized only in the States of Alabama, Arkansas, Arizona, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Missouri, Nebraska, Nevada, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, and Wisconsin. The experimental use permit is effective from February 1, 1978 to February 1, 1979.

No. 10464-EUP-3. Weyerhaeuser Co., Centralia, Wash. 98531. This experimental use permit allows the use of 1.5 pounds of the rodenticide Strychnine alkaloid in forest gopher holes to evaluate control of gophers. A total of 600 acres is involved; the program is authorized only in the State of Oregon. The experimental use permit is effective from February 25, 1978 to February 25, 1979.

No. 100-EUP-57. Ciba-Geigy Corp., Greensboro, N.C. 27409. This experimental use permit allows the use of 3,000 pounds of the insecticide/miticide Methidathion in or on stone and pome fruits and walnuts to evaluate control of various pests. A total of 1,000 acres is involved; the program is authorized only in the States of California, Oregon, Utah, and Washington. The experimental use permit is effective from February 8, 1978 to February 8, 1979. Temporary tolerances for residues of the active ingredient in or on pome fruits and stone fruits (except peaches) have been established.

No. 1016-EUP-34. Union Carbide Corp., Washington, D.C. 20006. This experimental use permit allows the use of 198 pounds of the insecticide Aldicarb on oranges to evaluate control of nematodes. A total of 25.9 acres is involved; the program is authorized only in the States of Arizona, California, Florida, and Texas. The experimental use permit is effective from January 30, 1978 to January 30, 1979. A permanent tolerance for residues of the active ingredient in or on oranges has been established (40 CFR 180.269). Food additive regulations for residues of the active ingredient in dried citrus pulp have been established (21 CFR 561.30).

No. 476-EUP-87. Stauffer Chemical Co., Richmond, Calif. 94804. This experimental use permit allows the use of 472.5 pounds of the herbicide S-Propyl dipropylthio- carbamate and 270 pounds of the herbicide N-Butyl-N-ethyl-alpha, alpha, alpha-trifluoro-2,6-dinitro-p-toludine through a center pivot application on peanuts to evaluate control of various annual grasses, broadleaf weeds, and perennial weeds. A total of 180 acres is involved; the program is authorized only in the States of Alabama, Florida, and Georgia. The experimental use permit is effective from January 27, 1978 to March 11, 1979. A permanent tolerance for residues of the active ingredient in or on peanuts has been established (40 CFR 180.240 and 40 CFR 180.208).

Interest parties wishing to review the experimental use permits are referred to Room E-315 Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, D.C. 20460. It is suggested that such interested persons call 202-755-4851 before visiting the EPA Headquarters Office so that the appropriate permits may be made conveniently available for review purposes.

These files will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

(Section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.).)

Dated: February 28, 1978.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc. 78-5971 Filed 3-6-78; 8:45 am]

[6560-01]

[PFT-25; FRL 864-6]

PESTICIDE PROGRAMS

Filing of Food Additive Petition

Chemagro Agricultural Division, Mobay Chemical Corp., P.O. Box 4913, Kansas City, Mo. 64120, has submitted a petition (FAP 8H5177) to the Environmental Protection Agency (EPA) which proposes that 21 CFR 193 and 21 CFR 561 be amended by establishing regulations relating to food and feed additives. Notice is given pursuant to the provisions of section 409(b)(5) of the Federal Food, Drug, and Cosmetic Act. The proposed amendments are as follows:

21 CFR 193.25. Proposes establishing a tolerance limitation of 2 parts per million (ppm) in sugarcane molasses for residues of the herbicide 4-amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4-triazin-5(4*H*)-one and its triazinone metabolites resulting from application of the herbicide to growing sugarcane in connection with a proposed experimental program.

21 CFR 561.41. Proposes establishing a tolerance limitation of 0.5 ppm in sugarcane bagasse for residues of the above herbicide and its triazinone metabolites resulting from application of the herbicide to growing sugarcane in connection with a proposed experimental program.

Interested persons are invited to submit written comments on this petition to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, room 401, East Tower, 401 M Street SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. Inquiries concerning this petition may be directed to the Special Registration Branch, Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone 202-755-4851. Written comments should bear a notation indicating the petition number "FAP 8H5177". Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the Office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: March 1, 1978.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc. 78-5969 Filed 3-6-78; 8:45 am]

[6560-01]

[PF-90; FRL 864-4]

PESTICIDE PROGRAMS

Filing of Food Additive Petition

Chemagro Agricultural Division, Mobay Chemical Corp., P.O. Box 4913, Kansas City, Mo. 64120, has submitted a petition (FAP 8H5176) to the Environmental Protection Agency (EPA) which proposes that 21 CFR 193 and 21 CFR 561 be amended by establishing regulations relating to food and/or feed additives. Notice is given pursuant to the provisions of section 409(b)(5) of the Federal Food, Drug, and Cosmetic Act. The proposed amendments are:

21 CFR 193.145. Proposes establishing regulation for residues of the bird repellent 3,5-dimethyl-4-(methylthio) phenol methylcarbamate and its cholinesterase inhibiting metabolites in or on raisins with a tolerance limitation of 25 parts per million.

21 CFR 561.175. Proposes establishing regulation for residues of the bird repellent 3,5-dimethyl-4-(methylthio) phenol methylcarbamate and its cholinesterase inhibiting metabolites in or on grape pomace (wet and dry) and raisin trash with a tolerance limitation of 75 parts per million.

Interested persons are invited to submit written comments on this petition to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, room 401, East Tower, 401 M Street SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. Inquiries concerning this petition may be directed to the Special Registration Branch, Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone at 202-755-4851. Written comments should bear a notation indicating the petition number "FAP 8H5176". Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m., Monday through Friday.

Dated: February 22, 1978.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc. 78-5968 Filed 3-6-78; 8:45 am]

[6560-01]

[OPP-30140A; FRL 864-5]

PESTICIDE PROGRAMS

Notice of Receipt of Applications To Register Pesticide Products Containing New Active Ingredients; Correction

In FR Doc. 77-34635 appearing at page 61516 in the issue of December 5, 1977, for Technical Pydrin Insecticide, EPA File Symbol 201-UNE, the name of the active ingredient is corrected from "Cyano (3-phenoxy-phenyl)-methyl-4-chloro-alpha-(1-methylethyl) benzene 90 percent" to "Cyano (3-phenoxyphenyl)methyl - 4 - chloro-alpha-(1-methylethyl) benzene-acetate 90 percent".

Dated: February 28, 1978.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc. 78-5967 Filed 3-6-78; 8:45 am]

[6560-01]

[OPP-30000/22A; FRL 865-3]

REBUTTABLE PRESUMPTION AGAINST REGISTRATION AND CONTINUED REGISTRATION OF CERTAIN PESTICIDE PRODUCTS CONTAINING ETHYLENE OXIDE

Extension of Period for Submission of Rebuttal Evidence and Comments

On January 17, 1978, the Environmental Protection Agency (EPA) issued a notice of presumption against registration and continued registration of pesticide products containing the ingredient ethylene oxide. This notice was published in the FEDERAL REGISTER on January 27, 1978 (42 FR 3801). The regulations governing rebuttable presumptions provide that the applicant or registrants of such pesticide products shall have forty-five (45) days from the date such notice is sent to submit evidence in rebuttal of the presumptions. However, for good cause shown, an additional sixty (60) days may be granted in which such evidence may be submitted (40 CFR 162.11(a)(1)(i)).

The Agency has received numerous requests for a 60-day extension of the rebuttal period. Specifically these requests are supported by several stated needs for the additional time:

1. Generating exposure data through on-site monitoring;
2. Compiling available data on exposure, benefits, extent of use, and costs impacts;
3. Developing data concerning advantages or disadvantages of alternative methods of sterilization;
4. Collecting and analyzing the numerous references; and
5. Making available the proceedings from a recent symposium on the hospital use of ethylene oxide as a sterilant.

The Agency agrees that additional time would be beneficial to ensure the submission of a complete and accurate response to the notice of presumption. Therefore, because good cause has been shown, interested persons shall have until May 15, 1978, to submit rebuttal evidence and other comments or information. Such evidence, comments, or other information relevant to the presumption against registration and continued registration should be submitted to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, room 401, East Tower, 401 M Street SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the efforts of the Agency and of others interested in them. All comments should bear the identifying notation "OPP-30000/22A". Comments and information received on or before May 15, 1978, shall be considered before it is determined whether a notice shall be issued in accordance with 40 CFR 162.11(a)(5)(ii) and 7 U.S.C. 135(a)(c)(6) or 7 U.S.C. 136(d)(b)(1). Comments received after May 15, 1978, shall be considered only to the extent feasible consistent with the time limits imposed by 40 CFR 162.11(a)(5)(ii). All written comments filed pursuant to this notice will be available for public inspection in the Office of the Federal Register Section at the above address from 8:30 a.m. to 4 p.m. on normal business days. The file supporting the Agency's presumption against this presticide is available for public inspection in the Office of Special Pesticide Reviews, room 447, East Tower, during the same time period.

Dated: March 1, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 78-5972 Filed 3-6-78; 8:45 am]

[6560-01]

[FRL 863-6]

STATE GRANTS FOR SURFACE IMPOUNDMENT ASSESSMENT PITS, PONDS, AND LAGOONS

Grant Availability

This is to provide notice that the Environmental Protection Agency (EPA) will accept grant applications from those States that are interested in participating in a national study to be known as the Surface Impoundment Assessment. A "surface impoundment" is a natural topographic depression, artificial excavation, or dike arrangement which: (1) is used primarily for storage, treatment, or disposal of wastes in the form of fluid, (2) is constructed above, below, or partially in the ground, and (3) may or may not have a permeable bottom and/or sides allowing infiltration of its contents. Examples of surface impoundments are pits, ponds, and lagoons.

EPA, with the assistance of participating States, will conduct a national assessment to include: a compilation of national data on existing and potential ground water contamination attributable to surface impoundments; an evaluation of existing and potential ground water pollution problems resulting from the use of surface impoundments; a recommended national approach to address ground water contamination resulting from surface impoundments; and identification of any additional necessary areas of study. EPA will insure that this is coordinated with the open dump inventory to be conducted under the authority of the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act (Pub. L. 94-580).

Grants will be made under section 1442(b)(3)(C) of the Safe Drinking Water Act, Pub. L. 93-523. The total amount available to the States for this program is $5,000,000, which will be distributed among the States by a formula taking into consideration ground water use, population, number of manufacturing establishments, area, oil and gas sites and mining sites. However, a State's and Territories allotment will not be less than $50,000 and $30,000, respectively, nor greater than $200,000. EPA will provide 100 percent grant funding up to the amount of the State's Allotment.

Guidelines regarding application submission and program information will be made available to the States by the respective Regional Administrator. The grant application shall include the State's program plan which sets forth the tasks, resources, outputs and schedule for completing the assessment of surface impoundments.

EPA Regional Offices will provide assistance to the States in the development of these plans and will negotiate with the States to allow maximum State flexibility in accomplishing the assessment. The deadline for receipt of the grant application in the Regional Office is 90 days from the date of this notice. All grants awarded are subject to the EPA General Regulations (40 CFR Part 30) and special grant conditions. EPA will conduct several Regional training sessions for State participants following the grant application period. State participation in the assessment is scheduled for completion by October 1, 1979. During that period semi-annual reports are required from participating States. The final national report is scheduled for completion in June 1980. Those States interested in participating in the assessment and desiring more information on available grants should contact their EPA Regional Office, Water Supply Program.

Dated: March 2, 1978.

THOMAS C. JORLING,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc. 78-5964 Filed 3-6-78; 8:45 am]

[6560-01]

[OPP-00069; FRL 863-8]

STATE-FEDERAL FIFRA IMPLEMENTATION ADVISORY COMMITTEE (SFFIAC)

Meeting

AGENCY: Environmental Protection Agency (EPA), Office of Pesticide Programs.

ACTION: Notice of open meeting.

SUMMARY: There will be a meeting of the State-Federal FIFRA Implementation Advisory Committee on Monday, April 3, 1978, from 8:30 a.m. to 4:30 p.m. The meeting will be held in Room 3906-3908 Waterside Mall, 401 M Street SW., Washington, D.C., and will be open to the public.

FOR FURTHER INFORMATION CONTACT:

Mr. P. H. Gray, Jr., SFFIAC Executive Secretary, Operations Division (WH-570), Office of Pesticide Programs, Room E-507, EPA, 401 N Street SW., Washington, D.C. 20460, telephone 202-755-7014.

SUPPLEMENTARY INFORMATION: This is the ninth meeting of the full Committee. The draft agenda thus far includes the following topics:

1. Action items from previous meeting;
2. Regional reports;
3. Report of Chairman of Task Group for Pesticide Tolerance Grouping;
4. Working Group reports; and
5. Future of Federal-State relationship following expiration of the SFFIAC charter.

Dated: March 1, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 78-5963 Filed 3-6-78; 8:45 am]

[6560-01]

[FRL 853-4]

CALIFORNIA STATE MOTOR VEHICLE POLLUTION CONTROL STANDARDS

Waiver of Federal Preemption

I. INTRODUCTION

By this decision, issued under section 209(b) of the Clean Air Act, as amended (hereinafter "the Act"),[1] I

[1] 42 U.S.C. § 7543(b)(1977).

am granting the State of California a waiver of Federal preemption with regard to the following enforcement procedures:

(1) Assembly line test procedures set forth in section 2056 of title 13 of the California Administrative Code, adopted January 25, 1977, and in "California Assembly Line Test Procedures for 1978 Model Year Passenger Cars, Light Duty Trucks and Medium Duty Vehicles," adopted January 25, 1977, for 1978 model year medium duty vehicles and diesel-powered light duty trucks;

(2) California's compliance testing program under section 2100 et seq. of title 13 of the California Administrative Code and "California New Motor Vehicle Compliance Test Procedures," adopted June 24, 1976 (hereinafter "13 C.A.C. § 2100 et seq."), for 1978 through 1982 model year medium duty vehicles and diesel-powered light duty trucks and for 1979 through 1982 model year gasoline-powered light duty trucks; and

(3) California's new motor vehicle inspection program under 13 C.A.C. § 2100 et seq., adopted June 24, 1976, as amended June 30, 1977, for 1978 through 1982 model year medium duty vehicles and diesel-powered light duty trucks, for 1979 through 1982 model year gasoline-powered light duty trucks and for 1978 and subsequent model year heavy duty motor vehicles and engines.

Under section 209(b)(1) of the Act, when California requests a waiver of Federal preemption as to enforcement procedures which will accompany standards for which a waiver has already been granted and is still in effect, I must grant the requested waiver unless I find that (1) the procedures may cause the California standards, in the aggregate, to be less protective of public health and welfare than the applicable Federal standards[2] or (2) the California standards and accompanying enforcement procedures are not consistent with section 202(a) of the Act. With regard to the first finding, if the public record of the proceedings before me contains plausible evidence that the California enforcement procedures may cause the California standards, in the aggregate, to be less protective than the corresponding Federal standards, then I may deny the waiver if: (1) California did not make a positive determination as to the protectiveness of the standards when coupled with the new enforcement procedures of (2) California did make such a determination, and the record contains clear and compelling evidence that its determination is arbitrary and capricious. With regard to the second finding, State enforcement procedures are deemed not to be consistent with section 202(a) if there is inadequate lead time to permit the implementation of the requisite procedures, giving appropriate consideration to the cost of compliance within that time frame, or if the Federal and California test procedures are inconsistent. I cannot make the findings required for the denial of the waiver under section 209(b)(1) of the Act with respect to any of the foregoing California enforcement procedures.

II. Background

On January 25, 1977, the California Air Resources Board (CARB) adopted assembly line test procedures, one of the three separate programs under consideration herein, for 1978 model year light duty trucks and medium duty vehicles and gasoline-powered passenger cars.[3] These procedures consist of an inspection of every vehicle, including a steady state or "short" emissions test, and quality audit testing of two percent of production, conducted according to the full California exhaust emission test procedures. California requested a waiver of Federal preemption for assembly line testing on February 14, 1977.[4] Prior to the public hearing regarding this waiver request, I determined that these procedures as they apply to 1978 model year gasoline-powered passenger cars and light duty trucks fall within the scope of a waiver currently in effect and, thus, do not require a new waiver.[5] Therefore, this decision only concerns assembly line test procedures applicable to 1978 model year medium duty vehicles and diesel-powered light duty trucks.[6]

On June 24, 1976, CARB adopted compliance testing and inspection procedures applicable to 1977 and subsequent model year motor vehicles.[7] Compliance testing consists of exhaust emission tests conducted by the CARB on randomly selected production vehicles. The procedures are restricted to vehicle classes subject to quality audit testing.[8] California requested a waiver of Federal preemption for these procedures and for its program to inspect production vehicles, discussed below, on July 19, 1976.[9]

Several subsequent actions served to narrow and revise this waiver request. First, I determined that both compliance testing and inspection, as they applied to 1977 and 1978 gasoline-powered passenger cars and light duty trucks fell within the scope of a waiver currently in effect and, thus, did not require a public hearing or a new waiver.[10] Secondly, the CARB decided

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[2] Since section 209(b)(1) of the Clean Air Act refers explicitly to enforcement procedures only in subparagraph (C), one might argue that it requires only a numerical comparison of California and Federal standards for a determination of their relative protectiveness. Some enforcement procedures, however, could conceivably cause the California standards to be less protective, in the aggregate, then the applicable Federal standards. The spirit of section 209(b)(1) and its legislative history indicate that, in such cases, California should make, and I should review under section 209(b)(1)(A), a determination that the California standards are at least as protective, in the aggregate, when coupled with the new enforcement procedures, as the applicable Federal standards. See H.R. Rep. No. 95-294, 95th Cong., 1st Sess. 301-302 (1977); S. Rep. No. 403, 90th Cong., 1st Sess. 33-34 (1967).

[3] 13 Cal. Admin. Code § 2056 and "California Assembly-Line Test Procedures for 1978 Model Year Passenger Cars, Light Duty Trucks and Medium Duty Vehicles" (January 25, 1977). For the 1978 model year, diesel-powered passenger cars are not subject to assembly line testing.

[4] Letter from Mr. William H. Lewis, Jr., Executive Officer, California Air Resources Board (CARB), to Administrator, Environmental Protection Agency (EPA) (February 14, 1977).

[5] 42 FR 19372 (April 13, 1977); Letter from Stanley W. Legro, [Former] Assistant Administrator for Enforcement, EPA, to Mr. William H. Lewis, Jr., Executive Officer of the CARB (April 8, 1977). California had previously been granted a waiver of Federal preemption with respect to its assembly line test requirements applicable to 1976 and subsequent model year gasoline-powered passenger cars and light duty trucks. 40 FR 23102, 23105 (May 28, 1975). EPA subsequently determined that certain minor technical and administrative amendments to the California assembly line test procedures for the 1977 model year fell within the scope of that waiver and did not require a new waiver prior to being enforced by California. 42 FR 1503, 1504 (January 7, 1977).

[6] With the exception of minor language changes and restructuring, the only changes in the 1978 model year California assembly line test procedures pertaining to gasoline-powered passenger cars and light duty trucks concerned the selection of four wheel drive vehicles and the inclusion of statutory penalties if an engine family fails a quality audit test. The two options for evaluating quality audit testing were continued for an additional year since insufficient data precluded an evaluation of the comparative benefits of the two options. Because the foregoing items involve revisions of a minor technical or administrative nature, they fall within the scope of waivers presently in effect and do not require a new waiver. See note 3, supra.

[7] 13 Cal. Admin. Code § 2100 et seq. and "California New Motor Vehicle Compliance Test Procedures" (June 24, 1976). These procedures do not apply to diesel-powered passenger cars until the 1980 model year.

[8] "California New Motor Vehicle Compliance Test Procedures" 1-3 (June 24, 1976).

[9] Letter from Mr. William H. Lewis, Jr., Executive Officer, CARB, to Mr. Russell Train, [Former] Administrator, EPA (July 19, 1976).

[10] 42 FR 19372 (April 13, 1977); Letter from Stanley W. Legro, [Former] Assistant Administrator for Enforcement, EPA, to Mr. William H. Lewis, Jr., Executive Officer,

to revise these procedures as they apply to motorcycles and asked the Environmental Protection Agency (EPA) to exclude motorcycles from the compliance testing and inspection waiver request.[11]

Pursuant to notice published in the FEDERAL REGISTER,[12] a public hearing was held on May 16, 1977, to consider these waiver requests. Following the hearing, in response to concerns about the scope of the new motor vehicle inspection program,[13] the CARB amended its regulations to limit the actual inspection to a check for the presence of specified emissions related components and for the accuracy of certain adjustments, parts numbers and labels.[14] Also, after the May 16, 1977 public hearing, the CARB notified the EPA of its intention to exclude heavy duty vehicles and engines from its compliance testing program.[15]

Thus, despite the use of the broad term "motor vehicles" in 13 C.A.C. § 2100 et seq., the scope of the compliance testing and inspection waiver request had been limited to the following items:

(1) Compliance testing for 1978 and subsequent model year medium duty vehicles and diesel-powered light duty trucks,

(2) Compliance testing for 1979 model year gasoline-powered passenger cars and light duty trucks and for 1980 and subsequent model year passenger cars and gasoline-powered light duty trucks,

(3) Inspection procedures for the vehicle classes in items (1) and (2), and

(4) Inspection procedures for 1978 and subsequent model year heavy duty vehicles and engines.

I am currently considering waiver requests for exhaust emission standards applicable to 1979 and subsequent model year passenger cars and to 1983 and subsequent model year light duty trucks and medium duty vehicles. Accordingly, the waiver request with regard to compliance testing and inspection for these classes of motor vehicles will be considered in connection with the underlying standards.

Prior to my acting on the assembly line testing and the compliance testing and inspection waiver requests, Congress enacted the Clean Air Act Amendments of 1977 (hereinafter "the Amendments").[16] EPA determined that the Amendments applied to the consideration of each of the foregoing waiver requests and held a public hearing on October 13, 1977.[17]

III. DISCUSSION

Public Health and Welfare. When California requests a waiver of Federal preemption for enforcement procedures designed to assure compliance with standards for which a waiver of Federal preemption is currently in effect, I must grant the waiver unless the public record of the proceedings before me contains plausible evidence that the adoption of the enforcement procedures may cause the underlying standards to be less protective, in the aggregate, than the applicable Federal standards. In this latter event, section 209(b)(1) of the Act would require California to have made a positive public health and welfare determination. If it had done so, I would be able to deny the waiver only if the record contained clear and compelling evidence that California's determination was arbitrary and capricious.

All exhaust emission standards to be enforced by the enforcement procedures under consideration in this decision have received waivers of Federal preemption which are still in effect.[18] The public record contains no evidence that these procedures reduce the protectiveness of these standards. Accordingly, California was not required to make any additional public health and welfare determinations in conjunction with these waiver requests. And, I find no basis for denying the waivers on this issue.

Consistency. Under section 209(b)(1)(C) of the Act, I also must deny a California waiver request if I find that California's "accompanying enforcement procedures are not consistent with section 202(a)" of the Act. For the purpose of clarity, I will address each enforcement procedure separately.

With regard to assembly line testing, all lead time concerns raised by the manufacturers only apply to medium duty vehicles and have been resolved by the CARB's agreement, reiterated at the hearing, to limit assembly line testing for enforcement purposes to those 1978 medium duty vehicle configurations selected for certification testing.[19] For the remaining medium duty vehicle configurations, the CARB will only use assembly line test data for informational, rather than for enforcement, purposes.[20] Under these circumstances, I cannot find that there is unavailable to the manufacturers sufficient lead time to permit California to use assembly line testing for enforcement purposes.

Turning to the questions of available technology, General Motors contended that problems existed in measuring hydrocarbon emissions from diesel-powered medium duty vehicles and light duty trucks under each of the two types of tests performed in the assembly line test program.[21] The issue

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Continued

CARB (April 8, 1977). I determined that the compliance testing and inspection of 1977 and 1978 model year gasoline-powered passenger cars and light duty trucks fall within the scope of the waiver of Federal preemption pertaining to assembly line test requirements applicable to 1976 and subsequent model year gasoline-powered passenger cars and light duty trucks. See 40 FR 23102, 23105 (May 28, 1975).

[11] Mailgram from Kingsely Macomber, Chief Counsel for the CARB, to Benjamin Jackson [Director], Mobile Source Enforcement Division, EPA (May 2, 1977).

[12] 42 FR 19372 (April 13, 1977).

[13] Transcript of Public Hearing on California Waiver Request 28-35, 50-52, 63-64 (May 16-20, 1977) [hereinafter "Tr."].

[14] Amendments to 13 Cal. Admin. Code § 2101(d) (June 30, 1977). I have previously determined that these amendments fall within the scope of this waiver request, and/or within the scope of waivers currently in effect, and therefore do not require further opportunity for public hearing. 42 FR 36009 (July 13, 1977); Letter from Norman D. Shutler, Deputy Assistant Administrator for Mobile Source and Noise Enforcement, EPA, to Mr. William H. Lewis, Jr., Executive Officer, CARB (July 7, 1977).

[15] Letter from Mr. William H. Lewis, Jr., Executive Officer, CARB, to Douglas, Costle, Administrator, EPA (July 6, 1977).

[16] Pub. L. 95-95, 91 Stat. 685 (August 7, 1977).

[17] 42 FR 45942, 45943 (September 13, 1977).

[18] See 42 FR 1503 (January 7, 1977) pertaining to 1978 model year diesel-powered light duty trucks; 42 FR 2337 (January 11, 1977) pertaining to 1978 model year medium duty vehicles; 43 FR 1829 (January 12, 1978) pertaining to 1979 through 1982 model year light duty trucks and medium duty vehicles; Letter from Stanley W. Legro, [Former] Assistant Administrator for Enforcement, EPA, to Mr. William H. Lewis, Jr., Executive Officer, CARB (October 15, 1975) pertaining to 1978 model year heavy duty vehicles and engines; 42 FR 31639 (June 22, 1977) pertaining to 1979 model year heavy duty motor vehicles and engines; and 42 FR 31637 (June 22, 1977) pertaining to 1980 and subsequent model year heavy duty motor vehicles and engines.

[19] Tr. 21-22. Under section 7 of the California exhaust emission standards and test procedures for 1978 model year medium duty vehicles, the only medium duty vehicles actually tested for certification are those prototypes projected to have the highest sales volume. This limitation recognized the manufacturers' contention that inadequate lead time prevented certification testing for each medium duty vehicle engine family. See CARB Staff Report 77-12-2 at 5 (May 26, 1977).

[20] Tr. 22. A change in the selection procedures for medium duty vehicles, brought to my attention after the public hearing, allows random selection as opposed to continuous or stratification selection, of the quality audit test data vehicles as long as 65 percent of the chosen vehicles are from certification configurations. *See* "Notice from the CARB to all Light and Medium Duty Manufacturers" (May 27, 1977). I have previously determined that this change is of an administrative nature and falls within the scope of the waiver request under consideration herein. 42 FR 36009 (July 13, 1977).

[21] See generally Tr. 36-47; Letter from T. M. Fisher, Director, Automotive Emission Control for General Motors to Benjamin R. Jackson, Director, Mobile Source Enforcement Division, EPA, 4-6 (June 17, 1977) [hereinafter "GM Submission"]. General Motors is the only manufacturer of diesel-powered light duty trucks and diesel-powered medium duty vehicles. Tr. 22.

of available technology usually focuses on the ability to meet a standard by controlling emissions. General Motors' objection herein, concerning variabilities in making meaningful hydrocarbon measurements, is only of secondary concern. In any case, based on the following discussion, I find that General Motors' contentions have been resolved.

With regard to quality audit testing, General Motors argued that uncertainties in diesel hydrocarbon measurements under the certification test procedures justified using the quality audit data for these diesel-powered motor vehicles for informational purposes only during the 1978 model year.[22] However, recent improvements in the heated hydrocarbon sampling system have considerably reduced the variability in diesel hydrocarbon measurement to the extent that the variability is less than that commonly observed in gasoline engine emission measurement.[23] These improvements have been communicated to the manufacturers to aid in improving correlation in their laboratories.[24] Thus, the degree of certainty in diesel hydrocarbon measurement which is needed for certification should also be attainable by the manufacturers while performing quality audit testing.

Second, GM contends that nondispersive infrared (NDIR) analyzers with unheated sample lines, presently used in idle test gasoline hydrocarbon measurement, do not yield meaningful hydrocarbon measurements for diesel engines.[25] GM felt this tendency might lead to California initiating enforcement proceedings when the vehicles in question did not in fact exceed the applicable hydrocarbon standard. However, current NDIR diesel hydrocarbon measurements tend to indicate a lesser hydrocarbon concentration than is actually present or than would be shown by a more sophisticated flame ionization detector, especially when using a heated sampling system.[26] Thus, General Motor's concern is unfounded.

With regard to compliance testing, Ford objected to the possibility that 1978 medium duty vehicles, which were not tested during certification or on the assembly line, would be subjected to compliance testing.[27] Two statements made on the hearing record[28] by the CARB, and acknowledged by Ford,[29] resolve this matter. First, the CARB agreed to restrict compliance testing of 1978 model year medium duty vehicles to those configurations tested for certification.[30] Second, the California New Vehicle Compliance Test Procedures apply only to an engine family or subgroup evaluated in accordance with the quality audit evaluation procedure used during assembly line testing.[31] Thus, because these medium duty vehicle subgroups, which are not subject to certification testing, are not subject to a quality audit evaluation for enforcement purposes,[32] they are not subject to compliance testing for enforcement purposes. Therefore, the alleged lead time problems associated with the 1978 medium duty vehicle subgroups not subject to certification or assembly line testing do not present an issue herein.

GM contended that the statistical possibility of an entire engine family failing a compliance test as a result of the CARB's authority to compliance test an engine family subgroup created a consistency problem.[33] However, such an argument, pertaining to a statistical consistency between California's certification and enforcement testing programs, is not germane to the consistency issue as I have interpreted it in prior decisions as GM failed to demonstrate a conflict between California and Federal test procedures.[34] Therefore, I cannot find California's compliance testing program to be inconsistent with section 202(a) of the Act.

Lastly, in the absence of lead time or technology objections to California's inspection program, I cannot find that it is inconsistent with section 202(a) of the Act.

Objections to granting the waivers. Initially, General Motors contended the inspection procedures included unspecified broad inspection authority, including the right to conduct steady state emission testing.[35] However, the CARB's subsequent comments at the hearing, incorporated in California's June 30, 1977, amendments, clarified the nature of the inspection procedures and allayed General Motors' concern.[36]

Ford contended that EPA must take into consideration the possibility of other States adopting assembly line testing under section 177 of the Act.[37] I cannot accept this contention because the assembly-line waiver request herein does not extend to assembly line testing for model years with respect to which section 177 would permit States other than California to adopt California standards. In any event, I have previously held that section 209(b) of the Act sets forth the only grounds on which I can deny a waiver request. The possibility of other states acting under section 177 is not one of those grounds.[38]

IV. Findings and Decision

Having given due consideration to the record of the public hearings, all material submitted for the record, and other relevant information, I have determined that I cannot make the findings required for a denial of a waiver under section 209(b)(1) of the Act, and therefore, I hereby waive application of section 209(a) of the Act to the State of California with respect to the following enforcement procedures:

(1) Assembly line test procedures set forth in section 2056 of title 13 of the California Administrative Code adopted January 25, 1977, and in "California Assembly Line Test Procedures for 1978 Model Year Passenger Cars, Light Duty Trucks and Medium Duty Vehicles," adopted January 25, 1977, for 1978 model year medium duty vehicles and diesel-powered light duty trucks,

(2) California's compliance testing program under section 2100 et seq. of

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[22] Tr. 37; GM Submission 4. General Motors contended that problems with heating of the continuous hydrocarbon sample line and with the filter placed in the line to remove particulate matter from the exhaust sample led to results in its testing laboratories which failed to correlate with the results obtained in EPA laboratories. See Tr. 37, 39-44, 46-47; GM Submission 4-6.

[23] Memorandum on Light and Medium Duty Diesel Hydrocarbon Measurement from Charles Gray, Chief, Standards Development and Support Branch, EPA, to James McNab III, Mobile Source Enforcement Division, EPA, 2-3 (June 30, 1977) [hereinafter "Technical Memo"].

[24] Id.

[25] Tr. 37-38, 44.

[26] Technical Memo 1.

[27] Tr. 62; see generally Tr. 59-62.

[28] Tr. 24, 64-66.

[29] Tr. 65-66.

[30] Tr. 24.

[31] 13 Cal. Admin. Code § 2101(b) which incorporates by reference "California New Vehicle Compliance Test Procedures" (June 24, 1976).

[32] Tr. 24, 64-66; see "California Assembly Line Test Procedures for the 1978 Model Year Passenger Cars, Light Duty Trucks and Medium Duty Vehicles," incorporated by reference in Cal. Admin. Code § 2056 (January 25, 1977).

[33] Tr. 48-50, 53-56. GM Submission 1-3. General Motors contended that a subgroup whose engine family passed the 90 percent quality audit option of assembly line testing had a probability from zero to over 60 percent of failing a compliance test. Id. Instead of viewing this as an unfair penalty as General Motors did, I feel this argument supports the need for a compliance test to insure the accuracy of assembly line testing.

[34] 43 FR 1829, 1830 (January 12, 1978).

[35] Tr. 50-52; GM Submission 1.

[36] GM Submission 1.

[37] Statement of Ford Motor Co.: Effect of section 177 of the Clean Air Act (Act), as amended, on Proceedings Conducted Pursuant to section 209(b) of the Act (October 13, 1977); Transcript of Public hearing on California Waiver Request 144-148 (October 13, 1977).

[38] 43 FR 1829, 1833 (January 12, 1978).

title 13 of the California Administrative Code and "California New Motor Vehicle Compliance Test Procedures," adopted June 24, 1976, for 1978 through 1982 model year medium duty vehicles and diesel-powered light duty trucks and for 1979 through 1982 model year gasoline-powered light duty trucks, and

(3) California's new motor vehicle inspection program under section 2100 et seq. of title 13 of the California Administrative Code adopted June 24, 1976, as amended June 30, 1977, for 1978 through 1982 model year medium duty vehicles and diesel-powered light duty trucks, for 1979 through 1982 model year gasoline-powered light duty trucks and for 1978 and subsequent model year heavy duty motor vehicles and engines.

A copy of the above standards and procedures, as well as the record of the hearing and those documents used in arriving at this decision, is available for public inspection during normal working hours (8 a.m. to 4:30 p.m.) at the U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2933 (EPA Library), 401 M Street SW., Washington, D.C. 20460. Copies of the standards and test procedures are also available upon request from the California Air Resources Board, 1102 Q Street, P.O. Box 2815, Sacramento, Calif. 95812.

Dated: February 28, 1978.

DOUGLAS M. COSTLE,
Administrator.

[FR Doc. 78-5822 Filed 3-6-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 78-122; Transmittal No. 4300]

RCA GLOBAL COMMUNICATIONS

Memorandum Opinion and Order

Adopted: February 17, 1978.

Released: February 27, 1978.

In the Matter of RCA Global Communications, Inc., proposed revisions to Tariff F.C.C. No. 58 establishing charges for certain leased channel services between San Francisco, Calif., and Honolulu, Hawaii.

1. Before the Commission for consideration is RCA Global Communications, Inc. (Globcom) Transmittal No. 4300, filed December 14, 1977, containing proposed tariff revisions reducing the monthly rate for Alternate Voce/Data (AVD) leased channel service between San Francisco, Calif., and Honolulu, Hawaii, from $2,920 to $2,735.[1] The proposed reduced rates are the same as those filed by Western Union International, Inc. (WUI) which were to become effective January 23, 1978. Globcom's proposed rates are scheduled to become effective February 23, 1978.

2. By Memorandum Opinion and Order, FCC 78-37, released January 27, 1978, we suspended the WUI proposed rated reduction for the maximum statutory period for the reasons set forth in the order. A review of the Globcom transmittal reveals that the concerns we noted regarding the WUI filing also exist in Globcom's filing. Moreover, the deficiency between Globcom's own estimated revenue requirement and the proposed rate is greater than that identified by WUI. Thus, it is clear, the Commission cannot conclude that the proposed rate is reasonable as contemplated by the Communications Act, 47 U.S.C. 201. Although legitimate questions exist as to the reasonableness of the rate, we do not believe that the Globcom filing warrants rejection. However, we believe that this filing should be treated the same as the WUI filing which it proposes to match.[2]

3. *Accordingly, it is ordered,* That pursuant to section 204 of the Communications Act of 1934, as amended, the tariff revisions filed by RCA Global Communications, Inc., in Transmittal No. 4300, are hereby suspended until July 23, 1978;

4. *It is further ordered,* That by separate order, an investigation into the lawfulness of the tariff revisions filed by RCA Global Communications, Inc., in Transmittal No. 4300 including any revisions thereof shall be instituted;

5. *It is further ordered,* That the Secretary shall send a copy of this order by certified mail, return receipt requested, to RCA Global Communications, Inc., and shall cause a copy to be published in the FEDERAL REGISTER.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-5833 Filed 3-6-78; 8:45 am]

[6712-01]

[FCC 78-37; Transmittal No. 1192]

WESTERN UNION INTERNATIONAL, INC.

Memorandum Opinion and Order

Adopted: January 19, 1978.

Released: January 27, 1978.

In the matter of Western Union International, Inc., proposed revisions to Tariff FCC No. 4 establishing charges for certain leased channel services between San Francisco, Calif., and Honolulu, Hawaii.

1. Before the Commission for consideration are: (a) Tariff Transmittal No. 1192 of Western Union International, Inc. (WUI); (b) a Petition to Reject, filed November 9, 1977, by Hawaiian Telephone Co. (HTC); (c) Comments, filed November 9, 1977, by American Telephone & Telegraph Co. (AT&T); (d) an Opposition, filed December 9, 1977, by WUI; and (e) Comments, filed December 9, 1977, by WUI. Transmittal No. 1192 contains proposed tariff revisions reducing the monthly per channel rate for Alternate Voice/Data (AVD) leased channel service between San Francisco, Calif. and Honolulu, Hawaii from $2,965 to $2,735. The proposed tariff revisions are scheduled to become effective on January 20, 1978.

2. In support of its Petition to Reject HTC refers to our Order on WUI Transmittal No. 1142 released on September 15, 1977, which permitted the existing rate to become effective, but which stated that the reasonableness of the rate, including the rate of return, would be set for investigation by separate order.[1] HTC argues that since we were unable to determine whether the existing rate was just and reasonable and made the rate subject to hearing, that the present proposal is a challenge to the Commission's regulatory authority and the orderly dispatch of the Commission's business. HTC asserts that the preservation of the Commission's process is, in and of itself, sufficient reason for rejection of the present proposal. HTC also argues that WUI's cost support data fails to show actual costs it will incur for maintenance and operations, utilizes a fictitious 100 percent fill factor, and that modifications to the cost support data submitted to justify the existing rate are not supported. HTC concludes that such deficiencies demonstrate that WUI ratemaking standards are mere mathematical exercises which should be rejected.

3. In its comments, AT&T also refers to that same Order, "Western Union International", supra, which calls for an investigation of the current rate. AT&T suggests, that if the proposed rate becomes effective, the rate be included in the consolidated hearing we have called for concerning the recent reductions in the AVD rate between Hawaii and the Mainland.[2] AT&T asserts that WUI's use of the General

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[1] The current rate of $2,920 is presently subject to investigation as to its reasonableness. "RCA Global Communications", FCC 77-749, released November 2, 1977.

[2] See paragraphs 6 and 7 of our January 27, 1978, order, supra, for a broader discussion of the basis of our action.

[1] "Western Union International," FCC 77-621, released September 15, 1977. Transmittal No. 1142 contained tariff revisions implementing a rate reduction from $3,770 to $2,965 per month.

[2] ITT World Communications, FCC 77-671, released October 4, 1977; RCA Global Communications, FCC 77-749, released November 2, 1977.

Lease Agreement (GLA) rates for entrance facilities rather than the tariff rates filed by AT&T for such facilities is not supportable. In the period since the previous filing, AT&T continues, the Commission has denied petitions for reconsideration of its decision in Docket No. 20452[3] and the Court has denied a stay of that decision. Thus, the tariffs filed as a result of that Docket, which include higher rates for entrance facilities than the GLA rates, should have been used by WUI for cost justifications. AT&T also points out that the proposed rate is less than the "Indicated Monthly Revenue Requirement," a deficiency not present in WUI's previous filing. AT&T asserts that the concerns it raised as to the existing rate, as well as the additional factors it has pointed out concerning the instant proposal, warrant Commission action. As a final note, AT&T points out that in our November 2, 1977, action on Hawaii-Mainland AVD rate reductions we stated that in the event WUI and ITT Worldcom file to match RCA Globcom's proposed rate of $2,920, the consolidated hearing would include the lower rate rather than the then effective rates of those carriers. The instant proposal is substantially lower than the rate which the Commission stated it would permit to be matched, thus, AT&T concludes, if it becomes effective it must be included in any resulting consolidated hearing.

4. WUI argues that the proposed rate is compensatory, fully justified, and should be permitted to become effective. WUI asserts that HTC's arguments concerning the cost support for the rate were rejected by the Commission when the existing rate was permitted to become effective. In addition, WUI asserts, that since 94 percent of its total capacity in voice-grade circuits between the Mainland and Hawaii will be activated regardless of actual circuit destination, the use of a 100 percent fill factor is proper. As to the challenge to its projected maintenance and operations expenses, WUI states that the new figure represents an average employing both cable and satellite facilities. The reduction from WUI's earlier filing is merely the result of five fewer circuits in the domestic satellite system. WUI asserts that it has employed the most recent cost data available and can logically support its rate-making computations. Thus, WUI concludes, HTC's criticism appears to be wholly invalid. WUI asserts that its use of the GLA rates for entrance facilities is proper and reflects the current status of the proposed AT&T tariff rates. WUI states that AT&T, at the request of the United States Court of Appeals for the Second Circuit, has stayed the effectiveness of the tariff rates. Moreover, WUI asserts, the AT&T tariff is illegal and the increase of 386 percent over the GLA rates will not be upheld by the Court. Therefore, WUI concludes, it is entitled to use the GLA rates rather than the tariff charges to develop the instant proposal.[4] As a final point WUI argues that the proposed rate is only $9 per month below its revenue requirement and that such a miniscule deficiency highlights the paucity of AT&T's arguments. In conclusion WUI asserts that the proposed rate is fully compensatory and should be permitted to go into effect.

5. The instant filing raises substantial questions as to whether the proposed tariff revisions are lawful within the meaning of section 201 of the Communications Act, 47 U.S.C. 201. Initially, we note that in our order dealing with WUI's present rate, we indicated that while the support material submitted could be interpreted as showing that the rate may cover WUI's estimated costs we were unable to determine the reasonableness of the rate. While we did not suspend that rate, we stated that an investigation of the rate including the rate of return for the service, would be set by separate order. We did not, as asserted by WUI, accept the carrier's ratemaking assumptions and principles. In fact, our prior order expressed concerns which are compounded by the current proposal. WUI's claimed reduction in maintenance and operations expenses based on its claimed reduction of five circuits in the domestic satellite system without further explanation appears to support HTC's argument that the proposed rate is not properly supported. Moreover, WUI's assertion that the proposed rate reduction will have no impact on other services appears incongruous. A rate that does not recover a carrier's claimed revenue requirement, as WUI concedes to be the case with the proposed rate, cannot be considered not to affect other services. While this factor alone may not at that time make IRC rates unreasonable it does raise a substantial question as to whether the rate is "reasonable" as contemplated by Section 201 of the Communications Act.

6. Assuming arguendo that all other asumptions made by WUI are supportable, the use of the GLA rates alone supports the action we take herein. WUI's conclusory assertions that the tariff rates proposed by AT&T are illegal and will not be upheld by the Court are without support. On December 21, 1977, the United States Court of Appeals for the Second Circuit rejected the arguments of the IRCs and refused to overturn our decision in Docket No. 20452.[5] Neither the Court nor this Commission has given support to the proposition of WUI that the tariff rates would not become effective. Since the entrance facility tariff rates are higher than the GLA rates and are now effective, the deficiency in WUI's proposed rate and its stated revenue requirement will be more than the amount claimed by WUI.

7. We have also considered the petitioners' arguments for rejection. As noted, HTC contends that the integrity of Commission regulatory authority depends on our precluding, via tariff rejection, a WUI downward revision of the existing rate which we indicated in our prior order would be set for investigation. Western Union International, supra. Since we fully intend to institute the investigation referred to therein, enlarged to the extent it will examine both the existing and revised rate levels as well as other issues, we fail to see how the Commission's process will be disturbed by our decision that rejection is not proper in this case. In dismissing this argument, we note that our prior order establishing an investigation neither suspended the effectiveness of the existing tariff nor made any findings of lawfulness or unlawfulness with respect to it. HTC's additional allegations for rejection go to the nature of the cost justification provided in the WUI filing. Although legitimate questions have been raised concerning WUI's use of 100% full factor, its maintenance and operations expense projection, and the adequacy of support for certain cost data modifications, we believe that on an overall basis and in light of existing statutory and decisional requirements WUI's filing does not warrant rejection.[6] Finally, we agree with AT&T that relevant cost justification for hearing purposes with respect to this filing must account for the now effective AT&T entrance facility tariff rates rather than the GLA rate.

8. Thus, in light of our expressed concerns relative to the existing rates and the additional questions raised by this filing, the Commission cannot conclude that the rate is reasonable as

[3] Interconnection Facilities Provided to the International Record Carriers, FCC 77-694, released October 25, 1977, aff'd sub nom *WUI et. al.* v. *FCC*, Case Nos. 564, 565, and 566, opinion released December 21, 1977 (2nd Cir.).

[4] In its December 9, 1977, comments WUI states that, at the request of the Court during oral argument, AT&T agreed to maintain the GLA rates until the Court renders a decision on the merits of the IRCs' appeal to Docket No. 20452.

[5] The United States Supreme Court on January 9, 1978, denied the request of WUI for a Stay of Mandate of the Court of Appeals ruling.

[6] Unlike our rejection of AT&T's DDS filing, Transmittal No. 12790, the material filed in support of this tariff is not subject to the requirements of a Commission Decision issued after a prior hearing.

contemplated by the Communications Act. While as set forth above rejection is not proper in this case, we find that an investigation is necessary to determine the lawfulness of the filing. We shall also suspend the proposed revisions for the maximum statutory period. We believe such action best protects the public interest. Unlike a proposed increase where a shorter suspension and imposition of an accounting order would be appropriate, an accounting order on a rate reduction would not be appropriate. This is so since a carrier cannot collect any deficiency from its customers who pay the legal tariff rate and a refund could not be ordered if the rate is found to be unreasonably low. In the instant case we can reasonably determine that a deficiency exists between the rate and the service's revenue requirement. Unless the carrier elects to make up this deficiency from stockholders' equity, it seems obvious that the service may have to be subsidized by some other service, e.g., Telex or TWX. WUI has not shown how the deficiency will be satisfied. By suspending the rate for the maximum statutory period we delay the possibility of this subsidization for a least five months. Moreover, by delaying the effective date, we may avoid the same problems of possible cross-subsidization among services and revenue deficiencies which arise in the case of WUI's filing with respect to any carriers filing matching rates out of competitive necessity.

9. *Accordingly, it is ordered,* That pursuant to section 204 of the Communications Act of 1934, as amended, the tariff revisions contained by Western Union International, Inc., in Transmittal No. 1192, are hereby suspended until June 20, 1978;

10. *It is further ordered,* That by separate order, an investigation into the lawfulness of the tariff revisions filed by Western Union International, Inc. in Transmittal No. 1192 including any revisions thereof shall be instituted;

11. *It is further ordered.* That the Petition to Reject, filed November 9, 1977, by Hawaiian Telephone Co. is denied;

12. *It is further ordered,* That the Secretary shall send a copy of this order by certified mail, return receipt requested, to Western Union International, Inc., and shall cause a copy to be published in the FEDERAL REGISTER.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-5835 Filed 3-6-78; 8:45 am]

[6715-01]

FEDERAL ELECTION COMMISSION

[Notice 1978-2]

FEDERAL ADVISORY COMMITTEES

Announcement of Annual Comprehensive Review

AGENCY: Federal Election Commission.

ACTION: Notice.

SUMMARY: This announces a review of the Clearinghouse Advisory Panel of the Federal Election Commission and invites the public to comment on the need for the Panel, the balance of its membership, and openness of Panel proceedings.

DATES: Comments due by March 13, 1978.

ADDRESS: Mr. Orlando Potter, Staff Director, Federal Election Commission, 1325 K Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Dr. Gary Greenhalgh, Director, Clearinghouse, 202-523-4183 (address same as above).

SUPPLEMENTARY INFORMATION: In accordance with established procedures, the Federal Election Commission is now conducting its annual, zero-base review on the need for the Clearinghouse Advisory Panel, and how the Panel's goals can best be achieved. In addition, the public is asked to comment on whether the Panel's membership represents a balance in points of view and to recommend changes in membership if needed. Finally, comment is welcome on the Panel's record of encouraging public participation and any changes needed.

The President has set April 1, 1978, as the date for submission of recommendations by the Commission. This deadline requires that comments be received by March 13, 1978, to be included in this review. Comments received after that date will be incorporated in the Commission's continuing review of the utility and the operation of the Clearinghouse Advisory Panel.

Dated: March 2, 1978.

THOMAS E. HARRIS,
Chairman for the Federal Election Commission.

[FR Doc. 78-5958 Filed 3-6-78; 8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM

FIRST CITY BANCORPORATION OF TEXAS, INC.

Acquisition of Bank

First City Bancorporation of Texas, Inc., Houston, Tex., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent (less director's qualifying shares) of the voting shares of Lewisville State Bank, Lewisville, Tex. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 24, 1978.

Board of Governors of the Federal Reserve System, February 28, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-5877 Filed 3-6-78; 8:45 am]

[6210-01]

F & M NATIONAL CORP.

Acquisition of Bank

F & M National Corp., Winchester, Va., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Apple Capital Bank, the successor by merger to the Stonewall Jackson Bank & Trust Co., Mount Jackson, Va. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the applicaion should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 23, 1978.

Board of Governors of the Federal Reserve System, Feburary 28, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-5878 Filed 3-6-78; 8:45 am]

[6210-01]

GREENUP NATIONAL CORP.

Formation of Bank Holding Company

Greenup National Corp., Collinsville, Ill., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 93.6 percent or more of the voting shares (less directors' qualifying shares) of the

Greenup National Bank, Greenup, Ill. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 28, 1978.

Board of Governors of the Federal Reserve System, February 28, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-5879 Filed 3-6-78; 8:45 am]

[6210-01]

OAKLAND FINANCIAL SERVICES, INC.

Formation of Bank Holding Company

Oakland Financial Services, Inc., Oakland, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Citizens State Bank, Oakland, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than March 27, 1978.

Board of Governors of the Federal Reserve System, February 28, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-5880 Filed 3-6-78; 8:45 am]

[6210-01]

TEXAS COMMERCE BANCSHARES, INC.

Acquisition of Bank

Texas Commerce Bancshares, Inc., Houston, Tex., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of Richmond Commerce Bank, Houston, Tex. (a de novo bank). The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than March 13, 1978.

Board of Governors of the Federal Reserve System, February 28, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-5881 Filed 3-6-78; 8:45 am]

[6210-01]

UNION BANCGROUP & CO.

Formation of Bank Holding Company

Union Bancgroup & Co., St. Louis, Mo., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1843(a)(1)) to become a bank holding company by acquiring 81 percent of the voting shares of the First National Bank of Cobden, Cobden, Ill. The factors that are considered in action on the application are set forth in section 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than March 23, 1978.

Board of Governors of the Federal Reserve System, February 28, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-5882 Filed 3-6-78; 8:45 am]

[6820-25]

GENERAL SERVICES ADMINISTRATION

[Temporary Regulation F-463]

SECRETARIES OF DEFENSE AND TREASURY

Revocation of Delegations of Authority

Subject: Revocation of delegations of authority.

1. *Purpose.* This regulation revokes certain delegations of authority granted to other agencies to represent the consumer interests of the executive agencies of the Federal Government in communications proceedings which have been terminated.

2. *Effective date.* This regulation is effective immediately.

3. *Expiration date.* This regulation expires on February 28, 1978.

4. *Revocation.* This revocation identifies those delegations which are no longer in force due to completion of the proceedings for which they were issued. Accordingly, the following FPMR temporary regulations are hereby revoked:

Number, date, and subject

F-340—June 10, 1975—Delegation of authority to the Secretary of Defense—Regulatory Proceedings.

F-398—August 19, 1976—Delegation of authority to the Secretary of Defense—Regulatory Proceedings.

F-407—December 30, 1976—Delegation of authority to the Secretary of the Treasury—Regulatory Proceedings.

Dated: February 27, 1978.

JAY SOLOMON,
Administrator of General Services.

[FR Doc. 78-5903 Filed 3-6-78; 8:45 am]

[6820-29]

NATIONAL HEALTH RESOURCES ADVISORY COMMITTEE

Meeting

Notice is hereby given, pursuant to the Federal Advisory Committee Act, Pub. L. 92-463, that the next meeting of the Presidentially-appointed National Health Resources Advisory Committee will be held, in cooperation with the University of Texas Health Science Center at Houston, on May 25-26, 1978, from 8 a.m. to 5 p.m. each day at the Shamrock Hilton Hotel, Houston, Tex.

The meeting will be an overview of the status of emergency health preparedness education and training activities in the United States. It will focus on the role of Federal, State, and local governments, and the private sector, and develop recommendations concerning the proper scope and nature of their future emergency health preparedness education and training fuctions.

The meeting will be open to the public and should be of special interest to educators, emergency planners, government officials, health and medical associations and institutions, and the media, as well as the general public.

The meeting will be structured to provide maximum participation by attendees with an opening plenary session featuring keynote speakers on national and international civil emergency preparedness, followed by workshops on the health education and training aspects, and closing with workshop reports.

In order to assure adequate seating arrangements, persons planning to attend are asked to notify Fredrick J. Haase, Staff Director, telephone 202-566-0517 or 566-0763, as soon as possible.

Dated: February 24, 1978.

JOSEPH A. MITCHELL,
Director, Federal Preparedness Agency, General Services Administration.

[FR Doc. 78-5904 Filed 3-6-78; 8:45 am]

[6820-34]

ADVISORY COMMITTEE FOR THE PRESIDENT'S ADMINISTRATIVE SERVICES REORGANIZATION PROJECT

Establishment of Advisory Committee

Establishment of Advisory Committee. This notice is published in accordance with the provisions of section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) and advises of the establishment of an Advisory committee for review and recommendation of work processes relating to the President's Administrative Services Reorganization Project. The Administrator of General Services has determined that this Advisory Committee is in the public interest.

Designation. Advisory Committee for the President's Administrative Service Reorganization Project.

Purposes. To provide broader perspective and insight, utilizing private expertise, for imporving delivery of administrative services within the federal establishment.

Dated: March 3, 1978.

JAY SOLOMAN,
Administrator of General Services.

[FR Doc. 78-6158 Filed 6-11-78; 11:17 am]

[6820-34]

ADVISORY COMMITTEE FOR THE PRESIDENT'S ADMINISTRATIVE SERVICES REORGANIZATION PROJECT

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the convening of the Advisory Committee for the President's Administrative Services Reorganization Project from 9 a.m. to 3:30 p.m. on March 31, 1978. The meeting will be held at project headquarters, 1815 North Lynn Street, Rosslyn, Va.

The Committee will review and make recommendations relating to the delivery of Administrative Services within the federal establishment. This meeting will be open to the public.

Dated: March 3, 1978.

JAY SOLOMON,
Administrator of General Services.

[FR Doc. 78-6159 Filed 3-6-78; 11:17 am]

[4110-03]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CARDIOVASCULAR AND RENAL ADVISORY COMMITTEE

Meeting Change

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Cardiovascular and Renal Advisory Committee meeting scheduled for March 16 and 17, 1978, with a closed session scheduled for March 16 from 10 a.m. to 5 p.m., has been changed to be closed only from 11 a.m. to 1 p.m. Under 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 (FDA) announced in the FEDERAL REGISTER of February 17, 1978 (43 FR 7027), meetings of FDA public advisory committees and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act. The changed meeting notice should read as follows:

Committee name	Date, time, and place	Type of meeting and contact person
Cardiovascular and Renal Advisory Committee.	Mar. 16 and 17, 9 a.m., Conference Room F, Parklawn Building, 5600 Fishers Lane, Rockville, Md.	Open public hearing Mar. 16, 9 a.m. to 10 a.m.; open committee discussion Mar. 16, 10 a.m. to 11 a.m.; closed presentation of data/closed committee deliberations Mar. 16, 11 a.m. to 1 p.m.; open committee discussion Mar. 16, 1 p.m. to 4:30 p.m., Mar. 17, 9 a.m. to 12 m.; Joan C. Standaert, (HFD-110), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4730.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in cardiovascular and renal disorders.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of Anturane (NDA 18-111), Ciba-Geigy; Sufinpyrazone for secondary prevention of myocardial infarction; and Dobutamine (NDA 17-820).

Closed presentation of data/closed committee discussion. Presentation by sponsor on Minoxidil. This portion of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552b(c)(4)).

Dated: March 2, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc. 78-6042 Filed 3-6-78; 8:45 am]

[4110-03]

ONCOLOGIC DRUGS ADVISORY COMMITTEE

Meeting Cancellation

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Oncologic Drugs Advisory Committee meeting scheduled for March 30, 1978 has been canceled.

FOR FURTHER INFORMATION CONTACT:

Robert S. Young, Bureau of Drugs (HFD-150), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md 20857, 301-443-5197

SUPPLEMENTARY INFORMATION:

Under 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 (FDA) announced in a notice published in the FEDERAL REGISTER of February 24, 1978 (43 FR 7710), meetings of FDA public advisory committees and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act.

Notice is hereby given that the meeting of the Oncologic Drugs Advisory Committee scheduled for March 30, 1978, has been canceled.

Dated: March 2, 1978.

WILLIAM F RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc. 78-6044 Filed 3-6-78; 8:45 am]

[4110-03]

ORAL CAVITY PANEL

Meeting Cancellation

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Oral Cavity Panel meeting scheduled for March 20 and 21, 1978, has been canceled.

FOR FURTHER INFORMATION CONTACT:

John T. McElroy, Bureau of Drugs (HFD-510), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

SUPPLEMENTARY INFORMATION:

Under the Federal Advisory Commit-

tee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration (FDA) announced in a notice published in the FEDERAL REGISTER of February 17, 1978 (43 FR 7029) meetings of FDA public advisory committees and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act.

Notice is hereby given that the meeting of the Oral Cavity Panel scheduled for March 20 and 21, 1978, has been canceled.

Dated: March 2, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc. 78-6043 Filed 3-6-78; 8:45 am]

[4110-03]

Food and Drug Administration

MISCELLANEOUS EXTERNAL DRUG PRODUCTS PANEL

Meeting Cancellation

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Miscellaneous External Drug Products Panel meeting scheduled for March 10 and 11, 1978, has been cancelled.

FOR FURTHER INFORMATION CONTACT:

Armond M. Welch, Bureau of Drugs (HFD-510), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

SUPPLEMENTARY INFORMATION: Under 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 (FDA) announced in a notice published in the FEDERAL REGISTER of February 17, 1978 (43 FR 7029) meetings of FDA public advisory committees and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act.

Notice is hereby given that the meeting of the Miscellaneous External Drug Products Panel scheduled for March 10 and 11, 1978, has been cancelled.

Dated: March 2, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc. 78-6041 Filed 3-6-78; 8:45 am]

[4110-84]

Health Services Administration

ASSISTANCE UNDER THE PUBLIC HEALTH SERVICE ACT PROJECT GRANTS FOR FAMILY PLANNING TRAINING

Announcement of Availability of Grant

The Health Services Administration announces that competitive applications are now being accepted for a training grant in fiscal year 1978 for nurse practitioner training for Region X. The grant is offered pursuant to section 1003(a), Title X, of the Public Health Service Act (42 U.S.C. 300a-1) which authorizes the Secretary of Health, Education, and Welfare to make grants to public or non-profit private entities to provide training for personnel to carry out family planning service programs described in Sections 1001 and 1002 of the Public Health Service Act (42 U.S.C. 300, 300a). The amount available for the family planning training grant under this announcement is $50,000. The area to be served is Alaska, Idaho, Oregon, and Washington.

The Secretary will make the grant to an eligible applicant to assist in the establishment and operation of a project which will promote the purposes of section 1003 of the Act, taking into account:

1. The extent to which the training program will increase the delivery of services to people, particularly low-income groups with a high percentage of unmet need for family planning services;

2. The extent to which the training program promises to fulfill the family planning services delivery needs of the area to be served, which may include among other things:

(a) Development of a capability within family planning service projects to provide pre- and in-service training to their own staffs;

(b) Improvement of the family planning services delivery skills of family planning health services personnel;

(c) Improvement in the utilization and career development of paraprofessional and paramedical manpower in family planning services; and

(d) Expansion of family planning services, particularly in rural areas, through new or improved approaches to program planning and deployment of resources.

3. The capacity of the applicant to make rapid and effective use of such assistance;

4. The administrative and management capability and competence of the applicant;

5. The competence of the project staff in relation to the services to be provided; and

6. The degree to which the project provides for the stipulated requirements as set forth in the Regulations (42 CFR 59.205).

Application kits, including all necessary forms, instructions, and information relating to the grant application, may be obtained upon written request from, and completed applications returned to:

Grants Management Branch, Bureau of Community Health Services, Health Services Administration, Room 6-49, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857.

Consultation and technical assistance relative to the development of an application are available from the staff of the Office for Family Planning, Room 7-49, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857.

Completed applications must be received by April 1, 1978.

Dated: February 24, 1978.

GEORGE I. LYTHCOTT,
Administrator, Health Services Administration.

[FR Doc. 78-5825 Filed 3-6-78; 8:45 am]

[4110-02]

Office of Education

DOMESTIC MINING AND MINERAL AND MINERAL FUEL CONSERVATION FELLOWSHIPS

Extension of Closing Date for Receipt of Applications

Notice is given that the March 17, 1978, deadline for filing applications by institutions of higher education for a fellowship allocation under the Domestic Mining and Mineral and Mineral Fuel Conservation Fellowships Program is extended by May 12, 1978.

Application forms are being prepared but are not yet available. We anticipate the application forms and program information packages will be ready for mailing on or about March 13, 1978.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages.

(A) *Applications sent by mail:* An application sent by mail should be addressed to: U.S. Office of Education, Application Control Center, Attention: 13.567, Washington, D.C. 20202.

An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than May 8, 1978, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the

Commissioner will rely on the time-date stamp of these mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

(B) *Hand delivered applications:* An application to be hand-delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Hand-delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

(C) *Program information:* The purpose of this program is to assist graduate students of exceptional ability who demonstrate a financial need in advanced study in domestic mining and mineral and mineral fuel conservation including oil, gas, coal, oil shale, and uranium. During the 1977-78 academic year, 424 one-year fellowships and 76 two-year fellowships at 52 participating institutions are being supported by a fiscal year 1977 appropriation of $4,500,000. The amount available for fiscal year 1978 is $4,500,000 and will permit a similar number of awards for both one-year and multi-year fellowships for the 1978-79 academic year. An applicant institution will apply for an allocation of a specific number of fellowships. Only one application per institution will be accepted. Students currently receiving assistance under this program who were making satisfactory progress in their courses of study will be given high priority for reaward of a fellowship for the 1978-79 fellowship year. It is expected that about half of the 500 fellows supported in 1977-78 will continue on into 1978-79.

(D) *For further information contact:* Dr. Clarence B. Lindquist, Bureau of Higher and Continuing Education, U.S. Office of Education, 7th and D Streets SW., Regional Office Building Three, Room 3060, Washington, D.C. 20202. Telephone: 202-245-2347.

(E) *Applicable regulations:* The regulations applicable to this program are the Office of Education General Provisions Regulations (45 CFR Part 100a) and the regulations for Domestic Mining and Mineral and Mineral Fuel Conservation Fellowships (45 CFR Part 196) published on August 3, 1977, in the FEDERAL REGISTER.

(20 U.S.C. 1134n-1134r.)

(Catalog of Federal Domestic Assistance Number 13.567; Domestic Mining and Mineral and Mineral Fuel Conservation Fellowship Program.)

Dated: March 1, 1978.

ERNEST L. BOYER,
Commissioner of Education.

[FR Doc. 78-5839 Filed 3-6-78; 8:45 am]

[4110-02]

NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION

Meeting

AGENCY: National Advisory Council on Adult Education.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory Council on Adult Education. This notice also describes the functions of the Council. Notice of this meeting is required under the Federal Advisory Committee Act (Pub. L. 92-463, Section 10(a)(2)).

DATES: April 5, 1978, 4 p.m. to 6:30 p.m., Executive Committee Meeting; April 6-7, 1978, 8:30 a.m. to 5 p.m.; April 8, 1978, 8:30 a.m. to 1:30 p.m.

ADDRESS: Holiday Inn, 4000 South Ocean Drive, Hollywood Beach, Fla. 33509.

FOR FURTHER INFORMATION CONTACT:

Dr. Gary A. Eyre, Executive Director, National Advisory Council on Adult Education, 425 13th Street NW., Washington, D.C. 20004, 202-376-8892.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Adult Education is established under Section 311 of the Adult Education Act (80 Stat. 1216.20 U.S.C. 1201). The Council is directed to:

Advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 306 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering adult education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to adult education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The meeting of the Council shall be open to the public.

The proposed agenda includes:

Educational programs for the elderly.
Committee meetings and reports.
USOE report on administration's legislative proposal.
1978 Annual Report.
Long-range committee activities.
Chairman and Executive Director's reports.

Records shall be kept of all Council proceedings, and shall be available for public inspection at the Office of the National Advisory Council on Adult Education, Room 323, Pennsylvania Building, 425 13th Street NW., Washington, D.C. 20004.

Signed at Washington, D.C., on March 1, 1978.

GARY A. EYRE,
Executive Director, National Advisory Council on Adult Education.

[FR Doc. 78-5906 Filed 3-6-78; 8:45 am]

[4410-08]

Office of the Secretary

PRIVACY ACT OF 1974

Systems of Records and Notice of Proposed Routine Uses

AGENCY: Department of Health, Education, and Welfare.

ACTION: Notification of a new system of records, Medical Library Management Intern Program, HEW/NIH/NLM, 09-25-0137.

SUMMARY: A new system of records of the National Institutes of Health is hereby published in accordance with the requirements of 5 U.S.C. 552a(e)(4). In accordance with the provisions of 5 U.S.C. 552a(e)(11), the routine uses of this additional system are set out for public comment. Interested persons are invited to submit written comments with respect to these routine uses.

DATES: The routine uses will be adopted as proposed without further notice April 6, 1978, unless comments are received on or before April 6, 1978, which would result in a contrary determination. A new system report was filed for this new system with the Director, Office of Management and Budget, the Speaker of the House, and the President of the Senate on February 3, 1978. Because of the requirement in OMB Circular A-108, however, the entire notice will not be put into effect until 60 days after this new system report filing date.

ADDRESS: Comments should be addressed to Acting Director, Fair Information Practice Staff, Department of Health, Education, and Welfare, 200 Independence Avenue SW., Washington, D.C. 20201. Comments received will be available for inspection in Room 526-E, Hubert H. Humphrey Building, at the above address.

FOR FURTHER INFORMATION CONTACT:

Robert Slevin, NIH Privacy Act Coordinator, Building 31, Room 3B07, 9000 Rockville Pike, Bethesda, Md. 20014, or call 301-496-2461.

SUPPLEMENTARY INFORMATION: The National Library of Medicine proposes to offer through a contractor, a management internship program to qualify appropriate individuals for top-level management positions in health science libraries. Since the criteria for selection are based upon personal qualifications, the maintenance of personal identifiers is the only rational method for the System of Records. The purpose of the System of Records is solely to facilitate the processing and review of applications.

The program is expected to continue for a three-year period, with three interns selected each year. The number of records in the system depends on the initiative of applicants. It is estimated that no more than 81 records will be maintained in the system at any one time. Applications for unsuccessful candidates will be destroyed after such determination is made, but in no case, will be retained for more than one year from date of final selection of successful candidates. Interns will not be employed in a federal agency during the period of internship.

Records will be retained in a locked filing cabinet in an office of the contractor. Only authorized personnel will have access to the files. Files will be managed in accordance with DHEW regulations. Authorized personnel will include the officials selected to review the applications and the project staff responsible for processing the files.

LEONARD D. SCHAEFFER,
Assistant Secretary for Management and Budget.

09-25-0137

System name:

Medical Library Management Intern Program, HEW/NIH/NLM.

Security classification:

None.

System location:

Council on Library Resources, One Dupont Circle NW., Suite 620, Washington, D.C. 20036.

Categories on individuals covered by the system:

Persons applying for admission to the Medical Library Management Intern Program.

Categories of records in the system:

Qualifications statements based on education, experience, and training; evaluations; correspondence; references; and the panel recommendations.

Authority for maintenance of the system:

42 U.S.C. 276(a)(6); 42 U.S.C. 280b(b)(1).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Disclosure may be made to a panel of non-Federal employees for the purpose of evaluating the applicants. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of it components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records will be stored in file folders.

Retrievability:

By name or code number. HEW use: To determine the eligibility and desirability of applicants to the intern program. The applications will be reviewed by a panel of experts selected by the contractor.

Safeguards:

The DHEW Contractor will comply with the provisions of the Privacy Act and with Department Regulations. Data will be kept in secured areas with access limited to authorized personnel.

Retention and disposal:

File of unsuccessful applicants will be retained for not more than one year, then destroyed. Those of successful candidates may be maintained for up to three years.

System manager and address:

Project Officer, Medical Library Management Intern Program, Office of Extramural Programs, National Library of Medicine, Federal Building, 7550 Wisconsin Avenue, Bethesda, Md. 20014.

Notification procedures:

Write to System Manager. These procedures are in accordance with Departmental Regulations 45 CFR, section 5b.5, published in the FEDERAL REGISTER, September 29, 1977, p. 52348.

Record access procedures:

Written requests should be made to the System Manager providing identity verification consisting of either a notarization of the request of a certification that the individual is who he or she claims to be, and understands that the knowing and willful request for acquisition of a record pertaining to the individual under false pretenses is a criminal offense under the Act, subject to $5,000 fine. These procedures are in accordance with Departmental Regulations 45 CFR, section 5b.5, published in the FEDERAL REGISTER, September 29, 1977, p. 52348.

Contesting record procedures:

Write to System Manager and specify the record and the part(s) to be contested. These procedures are in accordance with Departmental Regulations 45 CFR, section 5b.7 published in the FEDERAL REGISTER, September 29, 1977, p. 52349.

Record source categories:

Applicant and applicant's personal references.

Systems exempted from certain provisions of the Act:

None.

[FR Doc. 78-5987 Filed 3-3-78; 10:08 am]

[4110-03]

PRIVACY ACT OF 1974

Systems of Records and Notice of Proposed Routine Uses

AGENCY: Department of Health, Education, and Welfare.

ACTION: Notification of new systems of records: Blood Donors for Tissue Typing Sera and Cell Analysis and Related Research, HEW/FDA/HFB, 09-10-0015. Cancer Patients on Laetrile and Physicians, HEW/FDA/HFD, 09-10-0016.

SUMMARY: Two new systems of records of the Food and Drug Administration are hereby published in accordance with the requirements of 5 U.S.C. 552a(e)(4). In accordance with the provisions of the 5 U.S.C. 552a(e)(11), the routine uses of these additional systems are set out for public comment. Interested persons are invited to submit written comments with respect to these routine uses.

DATES: The routine uses will be adopted as proposed without further notice April 6, 1978, unless comments are received on or before April 6, 1978, which would result in a contrary determination. A new system report was

filed for these new systems with the Director, Office of Management and Budget, the Speaker of the House, and the President of the Senate on February 3, 1978, for system No. 09-10-0015, and on February 10, 1978, for system No. 09-10-0016. Because of the requirement in OMB Circular A-108, however, the entire notices will not be put into effect until 60 days after the new system reports filing dates.

ADDRESS: Comments should be addressed to Acting Director, Fair Information Practice Staff, Department of Health, Education, and Welfare, 200 Independence Avenue SW., Washington, D.C. 20201. Comments received will be available for inspection in Room 526-E, Hubert H. Humphrey Building, at the above address.

FOR FURTHER INFORMACTION CONTACT:

Kamal K. Mittal, Ph. D. (for system No. 09-10-0015), Microbiologist, Division of Blood and Blood Products, Bureau of Biologics (HFB-200), U.S. Food and Drug Administration, 8800 Rockville Pike, Bethesda, Md. 20014 or call 301-496-5241.

George Kenter (for system No. 09-10-0016), Assistant to the Director, Division of Drug Labeling Compliance, Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857 or call 301-443-1940.

SUPPLEMENTARY INFORMATION: The purpose of system No. 09-10-0015 is to provide data to be used in evaluating histocompatibility testing sera submitted by manufacturers for approval and release on the market. Human organ transplantation is a relatively new field of medical treatment. Scientists have determined that its success or failure in saving lives depends almost entirely upon the histocompatibility of the donor and the receipient. Histocompatibility is the condition in which tissues from a donor are acceptable to a recipient.

The proposed system of records will be comprised of information regarding the cell types of at least 150 individuals. in order to perform the quality assurance testing, a minimum of 150 individuals' cell types must be available.

The purpose of system No. 09-10-0016 is to permit the orderly retrieval of patient names and of their medical doctors to determine compliance with the orders signed by Federal Judge Bohanon, Western District of Oklahoma, in *Rutherford* vs. *United States*, CIV 75-0218-3. These orders permitted the importation of an unapproved experimental drug laetrile, upon a notarized affidavit that a cancer patient will receive it under the supervision of a doctor of medicine. Copies of the affidavits are received at the Bureau of Drugs; each affidavit contains the names of the patient and doctor, and usually the address of both. Rather than reproducing the affidavits and filing the copies alphabetically, it is proposed that an index card be created for each individual, both the patient and the doctor, to be filed alphabetically by the name of each individual, to monitor compliance with the Judge's orders. These orders required, among other things, that FDA perform spot checks of these affidavits to ensure their accuracy. The monitoring of compliance with the order will be conducted in accordance with the agency's normal investigative techniques using any that are appropriate to the situation. When inaccuracies are found, follow-up investigations will be made and whatever action is necessary will be taken. The index card system will facilitate the recording of this information and the affidavits can be maintained without additional notations being made upon them. It is anticipated that when this issue is resolved, this record system will no longer be needed and will be destroyed.

It is estimated that there will be approximately 500 individuals in the system; however, the actual number will depend upon the number of terminal cancer patients who seek the drug through importation and the number of physicians signing the affidavits. The number of individuals in the system is the minimum necessary to accomplish the objectives of the system.

The index cards will be kept in the office space occupied by the Litigation and Recall Staff of the Associate Director for Compliance, Bureau of Drugs, in the Parklawn Building. Only authorized agency personnel will have access to these cards. The door to this area is locked when employees are not present. During nonworking hours, the corridors of this building are patrolled and the doors routinely checked by security personnel to assure that the doors are locked.

LEONARD D. SCHAEFFER,
Assistant Secretary for Management and Budget.

09-10-0015

System name:

Blood Donors for Tissue Typing Sera and Cell Analysis and Related Research—HEW/FDA/HFB.

Security clearance:

None.

Location:

Histocompatibility Laboratory, Division of Blood and Blood Products, Bureau of Biologics, Food and Drug Administration, 8800 Rockville Pike, Bethesda, Md. 20014.

Categories of individuals covered by the system:

Volunteer blood donors and patients of the National Naval Medical Center and the National Institutes of Health Clinical Center requiring tissue typing who also volunteer to be part of the system.

Categories of records:

Records contain name, address, phone number, sex, race, age, disease (if any), number of pregnancies, number of children, and the results of blood typing.

Authority:

Public Health Service Act, section 351, 42 U.S.C. 262, which requires that all biologic products intended for human use must meet certain safety, purity and potency standards.

Routine uses of records maintained in the system:

On occasion, the National Institutes of Health Clinical Center and the National Naval Medical Center request that the Bureau perform tissue typing for their patients. In these instances, it is, of course, necessary to provide the physician involved with precise data to properly identify the patient.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.

Disclosure may be made to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual (Appendix B, Departmental Regulations (45 CFR Part 5b, Item 100)).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records:

Storage:

Standard filing equipment, magnetic tapes, and disks.

Retrievability:

Usually by an assigned "cell number." Also, alphabetically, by name. The purpose of this system of records is to provide data to be used in evaluating histocompatibility testing sera submitted by manufacturers for approval and release on the market. These records will be used only within the Agency. Any statistical data developed from the records and subsequent tissue typing may be distributed upon

request, but will contain no specific reference to the individuals whose records are on file.

Safeguards:

Forms in locked filing equipment. Tapes and disks in secure computer facility with access limited to individuals having knowledge of "password" which is changed periodically.

Retention and disposal:

Records are retained indefinitely.

System manager:

Dr. Kamal K. Mittal, Histocompatibility Laboratory, Division of Blood and Blood Products, Bureau of Biologics, 8800 Rockville Pike, Bethesda, Md. 20014.

Notification procedure:

FDA Privacy Act Coordinator (HFC-18), Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857.

Record access procedures:

Same as notification procedure. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with FDA Regulations (21 CFR 21.40), published in the FEDERAL REGISTER, March 22, 1977, page 15629.)

Contesting record procedures:

Write to the official at the address specified under "Notification Procedure" above and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with FDA Regulations (21 CFR 21.50), published in the FEDERAL REGISTER, March 22, 1977, page 15631.)

Record source categories:

Volunteer blood donors and patients of the National Naval Medical Center and the National Institutes of Health Clinical Center.

Systems exempted from certain provisions of the Act:

None.

09-10-0016

System name:

Cancer Patients on Laetrile and Physicians HEW/FDA/HFD.

Security classification:

None.

Location:

Litigation and Recall Staff, Associate directorate for Compliance, Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857.

Categories of individuals covered by the system:

Cancer patients and their medical doctors who supervise the Laetrile treatment.

Categories of records:

A separate index card will be established for each terminal cancer patient and each medical practitioner, containing their name and complete address. The patient index card will also contain the name of the patient's doctor and the import entry number(s) covered by the affidavit. The doctor's card will list all patients by import entry number. The patient's card may contain other information, as the discontinuance of the patient from the program, phone numbers, change of doctors, or any other information as appropriate to facilitate compliance with Federal court orders which permitted the importation of an unapproved experimental drug, Laetrile, upon a notarized affidavit that a cancer patient will receive it under the supervision of a doctor of medicine. Copies of the affidavits are received at the Bureau of Drugs; each affidavit contains the names of the patient and doctor, and usually the address of both.

Authority:

The Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 372.

Routine use of records maintained in the system:

Records that indicate violation or potential violation of law may be (1) referred for investigation and possible enforcement action under the Federal, State, or foreign laws to the Department of Justice, an appropriate State food and drug enforcement health agency or licensing authority, or the government of a foreign country or (2) disclosed in administrative or court proceedings. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for compiling, storing, and retrieving the records:

Storage:

On index cards in boxes.

Retrievability:

Alphabetically, by name. The index cards will be used to record information from affidavits and then be used to spot check compliance with the court order concerning Laetrile.

Safeguards:

Index cards will be kept in the work area of the Litigation and Recall Staff. This area is locked outside of normal working hours and accessible only by authorized personnel during working hours.

Retention and disposal:

No longer than 3 years after the system is established; disposal will be made by shredding or tearing and dumping the residue into trash containers.

System manager:

Associate Director for Compliance (HFD-300), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857.

Notification procedure:

FDA Privacy Act Coordinator (HFC-18), Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857.

Record access procedures:

Same as notification procedure. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with FDA Regulations (21 CFR 21.40), published in the FEDERAL REGISTER, March 22, 1977, page 15629.)

Contesting record procedures:

Write to the official at the address specified under "Notification Procedure" above and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with FDA Regulations (21 CFR 21.50), published in the FEDERAL REGISTER, March 22, 1977, page 15631.)

Record source categories:

Individuals on whom the records are maintained are derived from affidavits and agency investigational reports.

Systems exempted from certain provisions of the Act:

None.

[FR Doc. 78-5988 Filed 3-3-78; 10:08 am]

[4110-08]

National Institutes of Health

DENTAL RESEARCH INSTITUTES AND SPECIAL PROGRAMS ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Dental Research Institutes and Special Programs Advisory Committee, National Institute of Dental Research, on April 18, 1978, in Building 31-C, Conference Room 9, National Institutes of Health, Bethesda, Md. This meeting will be open to the public from 9 a.m. to 10 a.m. to discuss administrative details relating to Committee business and general discussion. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 United States Code, and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 10 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property, such as patentable material, and personal information concerning individuals associated with the applications.

Dr. Emil L. Rigg, Chief of Scientific Review Branch, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 504, Bethesda, Md. 20014, phone 301-496-7658, will provide summaries of meetings, rosters of committee members, and substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.845, National Institutes of Health.)

Dated: March 1, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 78-5849 Filed 3-6-78; 8:45 am]

[4110-08]

FUNCTIONAL PROPERTIES OF TUMORS OF T AND B LYMPHOCYTES

WORKSHOP

Notice is hereby given of the Workshop on Functional Properties of Tumors of T and B Lymphocytes sponsored by the immunology program, Division of Cancer Biology and Diagnosis, April 3-5, 1978, Building 31, Conference Room 6, National Institutes of Health, Bethesda, Md.

This meeting will be open to the public on April 3-5, 1978, from 8:30 a.m. to 5 p.m., for presentation of scientific papers. Attendance by the public will be limited to space available.

Dr. Michael Potter, head, immunochemistry section, immunology program, Laboratory of Cell Biology, Building 8, Room B-18, Division of Cancer Biology and Diagnosis, National Cancer Institute, National Institutes of Health, Bethesda, Md. 20014, 301-496-2777, will provide additional information.

Dated: February 27, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 78-5845 Filed 3-6-78; 8:45 am]

[4110-08]

MENTAL RETARDATION RESEARCH COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Mental Retardation Research Committee, National Institute of Child Health and Human Development, on April 6-7, 1978, in the Landow Building, Room 4C18, 7910 Woodmont Avenue, Bethesda, Md.

This meeting will be open to the public on April 6, from 1 p.m. to 3:30 p.m., to discuss items relative to the Committee's activities including announcements by the Chief of the Mental Retardation and Developmental Disabilities Branch and the Acting Executive Secretary of the Committee.

In accordance with the provisions set forth in Title 5, United States Code 552b(c)(4) and 552b(c)(6) and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on April 6 from 3:30 p.m. to adjournment on April 7 for the review, discussion, and evaluation of individual grant applications. The applications and the discussions could reveal confidential trade secrets or commercial property, such as patentable material, and personal information concerning individuals associated with the applications.

Mrs. Marjorie Neff, Committee Management Officer, NICHD Building 31, Room 2A-04, National Institutes of Health, Bethesda, Md., area code 301-496-1848, will provide a summary of the meeting and roster of committee members. Dr. Jane Showacre, Acting Executive Secretary, Mental Retardation Research Committee, NICHD, Landow Building, Room 7C04, National Institutes of Health, Bethesda, Md., area code 301-496-1383, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.865, National Institutes of Health.)

Dated: March 1, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 78-5846 Filed 3-6-78; 8:45 am]

[4110-08]

PULMONARY DISEASES ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Pulmonary Diseases Advisory Committee, National Heart, Lung, and Blood Institute, on May 13, 1978, at the Boston-Sheraton Hotel, Boston, Mass.

The entire meeting, from 8:30 a.m. to 5 p.m., will be open to the public. The Committee will review initiatives proposed by the division of Lung Diseases for fiscal 1979, and will plan Committee activities for the coming year. Attendance by the public will be limited to the space available.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 5A03, National Institutes of Health, Bethesda, Md. 20014, phone 301-496-4236, will provide summaries of the meeting and rosters of the committee members.

Dr. Malvina Schweizer, Executive Secretary of the Committee, Westwood Building, Room 6A16, National Institutes of Health, Bethesda, Md. 20014, phone 301-496-7208, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs No. 13.838, National Institutes of Health.)

Dated: February 27, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 78-5850 Filed 3-6-78; 8:45 am]

[4110-08]

PRESIDENT'S CANCER PANEL, ET AL.

Open Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be entirely open to the public to discuss issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available. Meetings will be held at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Md. 20014, unless otherwise stated.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda, Md. 20014, 301-496-5708, will furnish summaries of the meetings and rosters of committee members upon request.

Other information pertaining to the meeting can be obtained from the Executive Secretary indicated.

Name of committee: President's Cancer Panel.

Dates: April 11, 1978, 9:30 a.m.-adjournment.
Place: Building 31C, Conference Room 7, National Institutes of Health.
Times: Open for the entire meeting.
Agenda: To hear reports of the Chairman, President's Cancer Panel and the Director, National Cancer Program, NCI.
Executive Secretary: Dr. Richard A. Tjalma, Building 31, Room 11A46, National Institutes of Health, 301-496-5854.

Name of committee: Data Evaluation Risk Assessment Subgroup of the Clearinghouse on Environmental Carcinogens.
Dates: April 26, 1978, 8:30 a.m.-adjournment.
Place: Building 31C, Conference Room 6, National Institutes of Health.
Times: Open for the entire meeting.
Agenda: To review available bioassay reports and other matters relevant to data evaluation and risk assessment.
Executive Secretary: Dr. James M. Sontag, Building 31, Room 3A16, National Institutes of Health, 301-496-5108.

Name of committee: Chemical Selection Subgroup of the Clearinghouse on Environmental Carcinogens.
Dates: April 27, 1978, 9 a.m.-adjournment.
Place: Building 31C, Conference Room 6, National Institutes of Health.
Times: Open for the entire meeting.
Agenda: To consider chemicals for bioassay and other matters relevant to chemical selection.
Executive Secretary: Dr. J. Dan Recer, Landow Building, Room 8C25, National Institutes of Health, 301-496-4663.

Name of committee: Experimental Design Subgroup of the Clearinghouse on Environmental Carcinogens.
Dates: April 28, 1978, 8:30 a.m.-adjournment.
Place: Building 31C, Conference Room 6, National Institutes of Health.
Times: Open for the entire meeting.
Agenda: To discuss experimental design for bioassay and other matters relevant to experimental design.
Executive Secretary: Dr. J. Dan Recer, Landow Building, Room 8C24, National Institutes of Health, 301-496-4663.

Dated: February 27, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc. 78-5847 Filed 3-6-78; 8:45 am]

[4110-08]

REPORT ON BIOASSAY OF 2-METHYL-1-NITROANTHRAQUINONE FOR POSSIBLE CARCINOGENICITY

Availability

2-methyl-1-nitroanthraquinone (CAS 129-15-7) has been tested for cancer-causing activity with rats in the carcinogenesis program, Division of Cancer Cause and Prevention, National Cancer Institute. A report is available to the public.

Summary. A bioassay of 2-methyl-1-nitroanthraquinone for possible carcinogenicity was conducted using Fischer 344 rats. 2-methyl-1-nitroanthraquinone was administered in the feed at either of two concentrations to groups of 50 male and 50 female animals. The high and low dietary concentrations used were 0.12 and 0.06 percent, respectively, for the male and female rats. After a 78-week treatment period, observation of the rats continued for an additional 31 weeks. Fifty rats of each sex were placed on test as controls. No 2-methyl-1-nitroanthraquinone was added to their diet.

Survival in both the male and female rats was adequate for a meaningful statistical analysis of tumors; however, there was a significant positive association between increased dosage and elevated mortality in female rats.

Hepatocellular carcinomas and neoplastic nodules of the liver occurred in both the male and female treated rats. A statistically significant association between increased dosage and an elevated incidence of hepatocellular carcinomas was indicated by the Cochran Armitage test for the males (1/48, 5/48, and 9/49 in control, low dose, and high dose, respectively); however, the Fisher exact tests confirmed these results only for the high dose males. The incidence of neoplastic nodules was statistically significant in the male rats (0/48, 2/48, and 6/49 in control, low dose, and high dose, respectively), as indicated by the Cochran-Armitage test and supported by the Fisher exact test for the high dose group. When those rats having either hepatocellular carcinomas or neoplastic nodules of the liver were combined and evaluated simultaneously, the Cochran-Armitage tests indicated statistically significant associations between increased dosages and elevated tumor incidences in both the males and females. This was supported by the Fisher exact tests for males but not for females. The incidences of one tumor type, subcutaneous fibroma, were found to be statistically significant in both male and female rats. No other tumors occurred in treated animals in statistically significant incidences when compared to controls.

Squamous-cell papillomas and squamous-cell carcinomas of the forestomach were observed only in high dose rats. Although the incidences of these gastric tumors were not statistically significant, historical data indicate that these tumors are rare in Fischer 344 rats. The occurrence of these tumors in high dose rats, together with the frequent occurrence of nonneoplastic proliferative lesions of the forestomach in treated rats, indicates that the occurrence of these tumors was related to administration of 2-methyl-1-nitroanthraquinone. An increased incidence of bladder tumors (papillomas, transitional-cell papillomas, and sarcomas) was observed among female rats.

Under the conditions of this bioassay, the results indicate that orally administered 2-methyl-1-nitroanthraquinone is carcinogenic in male Fischer 344 rats, producing hepatocellular carcinomas. Increased incidences of subcutaneous fibromas in both male and female Fischer 344 rats were also associated with the administration of the compound. Tumors of the forestomach and bladder in these animals may also have been related to the administration of the test chemical.

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.

(Catalog of Federal Domestic Assistance Program No. 13.393, Cancer Cause and Prevention Research.)

Dated: February 28, 1978.

DONALD S. FREDRICKSON,
Director, National Institutes of Health.

[FR Doc. 78-5842 Filed 3-6-78; 8:45 am]

[4110-08]

REPORT ON BIOASSAY OF 1,1,2,2-TETRACHLOROETHANE FOR POSSIBLE CARCINOGENICITY

Availability

1,1,2,2-tetrachloroethane (CAS 79-34-5) 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 for possible carcinogenicity of technical-grade 1,1,2,2-tetrachloroethane was conducted using Osborne-Mendel rats and B6C3F1 mice. At initiation of the study the rats were approximately 7 weeks old, and the mice were approximately 5 weeks old. 1,1,2,2-tetrachloroethane in corn oil was administered by gavage, at either of two dosages, to two groups of 50 male and 50 female animals of each species, 5 days a week. Treatment was over a period of 78 weeks, followed by observation periods of 32 weeks for the rats and 12 weeks for the mice. The high and low time-weighted average dosages were, respectively, 108 and 62 mg/kg/day for male rats, 76 and 43 mg/kg/day for female rats, and 282 and 142 mg/kg/day for the mice of both sexes.

For each species, 20 animals of each sex were placed on test as vehicle controls. These animals were intubated with corn oil at the same rate as the high dose animals. Twenty animals of each sex were placed on test as untreated controls for each species. These animals were not intubated.

Among mice, hepatocellular carcinomas were observed in 2/16 (13 percent) male untreated controls, 1/18 (6 per-

cent) male vehicle controls, 13/50 (26 percent) low dose males, 44/49 (90 percent) high dose males, 0/18 female untreated controls, 0/20 female vehicle controls, 30/48 (63 percent) low dose females, and 43/47 (91 percent) of the high dose females. This incidence of hepatocellular carcinoma indicated a highly significant ($P<0.001$) positive dose-related trend in mice of both sexes.

No statistically significant incidence of neoplastic lesions was observed in male or female rats. However, two hepatocellular carcinomas and one neoplastic nodule, which are rare tumors in the male Osborne-Mendel rat, were observed in the high dose males.

Under the conditions of this study, orally administered 1,1,2,2-tetrachloroethane is a liver carcinogen in B6C3F1 mice of both sexes. The results do not provide conclusive evidence for the carcinogenicity of 1,1,2,2-tetrachloroethane in Osborne-Mendel rats.

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.

(Catalog of Federal Domestic Assistance Program No. 13.393, Cancer Cause and Prevention Research.)

Dated: February 28, 1978.

DONALD S. FREDRICKSON,
Director, National Institutes of Health.

[FR Doc. 78-5843 Filed 3-6-78; 8:45 am]

[4110-08]

RESEARCH MANPOWER REVIEW COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Research Manpower Review Committee, National Heart, Lung, and Blood Institute, on March 23-24, 1978, Conference Room 4, Building 31, Bethesda, Md.

This meeting will be open to the public on March 23, 1978 from 8 p.m. to approximately 10 p.m. to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6), Title 5, United States Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on March 24, 1978 from 8:30 a.m. until adjournment for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications.

Mr. York E. Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, NIH, Room 5A03, Building 31, Bethesda, Md. 20014, phone 301-496-4236, will provide summaries of the meeting and rosters of the committee members.

Dr. Charles L. Turbyfill, Executive Secretary, NHLBI, NIH, Room 553, Westwood Building, Bethesda, Md. 20014, phone 301-496-7351, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, National Institutes of Health.)

Dated: March 1, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc. 78-5844 Filed 3-6-78; 8:45 am]

[4110-08]

SICKLE CELL DISEASE ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Sickle Cell Disease Advisory Committee, National Heart, Lung, and Blood Institute, April 13 and 14, 1978. The meeting will be held in Conference Room 9, C-Wing, Building 31, National Institutes of Health, Bethesda, Md. 20014. The entire meeting will be open to the public from 8:30 a.m. to 5 p.m. on both days, to discuss recommendations on the implementation and evaluation of the Sickle Cell Disease Program. Attendance by the public will be limited to space available.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, NIH, Building 31, Room 5A03, 301-496-4236, will provide summaries of the meeting and rosters of Committee members.

Mr. Howard F. Manly, Executive Secretary, Sickle Cell Disease Advisory Committee, NHLBI, NIH, Building 31, Room 4A29, 301-496-6931, will furnish substantive program information.

Dated: February 27, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc. 78-5848 Filed 3-6-78; 8:45 am]

[4110-08]

POPULATION RESEARCH COMMITTEE

Meeting

NOTE.—This document originally appeared in the FEDERAL REGISTER for Monday, March 6, 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.)

Notice is hereby given of a change in the March 8-10, 1978, meeting of the Population Research Committee, National Institute of Child Health and Human Development, which was published in the FEDERAL REGISTER on December 30, 1977, 42 FR 65274.

The open portion of the meeting was originally scheduled to begin at 9 a.m. and end at 10:30 a.m. on March 8. This has now been changed and the open portion of the meeting will be from 1 p.m. to 2 p.m. on March 8.

Dated: February 28, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc. 78-5841 Filed 3-3-78; 8:45 am]

[4110-08]

RISK ASSESSMENT OF AGRICULTURAL PATHOGENS

Workshop

NOTE.—This document originally appeared in the FEDERAL REGISTER for Monday, March 6, 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.)

Notice is hereby given of a Workshop on Risk Assessment of Agricultural Pathogens jointly sponsored by the U.S. Department of Agriculture, National Science Foundation and National Institutes of Health at the National Science Foundation, room 338, 1800 G Street NW., Washington, D.C. 20550, on March 20-21, 1978, from 9 a.m. to 5 p.m.

The Workshop will discuss the feasibility of developing a scheme for classification of agricultural pathogens.

Further information may be obtained from Dr. Clarence Grogan, Leader, Plant Sciences Group, Cooperative Research, SEA, USDA, Washington, D.C., telephone 202-447-6096, Dr. Mary Clutter, Program Director, Developmental Biology, National Science Foundation, Washington, D.C., telephone 202-632-4304, and Dr. William J. Gartland, Executive Secretary, Recombinant DNA Molecule Program Advisory Committee, NIGMS, NIH, Bethesda, Md., telephone 301-496-6051.

The meeting will be open to the public. Attendance by the public will be limited to space available.

Dated: February 23, 1978.

THOMAS E. MALONE,
Deputy Director, National Institutes of Health.

[FR Doc. 78-5840 Filed 3-3-78; 8:45 am]

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Colorado 14442]

COLORADO

Partial Termination of Proposed Withdrawal and Reservation of Lands

FEBRUARY 27, 1978.

Notice of a Forest Service, U.S. Department of Agriculture application, Colorado 14442, for withdrawal and reservation of lands for public purposes was published as FR Doc. 692, on pages 745, 746 of the issue of January 18, 1972. It was republished as F.R. Doc. 78-117 on pages 1012, 1013 of the issue of January 5, 1978. The applicant agency has cancelled its application insofar as it affects the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN, HENDERSON LAKE CAMPGROUND

T. 37 N., R. 8 W., Protraction Diagram No. 27, dated November 12, 1964.
That part of Section 2 described as follows:
Beginning at the SW corner of Section 35, T. 38 N., R. 8 W., thence due south 15 chains, thence easterly 40 chains on a line parallel with the north section line of Section 2, thence due north 15 chains to a point on the north boundary of Section 2, thence westerly 40 chains along the north boundary of Section 2 to the point of beginning.

T. 38 N., R. 8 W.
Sec. 35, S½S½SW¼, E½SE¼, SW¼SW¼SE¼, and E½W½SE¼.

MINERAL CREEK CAMPGROUND SITE

T. 41 N., R. 8 W., Protraction Diagram No. 24, and 24B, dated May 5, 1965.
A parcel of land in Sections 11 and 14 beginning at a point in the NE¼ of Section 14 from which the junction of U.S. Highway 550 and Forest Road 585 bears S. 70° E. 60 chains, thence due North 16 chains, thence due West 20 chains, thence due North 12 chains, thence due West 20 chains, thence due South 24 chains, thence due East 20 chains, thence due South 4 chains, thence due East 20 chains, to the point of beginning.

The above described areas aggregate 310 acres.

Therefore, pursuant to the regulations contained in 43 CFR, Part 2311, such lands, at 10 a.m., on April 4, 1978, will be relieved of the segregative effect of the above-mentioned application.

MERRILL G. ANDERSON,
Leader, Montrose Team,
Branch of Adjudication.

[FR Doc. 78-5823 Filed 3-6-78; 8:45 am]

[4310-84]

[Colorado 8879]

COLORADO

Partial Termination of Proposed Withdrawal and Reservation of Lands

FEBRUARY 27, 1978.

Notice of a Forest Service, U.S. Department of Agriculture application, Colorado 8879, for withdrawal and reservation of lands for public purposes, was published as FR Doc. 69-6905, on pages 9291-9292 of the issue of June 12, 1969. It was republished as FR Doc. 77-37087 on pages 65280-65281 of the issue of December 30, 1977. The applicant agency has cancelled its application insofar as it affects the following described lands:

SIXTH PRINCIPAL MERIDIAN WHITE RIVER NATIONAL FOREST

A strip of land which lies 200 feet on each side of the centerline of Forest Highway 16 (the Marvine-Phippsburg Road) through Government lands within the following legal subdivisions:

T. 2 N., R. 88 W., Unsurveyed (Protraction Diagram No. 3),
Sec. 29 south of the Routt-White River National Forest boundary at Ripple Creek Divide;
Sec. 31;
Sec. 32;
T. 1 N., R. 88 W., Unsurveyed (Protraction Diagram No. 3),
Sections 6 and 7;
T. 1 N., R. 89 W., Unsurveyed (Protraction Diagram No. 3),
Sec. 1;
Sec. 7;
Sections 8, 9, and 10 except portions of the roadside zone which lie within privately owned H.E.S. 143, H.E.S. 145, E.S. 358A, and H.E.S. 295;
Sections 11 and 12.

The above described areas aggregate 430 acres.

Therefore, pursuant to the regulations contained in 43 CFR, Part 2311, such lands, at 10 a.m., on April 4, 1978, will be relieved of the segregative effect of the above-mentioned application.

ANDREW W. HEARD, Jr.,
Leader, Craig Team,
Branch of Adjudication.

[FR Doc. 78-5824 Filed 3-6-78; 8:45 am]

[1505-01]

[OR 7281]

OREGON

Order Providing for Opening of Public Lands

Correction

In FR Doc. 78-2858, appearing at page 4462 in the issue for Thursday, February 2, 1978, make the following corrections:

1. On Page 4463, first column, third line under the heading "T. 26 S., R. 45 E.,": change "SE½NW¼, NE½SW¼," to read "S½NW¼, N½SW¼".

2. On Page 4463, second column, sixth line under the heading "T. 26 S., R. 46 E.,": change "N½,SW¼" to read "N½, SW¼."

[4310-84]

[NM 32906]

NEW MEXICO

Application

FEBRUARY 24, 1978.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINICPAL MERIDIAN, NEW MEXICO

T. 27 N., R. 8 W.,
Sec. 24, NE¼SW¼.

This pipeline will convey natural gas across 0.045 miles of public land in San Juan County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of land management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA,
Chief, Branch of Lands and
Minerals Operations.

[FR Doc. 78-5907 Filed 3-6-78; 8:45 am]

[4310-84]

UTAH

Filing of Plats of Survey and Order Providing for Openings of Public Lands

1. Plats of survey of the lands described below will be officially filed in the Utah State Office, Salt Lake City, Utah effective at 10 a.m., on April 3, 1978:

SALT LAKE MERIDIAN

PLATS OF SURVEY APPROVED JANUARY 3, 1978

T. 28½ S., R. 18 E.,
Sec. 31, Lots 1 to 4, inclusive, E½, E½W½.
The area described aggregates 630.72 acres.

T. 29 S., R. 19 E.,

Sec. 12, Lots 1 to 5, inclusive, E½, SE¼NW¼, NE¼SW¼, S½SW¼;
Sec. 13, E½;
Sec. 24, E½;
Secs. 25 and 36, all.
The area described aggregates 2,527.57 acres.

T. 30 S., R. 19 E.,
Sec. 1, Lots 1 to 4, inclusive, S½N½, S½.
The area described aggregates 639.50 acres.

T. 30½ S., R. 20 E.,
Sec. 35, Lots 1 to 4, inclusive, S½S½.
The area described aggregates 331.88 acres.

Subject to valid existing rights, the provisions of existing withdrawals and classifications, and the requirements of applicable law, the lands are hereby opened to such applications and petitions as may be permitted.

2. The following plats represent the survey and resurvey of a portion of the subdivisional lines:

T. 27 S., R. 18 E.
T. 28½ S., R. 18 E.
T. 29 S., R. 18 E.
T. 30 S., R. 18 E.
T. 30½ S., R. 18 E.
T. 31 S., R. 18 E.
T. 27 S., R. 19 E.
T. 29½ S., R. 19 E.
T. 31 S., R. 19 E.
T. 32 S., R. 19 E.
T. 27 S., R. 20 E.
T. 28 S., R. 20 E.
T. 29 S., R. 20 E.
T. 31 S., R. 20 E.
T. 32 S., R. 20 E.

3. The above surveys were executed at the request of the National Park Service, under Group No. 485, Utah.

4. Inquiries concerning the lands should be addressed to the Chief, Division of Management Services, Utah State Office, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

GARY F. GEORGE,
Chief, Division of Management Services.

FEBRUARY 27, 1978.

[FR Doc. 78-5905 Filed 3-6-78; 8:45 am]

[4310-31]

Geological Survey

COLORADO

Proposed Approval of Coal Mining Plan

In accordance with the requirements of 30 CFR 211.5(c)(2), notice is hereby given that Colorado Westmoreland, Inc., P.O. Box 7607, Colorado Springs, Colo. 80933, has submitted a mining plan which proposes to mine coal by underground mining methods on a proposed Federal Coal Lease, C-25079 in Delta County, Colo.

The proposed underground mining operation on Federal lands is an extension of an existing underground mining operation on private land and coal and includes 310.51 acres of the following described lands in T. 13 S., R. 92 W., 6th P.M., Sec. 24, N½N½ (Lots 1, 2, 3, and 4), S½NW¼ (Lots 5 and 6), N½SW¼ (Lots 8 and 9). The plan proposes to mine approximately 1,966,667 tons of coal over a 3-year period as allowed by the terms of the lease.

The purpose of this notice is to inform the public that the Mining Supervisor proposes to approve the mining plan contingent upon the issuance of the lease and upon review by the Department of Justice for situations inconsistent with the antitrust laws.

Any person having an interest which is or may be adversely affected by this action may request a public meeting in writing. Requests should include name and address of requestor and a description of the requestor's interest which is or may be adversely affected. All requests should be submitted to the Area Mining Supervisor, Conservation Division, U.S. Geological Survey, Box 25046, Stop 602, Denver Federal Center, Denver, Colo. 80225, by March 27, 1978. No decision on the mining plan will be made prior to 20 days from the day of publication of this notice.

Public meetings have been held by the Bureau of Land Management in cooperation with the U.S. Geological Survey on an Environmental Assessment Record (EAR) prepared by the Bureau of Land Management for these lands under application for a lease by Colorado Westmoreland, Inc. A public meeting to consider the effects of recovering coal by alternate mining methods in order to achieve maximum economic recovery of the coal on the proposed lease tract will be held by the Geological Survey in the local area prior to issuance of the lease. Notices of the date of this meeting will be published locally.

Dated: March 1, 1978.

W. A. RADLINSKI,
Acting Director.

[FR Doc. 78-5962 Filed 3-6-78; 8:45 am]

[4310-70]

Heritage Conservation and Recreation Service

NATIONAL REGISTER OF HISTORIC PLACES

List of Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before February 24, 1978. Pursuant to § 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, Office of Archeology and Historic Preservation, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted by March 17, 1978.

RONALD M. GREENBERG,
Acting Keeper of the National Register.

ARIZONA

Pima County

Lukeville vicinity, *Bull Pasture*, E of Lukeville on Organ Pipe Cactus National Monument.

IOWA

Lee County

Fort Madison, *Albright House*, 716-718 Avenue F.

Polk County

Des Moines, *Owl's Head Historic District*, Ridge Rd., Forest Dr., 28th and 29th Sts.

Shelby County

Harlan, *St. Paul's Episcopal Church*, 712 Farnham St.

KENTUCKY

Jefferson County

Louisville, *Selema Hall*, 2837 Riedling Dr.

MISSISSIPPI

Monroe County

Athens, *Monroe County Jail*, off MS 8.

MISSOURI

Adair County

Kirksville, *Adair County Courthouse*, Washington St.

Audrain County

Mexico, *Ross House*, 501 S. Muldrow.

Clay County

Liberty, *Jewell Hall*, Jewell St. between Kansas and Mississippi Sts.

Jackson County

Kansas City, *Bixby, Walter E., House*, 6505 State Line Rd.
Kansas City, *Row House Building*, 1-7 E. 34th St., 3401 Main St.

Morgan County

Versailles, *Martin Hotel*, 118 N. Monroe St.

Platte County

Platte City, *Krause, Frederick, Mansion*, 3rd and Harrel Ferrel Dr.

St. Louis (independent city)

Chatillon-DeMenil House, 3352 DeMenil Pl.
Midtown Historic District, Lindell and Grand Blvds.

MONTANA

Beaverhead County

Dillon, *Dillon City Library*, 121 S. Idaho.

Cascade County

Belt, *Belt Jail*, Castner St.

Deer Lodge County

Anaconda, *Deer Lodge County Courthouse*, U.S. Alt. 10.
Anaconda, *St. Mark's Episcopal Church*, 601 Main St.

Fergus County

Lewistown, *St. James Episcopal Church and Parish House*, 502 W. Montana St.

Flathead County

West Glacier, *Belton Chalets*, U.S. 2.

Lewis and Clark County

Helena, *Hauser Mansion*, 720 Madison Ave.

Prairie County

Terry, *Grandey Elementary School*, off U.S. 10.

NEBRASKA

Douglas County

Omaha, *Omaha Public Library*, 1823 Harney St.

Red Willow County

McCook, *Sutton, H. P., House*, 602 Norris Ave.

NORTH CAROLINA

Carteret County

Portsmouth, *Portsmouth Village*, N end of Portsmouth Island.

PENNSYLVANIA

Schuylkill County

Pottsville, *Cloud Home (John Bannan House)*, 351 S. 2nd St.

SOUTH DAKOTA

Fall River County

Edgemont vicinity, *Flint Hill Aboriginal Quartzite Quarry*, E of Edgemont.

TENNESSEE

Franklin County

Winchester, *Bank of Winchester Building*, 1st Ave.

Hamblen County

Morristown vicinity, *Barton Springs*, 3 mi. (5 km) E of Morristown.

Shelby County

Memphis, *Elmwood Cemetery Office and Entrance Bridge*, 824 S. Dudley St.
Memphis, *Linden Station and Reichman-Crosby Warehouse*, 245, 281, 291 Wagner Pl.

TEXAS

Bell County

Salado, *Rose, Maj. A. J., House*, Wm. Rose Way and Royal St.

Harrison County

Marshall, *Hagerty House*, 505 E. Rusk St.

Tom Green County

San Angelo, *San Angelo National Bank, Johnson & Taylor, Schwartz & Raas Buildings*, 20-22, 24, 26 E. Concho Ave.

UTAH

Emery County

Castle Dale, *Castle Dale School*, 100 North and 100 East.
Ferron, *Ferron Presbyterian Church and Cottage*, Mill Rd. and 3rd West.

Sanpete County

Mt. Pleasant, *Wasatch Academy*, off U.S. 89.

WISCONSIN

Columbia County

Columbus vicinity, *Leopold, Aldo, Shack*, central Wisconsin (also in Sauk County).

Milwaukee County

Milwaukee, *Walker's Point Historic District*, roughly bounded by the freeway, Menomonee Canal, Scott, 2nd and W. Va. Sts.

The following property is a boundary revision requested for a property presently listed on the National Register of Historic Places.

MINNESOTA

LeSueur County

Cleveland vicinity, Geldner Sawmill, S of Cleveland (boundary revision).

[FR Doc. 78-5466 Filed 3-6-78; 8:45 am]

[4310-70]

Heritage Conservation and Recreation Service

NATIONAL REGISTER OF HISTORIC PLACES

Additions, Deletions, and Corrections

By notice in the FEDERAL REGISTER of February 7, 1978, part II, there was published a list of the properties included in the National Register of Historic Places. Further notice is hereby given that certain amendments or revisions in the nature of additions, deletions, or correction to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 16 U.S.C. 470 et seq. (1970 ed.), and the procedures of the Advisory Council on Historic Preservation, 36 CFR Part 800.

WILLIAM J. MURTAGH,
Keeper of the National Register.

The following properties were added to the National Register of Historic Places since February 7, 1978. National Historic Landmarks are designated by NHL; properties recorded by Historic American Buildings Survey are designated by HABS; properties recorded by Historic American Engineering Record are designated by HAER; properties receiving grants-in-aid for historic preservation are designated by G.

ALASKA

Dallas County

Selma vicinity, *Carlowville*, 17 mi. (27 km) S of Selma on AL 89 (1-18-78).

Hale County

Greensboro, *Erwin, John, House*, 705 Erwin Dr. (1-18-78) HABS.

Henry County

Abbeville, *Kennedy House*, 300 Kirkland St. (1-5-78).

Lee County

Opelika vicinity, *Spring Villa*, 6 mi. (9.6 km) SE of Opelika on Spring Villa Rd. (1-3-78) HABS.

ALASKA

Matanuska-Susitna Division

Palmer, *Palmer Depot*, AK 1 (1-9-78).

ARIZONA

Maricopa County

Glendale, *Beet Sugar Factory*, 5243 W. Glendale Ave. (1-30-78).
Tempe, *Our Lady of Mount Carmel Catholic Church*, College and University Ave. (1-30-78).
Tempe, *Petersen, Niels, House*, Southern Ave. and Priest St. (1-5-78).

ARKANSAS

Benton County

Bentonville, *Elliott House*, 303 SE 3rd St. (1-20-78).

Crawford County

Van Buren, *Bryan House*, 105 Fayetteville St. (1-9-78).

Jefferson County

Pine Bluff, *Ferguson House*, 902 E. 4th Ave. (1-8-78).
Pine Bluff, *Trulock-Gould-Millis House*, 704 W. Barraque St. (1-3-78). Pine Bluff, *Yaunch-Ragar House*, 625 State St. (1-20-78).

Pulaski County

Little Rock, *Ish House*, 1600 Scott St. (1-3-78).
North Little Rock, *Faucette, James Peter, House*, 316 W. 4th St. (1-4-78).
North Little Rock, *Howell-Garner-Monfee, House*, 300 W. 4th St. (1-4-78).

Sebastian County

Fort Smith, *Foster, Josiah, Building*, 222 Garrison Ave. (1-20-78).

CALIFORNIA

Inyo County

Little Lake vicinity, *Coso Hot Springs*, NE of Little Lake off U.S. 395 (1-3-78).

Mariposa County

El Portal, *Hetch Hetchy Railroad Engine No. 6*, CA 140 (1-30-78).
Yosemite Village and vicinity, *Yosemite Valley Archeological District*, Yosemite National Park (1-20-78).

Santa Clara County

Stanford, *Hoover, Lou Henry, House*, 623 Mirada Rd. (1-30-78).

COLORADO

Chaffee County

Buena Vista, *Grace Episcopal Church*, Main and Park Ave. (1-20-78).

Clear Creek County

Idaho Springs, *Argo Tunnel and Mill*, 2517 Riverside Dr. (1-31-78).

Custer County

Westcliffe, *Hope Lutheran Church*, 310 S. 3rd St. (1-31-78).

Denver County

Denver, *Denver Dry Goods Company Building*, 16th and California Sts. (1-9-78).
Denver, *Equitable Building*, 730 17th St. (1-9-78).
Denver, *Foster, A. C., Building*, 912 16th St. (1-9-78).
Denver, *Ghost Building*, 500-518 15th St. (1-9-78).
Denver, *Tramway Building*, 1100 14th St. (1-5-78).

Larimer County

Fort Collins, *Fort Collins Post Office*, 201 S. College Ave. (1-30-78).
Fort Collins, *Spruce Hall*, Colorado State University campus (1-9-77).

Pueblo County

Pueblo, *Bowen Mansion*, 229 W. 12th St. (1-9-78).
Pueblo, *Pitkin Place Historic District*, S side of 300 block W. Pitkin Pl. (1-31-78).
Pueblo, *Pueblo Federal Building*, 421 N. Main St. (1-3-78).

Weld County

Greeley, *Weld County Courthouse*, 9th St. and 9th Ave. (1-9-78).

CONNECTICUT

Hartford County

Granby, *Rowe and Weed Houses*, 208 Salmon Brook St. (1-18-78).
Hartford, *Charter Oak Place*, 7-40 Charter Oak Pl. (1-20-78).
Hartford, *Second Church of Christ*, 307 Main St. (1-9-78).

New London County

New London, *Williams Memorial Institute*, 110 Broad St. (1-30-78).

DELAWARE

Sussex County

Concord, *Pine Grove Furnace Industrial Complex* (1-26-78).

FLORIDA

Hillsborough County

Tampa, *Tampa Theater and Office Building*, 711 Franklin St. (1-3-78).

GEORGIA

Bryan County

Ellabelle vicinity, *Glen Echo*, 2 mi. (3.2 km) E of Ellabelle on GA 204 (1-9-78).
Richmond Hill vicinity, *Richmond Hill Plantation*, E of Richmond Hill on Ford Neck Rd. (1-30-78).

Jasper County

Monticello, *Jordan-Bellew House*, Madison Hwy. (1-20-78).

IDAHO

Bear Lake County

Montpelier, *Bagley, John A., House*, 155 N. 5th St. (1-20-78).

Elmore County

Mountain Home, *Anchustegui, Pedro, Pelota Court*, W. 2nd North St. (1-30-78).

Jerome County

Jerome, *Jerome National Bank*, 100 E. Main St. (1-9-78).

Latah County

Moscow, *Lieuallen, Almon Asbury, House*, 101 S. Almon St. (1-3-78).

Washington County

Weiser, *Drake, Col. C. F., House*, 516 E. Main St. (1-20-78).
Weiser, *Galloway, Thomas C., House*, 1120 E. 2nd St. (1-26-78).

ILLINOIS

Cook County

Chicago, *Gold Coast Historic District*, roughly bounded by North Ave., Lake Shore Dr., Clark and Oak Sts. (1-30-78).

DuPage County

Wheaton, *Trinity Episcopal Church*, 130 N. West St. (1-9-78).

Kankakee County

Kankakee, *Hickox, Warren, House*, 687 S. Harrison Ave. (1-3-78).

Lake County

Lake Forest, *Lake Forest Historic District*, roughly bounded by Western, Westleigh, Lake Michigan, and N city limits (1-26-78).

Sangamon County

Chatham vicinity, *Sugar Creek Covered Bridge*, SE of Chatham off I-55 (1-9-78).

Shelby County

Shelbyville, *Chatauqua Auditorium*, Forest Park and NE. 9th St. (1-30-78).

Winnebago County

Rockton vicinity, *Macktown Historic District*, W of Rockton on Pecatonica River (1-5-78).

INDIANA

Wayne County

Hagerstown, *Hagerstown I.O.O.F. Hall*, Main and Perry Sts. (1-3-78).

IOWA

Bremer County

Waverly, *Wartburg Teachers; Seminary*, Wartburg College campus (1-20-78).

Dubuque County

Dubuque, *Kelley House*, 274 Southern Ave. (1-30-78).

Linn County

Cedar Rapids, *Calder Houses*, 1214 and 1216 2nd Ave., SE (1-18-78).

Van Buren County

Bonaparte, *Aunty Green Hotel*, 602 Washington St. (1-20-78).

KENTUCKY

Ballard County

Lovelaceville vicinity, *Lovelace, Andrew Jr., House*, W of Lovelaceville off U.S. 62 (1-3-78).

Bath County

Owingsville, *Owings, Col. Thomas Deye, House*, Main St. and Courthouse Sq. (1-9-78).

Breckinridge County

Falls of Rough, *Falls of Rough Historic District*, KY 110 (1-31-78).

Fayette County

Lexington, *Elley Villa (Aylesford)*, 320 Linden Walk (1-9-78).
Lexington, *Morton, Will, Tavern Stand*, 137 S. Limestone St. (1-3-78).

Henderson County

Henderson, *Barret House*, 204 S. Elm St. (1-5-78).

Jefferson County

Harrods Creek vicinity, *Wolf Pen Branch Mill*, E of Harrods Creek on Wolf Pen Branch Rd. (1-5-78).
Louisville, *Calvary Episcopal Church*, 821 S. 4th St. (1-18-78).
Louisville, *U.S. Marine Hospital*, 2215 Portland Ave. (1-9-78).

Scott County

Georgetown vicinity, *Elkwood (Offutt House)*, NW of Georgetown (1-20-78).

MAINE

Androscoggin County

Auburn, *Day, Holman, House*, 2 Goff St. (1-20-78).
Lewiston, *Savings Bank Block*, 215 Lisbon St. (1-20-78).

Cumberland County

Portland, *Fifth Maine Regiment Community Center*, Seashore Ave., Peaks Island (1-5-78).
Yarmouth, *Mitchell House*, 40 Main St. (1-20-78).

Hancock County

Deer Isle, *Haskell, Squire Ignatius, House*, ME 172A (2-3-78).

Knox County

Owls Head vicinity, *Owls Head Light Station*, NE of Owls Head on W. Penobscot Bay (1-18-78).
Rockland, *Security Trust Building*, Elm and Main Sts. (1-20-78).

Penobscot County

Newburgh vicinity, *Knowlton, Jabez, Store*, W of Newburgh on ME 9 (1-18-78).

Sagadahoc County

Topsham, *Topsham Historic District*, Elm, Maine, and Green Sts. (1-9-78).

Washington County

Machias, *Porter Memorial Library*, Court St. (1-20-78).

MARYLAND

Allegany County

Cumberland, *Butler, Wright, House*, 205 Columbia St. (1-31-78).

Caroline County

Federalsburg vicinity, *Exeter*, N of Federalsburg on MD 630 (1-3-78).

Frederick County

Point of Rocks vicinity, *St. Paul's Episcopal Church*, N of Point of Rocks off U.S. 15 (1-31-78).

Harford County

Bel Air vicinity, *Thomas Run Church*, NE of Bel Air off MD 136 (1-3-78).

Howard County

Guilford vicinity, *Christ Church, Guilford*, N of Guilkford at 6800 Oakland Mills Rd. (1-30-78).

St. Marys County

Great Mills vicinity, *Cecil's Mill Historic District*, N of Great Mills on Indian Bridge Rd. (1-30-78).

Washington County

Williamsport vicinity, *Sprechers Mill House*, NE of Williamsport on Hopewell Rd. (1-5-78).

MASSACHUSETTS

Hampden County

East Longmeadow, *First Congregational Church of East Longmeadow*, 7 Somers Rd. (1-3-78).
Springfield, *Republican Block*, 1365 Main St. (1-26-78).
Springfield, *Union Trust Company Building*, 1351 Main St. (1-9-78).

Middlesex County

Cambridge, *Harvard Square Subway Kiosk*, Massachusetts Ave. and Boylston St. (1-30-78).
Cambridge, *Hasty Pudding Club*, 12 Holyoke St. (1-9-78).
Newton, *Allen, Nathaniel Topliff, Homestead*, 25 Webster St. (1-9-78).
Newton Centre, *Colby Hall*, 141 Herrick Rd. (1-30-78).
Weston vicinity, *Allen, Abel, House*, S of Weston at 1 Chestnut St. (1-9-78).

Worcester County

Fitchburg, *Fay Club*, 658 Main St. (1-31-78).

MICHIGAN

Antrim County

Bellaire, *Richardi, Henry, House*, 402 N. Bridge St. (1-18-78).

Calhoun County

Marshall, *National House*, 102 S. Parkview (1-3-78).

Leelanau County

Leland vicinity, *Hutzler's Barn*, W of Leland on South Manitou Island (1-3-78).

Wayne County

Detroit, *Engine House No. 11*, 2737 Gratiot Ave. (1-9-78).
Detroit, *St. Albertus Roman Catholic Church*, 4231 St. Aubin St. (1-18-78).

MINNESOTA

Ramsey County

St. Paul, *Hinkel-Sullivan House*, 531 Brainerd Ave. (1-3-78).

Rock County

Jasper, *Jasper Stone Company and Quarry*, off MN 23 (1-5-78).

Winona County

Elba vicinity, *Marnach, Nicholas, House* N of Elba (1-30-78).

MISSISSIPPI

Harrison County

Biloxi, *U.S. Post Office, Courthouse, and Customhouse*, 216 Lameuse St. (1-30-78).

Madison County

Canton vicinity, *Doak's Stand Treaty Site*, NE of Canton (1-30-78).

Washington County

Greenville, *First National Bank of Greenville*, Main and Walnut Sts. (1-30-78).

MISSOURI

Jackson County

Kansas City, *Corrigan, Bernard, House*, 1200 W. 55th St. (1-18-78).

Marion County

Hannibal, *Mark Twain Historic District*, Bird, Main, and Hill Sts. (1-4-78).

Nodaway County

Graham, *Simpson's College*, 515 E. Jackson St. (1-30-78).

Shelby County

Bethel vicinity, *Hebron*, 0.8 mi. (1.3 km) NW of Bethel (1-31-78).

NEBRASKA

Lincoln County

North Platte vicinity, *Scout's Rest Ranch*, NW of North Platte off U.S. 30 (1-30-78).

NEVADA

Carson City (independent city)

Lakeview House, U.S. 395 S of E. Lake Blvd. (1-5-78).
Roberts, James D. House, 1217 N. Carson St. (1-3-78) HABS.
St. Peter's Episcopal Church, 312 N. Division St. (1-3-78) HABS.

Washoe County

Reno, *Glendale School*, S. Virginia St. and Lietzke Lane (1-30-78).

White Pine County

Ely vicinity, *Sunshine Locality*, NW of Ely (1-30-78).

NEW HAMPSHIRE

Rockingham County

Portsmouth, *St. John's Church*, 105 Chapel St. (1-31-78).

NEW JERSEY

Atlantic County

Atlantic City, *Holmhurst Hotel*, 121 S. Pennsylvania Ave. (1-18-78).

Burlington County

Columbus vicinity, *Newbold, Barzillai, House*, E of Columbus on Columbus-Georgetown Rd. (1-26-78).
Moorestown, *French, Thomas Jr., House*, 512 Camden Ave. (1-9-78).
Wrightstown vicinity, *Oakwood (Newbold-Hutchinson House)*, W of Wrightstown on Springfield Meeting Rd. (1-30-78).

Camden County

Camden, *Whitman, Walt, Neighborhood*, 326-332 Mickle St. (1-20-78).
Haddonfield vicinity, *Barclay Farm House*, NE of Haddonfield near jct. of I-295 and NJ 70 (1-26-78).

Essex County

Newark, *James Street Commons Historic District*, roughly bounded by Halsey, Warren, Boyden, Bleeker, Orange, and Broad Sts. (1-9-78).

Mercer County

Princeton vicinity, *Tusculum*, N of Princeton on Cherry Hill Rd. (1-5-78) HABS.
Trenton, *Trenton City Hall*, 309 E. State St. (1-30-78).

Ocean County

Seaside Park vicinity, *U.S. Lifesaving Station No. 14*, S of Seaside Park on Island Beach State Park (1-30-78).

Somerset County

Neshanic, *Neshanic Mills*, Main Rd. and Mill Lane (1-9-78)

NEW MEXICO

Bernalillo County

Albuquerque, *Hodgin Hall*, University of New Mexico campus (1-30-78).
Albuquerque, *Occidental Life Building*, 119 3rd Ave., SW. (1-30-78).
Albuquerque, *Superintendent's House, Atlantic & Pacific Railroad*, 1023 S. 2nd St. (1-20-78).

Colfax County

Raton vicinity, *Catskill Charcoal Ovens*, 35 mi. (56 km) W of Raton (1-30-78).
Raton vicinity, *St. John's Methodist Episcopal Church*, 17 mi. (27 km) E of Raton on NM 72 (1-18-78).

Dona Ana County

Mesilla, *Barela-Reynolds House*, off NM 292 (1-20-78).

NEW YORK

Albany County

Albany, *Church of the Holy Innocents*, 275 N. Pearl St. (1-31-78).
Cohoes, *Harmony Mill Historic District*, between Mohawk River and RR tracks (1-12-78).

Allegany County

Angelica, *Angelica Park Circle Historic District*, Main and White Sts. and Allegany County Fairgrounds (1-31-78).

Broome County

Binghamton, *South Washington Street Parabolic Bridge*, S. Washington St. (1-30-78).

Cortland County

Solon, *Hatheway Homestead*, NY 41 (1-20-78).

New York County

New York City, *Apthorp Apartments*, 2201-2219 Broadway (1-30-78).

Orange County

Montgomery vicinity, *Hill, Nathaniel, Brick House*, E of Montgomery on NY 17 K (1-5-78).

NORTH CAROLINA

Buncombe County

Asheville, *Manor and Cottages*, 265 Charlotte St. (1-26-78).

Chatham County

Pittsboro, *Pittsboro Presbyterian Church*, N. East St. (1-30-78).

Dare County

Duck vicinity, *Caffeys Inlet Lifesaving Station*, N of Duck on SR 1200 (1-30-78).

Durham County

Durham, *Hill, John Sprunt, House*, 900 S. Duke St. (1-30-78).

Forsyth County

Bethania vicinity, *Jones, Dr. Beverly, House*, SR 1611 (1-20-78).

Mecklenburg County

Charlotte, *Duke, James Buchanan, House*, 400 Hermitage Rd. (1-20-78).

Orange County

Oaks, *Bingham School*, NC 54 and SR 1007 (1-18-78).

Washington County

Creswell vicinity, *Belgrade and St. David's Church*, E of Creswell (1-26-78).

NORTH DAKOTA

Ramsey County

Devils Lake, *Ramsey County Sheriff's House*, 420 6th St. (1-31-78).

Ward County

Minot, *Soo Line Passenger Depot*, 11 N. Main St. (1-20-78).

OHIO

Warren County

Lebanon, *Golden Lamb*, 27-31 S. Broadway (1-12-78) HABS.

OKLAHOMA

Comanche County

Lawton, *Meers Mining Camp*, 20 mi. (32 km) NW of Lawton (1-20-78).

Kingfisher County

Kingfisher, *Kingfisher Post Office*, Main and Robberts Sts. (1-20-78).

OREGON

Benton County

Corvallis, *Benton County Courthouse*, NW. 4th St. between Jackson and Monroe Sts. (1-30-78).

Multnomah County

Portland, *Loeb, Nathan, House*, 726 NW. 22nd Ave. (1-20-78).

Portland, *Trenkmann Houses*, 525 NW. 17th Ave., 526 NW. 18th Ave., 1704, 1710, 1716, 1720, 1728, 1734 NW. Hoyt St. (1-30-78).

PENNSYLVANIA

Berks County

Reading, *Astor Theatre*, 730-742 Penn St. (1-5-78).

Wernersville vicinity, *Old Dry Road (Staudt Farm)*, 3 mi. (4.8 km) NW of Wernersville on Highland Rd. (1-23-78).

Bucks County

New Hope vicinity, *Smith Family Farmstead*, S of New Hope on River Rd. (1-30-78).

Quakertown, *Liberty Hall*, 1237 W. Broad St. (1-26-78).

Chester County

Kimberton vicinity, *Strickland-Roberts Homestead*, 3 mi. (4.8 km) S of Kimberton on St. Matthews Rd. (1-30-78).

Pottstown vicinity, *Coventryville Historic District*, S of Pottstown on PA 23 (1-31-78).

Delaware County

Concordville, *Handwrought*, Concord and Station Rd. (1-18-78).

Franklin County

St. Thomas vicinity, *Chambersburg and Bedford Turnpike Road Company Toll House*, W of St. Thomas on U.S. 30 (1-3-78).

Lancaster County

Mount Joy vicinity, *Donegal Mills Plantation*, SW of Mount Joy on Trout Run Rd. (1-20-78).

Schuylkill County

Rock vicinity, *Schuylkill County Bridge No. 113*, E of Rock off PA 895 (1-3-78).

Rock vicinity, *Schuylkill County Bridge No. 114*, W of Rock off PA 895 (1-3-78).

Wayne County

Bethany, *Wilmot Mansion*, Wayne and Sugar Sts. (1-26-78).

Westmoreland County

Latrobe vicinity, *St. Vincent Archabbey Gristmill*, SW of Latrobe off U.S. 30 (1-18-78).

RHODE ISLAND

Providence County

Central Falls, *Holy Trinity Church Complex*, 134 Fuller Ave. (1-3-78).

Washington County

Westerly, *Main Street Historic District*, 113-132 Main St., 8, 7-13 School St., 3-14 Maple St. (1-9-78).

SOUTH CAROLINA

Aiken County

Aiken, *Coker Spring*, Coker Spring Rd. (1-18-78).

Charleston County

Charleston, *Bennett, Gov. Thomas, House*, 69 Barre St. (1-31-78).

Georgetown County

Georgetown vicinity, *Arcadia Plantation*, 5 mi. (8 km) E of Georgetown off U.S. 17 (1-3-78).

Greenville County

Greenville, *Wesley, John, Methodist Episcopal Church*, 101 E. Court St. (1-20-78).

Sumter County

Pinewood vicinity, *St. Mark's Church*, W of Pinewood on SR 51 (1-20-78).

SOUTH DAKOTA

Brown County

Aberdeen vicinity, *Wylie Park Pavilion*, N of Aberdeen off U.S. 281 (1-26-78).

Butte County

Belle Fourche, *Scotney, John Aaron, House*, 830 9th St. (1-3-78).

Clay County

Vermillion vicinity, *Rice Farm*, W of Vermillion (1-20-78).

Douglas County

Armour, *Armour Historic District*, Main St. between 3rd and 7th Sts. (1-30-78).

Edmunds County

Ipswich, *Ipswich Baptist Church*, Main St. and 3rd Ave. (1-30-78).

Lake County

Madison, *Luce, Herman, Cabin*, Lake Herman State Park (1-30-78).

Minnehaha County

Sioux Falls, *Phillips Block*, 333-335 N. Main Ave. (1-18-78).

Perkins County

Bison, *Carr, Anna, Homestead*, off SD 20 (1-20-78).

Spink County

Ashton vicinity, *Norwood, James, Round Barn*, SE of Ashton on Snake Creek (1-3-78).

TENNESSEE

Davidson County

Nashville, *Fisk University Historic District*, roughly bounded by 16th and 18th Aves., Hermosa, Herman, and Jefferson Sts. (2-9-78).

Nashville, *Geddes, James, Engine Company No. 6*, 629 2nd Ave. S. (1-9-78).

Nashville, *Litterer Laboratory*, 631 2nd Ave. S. (1-9-78).

Greene County

Chuckey vicinity, *Mauris-Earnest Fort House*, S of Chuckey on Nolichucky River (1-30-78).

Montgomery County

Clarksville vicinity, *Whitehall*, NW of Clarksville off TN 12 on Mill Rd. (1-31-78).

Robertson County

Springfield, *Mansfield Cheatham House*, 7th Ave. W. (1-30-78).

Sullivan County

Kingsport vicinity, *Looney, Moses, Fort House*, 5436 Old Island Rd. (1-18-78).

Sumner County

Cottontown vicinity, *King Homestead*, W of Cottontown off TN 25 (1-30-78).
Hendersonvile vicinity, *Shackle Island Historic District*, N of Hendersonville at Shackle Island Rd. and Long Hollow Pike (1-30-78).
Westmoreland, *Westmoreland Tunnel*, off Tn 52 (1-20-78).

TEXAS

Caldwell County

Lockhart, *Caldwell County Courthouse Historic District*, Courthouse Sq. and environs (1-3-78).

Dallas County

Dallas, *Magnolia Building*, 108 S. Akard St. (1-3-78).

Garza County

Post vicinity, *O.S. Ranch Petroglyphs*, 12 mi. (19 km) E of Post (1-31-78).

Harris County

Houston, *Old Sixth Ward Historic District*, bounded by Washington, Union, Houston, Capitol and Glenwood Cemetery (1-23-78).

Jefferson County

Beaumont, *Jefferson Theatre*, 345 Fannin St. (1-30-78).

Sutton County

Sonora, *Old Mercantile Building*, 222 Main St. (1-30-78).

UTAH

Carbon County

Price, *Notre Dame de Lourdes Catholic Church*, 200 N. Carbon Ave. (1-9-78).

Salt Lake County

Salt Lake City, *Henderson Block*, 375 West 200 South (1-30-78).
Salt Lake City, *Hotel Utah*, S. Temple and Main St. (1-3-78).

Sevier County

Elsinore, *Elsinore White Rock Schoolhouse*, 25 South 100 East (1-18-78).

VERMONT

Addison County

Monkton vicinity, *Monkton Town Hall*, N of Monkton on Monkton Ridge Rd. (1-3-78).

Caledonia County

Stannard, *Methodist-Episcopal Church*, off VT 16 (1-5-78).

Chittenden County

Burlington, *Old Ohavi Zedek Synagogue*, Archibald and Hyde Sts. (1-31-78).
Jericho vicinity, *Chittenden, Martin, House*, W of Jericho on VT 117 (1-9-78).
Winooski vicinity, *Winooski Archeological Site*, W of Winooski (1-5-78).

Orleans County

Albany vicinity, *Hayden, William, House*, S of Albany of VT 14 (1-31-78).

Rutland County

East Poultney, *East Poultney Historic District*, Village Green and environs (1-31-78).

Washington County

East Barre vicinity, *Nichols House*, SW of East Barre off VT 110 (1-31-78).
Waterbury Center, *Green Mountain Seminary*, off VT 100 (1-30-78).
Waterbury Center, *Waterbury Center Methodist Church*, VT 100 (1-9-78).

Windsor County

Gaysville, *Gay, Daniel, House*, VT 107 (1-9-78).

VIRGINIA

Albemarle County

Powell Corner vicinity, *Estouteville*, SE of Powell Corner off VA 712 (1-30-78).

Botetourt County

Buchanan, *Wilson Warehouse*, Lower and Washington Sts. (1-26-78).

Fauquier County

Warrenton, *Old Fauquier County Jail*, Fauquier County Courthouse Sq. (1-20-78).
Warrenton, *Spilman-Mosby House (Brentmoor)*, 173 Main St. (1-20-78).

Grayson County

Independence, *Grayson County Courthouse*, Main St. (1-26-78).

King William County

Aylett vicinity, *Burlington*, NW of Aylett (1-30-78).

Loudoun County

Taylorstown, *Taylorstown Historic District*, Catoctin Creek and VA 663 (1-30-78).

Montgomery County

Christiansburg, *Christiansburg Presbyterian Church*, 107 W. Main St. (1-30-78).

New Kent County

Providence Forge vicinity, *Olivet Presbyterian Church*, 2.7 mi. (4.3 km) NW of Providence Forge on VA 618 (1-26-78).

Nottoway County

Blackstone vicinity, *Oakridge*, W of Blackstone off VA 626 (1-30-78)

Rockingham County

Singers Glen, *Singers Glen Historic District*, jct. of VA 613 and VA 712 (1-20-78).

Wythe County

Wytheville vicinity, *St. John's Lutheran Church and Cemetery*, NW of Wytheville at jct of U.S. 21/52 and I81 (1-26-78).

WASHINGTON

Kitsap County

Winslow vicinity, *Fort Ward Historic District*, S of Winslow (1-12-78).

WISCONSIN

Columbia County

Wisconsin Dells, *Wever, Jacob, House*, 825 Oak St. (1-20-78).

Dane County

Madison, *Lamp, Robert M., House*, 22 N. Butler St. (1-3-78).

Jackson County

Black River Falls, *Union High School*, N. 3rd St. (1-20-78).

Kenosha County

Kenosha, *McCaffary, John, House*, 5732 13th Court (1-31-78).

Portage County

Stevens Point, *Kuhl, Christina, House*, 1416 Main St. (1-9-78).

Price County

Ogema vicinity, *Johnson, Albin, Log House*, E of Ogema (1-20-78).

Walworth County

East Troy, *Buena Vista House*, 2090 Church St. (1-18-78).

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The following is a list of corrections to properties previously listed in the FEDERAL REGISTER.

ALABAMA

Hale County

Greensboro, *Greensboro Historic District*, Main St. From Hobson to 1st Sts., includes both sides (8-13-76) boundary increase (1-23-78).

ALASKA

Sitka Division

Sitka, *Russian Bishop's House (Russian Mission Orphanage)*, Lincoln and Monastery Sts. (10-15-66).

MONTANA

Powell County

Deer Lodge, *Montana Territorial and State Prison*, 925 Main St. (9-376) (mistakenly listed in Deer Lodge Co.).

SOUTH CAROLINA

Anderson County

Anderson, *Orr, Dr. Samuel Marshall, House*, 809 W. Market St. (4-13-73).

Greenville County

Greenville, *Downtown Baptist Church*, 101 W. McBee Ave. (8-16-77) (formerly listed as *Greenville Baptist Church*).

* * * * *

The following properties were omitted from February 7, 1978, listing of properties in the FEDERAL REGISTER.

ALASKA

Sitka Division

Sitka vicinity, *Old Sitka Site*, 6 mi. (9.6 km) N of Sitka on Starrigavan Bay (10-15-66) NHL.

WYOMING

Teton County

Jackson vicinity, *Miller Cabin*, 1 mi. (1.6 km) NE of Jackson (4-16-69) G.
Moose, *Menor's Ferry*, Across Snake River just above park headquarters, Grand Teton National Park, (4-16-69).
Moose vicinity, *Cunningham Cabin*, NE of Moose off U.S. 26/89/187 in Grand Teton National Park, (10-2-73).
Moran vicinity, *Leek's Lodge*, 10 mi (16.1 km) NW of Moran in Grand Teton National Park, off U.S. 89/287, (9-5-75).
West Thumb vicinity, *Old Faithful Inn*, W of West Thumb at Old Faithful on Grand Loop Rd., (7-23-73).

Uinta County

Evanston, *Uinta County Courthouse*, Courthouse Sq. (7-14-77).
Evanston vicinity, *Bridger Antelope Trap*, E of Evanston off U.S. 189, (1-21-71).
Fort Bridger vicinity, *Fort Bridger*, On Black's Fork of Green River, near the town of Fort Bridger, (4-16-69) G.
Hilliard vicinity, *Piedmont Charcoal Kilns*, 14 mi. (22.5 km) NE of Hilliard, (6-3-71) G.

Weston county

Newcastle vicinity, *Jenney Stockade site*, (9-30-69).

Z OUTER CONTINENTAL SHELF

Cape Hatteras vicinity, U.S.S. Monitor, S of Cape Hatteras, (3-18-75).
Galveston vicinity, *U.S.S. Hatteras*, S of Galveston (1-28-77).
Plantation Key vicinity, *San Jose Shipwreck site*, 4 mi. (6.4 km) SE of Plantation Key, Monroe County, FL, (3-18-75).

* * * * *

The following properties have been demolished and/or removed from the NATIONAL REGISTER OF HISTORIC PLACES.

KANSAS

Dickinson County

Solomon, *Union Pacific Railroad Depot.*

Jackson County

Grass Lake, *Smith, Sidney T., House*, Michigan Ave.

Wayne County

Detroit, *Harper Hospital*, John R St. Grosse Pointe Farms, *Dodge Mansion, (Rose Terrace)*, 12 Lakeshore Dr.

Athens County

The Plains, *Hartman Mound.*

Hamilton County

Elizabethtown vicinity, *Fort Hill.*

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NOTICES

The following properties have been determined to be eligible for inclusion in the National Register. All determinations of eligibility are made at the request of the concerned Federal Agency under the authorities in section 2(b) and 1(3) of Executive Order 11593 as implemented by the Advisory Council on Historic Preservation, 36 CFR Part 800. This listing is not complete. Pursuant to the authorities discussed herein, an Agency Official shall refer any questionable actions to the Director, Office of Archeology and Historic Preservation, Department of the Interior, for an opinion respecting a property's eligibility for inclusion in the National Register.

Historical properties which are determined to be eligible for inclusion in the National Register of Historic Places are entitled to protection pursuant to section 106 of the National Historic Preservation Act of 1966, as amended, and the procedures of the Advisory Council on Historic Preservation, 36 CFR Part 800. Agencies are advised that in accord with the procedures of the Advisory Council on Historic Preservation, before an agency of the Federal Government may undertake any project which may have an effect on such a property, the Advisory Council on Historic Preservation shall be given an opportunity to comment on the proposal.

ALABAMA

Green County

Gainesville vicinity. *Archeological Sites in Gainesville Project*, Tombigbee Waterway (also in Pickens and Sumter counties).
*Tombigbee River Multi-Resource District**, also in Pickens Co., AL and Tishomingo, Prentiss, Tawamba, Monroe, Clay, Lowndes, Noxubee Cos., MS.

Jefferson County

Pleasant Hill vicinity, *Site 1Je36.* Project I-459-4(4).

Lowndes County

Jones Bluff Park Site (1 Au 139), Jones Bluff Lake Project.

Montgomery County

Gunter Hill Park Site (1 MT 134), Jones Bluff-Lake Project.

Washington County

Sunflower vicinity, *Dr. Williams Home*, AL project RF-98(7).

ALASKA

Aleutian Islands Division Unalaska vicinity, *Amaknak Bridge Site (UNL-050).*

Fairbanks Division

Faith Greek vicinity, *Davidson Ditch*, Steese Hwy.

Nome Division

Cape Nome vicinity, *Nuk Site*, Nome-Council Rd.
Little Diomede Island, *Iyapanc, John House.*

Sitka Division

Crab Bay, *Crab Bay Petroglyph.*

ARIZONA

Apache County

Grand Canyon National Park, *Old Post Office.*

Apache County

Painted Cliffs Archeological District (Arizona K:12:3, K:12:87, K12:238, K:12:239), Lupton Interchange of I-40.

Coconino County

Gray Mountain Site (AR-02-020-946).
House Rock Springs, Upper Houserock Valley.
Paria Plateau Archeological District.

Graham County

Foote Wash—No name Wash Archeological District.

Maricopa County

Cave Creek Archeological District.
Glendale vicinity, *Cave Creek Dam.*
New River Dams Archeological District.
Phoenix, *Beth Israel Synagogue*, 120 E. Culver.
Phoenix, *Brooks, M. B., House*, 334B 75th Ave.
Phoenix, *Ellis-Shackleford House*, 1242 N. Central.
Phoenix, *Evans Barn*, 67th Ave., between Van Buren and McDowell.
Phoenix, *Fennemore House*, 501 E. Moreland.
Phoenix, *Hidden-Porcher House*, 763 E. Moreland.
Phoenix, *Ivy House*, 111 W. Monroe St.
Phoenix, *Kenilworth Elementary School*, 1210 N. 5th Ave.
Phoenix, *La Ciudad Archeological Site.*
Phoenix, *Las Colinas (Arizona T:12810)*, 1200 block of N. 27th Ave.
Phoenix, *Pieri-Elliott House*, 767 E. Moreland.
Phoenix, *Steward House*, 1115 N. Central.
Phoenix, *Wilcox Property*, 2222 W. Washington St.
Carefree vicinity, *Site T:4:6.*
Carefree vicinity, *Site U:1:30 (A.S.U.).*
Carefree vicinity, *Site U:1:31 (A.S.U.).*
Skunk Creek Archeological District.

Mohave County

Colorado City vicinity, *Short Creek Reservoir States, NA 13,257 and NA 13,258.*

Navajo County

Holbrook vicinity, *Cholla-Saguero-Transission Line, Archeological Sites APS-CS-2; APS-CS-3; CS-221; APS-CS-61; CS-218; CS-219; CS-224; CS-220; APS-CS-222.*
Polacca vicinity, *Walpi Hopi Village*, adjacent to Polacca.

Pima County

Tucson, *Convento Site.*

Yavapai County

Copper Basin Archeological District, Prescott National Forest.

Yuma County

Eagle Trail Mountains Archeological Site.

ARKANSAS

Archeological Sites, Black River Watershed (also in Missouri).

Clay County

Site 3CY34, Little Black River Watershed.

Craighead County

Jonesboro, *U.S. Post Office,* Church and Jackson Sts.
Mangrum Site (State Site Number 3CG636).

Faulkner County

Site, 3WH145, E Fork of Cadron Creek Watershed (also in White County).
Site 3VB49-3VB51, N Fork Cadron Creek Watershed.

Hempstead County

Archeological Sites in Ozan Creeks Watershed.

Lonoke County

Scott vicinity, *William S. Pemberton House.*

Ouachita County

Camden, Old Post Office, Washington St.

Pointsett County

Rivervale Site (State Site Number 3P0395).

Sabastian County

Boonville, *Sliding Slab Shelter Site (3SB29).*

CALIFORNIA

Alameda County

Oakland, *First Unitarian Church,* 685 14th St.
Oakland, *Ginn, Frederick B., House,* 660 13th St.
Oakland, *Greene, Charles S., Library Building,* 659 14th St.
Oakland, *Mahoney, Thomas, House,* 669 8th St.
Oakland, *Preservation Park Historic District,* bounded by 10th, 14th, Castro, and Grove Sts.
Oakland, *Quinn, William H., House,* 1425 Castro St.
Oakland, *Rectory, Church of the Immaculate Conception,* 662 7th St.
Oakland, *Remillard, Pierre, House,* 654 13th St.
Oakland, *St. Mary's Church,* Jefferson and 8th Sts.
Oakland, *St. Mary's Church Rectory,* 707 Jefferson St.
Oakland, *White, James, House,* 702 11th St.
Oakland, *920 Brush Street.*
Oakland, *1811-1813 Brush Street.*
Oakland, *716 Castro Street.*
Oakland, *1416 Castro Street.*
Oakland, *905 Grove Street.*
Oakland, *669 Ninth Street.*
Oakland, *576 Sixth Street.*
Oakland, *782-784 Twelfth Street.*
Oakland, *1226-1228 West Street.*

Alpine County

Woodsford vicinity, *Archeological Site 4-Alp-105.*

Amador County

Amador City, 35 mi. (58 km) SE of Sacramento.

Benito County

Chalone Creek Archeological Sites, Pinnacles National Monument.

Calaveras County

New Melones Historical District, New Melones Lake Project area, Stanislaus River (also in Tuolumne County).

Colusa County

Princeton, *Princeton Ferry Site,* Rte. 45.
Stoneyford vicinity, *Upper and Lower Letts Valley Historical District,* 12 mi. (19.2 km) SW of Stoneyford.

Del Norte County

Chimney Rock, Six Rivers National Forest.
Doctor Rock, Six Rivers National Forest.
Peak No. 8, Six Rivers National Forest.

El Dorado County

Columa vicinity, *Site Eld-58.*
Placerville, *Giebenhahn House and Mountain Brewery Complex.*

Fresno County

Helms Pumped Storage Archeological Sites, Sierra National Forest.

Glenn County

Mendocino National Forest, *Black Saddle Site, 05-08-53-89.*
Willows vicinity, *White Hawk Top Site,* Twin Rocks Ridge Road Reconstruction Project.

Humboldt County

Eureka, *Eureka Historic District.*

Imperial County

Glamis vicinity, *Chocolate Mountain Archeological District.*
Holtville vicinity, *Archeological Sites 4-IMP-318, 322, 324, 1747, 1748, 1749, 1750.*
Lake Cahuilla, *Lot 1.*
Lake Cahuilla, *Lot 5.*

Inyo County

Scotty's Castle, Death Valley National Monument.
Scotty's Ranch, Death Valley National Monument.
The Twenty Mule Team Borax Wagon Road (also in Kern and San Bernardino counties).

Kern County

Site Ca-Ker-322.

Lassen County

Archeological Site HJ-1 and HJ-5 (also in Sierra County).

Los Angeles County

Big Tuijunga Prehistoric Archeological Site, I 210 Project.
Los Angeles, *Fire Station No. 26,* 2475 W. Washington Blvd.
Los Angeles, *Venice Short Line Tract,* Venice Blvd. from Lincoln Blvd. to Pacific Ave.
Pico Rivera, *National Bank of Pico,* 9235 Whittier Blvd.
South Pasadena, *Buena Vista District,* 917-1005 Buena Vista St.
South Pasadena, *Oaklawn District,* Oaklawn Ave.
South Pasadena, *Rhodes House,* 365 W. Bellevue Dr.
South Pasadena, *West Bellevue Drive District,* portions of Naverley Dr., Bellevue Dr., Palmetto Dr., and Pasadena Ave.
South Pasadena, *West Del Mar District,* 320-380 W. Del Mar Blvd; 280, 310 S. Orange Grove Blvd.

Van Norman Reservoir, Site CA-LAN 646, CA-LAN 643, Site CA-LAN 499, and a cluster made up of Sites CA-LAN, 475, 491, 492, and 493.

Madera County

Archeological Sites, Buchanan Dam at Chowchilla River.
Bass Lake Archeological Sties.
Hensley Dam vicinity, *CA-MAD 176-185.*
Hensley Dam vicinity, *Lower China Crossing.*
Hensley Darn Vicinity, *New Site.*

Marin County

Point Reyes, *P. E. Booth Company Pier,* Point Reyes National Seashore.
Point Reyes, *Point Reyes Light Station.*

Mendocino County

Stick Lake Prehistoric Site, Case No. 05-08-67, Mendocino National Forest.
Upper Leach Lake Prehistoric Site, Case No. 05-08-67, Mendocino National Forest.

Modoc County

Alturas vicinity, *Rail Spring,* about 30 mi. (48 km) N. of Alturas in Modoc National Forest.
Johnson Slough Site (Site 1).
Tulelake vicinity, *Lava Bed National Monument Archeological District,* S. of Tulelake (also in Siskiyou County).

Mono County

Archeological Site CA-MNO-584.

Monterey County

Big Sur, *Point Sur Light Station.*

Napa County

Archeological Sites 4-Nap—14, 4-Nap-261. Napa River Flood Control Project.

Plumas County

Archeological Sites 05-11-55-11, 28, 33, 43, 44, Plumas National Forest.
Mineral, *Hay Barn and Cook's Cabin, Drakesbad (Sifford Family) Guest House,* Lassen Volcanic National Park.
Mineral, *Summit Lake Ranger Station,* Lassen Volcanic National Park.

Riverside County

La Quinta vicinity, *Archeology District La Quinta Evacuation Channel,* Covers a 240 ft. easement from La Quinta to the white water at Indio.
Twentynine Palms, *Cottonwood Oasis (Cottonwood Springs),* Joshua Tree National Monument.
Twentynine Palms, *Lost Horse Mine,* Joshua Tree National Monument.

Sacramento County

Sacramento River Bank Protection Project, Site 1, Sacramento River.
Sacramento Weir.
Sacramento, *Tower Bridge,* M St. over Sacramento River (also in Yolo County).

San Bernardino County

Ontario, *Euclid Avenue Railroad Grade Separation-Properties.*
Squaw Spring Well Archeological District.
Steam Well Petroghlyph Archeological District.
Trona Pinnacles Railroad Camp.
Twentynine Palms, *Twentynine Palms Oasis,* Joshua Tree National Monument.

San Diego County

Campo, *Campo Railroad Station.*
Escondido vicinity, *Caltrans' Project (Archeological Site 4-SDi-4558).*
North Island, *Camp Howard, U.S. Marine Corps,* Naval Air Station.
North Island, *Rockwell field,* Naval Air Station.
San Diego, *Marine Corps Recruit Depot,* Barnett Ave.

San Francisco County

San Francisco, *The Federal Building,* 100 McAllister St.
Forest Hill Station.
North Point Park/Marina (Eagle Cafe and Pier Facades), San Francisco northern waterfront.
San Francisco, *Twin Peaks Tunnel.*

San Luis Obispo County

New Cuyana vicinity, *Caliente Mountain Aircraft Lookout Tower, 13 mi. (20.8 km) NW. of New Cuyana off Rte. 166.*
San Luis Obispo, *San Luis Obispo Light Station.*

San Mateo County

Hillsborough, *Point Montara Light Station.*

Santa Barbara County

Santa Barbara, *Site SBa-1330,* Santa Monica Creek.
Site CA-Sba-1325.

Santa Clara County

Archeological Sites 4-SCL-163 236, 237, 178, 241, 242, 54.
Coyote, *The Johnson House Complex,* Monterey Rd.
Coyote vicinity, *The Dairy.*
Coyote vicinity, *The Fisher Ranch,* 0.25 mi. (0.3 km) E of Monterey Rd.
Coyote vicinity, *The Stevens Ranch.*

Shasta County

Mineral, *Park Entrance Station and Residence,* Lassen Volcanic National Park.
Mineral, *Park Naturalist's Residence,* Lassen Volcanic National Park.
Mineral, *Sumit Lake Ranger Station,* Lassen Volcanic National Park.
Mineral, *Warner Valley Ranger Station,* Lassen Volcanic National Park.
Redding vicinity, *Squaw Creek Archeological Site,* NE of Redding.
Whiskeytown, *Irrigation System (165 and 166),* Whiskeytown National Recreation Area.

Sierra County

Properties in Bass Lake Sewer Project

Siskiyou County

Thomas-Wright Battle Site, Lava Beds National Monument.

Sonoma County

Dry Creek-Warm Springs Valley Archeological District.
Petaluma, *Ferrell Home,* 500 E. Washington St.
Santa Rosa, *Santa Rosa Post Office.*

Tehama County

Los Molinos vicinity, *Ishi Site (Yahi Camp).* E of Los Molinos in Deer Creek Canyon.

Tulare County

Atwell's Mill, Sequoia National Park.
Cattle Cabins, Sequoia National Park.
Quinn Ranger Station.
Tharp's Log, Sequoia National Park.

Ventura County

Los Padres National Forest, *Archeological Sites 4 Ven-367 and 4-Ven-368.*
Simi Valley, *Archeological Site Vern-341.*

COLORADO

Douglas County

Keystone Railroad Bridge, Pike National Forest.

Larimer County

Estes Park, *Beaver Meadows Maintenance Area,* Rocky Mountain National Park Utility area.
Sites 5-LR-257 and 5-LR-263, Boxelder Watershed Project

Montezuma County

Dolores vicinity, *Anasazi Archeological District.*

Pitkin County

Emma, *Emma Historic District*

Pueblo County

Pueblo, *Pueblo Federal Building (U.S. Post Office),* 5th and main Sts.

CONNECTICUT

Fairfield County

Bridgeport *Pequonnock River Bridge,* crosses Pequonnock River.
Bridgeport Harbor, *Bridgeport Canal Barges.*
Cos Cob, *Cos Cob Bridge,* over Mianus River.
Devon, *Devon Bridge,* over Housatonic River between Stratford and Devon.
Greenwich, *Merritt Parkway,* transportation corridor also through towns of Stanford, New Canaan, Norwalk, Fairfield, Trunball and Stratford.
Norwalk, *Washington Street—S. Main Street Area.*
South Norwalk, *Norwalk River Bridge.*
Westport, *Saugatuck River Bridge,* over Saugatuck River.

Hartford County

Farmington, *Gridley-Parsons-Staples Homestead,* Rt. 4, Farmington Ave.
Granby, *Granby Center.*
Hartford, *Christ Church Cathedral and Cathedral House,* 955 Main St. and 45 Church St.
Hartford, *Flat Iron Building (Motto Building)* (also in Congress St. Historic District).
Hartford, *Hartford Main Post Office,* 135-149 High St.
Hartford, *Houses on Wethersfield Ave.,* between Morris and Wyllys Sts., particularly Nos. 97-81, 65 (also in NR South Green Historic District).
Manchester, *Batson Farm House,* Burnham St.
Manchester, *Portions of Cheney Silk Mills Industrial Complex* (Cheney Homes Area).
Simsbury vicinity, *Farmington Canal,* Granby Sewer facility (Simsbury portion).
South Windsor, *Greek Revival House,* 87 Long Hill Rd.
South Windsor, *Late Federal House,* 78 Long Hill Rd.
Southington, *Lewis, Salley, House,* 500 N. Main St.
Windsor, *Mills, Elijah, House,* 45 Deerfield Rd.

Middlesex County

Middletown, *Cookson, John, House, S. Main St.*
Middletown, *Fuller, Caleb, House,* Upper Williams St.
Middletown, *Main Street Firehouse,* 533 Main St.
Middletown, *Main Street South Historic District,* Mansion Block.
Middletown, *Mather-Douglas-Santangelo House,* 11 S. Main St. (also listed in NR South Green Historic District.)
Middletown, *Middletown High School,* Court and Pearl Sts.
Middletown, *Middletown Main Post Office,* 291 Main St.
Middletown, *Southmayd, William, House,* Lower Williams St.
Old Saybrook, *Connecticut River Bridge,* Connecticut River between Old Saybrook and Old Lyme.

New Haven County

Cheshire and Southington vicinity, the Farmington Canal, section of canal about 1100 ft. S of Ten Mile River culvert.
Waterbury, H. H. Peck Carriage House, Harrison Ave.

New London County

East Lyme, *Niantic River Bridge,* crosses Niantic River.
Croton, *Groton Bridge,* over Thames River between Groton and New London.
Mystic, *Mystic River Railroad Bridge,* Mystic River between Mystic and Groton.
New London, *Bank Street Historic District.*
Norwich, *Buckingham Memorial Building,* 307 Main St.
New London, *Shaw's Cove Bridge,* over Shaw's Cove.
New London, *Starr Street Area,* Starr St.
New London, *Williams Memorial Institute Building,* 110 Broad St.
Norwich, *Washington Street Historic District,* Project 103-159.

New Haven County

Ansonia Opera House, 100 Main St.
New Haven, *Grand Avenue Drawbridge,* over Quinnipiac River.

Windham County

Brooklyn, *Quebec Historic District (Quebec Village).*

DELAWARE

New Castle County

Newark, *Robert Ferguson House,* 636 Chestnut Hill Rd.
Newark, *Walnut Lane,* 4133 Ogletown Rd.

DISTRICT OF COLUMBIA

Auditors' Building, 201 14th St. SW.
Brick Sentry Tower and Wall, along M St. (also in NR Wash. Navy Yard Historic Precinct).
Central Heating Plant, 13th and C Sts. SW. SE between 4th and 6th Sts. SE.
Envoy Towers, 2400 16th St., NW.
1700 Block Q Street NW, 1700-1744, 1746, 1748 Q St. NW.; 1536, 1538, 1540, 1602, 1604, 1606, 1608, 17th St. NW.
Washington Navy Yard Annex, buildings 74, 137, 158, 159, 159E, 160, 167, 173, 187, 197, 202.

FLORIDA

Broward County

Hillsboro Inlet, *Coast Guard Light Station.*

Collier County

Marco Island, *Archeological Sites on Marco Island.*

Monroe County

Knights Key Moser Channel—Packet Channel Bridge (Seven Mile Bridge).
Long Key Bridge, between Long Key and Conch Key.
Old Bahia Honda Bridge, between Spanish Harbor and Bahia Keys.

Pinellas County

Bay Pines, *VA Center,* Sections 2, 3, and 11 TWP 31-S, R-15E.

Polk County

Tampa vicinity *Archeological Site PO 89.*
Tampa vicinity *Archeological Site PO 90.*

St. Johns County

St. Augustine, *St. Augustine National Cemetery.*

GEORGIA

Bibb County

Macon, *Vineville Avenue Area,* both sides of Vineville Ave. from Forsyth and Hardman Sts. to Pio Nono Ave.

Camden County

Kings Bay, *Mill Creek Shell Midden A.*
Kings Bay, *King Plantation Outbuilding Site.*

Carroll County

Carroll, *Jordan-Hampton House,* Route 1.

Chatham County

Archeological Site, end of Skidaway Island.
Savannah, *516 Ott Street.*
Savannah, *908 Wheaton Street.*
Savannah, *914 Wheaton Street.*
Savannah, *920 Wheaton Street.*
Savannah, *928 Wheaton Street.*
Savannah, *930 Wheaton Street.*
Skidaway Island, *Priest's Landing Mounds.*

Clay County

Archeological Site WGC-73, downstream from Walter F. George Dam.

Cobb County

Marietta, *Bostwich, Charles C., House,* 325 Atlanta St.
Marietta, *Clay, Alexander Stephens, House,* 353 Atlanta St.
Mareitta, *McCullock-Wellons' House,* 348 Powder Springs Rd.
Marrietta, *Marietta National Cemetery,* 500 Washington Ave.
Marietta, *Waterman Street School (Joseph T. Walker School),* 205 Waterman St.
Marietta, *Slaughter, M.G., Cottage,* 216 Fraser St.

De Kalb County

Atlanta, *Atkins Park Subdivision,* St. Augustine, St. Charles, and St. Louis places.
Decatur, *Sycamore Street Area.*
Stone Mountain, *Evans-Williams House,* 459 Hairston Rd.

Fulton County

Atlanta, *Cottingin Building,* 97 Broad St. SW.
Atlanta, *Downtown Atlanta Historic District,* beginning at jct. Atlanta St. and Central Ave.
Atlanta, *The Farlinger,* corner of Ivy and Peachtree Sts.
Atlanta, *First Methodist Church,* 360 Peachtree St.
Atlanta, *Howard Apartments,* 4-10 Prescott St.
Atlanta, *Crawford W. Long Memorial Hospital,* Linden Ave.
Atlanta, *Mitchell-Peachtree Street Historic District,* 127, 129, 133 Peachtree; 143, 165-167, 168, 170, 176 Mitchell; N and W corners of Mitchell and Peachtree Sts.
Atlanta, *W. W. Orr Doctors' Building,* Peachtree St. at Pine St.
Atlanta, *E. R. Parker Motor Company,* 560 W. Peachtree St.
Roswell, *Smith House,* 935 Alpharetta St.

Gordon County

Calhoun vicinity *Haynes, Cleo, House and Frame Structure,* University of Georgia.
Redbud Creek, *Moss-Kelly House,* Sallacoa Creek area.

Greene County

Wallace Reservoir Archeological District, (also in Hancock, Morgan, and Putnam counties).

Gwinnett County

Duluth, *Hudgins, Scott, Home (Charles W. Summerour House),* McClure Rd.

Hancock County

Wallace Dam vicinity, *Archeological Site 9 Pm 215 (Wallace Dam Trailrace Project),* SE of Wallace Dam on Oconee River (also in Putnam County).
Wallace Dam vicinity, *Archeological Site 9 Pm 247 (Wallace Dam Trailrace Project),* SW of SR 16 bridge (also in Putnam County).

Heard County

Philpott Homesite and Cemetery, on bluff above Chattahoochee River where Grayson Trail leads into river.

Richmond County

Augusta, *Archeological Sites Project F-117-1 (7).*
Augusta, *Blanche Mill.*
Augusta, *Enterprise Mill.*
Augusta, *Green Street.*

Sumter County

Americus, *Aboriginal Chet Quarry,* Souther Field.
Plains, *Plains Historic District.*

HAWAII

Hawaii County

Hawaii Volcanoes National Park, *Mauna Loa Trail.*
Kealakekua Bay, *Kona Field System.*
South Kona vicinity, *Great Wall of Kuakini.*

Maui County

Hana vicinity, *Kipahulu Historic District,* SW of Hana on Rts. 31.

Oahu County

Barber's Point Harbor.
Moanalua Valley.

IDAHO

Ada County

Boise, *Alexanders,* 826 Main St.
Boise, *Falks Department Store,* 100 N. 8th St.
Boise, *Idaho Building,* 216 N 8th St.
Boise, *Simplot Building (Boise City National Bank),* 805 Idaho St.
Boise, *Union Building,* 712½ Idaho St.

Power County

Snake River, *American Falls Power, Light, and Water Company Island Power Plant.*

Clearwater County

Orofino vicinity, *Canoe Camp—Suite 18,* W of Orofino on U.S. 12 in Nez Perce National Historical Park.

Gem County

Marshs and Ireton Ranch, Montour Flood project.
Town of Montoru, Montour Flood project.

Idaho County

Kamiah vicinity, *East Kamiah*—Suite 15 SE of Kamiah on U.S. 12 in Nez Perce National Historical Park.

Lemhi County

Tendoy, *Lewis and Clark Trail, Pattee Creek Camp.*

Nez Perce County

Lapwai, *Fort Lapwai Officer's Quarters,* Phinney Dr. and C St. in Nez Perce National Park.
Lapwai, *Spalding.*
Lewiston, *Fix Building,* 211-213 Main St.
Lewiston, *Lower Snake River Archeological District.*
Lewiston, *Morley Building,* 215 Main St.
Lewiston, *Scully Building,* 209 Main St.
Lewiston vicinity,. *Hatwayma Village Site,* vicinity of Hatwai Creek on U.S. 12.

Power County

American Falls vicinity, *Register Rock.*

Illinois

Bureau County

I & M Canal (also in Henry, Rock Island, and Whiteside counties) (nhl).

Carroll County

Savanna vicinity, *Spring Lake Cross Dike Island Archeological Site,* 2 mi. (3.2 km) SE of Savanna.

Cook County

Chicago, *Oliver Building,* 159 N. Dearborn St.
Chicago, *Springer Block (Bay, State, and Kranz Buildings),* 126-146 N. State St.
Chicago, *Unity Building,* 127 N. Dearborn St.

De Kalb County

De Kalb, *Haish Barbed Wire Factory,* corner of 6th and Lincoln Sts.

Henry County

Genesco, *Ristau Brewery.*

Lake County

Fort Sheridan, *Museum Bldg. 33, Lyster Rd.*

Madison County

American Bottoms, 69 archeological sites in Madison, Monroe, and St. Clair counties.

Pike County

Flint Township, *Napoleon Hollow Village Site and Associated Russell Mound Group.*

Rock Island County

Archeological Site 11-Ri-337, East Moline Mississippi and Rock Rivers.

St. Clair County

East St. Louis, *U.S. Post Office and Courthouse*, 750 Missouri Ave.

Sangamon County

Springfield vicinity, *Archeological Site 11 Sg 385.*

Scott County

Naples vicinity, *Naples-Castle Site*, SW of Naples.

Williamson County

Wolf Creek Aboriginal Mound, Crab Orchard National Wildlife Refuge.

INDIANA

Clark County

Jeffersonville, *Clark Maritime Archeological District.*

Crawford County

Leavenworth, *Cole Site (12Crl).*

Lawarence County

Bedford, *Main Post Office*, 1324 K St.
Mitchell, *Riley School.*

Marion County

Indianapolis, *Lockfield Gardens Public Housing Project*, 900 Indiana Ave.
Indianapolis, *Garfield Park Pagoda*, 2 mi (3.2 km) S of center of Inidanapolis in Garfield Park.

Monroe County

Bloomington, *Carnegia Library.*

Orange County

Paoli vicinity, *Cox Site*, Lost River Watershed.
Paoli vicinity, *Half Moon Spring*, Lost River Watershed.
Jackson, *Ten Prehistoric Sites in the Patoka Lake.*

Parke County

Montezuma vicinity, *Leatherwood Greek Covered Bridge.*

St. Joseph County

Mishawaka, *100 NW Block*, properties fronting N. Main St. and W. Lincoln Way.

Switzerland County

Vevay, *612 Ferry Street*, also known as 608 Ferry St.
Vevay, *508 Liberty Street*, also known as 512 Liberty St.
Vevay, *510 Liberty Street.*
Vevay, *410 Pearl Street.*
Vevay, *504 Pike Street.*
Vevay, *506 Pike Street.*
Vevay, *403 Seminary Street.*
Vevay, *305 Tell Street.*
Vevay, *506 Walnut Street.*

Vanderburgh County

Evansville, *Alhambra Theater*, 50 Adams St.
Evansville, *Pollard Maier House.*
Evansville, *Riverside Neighborhood.*

Vermillion County

Crawforsville and Terre Haute vicinity, *Houses in SR 63/32* Project, jct. of SR 32 and SR 63 and 1st rd. S of jct.

IOWA

Allamakee County

Marquette vicinity, *Fire Point Site (Nine Foot Channel Navigation Project).*

Boone County

Saylorville Archeological District (also in Polk and Dallas counties).

Ida County

Ida Grove, *Muri Brown Site (13-IA-4)*, County Courthouse.

Johnson County

Iowa City vicinity, *Indian Lookout.*

Louisa County

Toolesboro vicinity, *Poison Ivy Site*, IA 99.

Plymouth County

Hinton vicinity, *Archeological Site 13 PM 91.*

KANSAS

Douglas County

Lawrence, *Curtis Hall (Kiva Hall)*, Haskell Institute (nhl).

KENTUCKY

Bell County

Pineville, *Cumberland Ford*, Walnut St.

Boone County

Rabbit hash, *Sites 15Be75 and 15Be76.*

Jefferson County

Ashville vicinity, *McCollough Estate*, 8300 Bardstown Rd.
Louisville, *Archeological Sites:* Section 2, SW Jefferson County Local Protection Project.
Louisville, *Levin Bates House*, Bardstown Rd.

Johnson County

Win vicinity, *Fishtrap United Methodist Church.*
Volga, *McKenzie Log Cabin*, McKenzie Branch.

Lawrence County

Louisa, *Fort Ancient Archeological Site.*

Nelson County

Highgrove vicinity, *Hibbs Home*, jct. of U.S. 31E/10 and KY 480.

Spence County

Taylorsville vicinity, *McClain-Prevallet Site (Archaeological Site 15-Sp-243).*

LOUISIANA

Cameron Parish

Hackberry, *Black lake Site (16-Cm-87).*
Hackberry, *Ellender House.*
Hackberry, *Sanner House.*

East Baton Rouge Parish

Baton Rouge, *Spanish Town*, Baton Rouge.

Lasalle Parish

White Sulfer Springs Vicinity, *Whatley Site (16-LA-37)*, SW of White Sulphur Springs.

Orleans Parish

New Orleans, *Algiers Point Historic District*, bounded by Mississippi River, Atlantic St., and Opelousas St.
New Orleans, *Beauregard Square*, bounded by St. Peter, Rampart, St. Anne Sts., and Municipal Auditorium Building.
New Orleans, *Bienville Hotel*, 1040 St. Charles Ave.
New Orleans, *Bradfield House*, 1236 Annunciation.
New Orleans, *Bradford, Mary, Rental Property*, 1238 Annunciation.
New Orleans, *Brooklyn Cooperage Company*, 1200 St. Peters St.
New Orleans, *Casey Kate, House*, 932-934 Howard.
New Orleans, *Central City District.*
New Orleans, *Cochran and Mims Foundry*, 1101 S. Peters St.
New Orleans, *Cordes, John, House*, 3027-3029 Royal St., Square 170.
New Orleans, *Deyron, Dr. J.A., House* 3037 Royal St., Square 170.
New Orleans, *Dunn, Andrew Jackson, House*, 928-930 Calliope St., Square 119.
New Orleans, *Duyer, James, House*, 933-935 Gaienne St., Square 119.
New Orleans, *Gasquet, William, Houses*, 1128-1130 Constance St., Square 119.
New Orleans, *Hart, James S., House*, 615 Erato St., Square 71.
New Orleans, *I-Sea Storage and Transfer Company Building*, 2201 Clio St., Square 348.
New Orleans, *Israelite Divine Spiritual Church*, 631 S. Roman St.
New Orleans, *Jahucke Building*, 814 Howard Ave., Square 237.
New Orleans, *Kohlman Cotton Mill and Manufacturing*, 1226 St. Thomas St.
New Orleans, *Lee Circle and Lee Monument*, St. Charles Ave. at Howard Ave.
New Orleans, *Maginnis Cotton Mills*, 1054 Constance St., Square 120.
New Orleans, *Malloy House*, 1228-1230 Annuciation.
New Orleans, *Malloy Rental Property*, 1232 Annunciation.
New Orleans, *McLaughlin, M.A., House*, 1122-1126 Constance St., Square 119.
New Orleans, *McLeod, Euphenia Napir House*, 1523-1525 Calliope St., Square 183.
New Orleans, *Murray, Thomas, House*, 1131 S. Rampart St., Square 290.
New Orleans, *O'Brien, Thomas, House*, 1244 Annunciation.
New Orleans, *Old Firehouse*, 1045 Magazne St., Square 158.
New Orleans, *Peyton, William H., House*, 1135 S. Rampart St., Square 290.
New Orleans, *Roper, George W., House*, 1032 St. Charles Ave., Square 183.
New Orleans, *St. John the Baptist Church*, 1139 Dryedes St., Square 277.
New Orleans, *Saulet, Marie Theresa, House*, 1218-1222 Annunciation St., Square 100.
New Orleans, *Schwegmaun, G. A., House*, 3044 Royal St., Square 142.
New Orleans, *Sincer, Louis, House*, 1061 Camp St., Square 183.
New Orleans, *Sporl, C. J., House*, 3015 Royal St., Square 142.
New Orleans, *Talen, Aaldemar Appollonius, Studio-House*, 1029 Calliope St., Square 137.

New Orleans, *Temple Sinai*, 1032 Ceroudelet St., Square 215.
New Orleans, *Verret, Theodore, House*, 1216 Annunciation St., Square 109.
New Orleans, *Tourae, Nicholas, House*, 1169 Tchoupitoulas St., Square 71.
New Orleans, *Wells Fargo Building*, 1055 Dryades St.
New Orleans, *Zangel, Frederick, House*, 1118 Constance St., Square 119.

Ouachita Parish

Logtown vicinity, *Filhiol Mound Complex*, 1 mi. (1.6 km) S. of jct. of SR165 and SR841.

Red River County

Hanna, *Hanna Site (16RR4)*.

St. Martins Parish

Morgan City vicinity, *Site 16, Sm—45*, Atchafalaya Basin Floodway.

Vernon Parish

Ft. Polk, *Site 16 VN 18 and 16 VN 24*.

West Feliciana Parish

Illinois Central Gulf RR Abandonment, Hardwood, AL to Woodville, MS (also in Wilkinson Co. MS).

MARYLAND

Allegany County

Cumberland, *Hinkle Farm Group*.
Flintstone, *Breakneck Road Historic District*.
Flintstone vicinity, *Martin Gordon Farm*, Breakneck Rd. (Rte. 1).
Flintstone vicinity, *Martins Mountain Farm*, Breakneck Rd. (Rte. 1).

Anne Arundel County

Claiborne, *Bloody Point Bar Light*, on Chesapeake Bay.
Skidmore, *Sandy Point Shoal Light*, on Chesapeake Bay.

Baltimore (independent city)

Baltimore Belt (Baltimore and Ohio) Railroad (Howard Street Tunnel and Power House).
Barre Circle Historic District, Lombard St., Fremont Ave., Scott St.
Eastern Avenue Sewage Pumping Station, SW corner of Eastern Ave. and President St.
Fayette Street Methodist Episcopal Church, 745 West Fayette St.
Mount Calvary Church Historic District, Biddle St., Madison Ave., N. Eutaw St.
601-607 Chase Street.

Baltimore County

Federal Hill-Riverside Park Historic District, Federal Hill and Riverside Park areas.
Fort Howard, *Craighill Channel Upper Range Front Light*, on Chesapeake Bay.
Hollins-Lombard Historic District, 800 blocks of Hollins and Lombard Sts., bet. Fremont and Callender: unit block of Parkin St.
New Owings Mills Railroad Station, W. of Reisterstown Rd.
Old Western Police Station (Old Pine Street Station).
Reisterstown, *Reisterstown Historic District*, Butler and Walston Rds.
Baltimore, *Ridgely's Delight Historic District*.
Sparrows Point, *Craighill Channel Range Front Light*, on Chesapeake Bay.
Baltimore, *St. Paul's Cemetery, Union Block*, Fremont Ave.

Carroll County

Finksburg vicinity, *Bridge No. 10141 on Hughes Rd.*

Cecil County

Havre de Grace, *Susquehanna River Bridge*.
Perryman, *Bush River Bridge*.
Sassafras Elk Neck, *Turkey Point Light*, at Elk River and Chesapeake Bay.

Dorchester County

Hoopersville, *Hooper Island Light*, Chesapeake Bay-Middle Hooper Island.

Frederick County

Fort Detrick, *Horton Test Sphere (One-Million-Liter Test Sphere)*.

Montgomery County

Rockville, *Third Addition to Rockville and Old St. Mary's Church and Cemetery*.

St. Marys County

St. Inigoes, *St. Inigoes Manor House*, Naval Electronic System Test and Evaluation Detachment.
St. Mary City, *Point No Point Light*, on Chesapeake Bay.

Talbot County

Tilghman Island, *Sharps Island Light*, on Chesapeake Bay.

Massachusetts

Barnstable County

Rider, Samuel, House, Gull Pond Rd. off Mid-cape Hwy. 6.
Truro, *Highland Gold Course*, Cape Cod Light area.

Berkshire County

Adams, *Quaker Meetinghouse*, Maple St. Cemetery.

Bristol County

Mansfield, *School Street Site*, I 495 and relocated SR 140.
New Bedford, *Fire Station No. 4*.

Hampden County

Chicopee, *Indian Crossing Site*, confluence of Chicopee and Connecticut rivers.
Holyoke, *Caledonia Building (Crafts Building)*, 185-193 High St.
Holyoke, *Cleary Building (Stiles Building)*, 190-196 High St.
Holyoke, *Steamer Company No. 3*.

Middlesex County

Farmingham, *Danforth Street Bridge*, on road from Saxonville to Wayland.

Suffolk County

Boston, *Dudley House*, 167 Centre St.
Boston, *Dudley Station and the Elevated North of Dudley*, Dudley and Washington Sts.
Boston, *Elevated South of Dudley Station*.
Boston, *Northern Avenue Bridge*, Fort Point Channel.
Boston, *Roxbury Highlands Area*.
Boston, *St. Botolph Street Area*.
Boston, *Police Station No. 10*, 1170 Columbus Ave.

Worcester County

Leicester, *Shaw Site (Sites 4, 5, and 6)*, Upper Quaboag River Watershed project.
North Brookfield, *Meadow Site No. 11*, Upper Quaboag River Watershed.

MICHIGAN

Kalamazoo County

Kalamazoo, *Masonic Temple*, corner Rose and Eleanor Sts.

Marquette County

Ottawa National Forest, *White Deer Lake Camp*, buildings on the Cyrus H. McCormick Experimental Forest.

Midland County

Midland, *Little Forks Archeological District*.

Wayne County

Detroit, *David Mackenzie House*, 4735 Cass Ave.

MINNESOTA

Hennepin County

Minneapolis, *Minnesota Veterans Home*, E. 51st St. and Minnehaha Ave.

Itasca County

Deer River, *Lake Winnibigoshish Dam Archeological Site*.

St. Louis County

Duluth, *Morgan Park Historic District*.

Winona County

Winona, *Second Street Commercial Block*.

MISSISSIPPI

Lowndes County

Columbus vicinity, *Tibbee Creek Archelogical site, Columbus lock and dam project*.

Monroe County

Aberdeen vicinity, *East Aberdeen Site (22Mo819)*.

Tishomingo County

Tennessee—Tombigbee Waterway.

MISSOURI

Dent County

Lake Spring, *Myer, John, House*.

Franklin County

Leslie, *Noser's Mill and adjacent Miller's House*, Rural Rte. 1.

Henry County

La Due, *Batschelett House*, near Harry S Truman Dam and Reservoir.
Little Black River Watershed (also in Ripley County.)

Monroe County

Florida vicinity, *Archeological District No. 1 (Clarence Cannon Dam and Reservoir Project)*, (also in Ralls County.)
Florida vicinity, Archeological District No. 2 (Clarence Cannon Dam and Reservoir Project), (also in Ralls County.)
Florida vicinity, *Archeological District No. 3 (Clarence Cannon and Reservoir Project)*, (also in Ralls County.)

Florida vicinity, *Archeological District No. 4 (Clarence Cannon Dam and Reservoir Project)*, (also in Ralls County.)
Florida, *Violette, Alexander, House.*

Newton County

Racine, *Smith Cabin Ruins (Lost Creek Watershed Archeological Site).*

MONTANA

Big Horn County

Decker vicinity, *Bunny Chase Archeological Site*, 10 mi. (16 km) W. of Decker.

Cascade County

Great Falls, Building at 108 Central Avenue, 108 Central Avenue.

Custer County

Miles City vicinity, *"Old Fort" at Fort Keogh.*

Fergus County

Lewis & Clark, Campsite, May 24, 1805.

Lewis and Clark County

Marysville, *Marysville Historic District.*

NEBRASKA

Cherry County

Valentine vicinity, *Fort Niobrara National Wildlife Refuge.*
Valentine vicinity, *Newman Brothers House.*

Knox County

Niobrara, *Niobrara Historic Properties.*

NEVADA

Clark County

Las Vegas vicinity, *Blacksmith Shop*, Desert National Wildlife Range.
Las Vegas vicinity, *Las Vegas Wash Archeological District.*
Las Vegas vicinity, *Mesquite House*, Desert National Wildlife Range.

Elko County

Carlin vicinity, *Archeological Sites 26EK1669, 26EK1672.*

Nye County

Las Vegas vicinity, *Emigrant's Trail*, about 75 mi. NW. of Las Vegas on U.S. 95.

Pershing County

Lovelock vicinity, *Adobe in Ruddell Ranch Complex.*
Lovelock vicinity, *Lovelock Chinese Settlement Site.*

Storey County

Sparks vicinity, *Derby Diversion Dam*, on the Truckee River 19 mi. (30.4 km) E. of Sparks, along I80 (also in Washoe County).

Washoe County

Reno vicinity, *Site 26Wa2065.*

NEW HAMPSHIRE

Cheshire County

Arch Bridge, between N. Walpole and Bellows Falls (also in Windham County, Vt.).

Hillsborough County

Manchester, *Amoskaag Millyard Complex.*
Manchester, *Smyth Tower.*

Rockingham County

Rye, *Pulpit Rock Observation Station*, Portsmouth Harbor.

Strafford County

Dover, *Odd Fellow's Hall (Morning Star Block).*
Dover, *O'Neill House (Cocheco Co. Housing).*
Dover, *Public Market (Morrill Block).*
Dover, *Trella House (Dover Manufacturing Co. Housing).*
Dover, *Veteran's Building (Central Fire House).*
Dover, *Western Auto Block (Merchants Row).*

NEW JERSEY

Essex County

Montclair, *Montclair Railroad Station Historic District*, Bloomfield Ave., Lackawanna Plaza, and Grove St.
Newark, *Pennsylvania Station*, bounded by Raymond Plaza on W, Raymond Blvd. on N, and Market St. on S.

Hudson County

S.S. Newton, midway between Ellis and Liberty islands.
Kearney, *Portal Bridge.*

Mercer County

Bordentown, *Blacks Creek Prehistoric Archeological Site.*
Hamilton and West Windsor Townships, *Assunpink Historic District.*
Trenton, *Champale Brewing Company Office Building.*
Trenton, *Lamberton Interceptor.*
Trenton, *Maddock China Company Dump Site.*
West Windsor Township Wastewater Facilities (Archeological Site 3313.14)—Extended.

Middlesex County

Cranbury Historic District.
Metuchen, *Metuchen Railroad Station.*
Monroe Township, *Ten Eycks Forge Site.*
New Brunswick, *Delaware Raritan Canal.*
Spotwood Borough, *Cedar Brook Site.*

Monmouth County

Long Branch, *The Reservation*, 1-9 New Ocean Ave.
Sandy Hook, *Fort Hancock and the Sandy Hook Proving Ground Historic District*, NJ 36.
Sandy Hook, *Ordnance/Quartermaster Wharf No. 536.*

Morris County

Morristown, *Abbett Avenue Bridge.*

Ocean County

Forked River, *Joseph Holmes Mill (the Mill Site)*, SW corner of intersection of Mill and Parker Sts.

Passaic County

Wayne Township, *Forsberg House*, 3 Edgemont Crescent.

Union County

Berkeley Heights Township, *Feltville (Deserted Village).*
Elizabeth, *Bender Building (Plainfield Corridor Service Project)*, 251-267 N. Broad St.
Elizabeth, *Freight Station (Plainfield Corridor Service Project)* 520-532 North Ave.
Elizabeth, *Slaughterhouse (Plainfield Corridor Service Project)*, 247 Morris Ave.
Springfield Township, *Sayre House (I-78 Project).*
Elizabeth, Tannery *(Plainfield Corridor Service Project)*, 244-246 N. Broad St.

Warren County

Oxford, *Oxford Industrial Complex.*

NEW MEXICO

Chaves County

Artesia vicinity, *Sites LA11809-LA11822*, Cottonwood-Walnut Creek Watershed (also in Eddy County).

Dona Ana County

Olasitas Arroyo, *Sites SCSPA 1-8.*

Guadalupe County

Los Esteros Resevoir, *Los Esteros Lake Archeological Site.*

Lee County

Santa Fe vicinity, *Laguna Plata Archeological District.*

McKinley County

Zuni, Zuni Pueblo Watershed, *Oak Wash Sites N.M.G.:13:19-N.M.G.:13:37.*

Otero County

Three Rivers Petroglyphs.

Rio Arriba County

Ghost Ranch, vicinity *Cerrito Recreation Site Archeological District.*

Sandoval County

Tetilla Peak Recreation Area, *Tetilla Peak Site.*

NEW YORK

Albany County

Guilderland, *Lizzi 2 Site.*
Guiderland, *Nott Prehistoric Site.*
Owego, *Subi 677 Site and Subi 672 Site.*

Bronx County

Hell Gate Bridge and Approach Viaducts and Bridges (also in New York and Queens Counties).
New York, *Bronx Post Office.*
New York, *North Brothers Island Light Station*, in center of East River.
Pelham Bay, *Pelham Bay Railroad Bridge.*

Broome County

Endicott, *Endicott-Johnson Workers Arch.*
Maine Township, *Mill Site at Site 7-A*, Manticoke Creek project (also in Tioga County).
Vestal, *Vestal Nursery Site*, Vestal Project (also in Union County).

Cattaraugus County

Olean, *Forness Park Development-Archeological Sites.*

Chautauqua County

Dunkirk, *Properties in the city of Dunkirk.*
Loomis Archeological Site, South and Central Chautauqua Lake.

Erie County

Erie Canal.

Greene County

New York, *Hudson City Light Station*, in center of Hudson River.

Herkimer County

Little Falls, *Dunn Property Buildings*, W. Mill St.

Kings County

New York City, *Rheingold Office Building (Brooklyn Industrial Park)*, Forest and Stanwix Sts.
New York City, *Steepslechase Parachute Jump.*

Nassau County

Greenville, *Toll Gate House*, Northern Blvd.
Long Island, *Seafood Park Archeological Site*

New York County

New York, *Colonial Park Pool Complex*, Branhurst Ave.
New York, *Harlem Courthouse*, 170 E. 121st St.
New York, *New York Cancer Hospital (Tower's Nursing Home)*, 2 W. 106th St.
New York, *Old Produce Exchange (Army Building Revervation)*, 39 Whitehall.

Onondaga County

Syracuse, *Armos Block*, 208-220 W. Water St.

Orange County

Port Jervis, *Church Street School*, 55 Church St.
Port Jervis, *Farnum, Samuel, House*, 21 Ulster Pl.
Newburgh, *Brewster Hook and Ladder Company No. 1*, 75 Broadway.
New Windsor, *Hazard's Mill Lott**, between Forge Hill Rd. and Moodina Creek and E of U.S. 9W.

Oswego County

Mexico Village, *Gustin-Earle Factory site*,
Oswego, *Musico Motors Building*, W. First and W. Seneca Sts.

Otsego County

Swart-Wilcox House

Putnam County

Carmel, *Lake Secor Historic and Archeological Cabin.*

Queens County

New York City, *Fort Totten Officer's Club.*
Queens, *Astoria Studio.*

Richmond County

New York, *Romer Shoal Light Station*, located in lower bay area of New York Harbor.
Staten Island, *U.S. Coast Guard Base, St., George.*
Totenville vicinity, *Ward's Point*, Oakwood Beach Project.

Saratoga County

Saratoga Springs, *Yaddo House and Gardens, District.*
Saratoga Springs, Saratoga Springs Historic District.
Schuylerville, *Archeological Site*, Schuylerville Water pollution Control Facility.
Waterford, *Waterford Industrial Complex.*

Schoharie County

Breakabeen vicinity, *Valley Between The Villages of Breakabeen and North Blenheim.*

Suffolk County

Jamesport vicinity, *East End Site.*
Jamesport vicinity, *Hallock's Pond Site.*
New York, *Fire Island Light Station*, U.S. Coast Guard Station.
New York, *Little Gull Island Light Station*, off North Point of Orient Point, Long Island.
New York, *Plum Island Light Station*, off Orient Point, Long Island.
New York, *Race Rock Light Station*, S. of Fishers Island 10 mi. N. of Orient Point.
Jamesport, *Northville Historic District*, houses along Sound Ave.

Ulster County

Kingston vicinity, *Esopus Meadows Light Station*, Middle of Hudson River.
Lloyd, *Christiana House*, 24 River Rd.
Lloyd, *Mid-Hudson Hotel*, jct. of River and Willow Dock Rds., and Maple Ave.
Lloyd, *Palmateer House*, 26 River Rd.
Lloyd, *Yelverton House*, 39 Maple Ave.
New York, *Rondout North Dike Light*, center of Hudson River at jct. of Rondout Creek and Hudson River.
New York, *Saugerties Light Station*, Hudson River.
Wildmere Resort Hotel (Minnewaska Acquisition Project), towns of Gardiner and Rochester.
Saugerties, *Upper Dock Site*, Esopus Creek.
Sleightsburg, *First Avenus Site*, confluence of Rondout Creek and Hudson River.
Sleightsburg, *Second Avenue Site*, Parsell St.

Warren County

Lake George, *Boyau*, portion of Montcalm St.

Washington County

Greenwich, *Palmer Mill (Old Mill)*, Mill St.

Westchester County

Ossining, *Old Ossining Furniture Store*, 1-3 S. Highland Ave.
Ossining, *Snowden Court*, 89 Snowden Ave.
Port Washington vicinity, *Execution Rocks Light Station*, lower SW portion of Long Island Sound.
Tarrytown, *Tarrytown Light Station.*
Yonkers, *Women's Institute Building.*
Yorktown, *Yorktown Railroad Station.*

NORTH CAROLINA

Alamance County

Burlington, *Clapp's Mill and Dam Site* (also in Guilford County).
Burlington, *Faust Mill* (also in Guilford County).
Burlington, *Low House* (also in Guilford County).
Burlington, *Southern Railway Passenger Depot*, NE Corner Main and Webb Sts.

Camden County

South Mills vicinity, *Burnham House*, US Route 17.

Caswell County

Yanceyville vicinity, *Archeological Sites CS-12*, County Line Creek Watershed Project (also in Rockingham County).
Yanceyville vicinity, *Womack's Mill*, in County Creek Watershed Project (also in Rockingham County).

Cleveland County

Archeological Resources in Second Brood River Watershed Project (also in Rutherford County).

Cumberland County

Fayetteville, *Veterans Administration Hospital Confederate Breastworks*, 23 Ramsey St.

Dare County

Buxton, *Cape Hatteras Light*, Cape Hatteras National Seashore.
Nags Head, *Bodie Island Lifesaving/Coast Guard Station District*, 5.3 mi. (6.5 km) S of jct. of U.S. 64 and SR 12.
Wanchese, *Site 31DR35*, Wanchese Harbor Development.

Forsyth County

Winston-Salem, *Atkins, Dr. Simon Green, House*, 346 Atkins St.
Winston-Salem, *Col. William Allen Blair House*, 210 Cherry St.
Winston-Salem, *Fries, John Williams, House*, 224 S. Cherry St.
Winston-Salem, *Hill, James S., House*, 914 Stadium Dr.
Winston-Salem, *Old Salem Single Brothers' Brewery and Stillhouse*, off Academy and Marshall Sts.
Winston-Salem, *Old Salem Single Brothers' Slaughterhouse-Stable*, off Salem and Academy Sts.
Winston-Salem, *Old Salem Single Brothers' Red Tannery Site*, off Marshall and Academy Sts.
Winston-Salem, *Paisley, J. W., House*, 934 Stadium Dr.
Winston-Salem, *Patterson, Ackerman, and Sussdorf Houses*, 434, 440 448 S. Trade St.

Guilford County

Greenboro, *Buick Motor Company*, 309 N. Elm St.
Greenboro, *Greensboro Motor Company*, 315 N. Elm St.
Greenboro, *O'Henry Hotel*, SW corner of intersection of N. Elm and Bellemeade Sts.
Greenboro, *Wafco Mill (Greensboro Roller Mill)*, 801 McGee St.

Hyde County

Ocracoke, *Ocracoke Lighthouse.*

Mecklenburg County

Charlotte, *U.S. Post Office and Courthouse*, 401 W. Trade St.

Onslow County

Swansboro, *Uniflite Site (31 ON 33)*, just beyond end of SR 1507.

Wayne County

Goldsboro, *Mouse Lodge No. 6—International Order of Odd Fellows*, 113-115 S. John St.

NORTH DAKOTA

Burleigh County

Bismarck, *Fort Lincoln Site.*

OHIO

Adams County

Wrightsville vicinity, *Grimes Site (33 AD 39)*, Killen Electric Generating Station.

Wrightsville vicinity, *Killen Bridge Site (33 AD 36)*, Killen Electric Generating Station.

Astabula County

Astabula, *West Fifth Street Bridge*, over Astabula River.

Athen County

Shade, *Colburn Residence*, Route 1.

Belmont County

Bellaire, *Bergundthal, Rose, House*, 4710 Jefferson St.
Bellaire, *Guernsey Street Historic Grouping, 4711-4825* Guernsey St.
Bellaire, *Independent Hose Company No. 3, The*, 19th and Belmont Sts.
Bellaire, *Mitchell Residence*, 4363 Guernsey St.
Bellaire, *Union Street Bridge*, Union St. over McMahon's Creek.

Clark County

Pike Township, *Hallock, Mertie, House.*

Crawford County

Crestline Calvary Reformed Church, *First United Methodist Church, Crestline Shunk Museum.*

Darke County

Union City DAR-*S.R.-571-0.00*

Licking County

Health, *DiGiondomenico Site (Ohio LIC 343-0-0.00).*

Montgomery County

Dayton Columbia Bridge Works.
Farmersville vicinity Lower Cratis Road Bridge.

Richland County

Mansfield, *Ritter, William, House*, 181 S. Main.

Seneca County

Tiffin, *Old U.S. Post Office*, 215 S. Washington St.

Summit County

Akron, *United Way Building*, Perkins St.

Tuscarawas County

Warren Township Conotton Creek Bridge, CR 90 over Conotton Creek.

Warren County

Corwin, *Shaffer Mound*, S of New Burlington Rd.
Harveysburg, *E. L. Anderlee Mound*, S of new Burlington Rd. in Caesar Creek Lake Project.
Massie, *Car Mill Site (33Wa 75)*, Caesar Creek Lake Project.
Massie, *King Road Site (33Wa 112)*, Caesar Creek Lake Project.
Massie, *Wood 73 Site (33Wa 92)*, Caesar Creek Lake Project.
Massie, *Pipeline Site (33Wa 78)*, Caesar Creek Lake Project.
Massie, *Oglesby-Harris Site (33Wa 83)*, Caesar Creek Lake Project.
Massie, *Jonah's Run Site (33Wa 82)*, Caesar Creek Lake Project.

Wayne County

Wooster, *Thorne House*, 1576 Beall Ave.

OKLAHOMA

Atoka County

Wapanucka vicinity Estep Shelter, Lower Clear Boggy Watershed.
Watson Creek Graham Site, Lower Clear Boggy Watershed.

Caddo County

Delaware Canyon Sites Cd-257 and Cd-258, West Branch Delaware Creek.

Comanche County

Fort Sill, *Blockhouse on Signal Mountain* off Mackenzie Hill Rd.
Fort Sill, *Chiefs Knoll, Post Cemetery*, N of

Kay County

Newkirk vicinity, *Bryson Archeological Site*, NE of Newkirk.

OREGON

Baker County

Baker vicinity, *Virtue Flat Mining District*, 10 mi. (16 km) E of Baker off Hwy. 86.

Columbia County

Scappose vicinity, *Portland and Southwestern Railroad Tunnel*, 13 mi. (20.8 km) NW of Scappose.

Coos County

Charleston, *Cape Arago Light Station.*

Curry County

Port Orford, *Cape Blanco Light Station.*

Gilliam County

Olex vicinity, *Archeological Sites (Ghost Camp Reservoir).*
Arlington vicinity, *Four Mile Canyon Area (Oregon Trail)*, 10 mi. (16 km) SE of Arlington.
Olex vicinity, *Crum Gristmill*, Ghost Camp Reservoir area.
Olex vicinity, *Old Wagon Road*, Ghost Camp Reservoir area.
Olex vicinity, *Olex School*, Ghost Camp Reservoir area.
Olex vicinity, *Steel Truss Bridge*, Ghost Camp Reservoir area.

Jackson County

Medford, *McCredie House*, 2606 Old Stage Rd.

Kalmath County

Crater Lake National Park, *Crater Lake Lodge.*

Lane County

Coburg vicinty, *McKenzie River Railroad Bridge.*
Roosevelt Beach, *Heceta Head Lighthouse.*
Roosevelt Beach, *Heceta Head Light Station.*

Lincoln County

Agate Beach, *Yakuina Head Lighthouse.*

Polk County

Salem, *Chemawa Indian School.*

Tillamook County

Tillamook, *Cape Meares Lighthouse.*

Wasco County

Memaloose Island, River Mile 177.5 in Columbia River.

Wheeler County

Antone, *Antone Mining Town*, Barite 1901-1906.

PENNSYLVANIA

Adams County

Kuhn's Fording Bridge, spans Conewago Creek.

Allegheny County

McJunkin Site, New Texas Rd.
Pittsburgh, *St. Boniface Church*, 2208 East St.

Berks County

Brownsville vicinity, *Lauer-Gerhart Farm*, Mt. Pleasant, *Berger-Stout Log House*, near jct. of Church Rd. and Tulephocken Creek.
Mt. Pleasant, *Conrad's Warehouse*, near jct. of Rte. 183 and Powder Mill Rd.
Mt. Pleasant, *Heck-Stamm-Unger Farmstead*, Gruber Rd.
Mt. Pleasant, *O'Bolds-Billman Hotel and Store*, Gruber Rd. and Rte. 183.
Mt. Pleasant, *Union Canal*, Blue Marsh Lake Project area.
Reading vicinity, *Blue Marsh Archeological District.*

Butler County

Butler, *Bonnie Brook Archeological Site.*

Chester County

Charlestown Township, *Nature Center of Charlestown*, State Rd.
Charlestown, *Nesspor House (Thomas Davis House)*, State Rd.
Charlestown, *Pickering Creek Ice Dam*, State Rd.
Chester vicinity, *Lock Aerie.*
Schuylkill township, *The Blackewell House*, State Rd.
Schuylkill township, *The Showalter House*, State Rd.

Clinton County

Lockhaven, *Apsley House*, 302 E. Church St.
Lockhaven, *Harvey, Judge, House*, 29 N. Jay St.
Lockhaven, *McCormick, Robert, House*, 234 E. Church St.
Lockhaven, *Mussina, Lyons, House* 23 N. Jay St.

Cumberland County

Hanpden township, *Croghan Site*, Route 1067.
Hampden township, *Weibly House*, Route 1067.

Delaware County

I 476 Historic Sites (20 Historic Sites), Mid-County Expwy., between Conshohocken and Chester (also in Montgomery County).
Media Borough, *Minshall House.*

Fayette County

Washington, *Cook Joseph H., House*, Cook Rd.

Huntingdon County

Brumbaugh Homestead, Raystown Lake Project.

Lackawanna County

Carbondale, *Miners and Mechanics Bank bldg.*, 13 N. Main St.

Lancaster County

Bainbridge township, *Haldeman Mansion.*

Lehigh County

Colesville vicinity, *Site 1: Farmhouse, barn, and outbuildings,* I-78.
Dorneyville, *King George Inn and two other stone houses,* Hamilton and Cedar Crest Blvds.

Lyconing County

Williamsport, *Faxon Co., Inc.,* Williamsport Beltway.

Northampton County

Bethleham, *Lehigh Canal.*
Easton, *Easton Historic District.*
Site 3: Farmhouse, barn, and outbuildings, I-78.
Site 4: Farmhouse, barn, and outbuildings, I-78.

Philadelphia County

Philadelphia, *Bridge on "I" Street,* over Tacony Creek.
Philadelphia, *Courthouse and Post Office,* 9th St., between Chestnut and Market Sts.
Philadelphia, *Franklin Square,* 6th, 7th, Vine, and Franklin Sts.
Philadelphia, *New Forest Theatre,* 1108-1114 Walnut St.
Philadelphia, *Poth, Frederick, House,* 216 N. 33rd St.
Philadelphia, *3400 Block of Sanson St.*
Philadelphia, *Tremont Mills,* Wigonocking St. and Adams Ave.
Philadelphia, *Woodland Car Barn,* 49th St. and Woodland Ave.

Pike County

Delaware Township, *Emery House, I-316.*

Washington County

Somerset Township, *Wright No. 22 Covered Bridge.*

York County

Wellsville, *Wellsville Historic District.*

RHODE ISLAND

Providence County

Pawtucket, *Lorenzo Crandall House,* 221 High St.
Pawtucket, *The Modern Diner,* 13 Dexter St.
Providence, *Woonesquatucket Bridge.*
Woonsocket, *Club Marquette Building (St. Anne's Gymnasium),* Cumberland St.

Washington County

Narragansett, *Sprague, Gov., Bridge,* Boston Neck Rd.

SOUTH CAROLINA

Beaufort County

Parris Island, *Marine Corps Recruit Depot.*

Charleston County

Charleston, *139 Ashley St.*
Charleston, *69 Barre St.*
Charleston, *69r Barre St.*
Charleston, *316 Calhoun St.*
Charleston, *316r Calhoun St.*
Charleston, *268 Calhoun St.*
Charleston, *274 Calhoun St.*
Charleston, *Old Rice Mill,* off Lockwood Dr.

Lexington County

Cayce, *Godley,* 38LX141.
Cayce, *Manning,* 38LX50.

SOUTH DAKOTA

Minnehaha County

Sioux Falls, *Orpheum Theater,* 315 N. Phillips Ave.

Pennington County

Rapid City, *612-632 Main St.*

Walworth County

Mobridge vicinity, *Travis II Site.*

TENNESSEE

Davidson County

Nashville, *Ancient Indian Village and Burial Ground,* section 203(b).

Jackson County

Gainsboro, *Cordell Hull Reservoir Archeological Sites (40JK27; 40JK30).*

TEXAS

Bexar County

Fort Sam Houston, *Eisenhower House,* Artillery Post Rd.

Concho County

Middle Colorado River Watershed, *Prehistoric Archeology in the Southwest Laterals Subwatershed* (also in McCulloch County).

Delta County

Klondike vicinity, *Copper Lake Archeological District* (also in Hopkins County).

Denton County

Hammons, George House, between Sangers and Pilot Point.

Galveston County

Galveston, *U.S. Customhouse,* bounded by Avenue B, 17th, Water, and 18th Sts.

Hardeman County

Quanah, *Quanah Railroad Station,* Lots 2, 3, and 4 in Block 2.

Uvalde County

Uvalde vicinity, *Leona River Watershed, Archeological Sites.*

Webb County

Laredo, *Bertani, Paul Prevost House,* 604 Iturbide St.
Laredo, *De Leal, Viscaya, House,* 620 Zaragoza St.
Laredo, *Zoila De La, House,* 500 Iturbide St.
Laredo, *Leyedecker/Salinas House,* 702 Iturbide St.
Laredo, *Montemayor, Jose A., House (Carols Vela House),* 601 Zaragosa St.

Williamson County

Archeological districts of North Fork and Granger Lake.

TRUST TERRITORY OF THE PACIFIC ISLANDS

Kosrea District

Lele Village, *Lele Archeological Sites.*

Truk District

Sapore Village, *Aikei/Wines,* Fefen Island.

UTAH

Emery County

Site ML-2145, Manti-LaSal National Forest.

VERMONT

Chittenden County

Milton, *Clark Memorial Building.*

Franklin County

Swanton, *Swanton Village Historic District,* portions of Church, Canada, Academy and Second Sts. and Grand Ave.

Windham County

Rockingham, *Bellows Falls Armory,* 72 Westminster St., Bellows Falls.

Windsor County

Windsor, *Post Office Building* (also listed in NR Windsor Historic District).

VIRGINIA

Charlottesville (independent city)

U.S. Post Office and Courthouse (Old Post Office).

Accomack County

Greenbackville vicinity, *Captain's Cove Development, Archeological Sites* (Chincoteague Bay).

Allegheny County

Greenwood vicinity, *Gathright Lake Project (Archeological sites)* (also in Bath County).

Lynchburg (independent city)

Lynchburg, *Lynchburg Hill District.*
Lynchburg, *College Hill Neighborhood Development Area.*

Wythe County

Fort Criswell.

WASHINGTON

Benton County

Richland vicinity, *Paris Archeological Site,* Hanford Works Reservation.

Callam County

Cape Alava vicinity, *White Rock Village Archeological Site,* S of Cape Alava.
Olympic National Park Archeological District, Olympic National Park (also in Jefferson County).
Segium, *New Dungeness Light Station.*

King County

Burton, *Point Robinson Light Station.*
Seattle, *Alki Point Light Station.*
Seattle, *Home of the Good Shephers.*

Kitsap County

Hansville, *Point No Point Light Station.*

Pierce County

Longmire, *Longmire Cabin,* Mount Rainier National Park.

Skamania County

North Bonneville, *Site 44SA11,* Bonneville Dam Second Powerhouse Project.

Wahkiakum County

Skamokawa village, *Archeological site 45-WK-5.* (also in NR Skamokawa Historic District).

WEST VIRGINIA

Barbour County

Covered Bridge across Rooting Creek, Elk Creek, Watershed (also in Harrison County).

Cabell County

Huntington, *Old Bank Building,* 1208 3rd Ave.

Kanawha County

Charleston, *Kanawha County Courthouse.*
St. Albans, *Chilton House,* 439 B St.

Ohio County

Wheeling, *U.S. Post Office, Courthouse, and Customhouse,* 12th and Chapline Sts.

Pendleton County

Pendleton, *Wayside Inn (Site's Inn),* Monongahela National Forest.

Wood County

Parkersburg, *Wood County Courthouse.*
Parkersburg, *Wood County Jail.*

WISCONIN

Ashland County

Ashland vicinity, *Madeline Island Site 7302.*

Dane County

Darlington, *Darlington Depot.*
Madison, *Lake Farms Arechelogical District.*
Mount Horeb, *Mount Horeb Depot.*

Fond du Lac County

Fond du Lac, *Aetna Station No. 5,* 193 N. Main St.

Green County

Madison, *Pratt Truss Bridge,* between Madison, WI and Freeport, IL (also in Dade Co, WI).
Madison, *Tunnel, Illinois Central Gulf RR,* between Freeport, IL and Madison, WI (also in Dade Co, WI).
Monroe, *Illinois Central Freight House.*

Jefferson County

Watertown, *German Methodist Episcopal Church and Parsonage,* 201 N. 5th St.

LaCrosse County

LaCrosse, *LaCrosse Post Office.*

Milwaukee County

Milwaukee, *Abbot Row,* 1019-1043 Ogden Ave.
Milwaukee, *Elwell, Edward, House,* 1363 N. Prospect Ave.
Milwaukee, *First Ward Triangle Historic District,* in irregular pattern around the intersection of N. Prospect, E. Juneau, N. Franklin, and E. Knapp.
Milwaukee, *Graham Row,* 1501-1507 N. Marshall St.
Milwaukee, *Puddlers' Hall,* 2461-2463 S. St. Clair St.
Milwaukee, *Richards, Edwards, House,* 2419-2421 S. Wentworth Ave.
Victor Schlitz House (Highland Community School), 2004 W. Highland Ave.

Outagamie County

Greenville, *The Culbertson Farmstead.*

Rock County

Portion of Evansville Historic District.

WYOMING

Albany County

Woods Landing vicinity, *Boswell Ranch,* WY 10.

Fremont County

Pilot Butte Powerplant, Wind River Basin.

Johnson County

Kaysee, *Castle Rock Archeological Site.*
Kaysee, *Dull Knife Battlefield.*
Kaysee, *Middle Fork Pictograph-Petroglyph Panels.*
Kaysee, *Portuguese Houses.*

Lincoln County

Smoot vicinity, *Lander Cutoff of the Oregon Trail.*

Park County

Mammouth, *Chapel at Fort Yellowstone,* Yellowstone National Park.

PUERTO RICO

Mona Island, *Sardinero Site and Ball Courts.*

San Juan County

San Juan, *Paseo Munoz Rivera Archeological Site.*

[FR Doc. 78-5800 Filed 3-6-78; 8:45 am]

[4310-70]

National Park Service

[Order No. 6, Amdt. No. 3]

MIDWEST REGION SUPERINTENDENTS

Delegation of Authority Regarding Purchasing Authority

Order No. 6, approved February 25, 1977, and published in the FEDERAL REGISTER May 17, 1977 (42 FR 25386), sets forth limitations on contracting and procurement authority. This amendment changes the delegated authority of Superintendents.

SECTION 1—Add: (o) Approval of Assignment as Incidental Pilot.

(National Park Service Order No. 77, 38 FR 7478 published March 22, 1973, as amended.)

Dated: December 30, 1977.

MERRILL D. BEAL,
Regional Director,
Midwest Region.

[FR Doc. 78-5868 Filed 3-6-78; 8:45 am]

[4310-70]

SLEEPING BEAR DUNES NATIONAL LAKESHORE, MICHIGAN

Availability of Environmental Assessment Land Acquisition

The National Park Service has prepared an environmental assessment to consider the effects of the acquisition of the remaining lands authorized by Congress, within the prescribed boundary of Sleeping Bear Dunes National Lakeshore.

The assessment describes the existing situation, components of the local and regional environment which may affect, or be affected by, the alternative proposals and discusses two alternatives.

Copies of the assessment are available at Sleeping Bear Dunes National Lakeshore, 400 Main Street, Frankfort, Mich. 49635; and the Midwest Regional Office, National Park Service, 1709 Jackson Street, Omaha, Nebr. 68102. Anyone wishing to comment on this document should submit such comments in writing to the Lakeshore Superintendent or to the Regional Director at the above addresses on or before April 6, 1978.

Dated: January 31, 1978.

MERRILL D. BEAL,
Regional Director,
Midwest Region.

[FR Doc. 78-5869 Filed 3-6-78; 8:45 am]

[4310-10]

Office of Hearings and Appeals

[Docket No. M 78-36]

HIYSOTA FUEL COMPANY, INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Hiysota Fuel Co., Inc., Box 336, Jerome, Pa. 15937, has filed a petition to modify the application of 30 CFR 75.1710-1, cabs or canopies, to its Ralphton No. 1 Mine, located in Somerset County, Pa.

The substance of Petitioner's statement is as follows:

1. At present, Petitioner has installed an S&S No. 75.1710-1 PARA-V, 41-inch canopy on its S&S 270 coal hauler. This is the lowest canopy offered by the S&S Co. for this machine. Because of rolling and uneven floor conditions, the canopy causes the coal hauler to wedge against the roof. If this canopy had to be cut to a lower height, it would be impossible to operate the coal hauler safely because of obstructed vision and crowded conditions, forcing the operator to expose

himself to the rib in an attempt to completely control the coal hauler.

2. Due to Petitioner's full roof bolting plan, and in the interest of safety, Petitioner is requesting a variance permitting it not to use a canopy on its S&S coal hauler until such time that the coal height permits Petitioner to do so.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before April 6, 1978. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Va. 22203. Copies of the petition are available for inspection at that adrress.

DAVID TORBETT,
Deputy Director,
Office of Hearings and Appeals.

MARCH 2, 1978.

[FR Doc. 78-5908 Filed 3-6-78; 8:45 am]

[7020-02]

INTERNATIONAL TRADE COMMISSION

Investigation No. 337-TA-49]

CERTAIN ATTACHE CASES

Investigation

Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on January 30, 1978, under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), on behalf of Samsonite Corp., 11200 East Forty-Fifth Avenue, Denver, Colo. 80239, alleging that unfair methods of competition and unfair acts exist in the importation of certain attache cases into the United States, or in their sale, by reason of the alleged coverage of such attache cases by claims 1-3, 5-14 and 16-17 of U.S. Letters Patent 3,198,299 and by all the claims of U.S. Letters Patent 3,828,899. The complaint alleges such unfair methods of competition and unfair acts have the effect or tendency to destroy or substantially injure an industry, efficiently and economically operated, in the United States. Complainant requests permanent exclusion from entry into the United States of the articles in question. Complainant also requests exclusion from entry into the United States, except under bond, of the articles in question during the investigation of this matter.

Having considered the complaint, the U.S. International Trade Commission on March 1, 1978, *Ordered:*

1. That, pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), an investigation be instituted to determine, under subsection (c) whether, on the basis of the allegations set forth in the complaint and the evidence adduced, there is a violation or reason to believe that there is a violation of subsection (a) of this section in the unauthroized importation of certain attache cases into the United States, or in their sale, by reason of the alleged coverage of such attache cases by claims 1-3, 5-14 and 16-17 of U.S. Letters patent 3,198,299 and/or by all the claims of U.S. Letters Patent 3,828,899, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

2. That, for the purpose of the investigation so instituted, the following persons alleged to be involved in the unauthorized importation of such articles into the United States, or in their sale, are hereby named as respondents upon which the complaint and this notice are to be served:

C. Robert Shaffer, 167 Sanders Road, Buffalo, N.Y. 14216.
Domex International Pty., Ltd., 8 Gwingana Crescent, Glen Waverly, Victoria, Australia, 3150.
Tony E. Wallace, One Embarcader Center, Suite 3811, San Francisco, Calif. 94111.
Ceno Times Co., Ltd., P.O. Box 1839, Taipei, Taiwan, Republic of China.

3. That, for the purpose of the investigation so instituted, Judge Donald K. Duvall, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, is hereby appointed as presiding officer.

4. That, for the purpose of the investigation so instituted, Edward M. Lebow, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, is hereby named Commission investigative attorney.

Responses must be submitted by the named respondents in accordance with section 210.21 of the Commission's Rules of Practice and Procedure, as amended (19 CFR 210.21). Pursuant to section 201.16(d) and 210.21(a) of the Rules, such reponses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good and sufficient cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and of this notice, and will authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both a recommended determination and a final determination, respectively, containing such findings.

The complaint, with the exception of confidential information referred to therein, is available for inspection by interested persons at the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, and in the New York City Office of the Commission, 6 World Trade Center.

By order of the Commission.

Issued: March 2, 1978.

KENNETH R. MASON,
Secretary.

[FR Doc. 78-5960 Filed 3-6-78; 8:45 am]

[7020-02]

[Investigation No. 337-TA-41]

CERTAIN CERAMIC TILE SETTERS

Preliminary Conference

Notice is hereby given that a Preliminary Conference will be held in connection with Investigation No. 337-TA-41, Certain Ceramic Tile Setters, at 10 a.m., on Thursday, March 16, 1978, in the ALJ Hearing Room, Room 610 Bicentennial Building, 600 E Street NW., Washington, D.C. Notice of this investigation was published in the FEDERAL REGISTER on February 10, 1978, (43 F.R. 5901). The purposes of this preliminary conference are to review outstanding discovery and objections thereto, to establish a discovery schedule, to discuss the procedures to be followed in pursuing such discovery, to set the dates for the Prehearing Conference and Temporary Relief Hearing, and to resolve any other matters necessary to the conduct of this investigation.

If any questions should arise not covered by these instructions, the parties or their counsel shall call the chambers of the undersigned Presiding Officer.

The Secretary shall serve a copy of this Notice upon all parties of record and shall publish it in the FEDERAL REGISTER.

Issued March 2, 1978.

JUDGE DONALD K. DUVALL,
Presiding Officer.

[FR Doc. 78-5959 Filed 3-6-78; 8:45 am]

[4410-01]

DEPARTMENT OF JUSTICE

J. R. SIMPLOT CO.

Proposed Consent Decree in Action to Enjoin Discharge of Water Pollutants

In accordance with Department Policy, 28 CFR § 50.7, 38 FR 19029, notice is hereby given that on February 21, 1978, a proposed consent decree in *United States* v. *J. R. Simplot Co.*, was lodged with the United States District Court for the District of Idaho. The proposed decree re-

quires the Company to achieve compliance with the effluent limitations in its NPDES permit by one of two methods: (1) A land disposal system or (2) a physical/chemical treatment system. For each alternative, the decree establishes a detailed compliance schedule and daily penalties during the period of noncompliance. The penalty for the land disposal alternative is $180 per day of violation, while the penalty for the physical/chemical alternative is $10,000 plus $430 per day of violation.

The proposed consent decree may be examined at the office of the United States Attorney, Room 693, Federal Building, Box 037, 550 West Fort Street, Boise, Idaho 83724; at the Region X Office of the Environmental Protection Agency, Enforcement Division, 1200 6th Avenue, Seattle, Wash. 98101; and at the Pollution Control Section, Land and Natural Resources Division of the Department of Justice, Room 2625, Ninth Street and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the consent decree may be obtained in person or by mail from the Pollution Control Section, Land and Natural Resources Division of the Department of Justice.

The Department of Justice will receive for a period of thirty (30) days from the date of this notice written comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *J. R. Simplot Co.*, D.J. Ref. 90-5-1-1-931.

JAMES W. MOORMAN,
Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 78-5909 Filed 3-6-78; 8:45 am]

[4410-01]

Drug Enforcement Administration

MANUFACTURE OF CONTROLLED SUBSTANCES

Application

Pursuant to 21 U.S.C. 823(a)(1), and § 1301.43(a) of title 21 of the Code of Federal Regulations (CFR), this is notice that on February 1, 1978, Ganes Chemicals, Inc., Lessee of Siegfried Chemical, Inc., Industrial Park Road, Pennsville, N.J. 08070, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the schedule II controlled substances listed below:

Drugs:	*Schedule*
Amobarbital	II
Pentobarbital	II
Secobarbital	II
Methaqualone	II

Any other such applicant, and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative (room 1203), and must be filed no later than April 6, 1977.

Dated: February 28, 1978.

PETER B. BENSINGER,
Administrator, Drug Enforcement Administration.

[FR Doc. 78-5785 Filed 3-6-78; 8:45 am]

[4510-26]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

NATIONAL ADVISORY COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH

Request for Nomination of Members

Nominations are requested for membership on the National Advisory Committee on Occupational Safety and Health. The Committee was established under section 7(a) of the Occupational Safety and Health Act of 1970 to advise the Secretary of Labor and the Secretary of Health, Education and Welfare on matters relating to the administration of the Act.

The terms of 6 members of the 12 member committee will expire on June 30, 1978. There will be vacancies in the following categories: three public representatives, one employe representative, one employer representative, and one safety representative. Terms of office are 2 years.

Any interested person or organization may nominate one or more qualified persons for membership. Nominees should be identified by name, occupation or position, address, and telephone number. The field or group which the candidate would represent should be specified and a resume of the nominee's background, experience, and qualifications included. In addition, the nomination should state that the nominee is aware of the nomination and is willing to serve as a committee member.

Nominations should be submitted to Stephen Kaffee, Division of Consumer Affairs, Occupational Safety and Health Administration, Room N-3635, U.S. Department of Labor, Washington, D.C. 20210, no later than April 30, 1978.

Signed at Washington, D.C. this 1st day of March, 1978.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc. 78-5928 Filed 3-6-78; 8:45 am]

[4510-28]

Office of the Secretary

[TA-W-2266; TA-W-2267]

ALAN WOOD STEEL CO.

Revised Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 222 of the Trade Act of 1974 and in accordance with Section 223(a) of such Act, on October 21, 1977, the Department of Labor issued a certification of eligibility to apply for adjustment assistance applicable to workers and former workers at Alan Wood Steel Co., Conshohocken, Pa. TA-W-2266, TA-W-2267.

The notice of certification was published in the FEDERAL REGISTER (42 FR 57175) November 1, 1977.

Subsequent to the publication of the determination, the Office of Trade Adjustment Assistance received an inquiry on behalf of workers and former workers at the District Sales Offices of Alan Wood Steel Co.. located in Syracuse, N.Y.; Boston, Mass.; Charlotte, N.C.; and Philadelphia, Pa.

Further investigation revealed that workers in the district sales offices were engaged in employment related to the production of steel products manufactured at the Conshohocken, Pa. plant of Alan Wood Steel Co. and should have been included in the original certification as eligible to apply for worker adjustment assistance. The subject workers were not identified in the initial investigation and the certification of workers at the Coshohocken, Pa. plant of Alan Wood Steel Co. because the company maintained separate records and ledgers for field staff.

CONCLUSION

Based on additional evidence, a review of the entire record, and in accordance with the provisions of the act, I make the following certification:

All workers of the Alan Wood Steel Co., Conshohocken, Pa. and the district sales offices of that firm who became totally or partially separated from employment on or after July 15, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 28th day of February, 1978.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

FR Doc. 78-5929 Filed 3-6-78; 8:45 am]

[4510-28]

[TA-W-2734]

ARP INSTRUMENTS, INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2734: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 7, 1977, in response to a worker petition received on November 28, 1977, which was filed on behalf of workers and former workers producing electronic musical instruments at ARP Instruments, Inc., Lexington, Mass.

The Notice of Investigation was published in the FEDERAL REGISTER on December 30, 1977 (42 FR 65308). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of ARP Instruments, Inc., industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply to adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

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.

ARP Instruments, Inc. was established in 1969 in Newton, Mass. to manufacture electronic keyboard synthesizers. Because of the growth of the company, ARP moved to another location in Newton in the 1970's. ARP continued to expand and in April 1977 moved into its current facility in Lexington, Mass.

The average number of workers at ARP Instruments increased yearly from 1975 through 1977. Average employment increased steadily from the third quarter of 1975 through the first quarter of 1977. The decline in company employment from the first to the second quarter of 1977 was attributable to employee resignations which occurred when the company relocated in April 1977 from Newton to Lexington. Company employment then increased steadily from the second through the fourth quarters of 1977. Average employment was higher in each quarter of 1977 compared to the respective quarters of 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that significant total or partial separations of workers at ARP Instruments, Inc., Lexington, Mass. have not occurred as require for certification under Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 24th day of February 1978.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc. 78-5930 Filed 3-6-78; 8:45 am]

[4510-28]

[TA-W-2608]

BAKER NAIL CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2608: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 15, 1977 in response to a worker petition received on November 7, 1977, which was filed on behalf of former workers producing nails and fasteners at the Baker Nail Co., Framingham, Mass.

The notice of investigation was published in the FEDERAL REGISTER on January 10, 1978 (43 FR 1557). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Baker Nail Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met.

That increases of imports like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The Baker Nail Co. markets specialty nails which it produces to customer order. All production and production-related employment at Baker Nail's Framingham, Mass. location was terminated on August 31, 1977. Baker Nail relocated its production facilities in Lillington, N.C., with production start-up beginning in September 1977.

The Department surveyed customers of Baker Nail who purchased speciality nails. Respondents did not substitute purchases of imported specialty nails for purchases of specialty nails produced by Baker Nail. Customers who decreased purchases from Baker Nail either purchased the specialty nails from other domestic manufacturers or began to manufacture the nails themselves.

Several factors led the management of Baker Nail to close down the Framingham, Mass. plant and to move to Lillington, N.C.; chief among them were the dilapidated condition of the Framingham plant, state corporate tax structures, rising fuel costs and a citation from OSHA (Office of Safety and Health administration) requiring the modification of certain excessively noisy machinery at the Framingham plant. The North Carolina locations proximity to Baker Nail's market area provided additional incentive for the move.

CONCLUSION

After careful review, I conclude that all workers at the Baker Nail Co., Framingham, Mass. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 28th day of February 1978.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc. 78-5931 Filed 3-6-78; 8:45 am]

[4510-28]

[TA-W-2286]

BERT PALEY LTD., INC.

Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2286: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on August 25, 1977, in response to a worker petition received on August 22, 1977, which was filed on behalf of workers and former workers producing men's and women's jackets and men's sportswear at Bert Paley Ltd., Inc., Dorchester, Mass. During the course of the investigation, it was established that the workers produce men's tailored leather outercoats.

The notice of investigation was published in the FEDERAL REGISTER on September 8, 1977 (42 FR 44615). No

public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from Bert Paley Ltd., Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of men's and boys' outercoats and jackets increased from 20,034 thousand units in 1975 to 22,060 thousand units in 1976. U.S. imports increased from 16,055 thousand units in the first 9 months of 1976 to 20,344 thousand units in the first 9 months of 1977.

The ratio of imports to production of men's and boys' outercoats and jackets increased from 28.1 percent in 1975 to 31.3 percent in 1976.

U.S. imports of men's, boys', women's, misses', juniors' and children's leather coats and jackets increased from $154.3 million in 1975 to $236.6 million in 1976. Imports increased from $195.5 million in the first 10 months of 1976 to $203.7 million in the same period of 1977.

The ratio of imports to production of leather coats and jackets increased from 67.1 percent in 1975 to 81.6 percent in 1976.

A survey of major customers purchasing men's leather coats from Bert Paley Ltd., Inc., indicated that some customers increased purchases of imported leather coats while decreasing purchases from Bert Paley Ltd., Inc., in the first half of 1977.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's leather outercoats produced by Bert Paley Ltd., Inc., Dorchester, Mass., contributed importantly to the decrease in sales and production and to the total or partial separation of workers at the firm. In accordance with the provisions of the Act, I make the following certification:

All workers at Bert Paley Ltd., Inc., Dorchester, Mass., who became totally or partially separated from employment on or after April 1, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 28th day of February 1978.

Harry Grubert,
Director, Office of Foreign Economic Research.

[FR Doc. 78-5932 Filed 3-6-78; 8:45 am]

[4510-28]

[TA-W-2249]

BETHLEHEM MINES CORP.

Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2249: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on August 10, 1977, in response to a worker petition received on August 8, 1977, which was filed by the United Steelworkers of America on behalf of workers and former workers producing iron ore pellets at the Cornwall, Pa., plant of Bethlehem Mines Corp., division of Bethlehem Steel Corp.

The notice of investigation was published in the Federal Register on August 23, 1977 (42 FR 42397). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Bethlehem Steel Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

The Department's investigation revealed that the iron ore pellets produced at the Cornwall plant were shipped only to the Johnstown, Pa., plant of Bethlehem Steel Corp., for use in the production of various steel products.

Carbon and alloy bars, rods, wire, plates, wheels, axles, and circular forgings, accounted for almost all of the finished product sales at the Johnstown plant in 1976 and in the first 10 months of 1977.

Bars

The bars produced at the Johnstown plant are hot rolled carbon steel and alloy steel.

Imports of hot rolled carbon steel bar decreased in 1976 to 369.1 thousand tons from 418.6 thousand tons in 1975. In the first 9 months of 1977 imports increased to 528.8 thousand tons from 223.9 thousand tons in the first 9 months of 1976. The ratio of imports to domestic shipments decreased in 1976 to 6.7 percent from 8.1 percent in 1975, then increased in the first 9 months of 1977 to 11.6 percent from 5.2 percent in the first 9 months of 1976.

Imports of hot rolled alloy steel bars increased to 69.5 thousand tons in 1976 from 63.4 thousand tons in 1975. Imports increased to 85.5 thousand tons in the first 9 months of 1977 from 48.0 thousand tons in the first 9 months of 1976. The ratio of imports of alloy steel bars to domestic shipments increased in 1976 to 3.1 percent from 2.9 percent in 1975. For the first 9 months of 1977 the ratio increased to 5.0 percent from 2.7 percent in the first 9 months of 1976.

Rods

Imports of wire rods increased in 1976 to 1032.9 thousand tons from 1027.6 thousand tons in 1975. In the first 9 months of 1977 imports increased to 899.8 thousand tons from 722.1 thousand tons in the first 9 months of 1976. The ratio of imports to domestic shipments of rods decreased from 52.5 percent in 1975 to 35.7 percent in 1976. The ratio of imports to domestic shipments increased in the first 9 months of 1977 to 43.4 percent from 30.7 percent for the first 9 months of 1976.

Carbon Steel Wire

Imports of carbon steel wire increased from 349.6 thousand tons in 1975 to 371.8 thousand tons in 1976. Imports increased from 263.5 thousand tons in the first 9 months of 1976 to 359.1 thousand tons in the first 9 months of 1977. The ratio of imports to domestic shipments of wire decreased from 22.0 percent in 1975 to 19.9 percent in 1976. The ratio of imports to domestic shipments increased from 18.1 percent in the first 9 months of 1976 to 25.5 percent in the first 9 months of 1977.

Plates

Imports of carbon steel plate increased to 1555.4 thousand tons in 1976 from 1353.0 thousand tons in 1975. In the first 9 months of 1977 imports increased to 1355.9 thousand tons from 1083.2 thousand tons in the first 9 months of 1977. The ration of imports to domestic shipments increased to 27.7 percent in 1976 from 19.4 percent in 1975. In the first 9 months of 1977 the ratio increased to 30.6 percent from 24.8 percent in the first 9 months of 1976.

Wheels, Axles, and Circular Forgings

More than 90 percent of the circular forgings produced at the Johnstown plant are wheels and axles. Imports of steel wheels and axles for railway applications increased in the last quarter of 1976 to 9,090 tons from 8,308 tons in the last quarter of 1975. Imports increased in the first 9 months of 1977 to 44,195 tons from 23,107 tons in the first 9 months of 1976. The ratio of im-

ports to domestic shipments increased to 16.7 percent in the last quarter of 1976 from 9.3 percent in 1975. In the first 9 months of 1977, the ratio increased to 17.6 percent from 10.3 percent in the first 9 months of 1976.

The Department conducted a survey of bar, rod, wire, plate, wheels, axles, and circular forgings customers of the Johnstown plant. Several of those responding had decreased purchases from the Johnstown plant and increased purchases of imports during 1976 or 1977. These customers indicated that the lower price of foreign steel products was affecting the marketing of the products.

All workers at the Johnstown, Pa., plant have been previously certified eligible to apply for adjustment assistance. (See TA-W-2556 cert. 2/13/78.)

Bethlehem Steel Corp. closed the Cornwall, Pa., plant permanently in September 1977. Major layoffs began in July 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with carbon bars, alloy bars, rods, plates, wire, wheels, axles, and circular forgings produced at the Johnstown, Pa., plant of Bethlehem Steel Corp. contributed importantly to the total or partial separation of the workers producing iron ore pellets at the Cornwall, Pa., plant of the Bethlehem Mines Corp. In accordance with the provisions of the Act, I make the following certification.

All workers at the Cornwall, Pa., a plant of Bethlehem Mines Corp., who became totally or partially separated from employment on or after July 1, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 28th day of February 1978.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc. 78-5933 Filed 3-6-78; 8:45 am]

[4510-28]

[TA-W-2268]

BULOVA WATCH CO., INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2268: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on August 17, 1977 in response to a worker petition received on August 16, 1977, which was filed by the Tool and Diemakers Independent Union on behalf of workers and former workers producing watch movements at the Watch Manufacturing Division of Bulova Watch Co., Inc., Jackson Heights, N.Y.

The notice of investigation was published in the FEDERAL REGISTER on August 26, 1977 (42 FR 43155). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Bulova Watch Co., Inc., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. It is concluded that all of the requirements have been met.

Imports of nonconventional watches, which include electronic watches, increased each year, from 29,000 units in 1973 to 5.158 million units in 1976. Imports increased from 2.081 million units in the first six months of 1976 to 3.195 million units in the same period of 1977. The ratio of imports to domestic production increased from 5.3 percent in 1973 to 11.3 percent in 1974 and to 60.4 percent in 1975. The ratio declined to 55.7 percent in 1976.

Stelux Manufacturing Co., a firm based in Hong Kong, acquired 26.7 percent of Bulova's stock in 1976. In order to remain competitive with the growing number of imported electronic watches, Bulova has been importing watch movements from Stelux Co.'s Hong Kong plant and Bulova's facilities in Switzerland. Company imports of these watch movements increased 12.2 percent from 1975 to 1976 and 114.7 percent in the first six months of 1977 compared to the first six months of 1976. All production of tuning fork movements and part of the production of electronic quartz movements at Jackson Heights is being phased out by 1978 and replaced with company imports.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with nonconventional watches produced by Bulova Watch Co., Inc., contributed importantly to the decline in production of watch movements at the Watch Manufacturing Division of Bulova, Jackson Heights, N.Y., and to the total or partial separation of the workers at that division. In accordance with the provisions of the Act, I make the following certification:

All workers at the Watch Manufacturing Division of Bulova Watch Co., Inc., Jackson Heights, N.Y. who became totally or partially separated from employment on or after February 21, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 28th day of February 1978.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc. 78-5934 Filed 3-6-78; 8:45 am]

[4510-28]

[TA-W-2269]

BULOVA WATCH CO., INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2269: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on August 17, 1977 in response to a worker petition received on August 16, 1977 which was filed by the Tool and Diemakers Independent Union on behalf of workers and former workers producing watch crystals at the Crystal Department of Bulova Watch Co., Inc., Woodside, N.Y.

The notice of investigation was published in the FEDERAL REGISTER on August 26, 1977 (42 FR 43155). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Bulova Watch Co., Inc., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. It is concluded that all of the requirements have been met.

Imports of nonconventional watches, which include electronic watches, increased each year, from 29,000 units in 1973 to 5.158 million units in 1976. Imports increased from 2.081 million units in the first 6 months of 1976 to 3.195 million units in the same period of 1977. The ratio of imports to domestic production increased from 5.3 percent in 1973 to 11.3 percent in 1974 and to 60.4 percent in 1975. The ratio declined to 55.7 percent in 1976.

Due to increasing imports of nonconventional watches and growing competition from Japanese manufacturers of watch crystals, Bulova began importing electronic quartz crystal watch

movements from its plants in Hong Kong and Switzerland in 1976 and commenced importing watch crystals from Japan in the first quarter of 1977 for assembly into watches at domestic facilities. Company imports of watch crystals replaced production at the Woodside plant by the end of May 1977. Imports of electronic watches replaced domestic production of those watches by the end of 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with nonconventional watches produced by Bulova Watch Co., Inc., contributed importantly to the decline in production of watch crystals at the Crystal Department of the Woodside, N.Y. plant of Bulova and to the total or partial separations of the workers of that department. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of watch crystals at the Crystal Department of Bulova Watch Co., Inc., Woodside, N.Y., who became totally or partially separated from employment on or after August 11, 1976 and before July 31, 1977 are eligibile to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974. All workers totally or partially separated on or after July 31, 1977 are denied eligibility to apply for adjustment assistance.

Signed at Washington, D.C. this 28th day of February 1978.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc. 78-5935 Filed 3-6-78; 8:45 am]

[4510-28]

[TA-W-2478]

CONTRACT KNITTER

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-2478: 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 17, 1977 in response to a worker petition received on October 5, 1977, which was filed by the workers of The Contract Knitter on behalf of workers and former workers producing polyester double knit fabric at The Contract Knitter, Northport, Ala.

The notice of investigation was published in the FEDERAL REGISTER on November 8, 1977 (42 FR 58210). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Speizman Industries, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met.

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Inasmuch as all types of unfinished fabric, greige goods, are generally interchangeable and substitutable in their end uses, all types of unfinished fabric must be considered like or directly competitive with the fabric produced at The Contract Knitter, Northport, Ala. Depending on the blend of fabrics used, all types of greige cloth could be used in the production of men's and women's apparel.

Aggregate imports of unfinished fabric, which includes polyester, acetate, rayon, nylon, and cotton greige, increased from 1975 to 1976 from 608 million square yards to 1,002.7 million square yards. Imports were recorded at 176.9 million square yards in the first quarter of 1977, compared to 279.9 million square yards in the first quarter of 1976. The ratio of imports to domestic production increased from 5.5 percent in 1975 to 8.2 percent in 1976 and then declined from 8.9 percent in the first quarter of 1976 to 6 percent in the first quarter of 1977.

The Contract Knitter closed on July 2, 1977 following the severence of a contract with its major customer. This customer did not import any unfinished (greige) fabric. Although it did purchase finished fabric from foreign sources, such purchases had been steadily declining since 1975.

CONCLUSION

After careful review, I conclude that all workers at The Contract Knitter, Northport, Ala., are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 28th day of February 1978.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc. 78-5936 Filed 3-6-78; 8:45 am]

[4510-28]

[TA-W-2610]

DELTA ELECTRIC CO., INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2610: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 15, 1977 in response to a worker petition received on November 3, 1977 which was filed by Local 1171 of the International Brotherhood of Electrical Works on behalf of workers and former workers producing smoke detector horns at the Marion, Indiana plant of the Delta Electric Co., Inc.

The notice of investigation was published in the FEDERAL REGISTER on January 10, 1978 (43 FR 1557). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Delta Electric Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

United States imports of smoke detector horns were recorded at 3.1 million units in 1975, increased to 7.1 million units in 1976 and increased in 1977 to 10 million units.

The ratio of imports of smoke detector horns to domestic production was 155 percent in 1975 increased to 177.5 percent in 1976 and increased in 1977 to 322.6 percent.

The results of a survey of customers who purchased smoke detector horns from the Delta Electric Co. indicated that some of these customers had decreased purchases from Delta Electric and increased their purhases of imports.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with smoke detector horns produced at the Marion, Indiana plant of the Delta Electric Co., Inc., contributed importantly to the decline in sales and to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Marion, Indiana plant of the Delta Electric Co. Inc. who became

totally or partially separated from employment on or after October 19, 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 24th day of February 1978.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc. 78-5938 Filed 3-6-78; 8:45 am]

[4510-28]

[TA-W-2311]

GOLDSTEIN FOOTWEAR, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2311: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on August 31, 1977 in response to a worker petition received on August 26, 1977, which was filed by the United Shoe Workers of America on behalf of workers and former workers producing ladies' shoes at Goldstein Footwear, Inc., Brooklyn, N.Y.

The notice of investigation was published in the FEDERAL REGISTER on September 20, 1977 (42 FR 47271). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Goldstein Footwear, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

Imports of women's nonrubber footwear with nonleather uppers increased from 102.6 million pairs in 1975 to 103.8 million pairs in 1976 and increased from 82.7 million pairs in the first nine months of 1976 to 83.7 million pairs in the same period of 1977. Imports, relative to domestic production, declined from 166.6 percent in 1975 to 166.3 percent in 1976. The ratio increased from 168.1 percent in the first nine months of 1976 to 194.7 percent in the same period in 1977.

A survey of Goldstein Footwear's major customers indicated that some customers decreased purchases from the subject firm while increasing their purchases of imported women's shoes in 1976 and the first six months of 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with the women's shoes produced at Goldstein Footwear, Inc., Brooklyn, N.Y., contributed importantly to the decline in production and to the total or partial separation of workers at that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at Goldstein Footwear, Inc., Brooklyn, N.Y., who became totally or partially separated from employment on or after August 22, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 28th day of February 1978.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc. 78-5939 Filed 3-6-78; 8:45 am]

[4510-28]

[TA-W-2392]

F/V LITTLE INFANT

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-2392: 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 28, 1977, in response to a worker petition received on September 23, 1977, which was filed on behalf of workers and former workers engaged in the catching of fin and shellfish aboard the F/V Little Infant of Provincetown, Mass. The investigation revealed that in October 1976, the Little Infant began fishing exclusively for sea scallops. Prior to this date, the Little Infant had fished for ground and flatfish.

The notice of investigation was published in the FEDERAL REGISTER on October 14, 1977 (42 FR 55316). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of F/V Little Infant, the National Marine Fisheries Service, 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 Act must be met. Without regard to whether any of the other criteria have been met the following criterion has not been met.

That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become separated or are threatened to become totally or partially separated.

The Department's investigation revealed that the average number of crew per trip made by the F/V Little Infant increased 33.3 percent in 1975 compared with 1974, increased 50 percent in 1976 compared with 1975 and increased 125 percent in the period January through April 1977 compared with the like period in 1976. During each year's summer months, the Little Infant is idled so that its owner and captain may operate a second vessel, referred to as a "headboat," the Ranger II. In operating this other vessel, no fish is caught or landed commercially.

In October 1976, the Little Infant began fishing exclusively for sea scallops. Prior to this date, the Little Infant had fished for groundfish and flatfish. In scalloping, as opposed to flat and groundfishing, a larger crew is required. This is necessitated by the longer duration of trips made by the boat and by the greater degree of labor intensiveness required in scalloping. As a result, the number of crew aboard the F/V Little Infant has approximately doubled in size since October 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that significant total or partial separations, or threat thereof, of workers aboard the F/V Little Infant of Provincetown, Mass. have not occurred as required for certification under section 222 of the Trade Act of 1974.

Signed in Washington, D.C., this 28th day of February 1978.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc. 78-5940 Filed 3-6-78; 8:45 am]

[4510-28]

[TA-W-2374]

MACON SHIRT CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2374: 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 22, 1977, in response to a worker petition received on September

20, 1977 which was filed on behalf of workers and former workers producing men's dress shirts at the Macon Shirt Co., Macon, Ga.

The notice of investigation was published in the FEDERAL REGISTER on October 4, 1977 (42 FR 54032). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Publix Shirt Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. It is concluded that all of the requirements have been met.

INCREASED IMPORTS

Imports of men's and boys' dress shirts declined from 70,666 thousand in 1972 to 30,800 thousand in 1975 and then increased to 64,283 thousand in 1976. Imports of men's dress shirts increased from 29,906 thousand in the first six months of 1976 to 32,443 thousand in the first six months of 1977. The ratio of imports to domestic production declined from 49.7 percent in 1972 to 36.2 percent in 1975 and then increased to 67.1 percent in 1976.

CONTRIBUTED IMPORTANTLY

Customers representing a substantial proportion of the Macon Shirt Co.'s production increased purchases of imported dress shirts directly and from domestic sources supplying imported shirts while reducing purchases from Macon Shirt in the first nine months of 1977 compared to the same period in 1976. The Macon Shirt Co. ceased production in September 1977 and subsequently closed.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's dress shirts produced at the Macon Shirt Co., Macon, Ga., contributed importantly to the decline in sales or production and to the total or partial separations of workers at that firm. In accordance with the provisions of the Act, I make the following certification:

All workers at the Macon Shirt Co., Macon, Ga. who became totally or partially separated from employment on or after October 11, 1976, and before November 1, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974. All workers separated on or after November 1, 1977 are denied eligibility.

Signed at Washington, D.C. this 28th day of February 1978.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc. 78-5941 Filed 3-6-78; 8:45 am]

[4510-28]

[TA-W-2354 and 2355]

MICHAELS STERN AND CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2354 and 2355: Investigations regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigations were initiated on September 15, 1977 in response to a worker petition received on September 12, 1977, which was filed by the Amalgamated Clothing and Textile Workers Union on Behalf of workers and former workers producing men's suits, slacks and sportcoats at the North Clinton Avenue plant and Bridge Drive plant of Michaels Stern & Co., Rochester, N.Y.

The notice of investigation was published in the FEDERAL REGISTER on October 4, 1974 (42 FR 54032). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Michaels Stern & Co., 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.

The workers at the North Clinton Avenue plant, Rochester, N.Y. and at the Hand Street plant, Rochester, N.Y., of Michaels Stern & Co. were previously certified as eligible to apply for Trade Adjustment Assistance. The certification was signed on December 8, 1975 (TA-W-185).

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. It is concluded that all of the requirements have been met.

INCREASED IMPORTS

Imports of men's and boys' tailored dress coats and sportcoats increased in absolute terms, increased 27 percent from 1975 to 1976 and declined 18 percent in the first nine months of 1977 compared to the same period in 1976. The ratio of imports to domestic production and consumption increased from 28.2 percent and 22.0 percent, respectively, in 1975 to 32.4 percent and 24.5 percent, respectively in 1976.

Imports of men's and boys' suits increased in absolute terms, increased 15 percent from 1975 to 1976 and increased 24 percent in the first nine months of 1977 compared to the same period in 1976. The ratios of imports to domestic production and consumption increased from 18.3 percent and 15.5 percent, respectively, in 1975 to 20 percent and 16.7 percent, respectively in 1976.

Imports of men's and boys' dress and sport slacks declined in absolute terms, increased 32 percent from 1975 to 1976 and increased 7 percent in the first nine months of 1977 compared to the same period in 1976. The ratios of imports to domestic production and consumption increased from 34.1 percent and 25.4 percent, respectively in 1975 to 41.9 percent and 29.5 percent, respectively, in 1976.

CONTRIBUTED IMPORTANTLY

A survey of customers of Michaels Stern & Co. revealed that customers decreased purchases from Michaels Stern and increased purchases of imported men's suits, slacks and sportcoats in 1976 and 1977.

Michaels Stern & Co. ceased production in May 1977. Subsequent to that data, sales have been made from accumulated company inventory. An existing certification for all workers of Michaels Stern & Co. expired on December 8, 1977. As of December 8, 1977 workers assisting in closeout operations at the Bridge Drive plant and North Clinton Avenue plant, Rochester, N.Y. were still employed by Michaels Stern & Co.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's suits, slacks and sportcoats produced at the North Clinton Avenue plant, and Bridge Drive plant, Rochester, N.Y. of Michaels Stern & Co. contributed importantly to the decline in sales or production and to the total or partial separations of workers at that firm. In accordance with the provisions of the Act, I make the following certification:

All workers at the North Clinton Avenue plant, and Bridge Drive plant, Rochester, N.Y. of Michaels Stern & Co. who became totally or partially separated from employment on or after December 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 27th day of February 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-5942 Filed 3-6-78; 8:45 am]

[4510-28]

[TA-W-2357]

MICHAELS STERN & CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2357: 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 15, 1977, in response to a worker petition received on September 12, 1977, which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers and former workers producing men's suits, slacks and sportcoats at the Penn Yan, N.Y. plant of Michaels Stern & Co.

The notice of investigation was published in the FEDERAL REGISTER on October 4, 1977 (42 FR 54032). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Michaels Stern & Co., its customers, the National Cotton Council of America, U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

The workers at the Penn Yan, N.Y. plant of Michaels Stern & Co. were previously certified as eligible to apply for Trade Adjustment Assistance. The certification was signed on December 8, 1975 (TA-W-185).

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. It is concluded that all of the requirements have been met.

INCREASED IMPORTS

Imports of men's and boys' tailored dress coats and sportcoats increased in absolute terms, 27 percent from 1975 to 1976 and declined 18 percent in the first nine months of 1977 compared to the same period in 1976. The ratios of imports to domestic production and consumption increased from 28.2 percent and 22.0 percent, respectively, in 1975 to 32.4 percent and 24.5 percent, respectively, in 1976.

Imports of men's and boys' suits increased in absolute terms, increased 15 percent from 1975 to 1976 and increased 24 percent in the first nine months of 1977 compared to the same period in 1976. The ratios of imports to domestic production and consumption increased from 18.3 percent and 15.5 percent, respectively, in 1975 to 20.0 percent and 16.7 percent, respectively, in 1976.

Imports of men's and boys' dress and sport slacks declined in absolute terms, increased 32 percent from 1975 to 1976 and increased 7 percent in the first nine months of 1977 compared to the same period in 1976. The ratios of imports to domestic production and consumption increased from 34.1 percent and 25.4 percent, respectively, in 1975 to 41.9 percent and 29.5 percent, respectively, in 1976.

CONTRIBUTED IMPORTANTLY

A survey of customers of Michaels Stern & Co. revealed that customers decreased purchases from Michaels Stern and increased purchases of imported men's suits, slacks and sportcoats in 1976 and 1977.

Michaels Stern & Co. ceased production in May 1977. Subsequent to that date, sales have been made from accumulated company inventory. An existing certification for all workers of Michaels Stern & Co. expired on December 8, 1977. As of December 8, 1977 workers assisting in close out operations at the Penn Yan, N.Y. plant were still employed by Michaels Stern & Co.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's suits, slacks and sportcoats produced at the Penn Yan, N.Y. plant of Michaels Stern & Co. contributed importantly to the decline in sales and production and to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Penn Yan, N.Y. plant of Michaels Stern & Co. who became totally or partially separated from employment on or after December 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 27th day of February 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-5943 Filed 3-6-78; 8:45 am]

[4510-28]

[TA-W-2411]

MISSION DIVISION OF ASARCO, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2411: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

Investigation was initiated on October 4, 1977, in response to a worker petition received on September 30, 1977, which was filed by the United Steelworkers of America on behalf of workers and former workers producing copper concentrate at the Mission Division of Asarco, Inc., Sahuarita, 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 Asarco, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the U.S. 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 Act must be met. It is concluded that all of the requirements have been met.

INCREASED IMPORTS

U.S. imports of refined copper increased from 147 thousand short tons in 1975 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 1975 to 21.0 percent in 1976.

U.S. imports of copper ore, concentrate, precipitates and mattes increased each year from 44 thousand tons in 1973 to 89 thousand tons in 1976. The ratio of imports to domestic production increased from 2.6 percent in 1973 to 5.5 percent in 1976.

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. Asarco, Inc. 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 Ex-

change) and the price established by the LME (London Metal 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.

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 refined copper they choose to sell.

Asarco's decision to layoff workers and suspend its Mission Division's operations in September 1977 and its subsequent decision to resume operations on a curtailed basis in November 1977 were 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 Asarco 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 refined copper produced by Asarco, Incorporated contributed importantly to the decrease in production and to the total or partial separation of workers at the Mission Division of Asarco, Inc. In accordance with the provisions of the Act, I make the following certification:

All employees at the Mission Division of Ascaro, Inc., Sahuarita, Ariz., who became totally or partially separated from employment on or after September 6, 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 27th day of February 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-5944 Filed 3-6-78; 8:45 am]

[4510-28]

[TA-W-2908]

NATIONAL CAN CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2908: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 11, 1978, in response to a worker petition received on December 28, 1977, which was filed by the United Steelworkers of America on behalf of workers and former workers producing cans at the Lenexa, Kans. plant of National Can Corp.

The Notice of Investigation was published in the FEDERAL REGISTER on January 27, 1978 (43 FR 3776). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from National Can Corp., the U.S. International Trade Commission, the U.S. Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other critieria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The Lenexa plant produced four lines of three-piece cans: two 12 ounce beer and beverage lines and two lines of coffee cans (3 and 1 pounds, respectively).

Imports of cans are not separately identifiable within TSUSA Classifications 640.2000 and 640.2500. Industry sources estimate that cans represent a small portion of those categories. Cans are generally produced near the plant where they are to be filled. As a result, imports of cans are negligible.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of articles like or directly competitive with cans produced at the Lenexa, Kans. plant of National Can Corp. did not increase, either absolutely or relative to domestic production, as required for certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 27th day of February 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-5945 Filed 3-6-78; 8:45 am]

[4510-28]

[TA-W-2676]

NORTH AMERICAN REFRACTORIES CO., INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2676: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 29, 1977, in response to a worker petition received on November 17, 1977, which was filed by United Steelworkers of America on behalf of workers and former workers producing refractories at the Womelsdorf, Pa. plant of North American Refractories Co., Inc.

The notice of investigation was published in the FEDERAL REGISTER on December 16, 1977 (42 FR 63486). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of North American Refractories Co., the U.S. International Trade Commission, the U.S. Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met the following criterion has not been met:

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.

Section 223(b)(1) of the Trade Act of 1974 states that a certification under this section shall not apply to any worker whose last total or partial sep-

aration from the firm occurred more than 12 months before the signature date of the petition.

The signature date of the petition in this case is November 15, 1977. Thus, workers separated prior to November 15, 1976, are not eligible to apply for program benefits.

The Department's investigation revealed that the number of production workers increased in four consecutive quarters from the fourth quarter of 1976 to the fourth quarter of 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that significant total or partial separations of workers at the Womelsdorf, Pa., plant of North American Refractories Co. have not occurred as required for certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 27th day of February 1978.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc. 78-5946 Filed 3-6-78; 8:45 am]

[4510-28]

[TA-W-2825]

PINTO ISLAND METALS CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2825: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 28, 1977, in response to a worker petition received on December 12, 1978, which was filed by the Industrial Union of Marine and Shipbuilding Union of America, Local 18 on behalf of workers and former workers producing ferrous and nonferrous metals at the Pinto Island Metals Co., Mobile, Ala.

The notice of investigation was published in the FEDERAL REGISTER on January 10, 1978 (43 FR 1554). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Pinto Island Metals Co., the U.S. Department of commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Evidence developed during the Department's investigation revealed that workers at the Pinto Island Metals Co. are engaged in the preparation of ferrous and nonferrous metals.

The ratio of imports to domestic production of iron and steel scrap metal has been less than 1 percent for the 1972 to 1977 period. Industry experts indicated that imports consist largely of convenience sales and interplant transfers with Canada.

CONCLUSION

After careful review of the facts I conclude that all workers at the Pinto Island Metals Co., Mobile, Ala., are denied eligibility to apply for adjustment assistance under title II, chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 27th day of February 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-5947 Filed 3-6-78; 8:45 am]

[4510-28]

TA-W-2640]

RAINBOW GIRL COAT CO., INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2640: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 21, 1977, in response to a worker petition received on November 11, 1977, which was filed on behalf of workers and former workers producing girls' outer garments at Rainbow Girl Coat Co., Inc., Springfield, Mass.

The notice of investigation was published in the FEDERAL REGISTER on December 6, 1977 (42 FR 61696). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Rainbow Girl Coat Co., Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the National Cotton Council of America, 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 Act must be met. It is concluded that all of the requirements have been met.

INCREASED IMPORTS

Imports of women's, misses', and children's coats and jackets increased in 1975 to 1,517,000 dozen, increased in 1976 to 2,252,000 dozen, and increased to 2,081,000 dozen in the first 9 months of 1977 compared to 1,680,000 dozen for the same period of 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.

Imports of women's, misses', and children's raincoats increased in 1975 to 191,000 dozen, increased in 1976 to 261,000 dozen, and then declined to 180,000 dozen in the first 9 months of 1977 compared to the same period in 1976. The ratios of imports to domestic production and consumption increased from 36.8 percent and 26.9 percent, respectively, in 1975 to 50.4 percent and 33.5 percent, respectively, in 1976.

CONTRIBUTED IMPORTANTLY

Imports of women's, misses', and children's coats and jackets and raincoats have captured an increasing share of the domestic market, as evidenced by the significant import/domestic production and consumption ratios. For coats and jackets, as well as raincoats, imports constituted 1 out of every 3 coats sold in the United States in 1976.

A survey of Rainbow Girls' customers revealed that customers reduced purchases from Rainbow Girl while increasing purchases of imported girls' coats in 1976 and 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with girls' coats produced at Rainbow Girl Coat Co., Inc., Springfield, Mass., contributed importantly to the decline in sales or production and to the total or partial separations of workers at that firm. In accordance with the provisions of the Act, I make the following certification:

All workers at Rainbow Girl Coat Co., Inc., Springfield, Mass., who became totally or partially separated from employment on or after November 4, 1976, are eligible to apply for adjustment assistance under title II, chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 28th day of February 1978.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc. 78-5948 Filed 3-6-78; 8:45 am]

[4510-28]

[TA-W-2319]

RIVERSIDE METALS CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2319: 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 6, 1977, in response to a worker petition received on September 1, 1977, which was filed on behalf of workers and former workers producing wire and strip copper alloys at the Riverside Metals Co., Riverside, N.J.

The notice of investigation was published in the FEDERAL REGISTER on September 23, 1977 (42 FR 48418). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Riverside Metals Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. It is concluded that all of the requirements have been met.

INCREASED IMPORTS

Imports of alloyed copper wire increased from 4,482 thousand pounds in 1975 to 27,137 thousand pounds in 1976. Imports increased from 14,778 thousand pounds in the first 9 months of 1976 to 15,734 thousand pounds in the first 9 months of 1977. The ratio of imports to domestic production increased from 8.4 percent in 1975 to 36.5 percent in 1976.

Imports of alloyed copper sheets, plates, and strips increased from 54,298 thousand pounds in 1975 to 97,977 thousand pounds in 1976. Imports declined from 78,412 thousand pounds in the first 9 months of 1976 to 64,558 thousand pounds in the first 9 months of 1977. The ratio of imports to domestic production increased from 8.3 percent in 1975 to 13.0 percent in 1976.

CONTRIBUTED IMPORTANTLY

The dramatic increase in imports of alloyed copper wire, sheet, plate, and strip in 1976 and of alloyed copper wire in the first 9 months of 1977 from comparable prior periods was a result of the price disparity between the U.S. producer price and the London Metal Exchange (LME) price. Riverside and other domestic producers of copper alloy products could not profitably compete with substantially lower priced imports. After sustaining financial losses for a prolonged period, Riverside was forced to close in September 1977. These facts were substantiated in comments made by customers purchasing copper alloy products produced by Riverside.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with wire and strip copper alloys produced at the Riverside Metals Co., Riverside, N.J., contributed importantly to the decline in sales or production and to the total or partical separations of workers at that firm. In accordance with the provisions of the Act, I make the following certification:

All hourly and salaried workers at the Riverside Metals Co., Riverside, N.J., who became totally or partially separated from employment on or after August 29, 1976, and before October 31, 1977, are eligible to apply for adjustment assistance under title II, chapter 2 of the Trade Act of 1974. All workers separated on or after October 31, 1977, are denied eligibility.

Signed at Washington, D.C., this 27th day of February 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-5949 Filed 3-6-78; 8:45 am]

[4510-28]

[TA-W-2490]

SACATON DIVISION OF ASARCO, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2490: 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 20, 1977, in response to a worker petition received on October 12, 1977, which was filed by three workers on behalf of workers and former workers producing copper concentrate at the Sacaton Division of Asarco, Inc., Casa Grande, 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 Asarco, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, The U.S. 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 Act must be met. It is concluded that all of the requirements have been met.

INCREASED IMPORTS

U.S. imports of refined copper increased from 147 thousand short tons in 1975 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 1975 to 21.0 percent in 1976.

U.S. imports of copper ore, concentrate, precipitates and mattes increased each year from 44 thousand tons in 1973 to 89 thousand tons in 1976. The ratio of imports to domestic production increased from 2.6 percent in 1973 to 5.5 percent in 1976.

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. Asarco 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 Metal 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 con-

sumers 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 cooper 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 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 refined copper they choose to sell.

Asarco's decision to suspend operations and layoff workers at its Sacaton Division in September 1977, and its subsequent decision to resume operations on a curtailed basis at the end of October 1977, were 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 Asarco 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 refined copper produced by Asarco, Inc., contributed importantly to the decrease in production and to the total or partial separation of workers at the Sacaton Division of Asarco, Inc. In accordance with the provisions of the Act, I make the following certification:

All employees at the Sacaton Division of Asarco, Inc., Casa Grande, Ariz., who became totally or partially separated from employment on or after September 6, 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 27th day of February 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-5950 Filed 3-6-78; 8:45 am]

[4510-28]

[TA-W-2410]

SILVER BELL DIVISION OF ASARCO, INC.

Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2410: 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 4, 1977, in response to a worker petition received on Septenber 30, 1977, which was filed by the United Steelworkers of America on behalf of workers and former workers producing copper concentrate at the Silver Bell Division of Ascaro, Inc., Silver Bell, 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 Asarco, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, U.S. 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 Act must be met. It is concluded that all of the requirements have been met.

INCREASED IMPORTS

U.S. imports of refined copper increased from 147 thousand short tons in 1975 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 1975 to 21 percent in 1976.

U.S. imports of copper ore, concentrate, precipitates and mattes increased each year from 44 thousand tons in 1973 to 89 thousand tons in 1976. The ratio of imports to domestic production increased from 2.6 percent in 1973 to 5.5 percent in 1976.

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. Asarco 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 Metal Exchange). When the LME price drops more than the estimated transporation 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 the 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 refined copper they choose to sell.

Asarco's decision to layoff workers and suspend its Silver Bell Division's operations in September 1977, and its subsequent decision to resume operations on a curtailed basis in November 1977, were 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 of copper.

Comments made by customers purchasing copper from Asarco 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 refined copper produced by Asarco, Inc., contributed importantly to the decrease in production and to the total partial separation of workers at the Silver Bell Division of Asarco, Inc. In accordance with the provisions of the Act, I make the following certification:

All employees at the Silver Bell Division of Asarco, Inc., Silver Bell, Ariz., who became totally or partially separated from employment on or after September 6, 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 27th day of February 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-5951 Filed 3-6-78; 8:45 am]

[4510-28]

[TA-W-2377]

STRIDE RITE MANUFACTURING CORP.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2377: 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 26, 1977, in response to a worker petition received on September 20, 1977, which was filed by the Boot and Shoe Workers' Union on behalf of workers and former workers producing children's footwear at Stride Rite Manufacturing Corp., Newburyport, Mass.

The Notice of Investigation was published in the FEDERAL REGISTER on October 14, 1977 (42 FR 55315). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from Stride Rite Manufacturing 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 Act must be met. It is concluded that all of the requirements have been met.

United States imports of children's footwear totalled 11.1 millions of pairs in 1975 which increased to 15.8 millions of pairs in 1976. During the first nine months of 1976, imports were 12.5 millions of pairs which declined to 11.4 millions of pairs during the first nine months of 1977.

The imports to domestic production and consumption ratios for children's footwear increased from 60 percent and 37.5 percent, respectively, in 1975 to 75.2 percent and 42.9 percent, respectively, in 1976. The imports to domestic production and consumption ratios increased from 74.4 percent and 42.7 percent, respectively, during the first nine months of 1976 to 94.2 percent and 48.5 percent, respectively, during the first nine months of 1977.

In its report to the President on February 8, 1977, the U.S. International Trade Commission found that certain footwear articles including children's footwear are being imported into the United States in such increased quantities as to be a substantial cause of serious injury to the domestic industry producing such articles. The Commission considered other factors that have been alleged as more important causes than imports of injury to the domestic footwear industry such as the recent recession, inability to keep pace with technological and style changes, and decreased productivity. However, the Commission concluded that, although such factors may have contributed in part, imports have been the most important cause of injury.

Customers surveyed indicated that they increased purchases of imported children's footwear either absolutely or relative to their purchases from the Stride Rite Manufacturing Corp.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with children's footwear produced at the Newburyport, Mass., plant of the Stride Rite Manufacturing Corp., contributed importantly to the decline in production and to the total or partial separation of workers at that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Stride Rite Manufacturing Corp., Newburyport, Mass., who became totally or partially separated from employment on or after September 13, 1976, are eligible to apply for adjustment assistance under title II, chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 27th day of February 1978.

JAMES F. TAYLOR,
Director Office of Management, Administration, and Planning.

[FR Doc. 78-5952 Filed 3-6-78; 8:45 am]

[4510-28]

[TA-W-2698]

TORNETTA'S MOTOR TRUCKS, INC.

Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2698: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 1, 1977, in response to a worker petition received on November 23, 1977, which as filed by the Internationa Brotherhood of Teamsters, Chauffers, Warehousemen, and Helpers of America (Ind.) Local 384 on behalf of workers and former workers engaged in transportation operations at Tornetta's Motor Trucks, Inc., Conshohocken, Pa.

The notice of investigation was published in the FEDERAL REGISTER on December 16, 1977 (42 FR 63485). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Tornetta's Motor Trucks, Inc. 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. If any of the criteria is not met, a negative determination must be made.

The Department's investigation revealed that tornetta's Motor Trucks, Inc., is a transport firm which operates a single terminal in Conshohocken, Pa. Founded in 1937 and incorporated in Ohio in 1959, the company has no parent company and no subsidiaries. The firm is licensed and regulated by the Interstate Commerce Commission as a contract carrier.

Tornetta's Motor Truck transports steel products for several customers. Workers at Tornetta's Motor Trucks are engaged in transport operations and perform no production operations. Workers at Tornetta's Trucks, Inc., do not produce an article within the meaning of section 222(3) of the Act and this Department has already determined that the performance of services is not covered by the adjustment assistance program. See Notice of Determination in Pan American World Airways, Inc. (TA-W-153, 40 FR 54639). The only question in this case is whether customers of Tornetta's Motor Trucks, i.e., firms which produce an article, namely steel, and for whom the service is provided, can be considered the "workers' firm." See Notice of Determination in Nu-Car

Driveaway, Inc. (TA-W-393, 41 FR 12749).

No customer of Tornetta's Motor Trucks or the subject firm is financially, corporately, or otherwise involved in the business of the other. The workers on whose behalf this petition was filed were hired and are paid by and subject to the authority of Tornetta's Motor Trucks personnel only. All employment benefits which they enjoy are provided and maintained by Tornetta's Motor Trucks.

CONCLUSION

After careful review of the issues and facts involved, I have determined that services of the kind provided by workers at Tornetta's Motor Trucks, Inc., Conshohocken, Pa., are not "articles" within the meaning of section 222(3) of the Trade Act of 1974, and that no customers of Tornetta's Motor Trucks, Inc., can be considered the "workers' firm." The petition for trade adjustment assistance is, therefore, denied.

Signed at Washington, D.C., this 24th day of February 1978.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc. 78-5953 Filed 3-6-78; 8:45 am]

[4510-28]

[TA-W-2503]

ZUCKERMAN CO., INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein peresents the results of TA-W-2503: 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 25, 1977, in response to a worker petition received on October 17, 1977, which was filed on behalf of workers and former workers producing foundry grade metal scrap at Zuckerman Co., Inc., Winchester, Va.

The notice of investigation was published in the FEDERAL REGISTER on November 8, 1977 (42 FR 58209). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Zuckerman Co., Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increased imports have "contributed importantly" to the separations, or threat thereof, and to the decrease in sales or production of the firm or subdivision.

The Department's investigation revealed that imports of foundry grade scrap metal equal less than one percent of domestic production of scrap metal. A survey of customers of Zuckerman Co., Inc., revealed only insignificant purchases of imported foundry grade ferrous metal scrap. That customer began purchasing from the subject firm in 1977. Foundry grade ferrous metal scrap represents eighty percent of the subject firm's sales.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that significant total or partial separations of workers have not occurred at Zuckerman Co., Inc., Winchester, Va., as required for certification under section of the Trade Act of 1974.

Signed at Washington, D.C., this 27th day of February 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-5954 Filed 3-6-78; 8:45 am]

[4510-29]

Pension and Welfare Benefit Programs

ADVISORY COUNCIL ON EMPLOYEE WELFARE AND PENSION BENEFIT PLANS

Meeting

Pursuant to section 512 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1142) a meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans will be held at 9:30 a.m. on Tuesday, April 4, 1978, in the Ambassador Ballroom, the Ambassador Hotel, 3400 Wilshire Boulevard, Los Angeles, Calif.

The purpose of the meeting is to discuss the items listed below and to invite public comment on any aspect of the administration of the pension reform law.

1. Department of Labor Progress Report.
2. Small Plans Impact Work Group Report.
3. Seasonal Industries Work Group Report.
4. ERISA Preemption of State Law.
5. Statements from the Public.

Members of the public are encouraged to file a written statement concerning one of the above topics, or any topic concerning ERISA, by submitting 30 copies on or before March 27, 1978, to the Administrator of Pension and Welfare Benefit Programs, c/o the U.S. Department of Labor/Labor-Management Services Administration, Room 4334, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

Persons desiring to attend should notify Edward F. Lysczek, Executive Secretary of the Advisory Council, either in care of the above address or at the national office, U.S. Department of Labor, Room S-4522, 200 Constitution Avenue NW., Washington, D.C. 20216. This notification may also be made by calling area code 202-523-8753.

Signed at Washington, D.C., this 1st day of March 1978.

IAN D. LANOFF,
Administrator of Pension and Welfare Benefit Programs.

[FR Doc. 78-5900 Filed 3-6-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, SUBCOMMITTEE ON THE FLOATING NUCLEAR PLANT

Meeting

The ACRS Subcommittee on the Floating Nuclear Plant will hold an open meeting on March 22, 1978 in room 1046, 1717 H Street, N.W., Washington, D.C. 20555, to continue its review of the Liquid Pathway Generic Study for the Floating Nucler Plant. The primary source of information to be discussed at this meeting is NUREG-0440, "Liquid Pathway Generic Study," dated February 1978, regarding the impacts of accidental radioactive releases to the hydrosphere from floating and land-based nuclear powerplants.

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:

WEDNESDAY, MARCH 22, 1978

8:30 A.M. UNTIL THE CONCLUSION OF BUSINESS

The subcommittee may meet in executive session, with any of its consul-

tants 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, Offshore Power Systems, 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.

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. Gary Quittschreiber, 202-634-1920, between 8:15 and 5:00 p.m.

Background information concerning items to be considered at this meeting can be found in NUREG-0440, on file and available for public inspection at the NRC public document room 1717, H Street, N.W., Washington, D.C. 20555, at the Jacksonville Public Library, 122 North Ocean Street, Jacksonville, Fla. 32204, at the New Orleans Public Library, Business and Science Division, 219 Loyola Avenue, New Orleans, La. 70240, and at the Stockton State College Library, Pomona, N.J. 08240.

Dated: March 2, 1978.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc. 78-5892 Filed 3-6-78; 8:45 am]

[7590-01]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS WORKING GROUP ON SAFETY OF OPERATING REACTORS

Meeting

The ACRS Working Group on Safety of Operating Reactors will hold a meeting on March 22, 1978 in Room 1062, 1717 H Street NW., Washington, D.C. 20555, to discuss the review of requests for operating reactors to operate at "stretch" power.

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 Working Group, 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:

WEDNESDAY, MARCH 22, 1978

8:30 A.M. UNTIL THE CONCLUSION OF BUSINESS

The Working Group 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 Working Group will hear presentations by and hold discussions with representatives of the NRC Staff and their consultants, pertinent to this review.

The Working Group 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 Working Group 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. John C. McKinley, telephone 202-634-1371 between 8:15 a.m. and 5 p.m., e.s.t.

Dated: March 2, 1978.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc. 78-5891 Filed 3-6-78; 8:45 am]

[7590-01]

[Docket No. 50-263]

NORTHERN STATES POWER CO.

Granting of Relief From ASME Section XI Inservice Inspection (Testing) Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components" to the Northern States Power Co. The relief relates to the inservice inspection and testing program for the Monticello Nuclear Generating Plant (the facility) located in Wright County, Minn. The ASME Code requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR Part 50. The relief is effective as of its date of issuance.

The relief is granted, on an interim basis, pending completion of our detailed review, from those inservice inspection and testing requirements of the ASME Code that the licensee has determined to be impractical within the limitations of design, geometry, and materials of construction of components, because compliance would result in hardships and unusual difficulties without a compensating increase in the level of quality or safety.

The request for relief 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 letter granting relief. Prior public notice of this action was not required since the granting of this relief from ASME Code requirements does not involve a significant hazards consideration.

The Commission has determined that the granting of this relief 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 this action.

For further details with respect to this action, see (1) the request for relief dated December 14, 1977, and (2) the Commission's letter to the licensee dated February 28, 1978.

These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minn. A copy of item (2) 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 28th day of February, 1978.

For the Nuclear Regulatory Commission.

GEORGE E. LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc. 78-5889 Filed 3-6-78; 8:45 am]

[7590-01]

OFFICE OF STANDARDS DEVELOPMENT

Public Meeting

The Office of Standards Development will conduct a public meeting at 9 a.m. to 5 p.m. on April 7, 1978, in the General Services Administration Auditorium 18th and F Streets, Washington, D.C.

The purpose of this meeting is for the presentation of an analysis by Dr. I. D. J. Bross, Jr., Roswell Park Memorial Institute, Buffalo, N.Y., of the biological effects of low level ionizing radiation in children exposed in utero and in the parents and offspring of parents receiving preconception exposure.

Dr. Kenneth J. Rothman, Harvard School of Public Health, will give an independent analysis of Dr. Bross' presentation.

The opportunity will be presented for representatives of national, state and local units of government, representatives of public and private organizations, and interested citizens to receive information and question Drs. Bross and Rothman about their analyses and conclusions. The formal presentations will be limited to the material in the following specific documents:

1. Bross, I. D. J. and N. Natarajan. Genetic Damage from Diagnostic Radiation. J. Am. Med. Association. May 30, 1977, 237:22 pp. 2399-2401.

2. Bross, I. D. J. "Hazards to Persons Exposed to Ionizing Radiation (and to Their Children) From Dosages Currently Permitted by the Nuclear Regulatory Commission." For presentation at a U.S. NRC public meeting, April 7, 1978.

Dr. Bross has provided the following documents as background information—not to be included specifically in his presentation.

1. Bross, I. D. J. and N. Natarajan. Leukemia From Low-Level Radiaton Identification of Susceptible Children. New England J. Med., July 20, 1972, 287: 107-110.

2. Bross, I. D. J., R. Bertell and R. Gibson. Pets and Adult Leukemia, Am. J. Public Health, 1972, 62:11 pp. 1520-1531.

3. Natarajan, N. and I. D. J. Bross. Preconception Radiation and Leukemia. J. Med. 1973, 4: 278-281.

4. Bross, I. D. J. and N. Natarajan. Risk of Leukemia in Susceptible Children Exposed to Preconception, In Utero and Postnatal Radiation. Preventive Med. 1974, 3: 361-369.

5. Viadana, E. and I. D. J. Bross. Use of the Medical History to Predict the Future Occurrence of Leukemias in Adults. Preventive Med. 1974, 3: 165-170.

6. Bross, I. D. J. Strategies of Science in Human Affairs: How to Assure the Quality of Scientific Statements. Clinical Pharmacology and Therapeutics. June 1974, 15:6 pp. 543-550.

7. Blumenson, L. E. A Comprehensive Modeling Procedure for the Human Granulopoietic System: Detailed Description and Application to Cancer Chemotherapy. Mathematical Biosciences, 1975, 26:217-239.

8. Bross, I. D. J. and L. E. Blumenson, Screening Random Asymptomatic Women Under 50 By-annual Mammographies: Does it Make Sense? J. Surgical Oncology. 1976, 8:437-445.

9. Bross, I. D. J. Right Answers From Wrong Assumptions, Preventive Med. 1976, 5:203-206.

10. Bross, I. D. J. Scientific Strategies in Human Affairs: Explaining Statistics to the Public. Am. Statistician, Nov. 1976, 30:4:171-175.

Copies of Dr. Bross' and the other publications are available in the open literature. Copies of "Hazards to Persons Exposed to Ionizing Radiation (and to Their Children) From Dosages Currently Permitted by the Nuclear Regulatory Commission" can be obtained by written request to Dr. Michael A. Parsont, U.S. NRC, Washington, D.C. 20555.

The agenda for the meeting will be as follows:

I. Welcoming comments, definition of scientific terminology and introduction of participants (approximately 15 minutes).
II. Presentation by Dr. Irwin D. J. Bross, Jr. (approximately 1 hour).
III. Presentation by Dr. Kenneth J. Rothman (approximately 1 hour).
IV. Comments on Dr. Rothman's presentation by Dr. Bross (time as necessary).
V. Discussion by participants of points to be resolved (time as necessary).
VI. Questions from the public.
VII. Closing remarks.

A recess for lunch will be taken at approximately 12 to 1:30 p.m.

A transcript of the meeting will be made and information about availability of copies will be given at the meeting and upon written request.

Written requests for information concerning this public meeting should be addressed to Dr. Michael A. Parsont, U.S. NRC, Washington, D.C. 20555.

(5 U.S.C. 552(a).)

Dated at Rockville, Md. this 27th day of February 1978.

For The Nuclear Regulatory Commission.

R. G. SMITH,
Acting Director, Office of Standards Development.

[FR Doc. 78-5890 Filed 3-6-78; 8:45 am]

[7590-01]

REVISION TO THE STANDARD REVIEW PLAN (NUREG-75/087)

Issuance and Availability

As a continuation of the updating program for the Standard Review Plan (SRP) previously announced (FEDERAL REGISTER notice dated December 8, 1977), the Nuclear Regulatory Commission's (NRC's) Office of Nuclear Reactor Regulation has published revision No. 1 to section No. 13.2 of the SRP for the NRC staff's safety review of applications to build and operate light-water-cooled nuclear power reactors. The purpose of the plan, which is composed of 224 sections, is to improve both the quality and uniformity of the NRC staff's review of applications to build new nuclear powerplants, and to make information about regulatory matters widely available, including the improvement of communication and understanding of the staff review process by interested members of the public and the nuclear power industry. The purpose of the updating program is to revise sections of the SRP for which changes in the review plan have been developed since the original issuance in September 1975 to reflect current practice.

Copies of the Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants, which has been identified as NUREG-75/087, are available from the National Technical Information Service, Springfield, Va. 22161. The domestic price is $70, including first-year supplements. Annual subscriptions for supplements alone are $30. Individual sections are available at current prices. The domestic price for revision No. 1 to section No. 13.2 is $4. Foreign price information is available from NTIS. A copy of the Standard Review Plan including all revisions published to date is available for public inspection at the NRC's Public Document Room at 1717 H Street, NW., Washington, D.C. 20555 (5 U.S.C. 552(a)).

Dated at Bethesda, Md. this 27th day of February, 1978.

For the U.S. Nuclear Regulatory Commission.

ROGER S. BOYD,
Director, Division of Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 78-5895 Filed 3-6-78; 8:45 am]

[7590-01]

REVISION TO THE STANDARD REVIEW PLAN (NUREG-75/087)

Issuance and Availability

As a continuation of the updating program for the Standard Review Plan (SRP) previously announced

(FEDERAL REGISTER notice dated December 8, 1977), the Nuclear Regulatory Commission's (NRC's) Office of Nuclear Reactor Regulation has published revision No. 1 to section No. 13.5 of the SRP for the NRC staff's safety review of applications to build and operate light-water-cooled nuclear power reactors. The purpose of the plan, which is composed of 224 sections, is to improve both the quality and uniformity of the NRC staff's review of applications to build new nuclear powerplants, and to make information about regulatory matters widely available, including the improvement of communication and understanding of the staff review process by interested members of the public and the nuclear power industry. The purpose of the updating program is to revise sections of the SRP for which changes in the review plan have been developed since the original issuance in September 1975 to reflect current practice.

Copies of the Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants, which has been identified as NUREG-75/087, are available from the National Technical Information Service, Springfield, Va. 22161. The domestic price is $70, including first-year supplements. Annual subscriptions for supplements alone are $30. Individual sections are available at current prices. The domestic price for revision No. 1 to section No. 13.5 is $4. Foreign price information is available from NTIS. A copy of the Standard Review Plan including all revisions published to date is available for public inspection at the NRC's Public Document Room at 1717 H Street NW., Washington, D.C. 20555 (5 U.S.C. 552(a)).

Dated at Bethesda, Md., this 27th day of February 1978.

For the U.S. Nuclear Regulatory Commission.

ROGER S. BOYD,
Director, Division of Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 78-5896 Filed 3-6-78; 8:45 am]

[7590-01]

[Docket No. 50-346]

TOLEDO EDISON CO. AND CLEVELAND ELECTRIC ILLUMINATING CO., DAVIS-BESSE NUCLEAR POWER STATION, UNIT NO. 1

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued amendment No. 8 to the Facility Operating License No. NPF-3, issued to the Toledo Edison Co. and the Cleveland Electric Illuminating Co., for operation of the Davis-Besse Nuclear Power Station, Unit No. 1 (the facility) located in Ottawa County, Ohio. The amendment is effective as of its date of issuance.

The amendment will delete the requirement for an annual operating report in order to be consistent with Commission guidance.

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(d)(4) an environmental 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) Amendment No. 8 to License No. NPF-3, and (2) the Commission's related safety evaluation supporting amendment No. 8 to License No. NPF-3. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the Ida Rupp Public Library, 310 Madison Street, Port Clinton, Ohio 43452. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Dated at Bethesda, Md., this 28th day of February 1978.

For the Nuclear Regulatory Commission.

JOHN F. STOLZ,
Chief, Light Water Reactors Branch No. 1, Division of Project Management.

[FR Doc. 78-5893 Filed 3-6-78; 8:45 am]

[7590-01]

[Docket No. 50-29]

YANKEE ATOMIC ELECTRIC CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 45 to Facility Operating License No. DPR-3, issued to Yankee Atomic Electric Co. (the licensee), which revised Technical Specifications for operation of the Yankee Nuclear Power Station (Yankee-Rowe) (the facility) located in Rowe, Franklin County, Mass. The amendment is effective as of its date of issuance.

The amendment revises the provisions in the Technical Specifications by deleting the requirements for submittal of an annual operating report while retaining the requirement to submit occupational exposure data on an annual basis.

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 October 31, 1977, (2) the Commission's letter to the licensee, dated September 16, 1977, (3) Amendment No. 45 to License No. DPR-3, and (4) 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 Greenfield Public Library, 422 Main Street, Greenfield, Mass. 01581. A copy of items (3) and (4) 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 22d day of February 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-5894 Filed 3-6-78; 8:45 am]

[3110-01]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use

in collecting information from the public received by the Office of Management and Budget on February 21, 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; an indication of who will be the respondents to the proposed collection; the estimated number of responses; the estimated burden in reporting hours; and the name of the reviewer or reviewing division or office.

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

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Head-Up Display Survey, single time, 4,000 members of Commercial Pilots Association, Caywood, D. P., 395-3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Center for Education Statistics:
Survey of Adult Education, May 1978, NCES-2412, single time, 53,000 interviewed households in May 1978 CPS sample, Laverne V. Collins, 395-3214.
Survey of Free Universities and Learning Centers, NCES-2411, single time, 250 free universities, Office of Federal Statistical Policy and Standard, Laverne V. Collins, 395-3214.

REVISIONS

NATIONAL SCIENCE FOUNDATION

Exploratory Study of Scientific Activities of Science and Engineering Faculty at a Large, Public Non-Doctoral College, single time, science faculty at a college, Laverne V. Collins, 395-3214.

EXTENSIONS

NATIONAL ENDOWMENT FOR THE ARTS

Fellowship Report, annually, fellowship recipients, 450 responses, 562 hours, Lowry, R. L., 395-3772.
Summer Seminars for College Teachers Application Instructions, annually, college professors, 500 responses, 4,000 hours, Lowry, R. L., 395-3772.

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis, Survey of U.S. Travelers Visiting Canada, BE-536, other (see SF-83), U.S. residents visiting Canada, 40,000 responses, 2,680 hours, Office of Federal Statistical Policy and Standard, C. Louis Kincannon, 395-3211.
Economic Development Administration, Request for Excess Property, ED-733, on occasion, federally reorganized Indian tribes, 500 responses, 250 hours, C. Louis Kincannon, 395-3211.

EXTENSIONS

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation:
Law Enforcement Officers Killed or Assaulted, 12-108, monthly, all law enforcement agencies in the U.S., 114,000 responses, 22,800 hours, Laverne V. Collins, 395-3214.
Number of Full-Time Law Enforcement Employees as of October 31, 12-78, 12-78A, 12-78B, annually, all law enforcement agencies in U.S., 11,000 responses, 5,500 hours, Laverne V. Collins, 395-3214.

DAVID R. LEUTHOLD,
Budget and Management Officer.

[FR Doc. 78-6081 Filed 3-6-78; 8:45 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[File No. 3-5380]

AMERICAN AIRLINES, INC.

Application and Opportunity for Hearing

FEBRUARY 28, 1978.

Notice is hereby given that American Airlines, Inc. (the "Applicant") has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939, as amended (the "Act"), for a finding by the Securities and Exchange Commission (the "Commission") that the trusteeships of Bankers Trust Co. under a trust indenture and mortgage dated as of June 1, 1970 between Bankers Trust Co. and the Applicant qualified under the Act (as amended and supplemented, the "1970 Indenture") and under an equipment trust agreement dated as of December 15, 1977 between Bankers Trust Co. and the Applicant not so qualified (the "New Indenture") are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Bankers Trust Co. from acting as trustee under the New Indenture.

The Applicant alleges the following:

(1) The Applicant, a Delaware corporation, intends to finance a part of the acquisition cost of four Boeing Model 727-223 aircraft and three McDonnell Douglas DC-10 aircraft (the "Aircraft") through the placement with institutional investors of approximately $107 million principal amount of equipment trust certificates, due April 1, 1993, to be issued pursuant to the New Indenture. Such certificates will be secured by the Aircraft and the Applicant's obligation to pay rent therefor, all as provided in the New Indenture. Copies of the equipment trust agreement and other documents (combined as a single document) setting forth the terms and provisions governing the certificates which may be issued under the New Indenture are annexed to the Applicant's application as Exhibit A. The New Indenture was executed in January 1978 and it is anticipated that the initial issuance of equipment trust certificates thereunder will occur in February 1978.

(2) The Applicant has appointed Bankers Trust Co., a New York corporation, to act as trustee under the New Indenture.

(3) The 1970 Indenture relates to the financing of seven Boeing Model 747-123 Aircraft leased to the Applicant. Under the 1970 Indenture, Guaranteed Loan Certificates Series A, B, Interim C, Second Interim C and C were issued and remain outstanding in the following respective principal amounts: $47,850,000 original principal amount of 11% Series A, due December 1, 1988, presently outstanding in the principal amount of $38,545,000; $31,800,000 original principal amount of 10⅞% Series B, due December 1, 1988, presently outstanding in the principal amount of $25,550,000; $15,564,000 original principal amount of 9½% Interim Series C, due June 1, 1989, none of which is presently outstanding; $15,689,999 original principal amount of 9½% Second Interim Series C, due June 1, 1989, none of which is presently outstanding; and $32,000,000 original principal amount of 10% Series C, due June 1, 1989, presently outstanding in the principal amount of $26,035,000. Copies of the trust indenture and mortgage, lease and other documents, as amended and supplemented, setting forth the terms and provisions governing the certificates issued under the 1970 Indenture were filed as exhibits to the Applicant's Registration Statements under the Securities Act of 1933 (Nos. 2-37401, 2-38352, and 2-39380) and are incorporated herein by reference.

(4) The certificates issued under the 1970 Indenture are, and the certificates to be issued under the New Indenture will be, secured by separate lots of identified aircraft, so that should the trustee have occasion to proceed against the security under one of these trusts, such action would not affect the security, or the use of any security, under the other. Thus, the existence of the other trusteeship should in no way inhibit or discourage the trustee's actions. The Commission has made similar findings with respect to the trusteeships of Bankers Trust Co. under other indentures of the Applicant not qualified under the Act and the 1970 Indenture is issuing the following Orders:

Application Date	Administrative Proceeding File No.	Order Date
Mar. 3, 1970	3-2388	May 20, 1970
Nov. 12, 1971	3-3435	Jan. 21, 1972
Mar. 25, 1975	3-4640	May 7, 1976
Apr. 2, 1976	3-5005	May 26, 1976
June 8, 1976	3-5041	July 28, 1976
Mar. 2, 1977	3-5191	Apr. 29, 1977
June 6, 1977	3-5240	Aug. 1, 1977
Oct. 31, 1977	3-5338	Jan. 4, 1978

(5) The Applicant is not in default under any of its equipment obligations or promissory notes.

The Applicant has waived notice of hearing, hearing on the issues raised by its application and all rights to specify procedures under Rule 8(b) of the Commission's rules of practice in connection with this matter.

For a further statement of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the Commission's Public Reference Section, 1100 L Street NW., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than March 23, 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 which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as to the Commission may seem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-5826 Filed 3-6-78; 8:45 am]

[8010-01]

[File No. 1-2793]

CANADA SOUTHERN PETROLEUM LTD.

Application To Withdraw From Listing and Registration

FEBRUARY 15, 1978.

The above named issuer has filed an application with the Securities and Exchange Commission, pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the Pacific Stock Exchange, Inc. ("PSE") and the Boston Stock Exchange, Inc. ("BSE").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The capital stock of Canada Southern Petroleum Ltd. (the "Company") has been listed on the PSE since 1957 and on the BSE since 1975. On June 30, 1977 there were 8,851,465 outstanding shares of the Company's capital stock. At that time there were 15,945 shareholders of record, of which approximately 80 percent were United States residents.

Based upon discussions with its shareholders, and brokers and traders in the United States, the Company has determined that its capital stock would attain better coverage and broader representation by being listed on the National Association of Securities Dealers Automated Quotation System ("NASDAQ"). The Company has thereby concluded that it would be in the best interests of the Company and its shareholders to effect the inclusion of its capital stock in NASDAQ as soon as possible.

Any interested person may, on or before March 17, 1978 submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D. C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission will, on the basis of the application and any other information submitted to it, issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-5827 Filed 3-6-78; 8:45 am]

[8010-01]

[Release No. 20425; 70-6115]

CENTRAL AND SOUTH WEST CORPORATION

Proposed Charter Amendment To Increase Authorized Common Stock; Order Authorizing Solicitation of Proxies in Connection Therewith

FEBRUARY 28, 1978.

Notice is hereby given that Central and South West Corporation ("CSW"), P.O. Box 1631, Wilmington, Delaware 19899, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7 and 12(e) of the Act and Rule 62 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

CSW proposes to amend its Restated Certificate of Incorporation, as heretofore amended, to increase its authorized common stock, par value $3.50, from 65,300,000 to 80,000,000 shares. It is stated that the increase of 14,700,000 in its authorized common stock is proposed to permit the issuance and sale of additional common stock during the next two or three years. Proceeds from the sale of such additional shares will be used to help finance planned construction expenditures of its subsidiaries, which expenditures are estimated at $1,837,429,000 for 1978-1980. Approximately 57,939,921 shares of common stock are now outstanding.

CSW proposes to submit the amendment to its stockholders at its annual meeting to be held on April 20, 1978. CSW proposes to submit proxies from its shareholders, through the use of proposed soliciting material, to obtain the required approval of the proposed amendment, to elect directors and to select auditors. An affirmative vote of the holders of a majority of the outstanding shares of common stock issued and entitled to vote at the annual meeting is required for adoption of the amendment.

The fees and expenses to be incurred in connection with the proposed transaction, including proxy solicitation costs, are estimated at $36,900. It is stated that no 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 March 27, 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 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 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 declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promul-

gated 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.

It appearing to the Commission that the declaration, insofar as it proposes to solicitation of proxies from CSW's stockholders, should be permitted to become effective forthwith pursuant to Rule 62:

It is ordered, That the declaration, regarding the proposed solicitation of proxies of CSW's stockholders be, and it hereby is, permitted to become effective forthwith pursuant to Rule 62 and subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-5828 Filed 3-6-78; 8:45 am]

[8010-01]

[Release No. 34-14504; File No. SR-NYSE-78-6]

NEW YORK STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s (b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on February 13, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change requires each lessee and physical access annual member who executes orders on the floor of the Exchange to demonstrate financial responsibility in the amount of $25,000 for sums due the Exchange and as a guarantee to stand behind their floor trades.

The text of the proposed rule change is attached as Exhibit I-A.

PURPOSE OF PROPOSED RULE CHANGE

Each lessee and physical access annual member who executes orders on the floor of the Exchange must present to the Exchange evidence of his financial responsibility in the amount of $25,000 for sums due the Exchange and such sums as the Board of Directors shall determine are due by such members to other members or member organizations as a result of losses arising from the closing out of contracts entered into on the floor of the Exchange. In practice such losses are most likely to be from errors by a member for which he is individually responsible. The $25,000 requirement may be met by one of the following methods:

(1) Agreement by a lessor stating that the leased membership may be disposed of by the Board of Directors for the aforementioned claims;

(2) A written guarantee by a member organization which is a member of a qualified clearing agency and has excess net capital of not less than $25,000;

(3) $25,000 held by an independent agent in escrow;

(4) A letter of credit issued by a bank or other party acceptable to the Exchange in the amount of $25,000.

In addition to the above, the rule provides that the Exchange will consider alternate methods of complying with the requirement.

A member holding an equity interest in the Exchange has the proceeds of the transfer of his membership to serve as a guarantee standing behind his floor trades or for any sums due the Exchange. Leased and annual memberships are not transferable and thus will not generate any proceeds. While the membership of a lessor may be disposed of by the Board of Directors for moneys owned the Exchange by the lessee, a lessee will not have the value of a membership as a guarantee for his floor trades. Annual members will not have the value of a membership as a guarantee for either floor trades or sums due the Exchange. Therefore, the financial responsibility requirement is necessary to provide equal protection for members holding an equity interest in the Exchange when they trade with lessees and physical access annual members.

Without such assurance of financial responsibility, all members of the Exchange may be unwilling to trade freely with other members without individual financial responsibility investigations. This would substantially impede interaction of members in Exchange trading and be an operating handicap for lessees and annual members.

BASIS UNDER THE ACT

The basis under the Act for the proposed rule change is Section 6(b)(5).

The proposed Financial Responsibility Requirement is designed to facilitate transactions in securities and remove impediments to a free and open market by insuring that all NYSE members are equally protected financially when trading with each other and that each will consequently be willing to trade with other members without consideration of the contra brokers financial responsibility. Thus, the equal protection concept serves to prevent unfair discrimination between brokers or dealers.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS

No comments were solicited or received with respect to the subject rule change.

BURDEN ON COMPETITION

None.

On or before April 11, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before March 28, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 27, 1978.

EXHIBIT I-A

1. Text of proposed rule change
New language *italicized*

CAPITAL REQUIREMENTS FOR INDIVIDUAL MEMBERS AND MEMBER ORGANIZATIONS—RULE 325

* * * * *

(e) In addition to the net capital requirement prescribed in Rule 15c3-1 promulgated under the Securities Exchange Act of 1934, each member described in Section 1(b) or Section 2 of Article IX of the Constitution who executes orders on the floor of the Exchange must present evidence of his financial responsibility by one of the following methods:

(1) A written guarantee by a member organization which is a member of a

qualified clearing agency and has excess net capital of not less than $25,000, or

(2) $25,000 held by an independent agent in escrow, or

(3) a letter of credit issued by a bank or other party acceptable to the Exchange in the amount of $25,000, or

(4) in the case of a member described in Section 2 of Article IX of the Constitution, his exchange membership, provided however, that such written guarantee, escrow account, letter of credit or exchange membership is available solely for sums due the Exchange and such sums as the Board of Directors shall determine are due by such member to other members or member organizations as the result of losses arising directly from the closing out under the Constitution and Rules adopted pursuant thereto of contracts entered into in the ordinary course of business in the market on the floor of the Exchange for the purchase, sale, borrowing or loaning of securities. The Exchange will consider alternate methods of compliance with the financial responsibility standard.

[FR Doc. 78-5830 Filed 3-6-78; 8:45 am]

[8010-01]

[File No. 1-3791]

UNITED CANSO OIL & GAS LTD.

Application to Withdraw From Listing and Registration

FEBRUARY 15, 1978.

The above named issuer has filed an application with the Securities and Exchange Commission, pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12(d)-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the Pacific Stock Exchange, Inc. ("PSE") and the Boston Stock Exchange, Inc. ("BSE").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The capital stock of United Canso Oil & Gas Ltd. (the "Company") has been listed on the PSE since 1958 and on the BSE since 1975. On September 30, 1977 there were 5,922,402 outstanding shares of the Company's capital stock. At that time there were 12,005 shareholders of record, of which approximately 70 percent were United States residents.

Based upon discussions with its shareholders, and brokers and traders in the United States, the Company has determined that its capital stock would attain better coverage and broader representation by being listed on the National Association of Securities Dealers Automated Quotation System ("NASDAQ"). The Company has thereby concluded that it would in the best interests of the Company and its shareholders to effect the inclusion of its capital stock on NASDAQ as soon as possible.

Any interested person may, on or before March 17, 1978 submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission will, on the basis of the application and any other information submitted to it, issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A FITZSIMMONS,
Secretary.

[FR Doc. 78-5829 Filed 3-6-78; 8:45 am]

[8025-01]

SMALL BUSINESS ADMINISTRATION

CAPITAL MARKETING CORP.

[License No. 06/10-0150]

Filing of Application for Approval of Conflict of Interest Transactions Between Associates

Notice is hereby given, pursuant to § 107.1004 of the regulations governing small business investment companies (13 CFR 107.1004 (1977)), by the Small Business Administration (SBA) of conflict of interest transactions between Capital Marketing Corp. (CMC), 9001 Ambassador Row, Dallas, Tex. 75247, a Federal Licensee under the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 661 et seq.), and two of its Associates.

CMC was licensed by SBA on June 24, 1968. There are approximately 415 individual shareholders of CMC with each owning less than 5 percent. Most of these shareholders are members of Affiliated Food Stores, Inc. (Affiliated), a wholesale food cooperative having approximately 675 members. The business address of Affiliated is the same as CMC's Affiliated and its members own CMC.

CMC proposes to loan Mr. Jerry Smith approximately $220,000, to expand a retail grocery store in Azle, Tex. Mr. Smith is a director of CMC and, therefore, an Associate of CMC as defined by § 107.3(a) of SBA's rules and regulations. As such, the proposed financing by CMC would contravene the provisions of § 107.1004(b)(1) of the regulations.

In the second instance CMC proposes to loan approximately $130,000, to Mr. John McCarter, a former employee of Affiliated, to purchase a retail grocery store from Affiliated Federal Credit Union, which is considered to be an Associate of the Licensee. Also, Mr. McCarter is considered to be an Associate of CMC pursuant to § 107.3(g) of the regulations.

Both proposed financings are subject to the provisions of § 107.1004(b)(1) and, in Mr. McCarter's case, also § 107.1004(b)(5) and require SBA exemptions for their validity. SBA is considering a request for these exemptions.

Notice is further given that any person may, not later than March 22, 1978, submit to SBA, in writing, comments on these transactions. Any such comments should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20416.

A copy of this notice shall be published by the Licensee in a newspaper of general circulation in Dallas, Tex. and Azle, Tex.

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

Dated: February 28, 1978.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc. 78-5860 Filed 3-6-78; 8:45 am]

[8025-01]

[Declaration of Disaster Loan Area No. 1438]

CALIFORNIA

Declaration of Disaster Loan Area

Sonoma County and adjacent counties within the State of California constitute a disaster area as a result of damage caused by heavy rains and flooding which occurred on January 15-20, 1978. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on April 24, 1978, and for economic injury until the close of business on November 22, 1978 at:

Small Business Administration, District Office, 211 Main Street, San Francisco, Calif. 94105

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59.002 and 59.008.)

Dated: February 22, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-5853 Filed 3-6-78; 8:45 am]

[8025-01]

IOWA

Change in Computation of Loan Amounts for Drought Disaster Losses

The Small Business Administration establishes the amount of crop disaster loans, in part, on Farmers Home Administration (FmHA) published commodity (market) prices. FmHA revised many of its published prices for the 1977 crop year for the State of Iowa on January 19, 1978.

SBA will, upon the written request of the disaster loan borrower, adjust all crop disaster loans made as a result of SBA drought disaster declarations in Iowa for the 1977 crop year affected by the FmHA changes. Requests for adjustments will be accepted by the office action on the original loan or the

Small Business Administration, District Office, 210 Walnut Street, Des Moines, Iowa 50309

until close of business on April 27, 1978.

(Catalog of Federal Domestic Assistance Program Nos. 59.002 and 59.008.)

Dated: February 27, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-5858 Filed 3-6-78; 8:45 am]

[8025-01]

[Declaration of Disaster Loan Area No. 1442]

MAINE

Declaration of Disaster Area

As a result of the President's major disaster declaration, I find that Cumberland, Lincoln, Washington and York Counties constitute a disaster area because of damage resulting from high winds, tidal surge, and coastal flooding beginning about February 6, 1978, and snow and ice beginning about February 7, 1978. The Small Business Administration will accept applications for disaster relief loans from disaster victims within the above-named counties, and adjacent counties within the State of Maine. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on April 20, 1978, and for economic injury until the close of business on November 17, 1978, at:

Small Business Administration, District Office, 40 Western Avenue, Augusta, Maine 04330

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: February 27, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-5854 Filed 3-6-78; 8:45 am]

[8025-01]

[Declaration of Disaster Loan Area No. 1444]

NEW HAMPSHIRE

Declaration of Disaster Area

As a result of the President's major disaster declaration, I find that Rockingham County constitutes a disaster area because of damage resulting from high winds, ice, snow, tidal surge and coastal flooding beginning about February 6, 1978.

The Small Business Administration will accept applications for disaster relief loans from disaster victims within the above-named county, and adjacent counties within the State of New Hampshire.

Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on April 17, 1978, and for economic injury until the close of business on November 16 1978, at:

Small Business Administration, District Office, 55 Pleasant Street, Concord, N.H. 03301

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: February 27, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-5855 Filed 3-6-78; 8:45 am]

[8025-01]

[Declaration of Disaster Loan Area No. 1439]

NEW YORK

Declaration of Disaster Loan Area

Bronx, Kings, New York, Nassau, Queens, Richmond, Suffolk and Westchester and adjacent counties within the State of New York, constitute a disaster area as a result of damage caused by ice, snow, high winds and flooding beginning about January 9, 1978 through February 10, 1978. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on April 27, 1978, and for economic injury until the close of business on November 27, 1978, at:

Small Business Administration, District Office, 26 Federal Plaza, Room 3100, New York, N.Y. 10007

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: February 27, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-5856 Filed 3-6-78; 8:45 am]

[8025-01]

[Declaration of Disaster Loan Area No. 1445]

RHODE ISLAND

Declaration of Disaster Loan Area

As a result of the President's major disaster declaration, I find that Bristol, Kent, Newport, Providence and Washington Counties constitute a disaster area because of damage resulting from snow and ice beginning about February 6, 1978.

The Small Business Administration will accept applications for disaster relief loans from disaster victims within the above-named counties and adjacent counties within the State of Rhode Island.

Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on April 17, 1978, and for economic injury until the close of business on November 16, 1978, at:

Small Business Administration, District Office, 57 Eddy Street, Providence, R.I. 02903

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: February 27, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-5857 Filed 3-6-78; 8:45 am]

[8025-01]

[License No. 04/04-0115]

RIO INVESTMENT CORP.

Issuance of License

On December 19, 1977, a notice was published in the FEDERAL REGISTER (42 FR 63669) stating that an application had been filed by RIO Investment Corp., 1415 Industry Avenue, Albany, Ga., 31702, with the Small Business Administration (SBA), pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1977)), for a license as a small business investment company (SBIC).

Interested parties were given until the close of business January 3, 1978, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent in-

formation, the SBA issued License No. 04/04-0115 to RIO Investment Corp. to operate as an SBIC.

Dated: February 24, 1978.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc. 78-5859 Filed 3-6-78; 8:45 am]

[4710-02]

DEPARTMENT OF STATE

Agency for International Development

MISSION DIRECTOR, USAID/AFGHANISTAN

[Redelegation of Authority No. 162-6]

Redelegation of Authority

Pursuant to the authority delegated to me by AID Delegations of Authority No. 5, dated December 29, 1961 (27 FR 449), as amended, with respect to Loan Agreements; No. 38, dated June 21, 1977 (42 FR 31511), as amended, with respect to Project Agreements, Trust Fund Agreements, and Grant Agreements; No. 99, dated April 27, 1973 (38 FR 12834), with respect to Contracting and Related Functions, and No. 113, dated October 15, 1975, I hereby redelegate to the Mission Director, USAID/Afghanistan, authority to exercise any of the following functions assigned to me for Afghanistan, retaining for myself concurrent authority to exercise any of the functions herein redelegated:

1. Authority to negotiate loan and grant agreements and amendments thereto, with the Government of Afghanistan or agencies thereof with respect to loans and grants authorized under the Foreign Assistance Act of 1961, as amended (the Act) in accordance with the terms of the authorizations of such loans or grants.

2. Authority to execute and deliver such loan and grant agreements and amendments thereto, with respect to loans and grants authorized under the Act in accordance with the terms of the authorizations of such loans or grants.

3. Authority to implement loan and grant agreements with the Government of Afghanistan or agencies thereof, with respect to loans and grants authorized under the Act and loans authorized by the Board of Directors of the corporate Development Loan Fund, in accordance with Regulations, Policies and Procedures now or hereafter established or modified and promulgated within AID. This authority is subject to direction by the office in AID/Washington having primary responsibility for implementation of the activity and shall include the following:

(a) Authority to prepare, negotiate, sign and deliver letters of implementation;

(b) Authority to review the approve documents and other evidence submitted by borrowers or grantees in satisfaction of conditions precedent to financing under such loan or grant agreements;

(c) Authority to negotiate, execute and implement all agreements and other documents ancillary to such loan and grant agreements;

(d) Authority to sign or approve Project Implementation Orders; and

(e) Authority to approve contractors, review and approve the terms of country contracts, amendments, and modifications thereto, and invitations for bids with respect to such contracts financed by funds made available under such agreements.

4. The authorities herein redelegated shall be exercised after consultation with the Regional Legal Advisor serving Afghanistan or GC/NE, as appropriate.

5. The authorities herein redelgated may be exercised by a person who is performing the functions of Director in an "Acting" capcacity within USAID/Afghanistan.

6. The authorities enumerated above in paragraph 2 are also hereby redelegated under the same terms and conditions set forth herein to the U.S. Ambassador to Afghanistan and to any person acting in his official capacity.

7. The authorities enumerated above may be redelegated but not successively redelegated, except that the authorities enumerated in paragraph 2 may not be redelegated.

This redelegation of authority is effective immediately.

Dated: February 23, 1978.

JOSEPH O. WHEELER,
Assistant Administrator, Bureau for Near East.

[FR Doc. 78-5911 Filed 3-6-78; 8:45 am]

[4710-02]

Agency for International Development

ZAMBIA IMPORT PROGRAM LOAN

Determination and Waiver Pursuant to Section 533(c)(2) of the Foreign Assistance Act of 1961, as Amended, Relating to Zambia

FEBRUARY 27, 1978.

The Agency for International Development has proposed a commodity import program loan to Zambia in the amount of $30 million from Security Assistance funds on standard concessional AID terms. The primary purpose of the loan is to provide balance of payments assistance by financing high-priority imports of equipment, materials and spare parts. Funding for the loan will be drawn from the Southern African Special Requirements Funds (FAA section 533).

FAA section 533(c)(2) prohibits the utilization of Southern African Special Requirements Funds for Zambia unless it is determined that such assistance would further the foreign policy interest of the United States.

Zambia occupies a key geographic and political position in Southern Africa. As a frontline state, Zambia has a major role in efforts aimed at a peaceful solution to majority rule in Southern Rhodesia (Zimbabwe) and Namibia. Zambia has experienced severe economic problems by adhering strictly to U.N. sanctions imposed by the U.N. against Southern Rhodesia. These have been compounded by a sharp and continuing decline in world copper prices, Zambia's main export. The significant economic dislocations have created a substantial need for increased capital and development assistance for Zambia.

United States foreign policy in Southern Africa is to support self-determination, majority rule, equal rights and human dignity for all people of the region. It is United States policy that the region have an opportunity to establish the foundations for economic growth and to become a full-fledged participant in the evolving international economic system.

The economic stability of Zambia is extremely important in contributing to the economic stability of Southern Africa, which reflects the basic United States concerns and objectives. The proposed AID loan will have a direct bearing on helping the country meet its critical economic needs and move towards implementing its plans for increasing agricultural production and rural development.

Pursuant to the authority set forth in section 533(c)(2) of the Foreign Assistance Act of 1961, as amended, and delegated to me by Executive Order 10973 and Department of State Delegation of Authority 104, and for the reasons stated above, I hereby determine that it would further the foreign policy interests of the United States to provide assistance to Zambia from the Southern African Special Requirements Funds and hereby waive the prohibition set forth in the above cited provision of law with respect to Zambia.

This determination and waiver shall be reported to the Congress and shall be published in the FEDERAL REGISTER.

Dated: February 27, 1978.

JOHN J. GILLIGAN,
Administrator, Agency for International Development.

[FR Doc. 78-5910 Filed 3-6-78; 8:45 am]

[4810-22]

DEPARTMENT OF THE TREASURY

Office of the Secretary

VISCOSE RAYON STAPLE FIBER FROM AUSTRIA

Antidumping; Reopening of Discontinued Investigation

AGENCY: U.S. Treasury Department.

ACTION: Reopening of discontinued antidumping investigation.

SUMMARY: This notice is to advise the public that it has been determined that the discontinued antidumping proceeding concerning viscose rayon staple fiber from Austria should be reopened. The proceeding is being reopened to complete a detailed analysis of the production costs of the sole Austrian exporter in order to determine if sales in the home market are being made at prices below the cost of production. A preliminary analysis already conducted had not revealed that such below cost sales are in fact being made, but additional inquiry is necessary before any final conclusions can be reached with regard to this issue.

EFFECTIVE DATE: March 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Mary S. Clapp, Operations Officer, U.S. Customs Service, Office of Operations, Duty Assessment Division, 1301 Constitution Avenue NW., Washington, D.C. 20229, telephone 202-566-5492.

SUPPLEMENTARY INFORMATION: On January 23, 1978, a notice of "Discontinuance of Antidumping Investigation" with respect to viscose rayon staple fiber from Austria was published in the FEDERAL REGISTER (43 FR 3234-3235). That notice states in part:

> It has been determined that all differences between home market price and purchase price would have been eliminated if an adjustment for the export processing discount had been allowed. In a prior antidumping investigation involving this product from Austria in 1961, an adjustment was granted to Lenzing's (the sole Austrian exporter in the present case) home market prices for this discount and a "Determination of No Sales at Less Than Fair Value" was issued (26 FR 6276). Lenzing has operated since that time under the assumption that an adjustment for this discount would be made in ay future investigation under section 201(a) of the Act. Upon notification at the time of the Tentative Determination in the instant case that Treasury had changed its interpretation regarding this discount, Lenzing eliminated the export processing discount, thereby eliminating all price differentials between home market price and purchase price. Formal assurances were submitted through counsel that no future sales at less than fair value within the meaning of the (Antidumping) Act would be made.

On January 23, 1978, information was received from counsel on behalf of Avtex Fibers, Inc., Valley Forge, Pa. requesting that the Treasure Department reopen this investigation and issue a simultaneous "Withholding of Appraisement." The request was based upon the allegation that the lower home market price for viscose rayon staple fiber which Lenzing adopted when it eliminated the export processing discount was below the cost of production as defined in section 205(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 164(b)) (hereinafter referred to as "the Act"). Based upon this information, petitioner requests that home market prices be disregarded and that constructed value be used for fair value comparisons to determine whether or not the merchandise in question is or is likely to be sold at less than fair value.

Based upon a preliminary on-site verification and analysis of a submission by Lenzing with respect to its cost of producing viscose rayon staple fiber, it has been determined that it would be inappropriate to reopen this investigation and simultaneously issue a "Withholding of Appraisement." This preliminary analysis did not reveal the apparent existence of below cost sales. However, the investigation is being reopened to enable the U.S. Customs Service to conduct a thorough analysis of Lenzing's production costs, according to the information gathering and verification procedures followed in antidumping cases. A determination will then be made whether home market sales have been made at prices below the cost of producing that merchandise pursuant to § 153.5 of the Customs regulations (19 CFR 153.5) and if there are sales at less than the cost of production, whether there are or are likely to be sales to the United States at less than fair value.

The reopened investigation will allow the Treasury to explore this new issue, which arose, in part, as a result of the Treasury's determination to discontinue the original investigation on the basis of the respondents adjustments to home market price to eliminate previously existing dumping margins. A determination will be announced as expeditiously as possible but in any event within the time limits specified in section 201(b)(1) of the Act.

This notice is being published pursuant to the provisions of § 153.33(g) of the Customs regulations (19 CFR 153.33(g).

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

MARCH 1, 1978.

[FR Doc. 78-5852 Filed 3-6-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Notice No. 603]

ASSIGNMENT OF HEARINGS

MARCH 2, 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 publishe 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-F-13340, Consolidated Freightways Corp. of Delaware—purchase (portion)—Ringsby Truck Lines, Inc. now being assigned May 15, 1988 (1 week) at Omaha, Nebr. in a hearing room to be later designated.

MC 118130 Sub 80, South Eastern Xpress, Inc., now assigned March 8,1978 at Dallas, Tex., is canceled; application dismissed.

MC 117565 Sub 97, Motor Service Co., Inc., is now assigned for hearing April 10, 1978 (1 week) at Columbus, Ohio, at a location to be later designated.

MC 125433 Sub 122, F-B Truck Line Co., now assigned April 5, 1978 at San Francisco, Calif., will be held in Room 510, 211 Main Street.

MC 124211 Sub 299, Hilt Truck Line, Inc., now assigned for hearing April 6, 1978 at San Francisco, Calif., will be held in Room 510, 211 Main Street.

MC 119789 Sub 352, Caravan Refrigerated Cargo, Inc., now assigned April 7, 1978 at San Francisco, Calif., will be held in Room 510, 211 Main Street.

MC 115826 Sub 267, W. J. Digby, Inc. and MC 128273 Sub 256, Midwestern Distribution, Inc., now assigned April 10, 1978 at San Francisco, Calif., will be held in Room 510, 211 Main Street.

MC 109780 Sub 74, Continental Trailways, Inc., is assigned for hearing May 8, 1978, at San Francisco, Calif., and will be held at Room No. 510, 211 Main Street.

MC 125433 Sub 123, F-B Truck Line Co., is assigned for hearing May 2, 1978, at San Francisco, Calif., and will be held at Room No. 510, 211 Main Street.

MC 30837 Sub 478, Kenosha Auto Transport Corp., is assigned for hearing May 3, 1978, at San Francisco, Calif., and will be held at Room No. 510, 211 Main Street.

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

[FR Doc. 78-5924 Filed 3-6-78; 8:45 am]

[7035-01]

[ICC Order No. 51; Rev. S.O. 1252]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD CO.

Rerouting Traffic

To all railroads:

In the opinion of Joel E. Burns, Agent, the Chicago, Milwaukee, St. Paul and Pacific Railroad Co. is unable to transport traffic currently over its line between Chicago, Ill., and Louisville, Ky., because of congestion caused by track conditions and a shortage of locomotive power.

It is ordered, That: (a) *Rerouting traffic.* The Chicago, Milwaukee, St. Paul and Pacific Railroad Co. being unable to transport traffic currently over its line between Chicago, Ill., and Louisville, Ky., because of congestion caused by track conditions and a shortage of locomotive power, that line is authorized to divert or reroute such traffic via any available route to expedite the movement. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing.

(b) *Concurrence of receiving roads to be obtained.* The railroad rerouting cars in accordance with this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 4:30 p.m., February 28, 1978.

(g) *Expiration date.* This order shall expire at 11:59 p.m., March 30, 1978, unless otherwise modified, changed, or suspended.

It is further order, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 27, 1978.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 78-5920 Filed 3-6-78; 8:45 am]

[7035-01]

[ICC Order No. 49; Rev. S.O. 1252; Amdt. 2]

CHICAGO AND NORTH WESTERN TRANSPORTATION CO.

Rerouting of Traffic

To all railroads:

Upon further consideration of ICC Order No. 49 (Chicago and North Western Transportation Co.) and good cause appearing therefor:

It is ordered, That: ICC Order No. 49 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., March 17, 1978, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., February 28, 1978, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 22, 1978.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 78-5922 Filed 3-6-78; 8:45 am]

[7035-01]

[Ex Parte 241; Exemption No. 134; Amdt. 2]

CONSOLIDATED RAIL CORP., AND MISSOURI-KANSAS-TEXAS RAILROAD CO.

Exemption Under Mandatory Car Service Rules

Upon further consideration of Exemption No. 134 issued March 14, 1977.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 134 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 is amended to continue in effect until further order of this Commission.

This amendment shall become effective February 28, 1978.

Issued at Washington, D.C., February 22, 1978.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 78-5921 Filed 3-6-78; 8:45 am]

[7035-01]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 2, 1978.

This application for long- and short-haul relief has been filed with the ICC.

Protests are due at the ICC within 15 days from the date of publication of this notice.

FSA No. 43512, Karlander (Australia) Pty. Ltd.'s No. 1, on intermodal rates on general commodities, from ports in Australia, to rail terminals on the U.S. Gulf Coast by way of U.S. Pacific Coast ports, in its tariff No. 2, ICC No. 2, to become effective March 26, 1978.

Grounds for relief—water competition.

By the Commission.

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

[FR Doc. 78-5923 Filed 3-6-78; 8:45 am]

[1505-01]

[Volume No. 57]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

Correction

In FR Doc. 78-2822, appearing at page 4515 in the issue of Thursday, February 2, 1978, the word that runs from the last line of the second column to the first line of the third column on page 4517 should read, "BILLINGS".

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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[6355-01]

1

CONSUMER PRODUCT SAFETY COMMISSION.

Commission briefing, Friday, March 10, 1978, 2 p.m.; third floor hearing room, 1111 18th St., NW., Washington, D.C.

AGENDA

Open to the public.

1. *Home Insulation Safety.*—Staff from the Office of Communications will present a showing of recently developed television "spots" on home insulation safety.

2. *Power Lawn Mower Standard.*—The staff will brief the Commission on the status of the staff's work on the proposed safety standard for power lawn mowers. The Commission proposed the standard in May, 1977, and has extended until June 3, 1978, the time by which the Commission must issue a final standard or withdraw the notice of proceeding.

3. *Long-Range Plan.*—Staff from the Office of Strategic Planning will brief the Commission on long-range planning options and on the development of a long-range plan for the next 5 years.

CONTACT PERSON:

Sheldon Butts, Assistant Secretary, 202-634-7700.

[S-490-78 Filed 3-3-78; 12:05 pm]

[6712-01]

2

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: Follows 9:30 a.m., open Commission meeting, Wednesday, March 8, 1978.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Closed Commission meeting.

MATTER TO BE CONSIDERED:

Agenda, Item No., and Subject

Hearing—1—Petition for leave to intervene and alternative motion for leave to file amicus brief in the Philadelphia, Pa., FM renewal proceeding (Docket No. 20677).

The prompt and orderly conduct of Commission business requires that less than 7-days notice be given for the following items:

Agenda, Item No., and Subject

Complaints and Compliance—1—Results of investigation concerning the broadcast by the CBS Television Network of the four "Heavyweight Championship of Tennis" matches.

Complaints and Compliance—2—Results of investigation concerning the broadcast by the ABC Television Network of the "United States Boxing Championships".

This meeting may be continued the following day to allow the Commission to complete appropriate action.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Office, telephone 202-632-7260.

Issued: March 1, 1978; March 2, 1978.

[S-496-78 Filed 3-3-78; 3:41 pm]

[6712-01]

3

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Wednesday, March 8, 1978.

PLACE: Room 856,, 1919 M Street NW., Washington, D.C.

STATUS: Open Commission meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item No., and Subject

Safety and Special Radio Services—1—Amendment of Part 81 of the Commission's Rules to permit limited coast station licenses who service ship radio stations to use, for brief ship radio station checks any frequency authorized to be used by the ship station being serviced (Docket No. 21465);

Safety and Special Radio Services—2—Amendment of Parts 91 and 93 of the Commission's Rules to permit interservice geographic sharing of certain 450 MHz band Taxicab Radio Service Channels (Docket No. 21395).

Common Carrier—1—Complaint of Tele-Valuation, Inc., against A. T. & T. File No. TS 3-77.

Common Carrier—2—Application of A. T. & T. and IRCs for submarine cables between the continental United States and St. Thomas, U.S. Virgin Islands, between St. Thomas and Brazil and between St. Thomas and Venezuela (File No. S-C-L-47).

Common Carrier—3—Amendment of Section 64.233 of the Commission's Rules governing domestic telegraph speed of service studies (RM-2965).

Common Carrier—4—Western Union Tariff FCC No. 254 revising rates and rate structure for low-speed private line services.

Common Carrier—5—Western Union Tariff FCC Nos. 240 and 258 revising domestic telex and TWX.

Common Carrier—6—Notice of inquiry and proposed Rulemaking to establish a policy on the offering of public message service by entities other than Western Union Telegraph Co.

Common Carrier—7—Reconsideraton of authorization granted in Graphnet Systems et al., order.

Common Carrier—8—Reconsideration of tariff revisions filed by Graphnet Systems, Inc., under transmittal No.28.

Common Carrier—9—Graphnet Systems, Inc., Transmittal No. 38.

Agenda, Item No., and Subject

Cable Television—1—Petition for special relief, filed by Fresno County Board of Education (KMTF-TV), Fresno, Calif.

Cable Television—2—Request for declaratory ruling, filed by Warner Cable Corp., operator of a cable television system at Columbus, Ohio.

Cable Television—3—Motion for declaratory ruling (CSR-1140), filed by Oceanic Cablevision, Inc., operator of cable television system in Hawaii.

Cable Television—4—Applications filed by San Joaquin Cable TV, Inc., for certificates of compliance to serve Fresno, Calif., (CAC-05821, CAC-06971).

Cable Television—5—Application for modification of certificate of compliance (CAC-8180) to add KERA-TV, Dallas, Tex., to existing cable TV operations at Norman, Okla.

Assignment of License and Transfer of Control—1—Assignment of License for WEZE, Boston, Mass., from McCormick Communications to New England Continental Media (BAL-9136); and a petition to deny the assignment filed by Media Advocasy Center.

Assignment of License and Transfer of Control—2—Petition for stay and reconsideration of applications to exchange ownership of TV Stations in Washington, D.C. (WJLA) and Oklahoma City, Okla. (KOCO).

Renewal—1—Petition to deny renewal application of Gaylord Broadcasting Co.

(KHTV), Houston, Tex., filed by Black Media Coalition, et al.

Renewal—2—Renewal of licenses of six FM stations proposing less than 6 percent nonentertainment programing.

Renewal—3—Petition for reconsideration filed by the Syracuse Coalition for the Free Flow of Information in the Broadcast Media, of a Commission decision granting the 1975 license at Newhouse Broadcasting Corp. for WSYR-TV, Syracuse, N.Y. (File No. BRCT-91).

Broadcast—1 and 2—Amendment of Section 73.1206 of the Commission's Rules regarding the broadcast of recorded telephone conversations (RM-2564 and RM-2571).

Broadcast—3—Amendment of the Commission's Multiple Ownership Rule to include educational FM and TV stations.

Broadcast—4 and 5—Amendment of Part 74, Subpart L, of the Commission's Rules pertaining to FM radio broadcast translator stations (Docket No. 19918)

Agenda Item No. and Subject

Complaints and Compliance—1—Appeal from an interlocutory ruling of an Administrative Law Judge denying a request for an open session permitting the public or counsel for certain persons to be present during testimony in a closed hearing in the payola/plugola inquiry (Docket No. 16648).

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 Office, telephone 202-632-7260.

Issued: March 2, 1978.

[S-497-78 Filed 3-3-78; 3:41 pm]

[6714-01]

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of change in subject matter of agency meeting: At its closed meeting held at 1:30 p.m. on Thursday, March 2, 1978 (originally scheduled for 2 p.m. on that same date), the Corporation's Board of Directors determined, on motion of Chairman George A. LeMaistre, seconded by Director John G. Heimann, that Corporation business required its addition of the following matters to the agenda for the meeting, on less than 7 days' notice to the public:

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. 43,428-L.—The Drovers' National Bank of Chicago, Chicago, Ill.

Case No. 43,429-L.—The Drovers' National Bank of Chicago, Chicago, Ill.

Appeals pursuant to the Freedom of Information Act from the Corporation's earlier partial denial of requests for records

The Board's decision to consider the matters in a closed meeting was based upon its determination that its deliberations with respect to the matters were exempt from the open meeting requirements of the "Government in the Sunshine Act" by subsections (c)(6) and (c)(9)(B) thereof (5 U.S.C. 552b(c)(6) and (c)(9)(B)) and that the public interest did not require consideration of the matters in a meeting open to public observation.

The Board further determined, on motion of Chairman LeMaistre, with Director Heimann seconding the motion, that no earlier notice of the changes in the subject matter of the meeting was practicable.

Dated: March 2, 1978.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

[S-491-78 Filed 3-3-78; 1:48 pm]

[6714-01]

5

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of change in subject matter of agency meeting: At its open meeting held at 2 p.m. on Thursday, March 2, 1978 (originally scheduled for 2:30 p.m. on that same date), the Corporation's Board of Directors determined, on motion of Chairman George A. LeMaistre, seconded by Director John G. Heimann, that Corporation business required withdrawing the following matters from the agenda for consideration at the meeting:

Memorandum and resolution proposing the final adoption of a new Part 338 of the Corporation's rules and regulations, entitled "Fair Housing Advertising, Poster, and Recordkeeping Requirements"

Appeals, pursuant to the Freedom of Information Act, from the Corporation's earlier partial denial of requests for records

Resolution creating an Office of Congressional Relations and establishing the office's orgainzation and Manning Table

Memorandum proposing a change in the grade level and title of the Legal Division's Administrative Officer position

The Board further determined, by the same vote, that no earlier notice of the changes in the subject matter of the meeting was practicle.

Dated: March 2, 1978.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

[S-492-78 Filed 3-3-78; 1:48 pm]

[6714-01]

6

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of change in times of agency meetings: Pursuant to the provisions of subsection (e) of the "Government in the Sunshine Act," notice is hereby given that the meetings of the Corporation's Board of Directores Scheduled for 2 p.m. (closed) and 2:30 p.m. (open) on Thursday, March 2, 1978, have been rescheduled for 1:30 p.m. and 2 p.m., respectively, on that same date.

Dated: March 2, 1978.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

[S-493-78 Filed 3-3-78; 1:48 pm]

[6715-01]

7

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Monday, March 6, 1978, at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED: Reports analysis review criteria.

DATE AND TIME: Tuesday, March 7, 1978, at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED: Reports analysis review criteria.

The Commission determined at the meeting of March 2, 1978, by a vote of 6-0 that the above-named meetings be held with less than 7 days notice in that the situation requires the earliest possible review of the subject matter.

PERSONS TO CONTACT FOR INFORMATION:

Mr. David Fiske, Press Officer, telephone 202-523-4065.

MARJORIE W. EMMONS,
Secretary to the Commission.

[S-486-78 Filed 3-3-78; 12:05 pm]

[6210-01]

8

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10 a.m., Monday, March 13, 1978.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

SUMMARY AGENDA

Because of their routine nature, no substantive discussion of the following items is

anticipated. These matters will be resolved with a single vote unless a member of the Board requests that an item be moved to the discussion agenda.

1. Routine revisions and extensions of the following Federal Reserve forms: "Monthly Report on Foreign Branch Assets and Liabilities" (FR 502) and "Quarterly Report on Foreign Branch Assets and Liabilities" (FR 5025).

2. Proposed report to the Federal Deposit Insurance Corporation regarding the competitive factors involved in the proposed merger of The Edinburg State Bank, Edinburg, Ind., with Franklin Bank and Trust Co., Franklin, Ind.

3. Proposed amendments to Regulations G (Securities Credit by Persons Other Than Banks, Brokers, or Dealers), T (Credit by Brokers and Dealers), and U (Credit by Banks for the Purpose of Purchasing or Carrying Margin Stocks) to provide that only those dealers submitting bid and offer quotations to an automated quotation system will be counted in preparing the Board's Over the Counter list of margin stocks.

DISCUSSION AGENDA

1. Proposed supervisory letter or amendment to Regulation H (Membership of State Banking Institutions in the Federal Reserve System) with respect to the use of material non-public information in member bank personnel in the purchase or sale of securities.

2. Proposed clarifying amendment to Regulation Z (Truth in Lending) regarding applicability of the right or rescission to open-end credit plans. (Proposed earlier for public comment; Docket No. R-0134).

3. Proposed adoption of an amendment to Regulation B (Equal Credit Opportunity) that would clarify the definition of "adverse action". (Proposed earlier for public comment; Docket No. R-0117).

4. Reconsideration of official staff interpretation EC-0007 of Regulation B (Equal Credit Opportunity) permitting creditors, for marketing purposes, to ask for information on a credit application that would otherwise be barred by the Regulation.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3204.

Dated: March 3, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[S-495-78 Filed 3-3-78; 2:31 pm]

[4910-58]

9

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9 a.m., Monday, March 6, 1978 (NM-78-13).

PLACE: NTSB Board room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: Closed under Exemption 10 of the Government in the Sunshine Act. (A majority of the Board has voted that this meeting may be closed and that no earlier notice was possible.)

MATTERS TO BE CONSIDERED: Opinion and Order.—*Administrator* v. *Sumrall,* Dkt. SE-3739; disposition of respondent's appeal.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, 202-472-6022.

[S-488-78 Filed 3-3-78; 12:05 pm]

[4910-58]

10

NATIONAL TRANSPORTATION SAFETY BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 8682, March 2, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: Thursday, March 9, 1978, 9:30 a.m. [NM-78-12].

CHANGE IN THE MEETING: A majority of the Board has determined by recorded vote that the business of the Board requires revising the agenda of this meeting and that no earlier announcement was possible. The agenda as now revised is set forth below:

STATUS: Open.

1. *Pipeline Accident Report.*—Alyeska Pipeline Service Co. Explosion and Fire, Pump Station 8 near Fairbanks, Alaska, July 8, 1977.

2. *Recommendation.*—To NHTSA re McAlester, Okla., Highway Accident.

3. *Recommendation.*—To USCG and American Bureau of Shipping re Marine Accident involving *Edmund Fitzgerald.*

4. *Letter.*—To NBAA re flight operations manuals.

5. *Recommendation.*—To Federal Aviation Administration re CVR's and FDR's in corporate executive aircraft.

6. *Discussion.*—Candidate Special Studies for Board approval.

7. *Discussion.*—Closeout of Recommendation No. A-72-226.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, 202-472-6022.

[S-489-78 Filed 3-3-78; 12:05 pm]

[8120-01]

11

[Meeting No. 1191]

TENNESSEE VALLEY AUTHORITY.

TIME AND DATE: 10:30 a.m., Thursday, March 9, 1978.

PLACE: Conference Room B-32, West Tower, 400 Commerce Avenue, Knoxville, Tenn.

STATUS: Open.

MATTERS TO BE CONSIDERED:

A. Personnel actions—None.

B. Consulting and personal service contracts—None.

C. Purchase awards:

1. Req. No. 559523—Crawler cranes for construction pool equipment.

2. Req. No. 147455—Self-loading tractor-scraper unit for Paradise Steam Plant.

3. Req. No. 148691—Feedwater nozzle machining and sparger changeout for Browns Ferry Nuclear Plant Unit 2.

4. Req. No. 566200—Heavy construction equipment for Construction Services Branch warehouse, Muscle Shoals, Ala.

5. Amendment to contract 70P60-92203 with General Electric Co. for spare parts for Browns Ferry Nuclear Plant.

6. Req. No. 772420—Indefinite quantity term contract for riprap, rockfill and filter material for Sequoyah Nuclear Plant.

D. Project authorizations—None.

E. Fertilizer items—None.

E. Power items.:

1. Mandatory emergency energy curtailment plan.

2. Agreement with Tennessee Valley Electric Cooperative—establishment of 26-kV delivery point at TVA's Waynesboro substation.

3. Lease and amendatory agreement with city of Lenoir City, Tenn.—power supply near TVA's Lovell 69-kV substation.

4. New power contract with the city of Starkville, Miss.

5. New power contract with the city of Newbern, Tenn.

6. Amendment to option agreement with Ewing-Northern Coal Association for purchase of coal rights underlying certain lands in Franklin, Hamilton, and Jefferson Counties, Ill. (extends expiration date for option on additional acreage to permit completion of title work).

7. Bill of sale and quitclaim deed to North Alabama Electric Cooperative—Sale of portion of deenergized Huntsville-Scottsboro 46-kV transmission line.

G. Real property transactions:

1. Grant of permanent easement to Cumberland Utility District of Roane and Morgan Counties, Tenn. for water intake structure, affecting 0.9 acre of Watts Bar Reservoir land, Roane County, Tenn. (tract XTWBR—128WI).

Filing of condemnation suits.

H. Unclassified:

1. Budget plan for fiscal year 1978.

Dated: March 2, 1978.

CONTACT PERSON FOR MORE INFORMATION:

John Van Mol, Director of Information, or a member of his staff can respond to requests for information about this meeting. Call 615-632-3257, Knoxville, Tenn. Information also is available at TVA's Washington Office, 202-566-1401.

[S-487-78 Filed 3-3-78; 12:05 pm]

[8240-01]

12

UNITED STATES RAILWAY ASSOCIATION.

TIME AND DATE: 9 a.m., March 14, 1978.

PLACE: Board Room, Room 2200, Trans Point Building, 2100 Second Street SW., Washington, D.C.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED BY THE BOARD OF DIRECTORS:

Portions closed to the public (9 a.m.).

1. Consideration of internal personnel matters.
2. Review of ConRail proprietary and financial information for monitoring and investment purposes.
3. Review of Delaware and Hudson Railway Co. proprietary and financial information for monitoring and investment purposes.
4. Review of Missouri-Kansas-Texas Railroad Co. proprietary and financial information for monitoring and investment purposes.
5. Litigation Report.

Portions open to the public (1 p.m.).

6. Approval of minutes of the February 14, 1978, Board of Directors meeting.
7. Report on ConRail monitoring.
8. Consideration of second quarter 1978 investment commitment.
9. Consideration of ConRail drawdown request for April 1978.
10. Status report of advance to D. & H.
11. Consideration of selection of USRA's nominees to serve on ConRail's Board.
12. Contract actions (extensions and approvals).

CONTACT PERSON FOR MORE INFORMATION:

Alex Bilanow, 202-426-4250.

[S-494-78 Filed 3-3-78; 2:06 pm]

federal register

TUESDAY, MARCH 7, 1978
PART II



DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

ANIMAL WELFARE

List of Licensed Exhibitors

[3410-34]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

ANIMAL WELFARE

List of Licensed Exhibitors

Pursuant to the provisions of the Animal Welfare Act (7 U.S.C. 2131, et seq.), and the regulations thereunder (9 CFR Part 2), notice is hereby given that the following exhibitors are licensed under said Act:

(Sec. 3, 80 Stat. 351, as amended (U.S.C. 2133).)

Done at Washington, D.C., this 27th day of February 1978.

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

J. K. ATWELL,
Acting Deputy Administrator,
Veterinary Services.

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
		ALABAMA	
***			
* ROWMAN, N	NOAH'S ARK	PO BOX 521	AUBURN 36830
* CITY OF BIRMINGHAM	BIRMINGHAM ZOO	2630 CAHABA RD	BIRMINGHAM 35223
* MONTGOMERY ZOO		329 VANDIVER BLVD	MONTGOMERY 36109
* UNIV OF NORTH ALABAMA			FLORENCE 35630
		ALASKA	
***			
* FULBUNCH INC.		529 C ST	ANCHORAGE 99501
		ARIZONA	
***			
* ARIZONA ZOOLOGICAL SOCIETY	PHOENIX ZOO	PO BOX 5155	PHOENIX 85010
* ARIZONA-SONORA DESERT MUSEUM		RT 9 BOX 900	TUCSON 85704
* BROWN K R FIVELSON S	OCEANSIDE HARLEY-DAVIDSON	11300 N 98TH ST	SCOTTSDALE 85260
* JACOBSON, M		7630 E FAYETTE	TUCSON 85703
* RANDOLPH PARK ZOO		900 SO RANDOLPH WAY	TUCSON 85716
* TROPIC GARDENS ZOO		6232 N 7TH ST	PHOENIX 85014
* WHITMAN, P	DEER FARM	P.O. BOX 204	WILLIAMS 86046
		ARKANSAS	
***			
* ANIMAL WONDERLAND	SPA ATTRACTIONS, INC	HWY 270 WEST	HOT SPRINGS 71901
* BRIDGES, J	ARKANSAS ALLIGATOR FARM	847 WHITTINGTON AVE	HOT SPRINGS 71901
* DOGPATCH ANIMAL WORLD	DOGPATCH USA		DOGPATCH 72648
* HOLIDAY ISLAND EXOTIC ANIMAL PARK			HOLIDAY ISLAND 72632
* I.Q. ZOO, INC		4800 ALBERT PIKE	HOT SPRINGS 71901
* JACOBS, RD			HUNT 72640
* LITTLE ROCK ZOOLOGICAL GARDEN		JONESBORO ST	LITTLE ROCK 72205
* WILLIAMS, HR	FUNLAND PARK ZOO	ROUTE 3	JONESBORO 72401
* WILMOTH, RL	WILD WILDERNESS	RT 3 BOX 309	GENTRY 72734
		CALIFORNIA	
***			
* ALIEN'S PET ZOO INC		12170 AVE 118	PIXLEY 93256
* ALPINE VILLAGE INC		833 W TORRANCE BLVD	TORRANCE 90502
* ARLEN, D	R.C.&ME	PO BOX 1492	STUDIO CITY 91604
* BABY ZOO, INC		PO BOX 5426	OAKLAND 94605
* BALDWIN, JR	BALDWINS CHARMING CHIMPS	2384 INCELOW CT	THOUSAND OAKS 91360
* BAUMAN, T		660 SAN FERNANDO RD	LOS ANGELES 90065
* BECK, CR		801 EL TORO DR.	BAKERSFIELD 93304
* BERWICK, R		UNIVERSAL STUDIO TOURS	UNIVERSAL CITY 91603
* BIG BEAR VALLEY PARK DIST	MOONRIDGE ZOO	PO BOX 2832	BIG BEAR LAKE 92315
* BIG JOHN A. STRONG & SON CIRCUS, INC.		BOX 600	THOUSAND OAKS 91360
* BLAIR BUNCH INC	BLAIR BUNCH, INC	7561 WOODMAN PL	VAN NUYS 91405
* BOZURICH, F		PO BOX 437	TORRANCE 90503
* BULLOUGH, DR		409 WEST MAIN ST	BRAWLEY 92227
* BURKE MALCOLM INC		PO BOX 638	SKY FOREST 92385
* CAMPOLONGO, J	ENCHANTED VILLAGE	909 KNOTT AVE 49	ANAHEIM 92804
* CHILD'S ESTATE FOUNDATION		PO BOX 4758	SANTA BARBARA 93103
* CIRCUS VARGAS CORP		1308 OLD BAYSHORE HWY 200	SAN LEANDRO 94578
* CITY OF EUREKA	SEQUOIA PARK ZOO	PO BOX 1018	EUREKA 95501
* CITY OF FOLSOM ZOO	CITY OF FOLSOM	50 NATOMA STREET	FOLSOM 95630
* CITY OF MERCED APPLEGATE PARK ZOO		2525 O STREET	MERCED 95340
* CITY OF NATIONAL CITY		1243 NATIONAL AVE	NATIONAL CITY 92050
* CITY OF OAKLAND	OAKLAND ZOO/KNOWLAND PARK	1520 LAKESIDE DR	OAKLAND 94612
* CITY OF ROSEVILLE	ROYER PARK	316 VERNON ST	ROSEVILLE 95678
* CITY OF WHITTIER		13230 E PENN ST	WHITTIER 90602
* CLAY, C & LUTTRELL, J	C R L RANCH	8351 KIOWA RD	APPLE VALLEY 92307
* COUNTY OF ORANGE EMA/DEVEL		PO BOX 1078	SANTA ANA 92702
* COX, L	THE LION WI AN RENTALS	PO BOX 259	VENTURA 93001
* CUNNINGHAM, FRD	CUNNINGHAMS CHILD PET ZOO	2151-12TH AVE	SAN FRANCISCO 94116
* DI SESSO, M	TRAINED WILDLIFE	24233 THE OLD RD	NEWHALL 91321
* DOWNEY, M		PO BOX 221	ACTON 93510
* DRAKE, E		STAR RT PO BOX 336	TEHACHAPI 93561
* DRISCOLL, HM		16555 LASSEN ST	SEPULVEDA 91343
* DUNN, IE	ZUFARI	8234 SOLEDAD CYN RD	ACTON 93510
* EARNEST, FV	CALIFORNIA ALLIGATOR FARM	7671 LA PALMA AV	BUENA PARK 90620
* EGAN, L & R		844 14TH AVE	MENLO PARK 94025

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
	CALIFORNIA —Continued		
* EGEDT, KW		1526 GRAND AVE	FILLMORE 93015
* ENCHANTED VILLAGE, INC		6122 KNOT AVE	BUENA PARK 90621
* FAWCETT, B		21719 BARTON RD	COLTON 92324
* FISHER, F		BOX 1170 STAR RT	TEHACHAPI 93561
* FOERDER, LJ		RT 2 BOX 605M	ARROYO GRANDE 93420
* FRANK INN, INC.		12265 BRANFORD	SUN VALLEY 91352
* FRESNO MUS OF NATURAL HIS T		1944 N WINERY	FRESNO 93703
* GALLO ZOOLOGICAL GARDENS		P.O. BOX 1230	MODESTO 95353
* GATTI-CHARLES PRODUCTIONS INC		PO BOX 611	ORANGE 92666
* GENTLE JUNGLE, INC		6122 KNOTT AVE	BUENA PARK 90621
* GROS, P	MARINE WORLD/AFRICA USA	MARINE WORLD PARKWAY	REDWOOD CITY 94065
* HENRY, I&C	HENRY'S CHIMPS	19102 BECHARD AV	GERRITOS 90701
* HOLTER, M&R	HOLTER'S MOVIELAND ANIMALS	10940 RIVERSIDE AV	BLOOMINGTON 92316
***			
* HORNOK, JR		25955 BOOTLEGGER CANYON RD	ACTON 93510
* HORTON, RR		302 17TH STREET	SAN DIEGO 92101
* HORTON, RR&DK		302-17TH ST	SAN DIEGO 92101
* HUNTER, FRAUST, HT		1625 ABRAMSON RD	SANTA ROSA 95401
* JETT, A	JETT'S PETTING ZOO	11025 CYPRESS	FONTANA 92335
* JOHNSON, G & L	JOHNSON BROS ELEPHANTS	701 W 9TH ST	CORONA 91720
* JOHNSON, H		20715 NANDINO	PERRIS 92370
* JOHNSON, R	RON'S PET SHOP	7788 CYPRESS AV	RIVERSIDE 92503
* JONES, RW	HOLTER'S RANCH	PO BOX 588	BLOOMINGTON 92316
* KAYE ENTERTAINMENT ENTERP RISES, INC		1680 N. VINE ST	HOLLYWOOD 90028
* KAYE, PV	ENTERTAINMENT ENTERPRISES & KA YE CONT. CIR	1680 N VINE ST, SUITE 519	HOLLYWOOD 90028
* KNOTT, SP	KNOTT'S BERRY FARM	8039 BEACH BLVD	BUENA PARK 90620
* KRAUTER, C&L	KRAUTER'S NURSERY	2006 KENTUCKY ST	BAKERSFIELD 93305
* KUTCHELL, J		319 HAWTHORN ST	RIALTO 92376
* LA TORRES, JM		1968 MARIN AV	BERKELEY 94707
* LOS ANGELES COUNTY FAIR A SSOCIATION		BOX 2250	POMONA 91766
* LOS ANGELES ZOO		5333 ZOO DR	LOS ANGELES 90027
* MADONNA, A	MADONNA INN	MADONNA RD & HIGHWAY 101	SAN LUIS 93401
* MAGANA, AR		1036 SO ONTARIO	OXNARD 93030
* MAGIC MOUNTAIN		PO BOX 5500	VALENCIA 91355
* MARAVELAS, EL		PO BOX 505	INDEPENDENCE 93526
* MARINE WORLD AFRICA USA	RESORTS INTL, INC	MARINE WORLD PARKWAY	REDWOOD CITY 94065
* MARSHALL, N	LION'S ETC	6867 SOLEDAD CANYON	ACTON 93510
* MARTIN, S	STEVE MARTIN'S WORKING WILDLIF E	PO BOX 65	ACTON 93510
* MCDERMOTT, CD	THE COLD NOSE FIVE DOG ACT	4515 HARRISON AVE	REDDING 96001
* MCMILLAN, B		6122 KNOTT AVE	BUENA PARK 90621
* MCMILLAN, D		306 GUEY LANE	REDWOOD CITY 94065
* MEREDITH, G	JUNGLE EXOTICS	12137 LOPEZ CANYON RD	SAN FERNANDO 91342
* MEYER, L	ICE CAPADES, INC	6121 SANTA MONICA BLVD	HOLLYWOOD 90038
* MICKE GROVE PARK & ZOO		11793 N MICKE GROVE RD	LODI 92540
* MILHOUS, D	MILHOUS BOYS RANCH	ALLEGHANY ST RT	NEVADA 95959
* MILLER, KR		14611 E DANBROOK DR	WHITTIER 90604
* MOSLEY, C & G	DEWAYNE BROS CIRCUS	PO BOX 9621	N HOLLYWOOD 91609
* OXLEY, RL		7433 SOLEDAD CANYON RD	ACTON 93510
* PAT DERBY ENTERPRISES, IN C.		PO BOX 212	LOS OLIVOS 93441
* PRENTICE PARK ZOO		1700 E FIRST ST	SANTA ANA 92705
* REYNOLDS, A		5423 E LAUREL	FRESNO 93727
* RIVERS, R		10940 RIVERSIDE AVE	BLOOMINGTON 92316
* ROBERTSON, CE		1193-4TH ST	NORCO 91760
* ROEDING PARK ZOO		894 W. BELMONT	FRESNO 93728
* SACRAMENTO CITY ZOO		3930 W LAND PARK DR	SACRAMENTO 95822
* SACRAMENTO SCIENCE CENTER & JR. MUSEUM		3615 AUBURN BLVD.	SACRAMENTO 95831
* SAN FRANCISCO ZOOLOGICAL GARDENS		ZOO ROAD & SKYLINE BLVD	SAN FRANCISCO 94132
* SAN LUIS OBISPO COUNTY	CHARLES PADDOCK ZOO	1009 MONTEREY ST	SAN LUIS OBISPO 93408
* SANTA'S VILLAGE INC		P.O. BOX 544	SAN BERNARDINO 92402
* SCHUMACHER, LM		PO BOX 642	BALDWIN PARK 91706
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* SCOBLE, DR AG		2367 MORRILL RD	MODESTO 95355
* SEA WORLD INC		1720 S SHORES DR	SAN DIEGO 92109
* SHAWVER, C		1221 GRANT ST	SANTA MONICA 90405
* SMIEYA-BLASZAK, A & BLASZ AK, K		PO BOX 1	FILLMORE 93015
* SMITH, P	HIGAREE PETTING ZOO	18150 OCEAN DR	FORT BRAGG 95437
* SNYDER, F	YVETTES MINI CIRCUS REVUE	PO BOX 5343	N HOLLYWOOD 91605
* STEEPLES, F		864 CARLISLE RD	THOUSAND OAKS 91359
* SWANSON, J&C		8707 PROSPECT AVE	SANTEE 92071
* TOTH, GN	COUGAR HILL RANCH	P.O. BOX 132	LITTLEROCK 93543
* TREMBLEY, E	MR CHRISTMAS TREE	349 W WILSON BLVD APT 9	COSTA MESA 92627
* TWOMEY, D&J	HAPPYTIME CIRCUS	PO BOX 269	WINDSOR 95492
* UNIVERSAL STUDIO TOUR		3900 LANKERSHIM BLVD	UNIVERSAL CITY 91608
* WALLER PARK		600 GOODWIN RD	SANTA MARIA 93454
* WALT DISNEY PRODUCTIONS		500 S BUENA VISTA	BURBANK 91521

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
		CALIFORNIA —Continued	
* WELLS, MARGARET, RG	ANIMAL ACTORS OF HOLLYWOOD	864 CARLISLE RD	THOUSAND OAKS 91359
* WENDELL, C		PO BOX 350	ACTON 93510
* WHITE, DRJ		8722 WINTER GDNS BLVD	LAKESIDE 92040
* WHITFIELD, RW		MARINE WORLD PARKWAY	REDWOOD CITY 94065
* WILDS, JRR	WILDS PERFORMING ANIMALS	PO BOX 4102	SANTA CLARA 95054
* WOLF, R&C		284 FRONT ST	EL CAJON 92020
* ZANGER, H	CASA DE FRUTA	6680 PACHECO PASS HWY	HOLLISTER 95023
* ZOOLOGICAL SOCIETY OF SAN DIEGO		PO BOX 551	SAN DIEGO 92112
* ZUKIN, JR., J	FRONTIER VILLAGE	4885 MONTERREY RD	SAN JOSE 95111
		COLORADO	
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* CHEYENNE MOUNTAIN ZOOLOGICAL PARK		BOX 158	COLORADO SPRINGS 80901
* DENVER ZOOL FDN	DENVER ZOOLOGICAL FOUND.	DENVER CITY PARK	DENVER 80205
* FOSSCECO, A	GRANEROS CANYON GAS&CURIO SHOP	PO BOX 29	COLORADO CITY 81019
		CONNECTICUT	
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* BECKER, SR	THE BRUCE MUSEUM	467 STEAMBOAT RD	GREENWICH 06830
* BOHY A & SILVESTRO A		165 PONUS AVENUE	NORWALK 06850
* CHILDREN'S MUSEUM OF HARTFORD	CHILDREN'S MUSEUM OF HARTFORD	950 TROUT BROOK RD	W HARTFORD 06119
* CITY OF BRIDGEPORT	BEARDSLEY ZOOLOGICAL GARDENS	NOBLE AVE	BRIDGEPORT 06604
* CITY OF NEW LONDON	NATURE CENTER & ZOO	MUNICIPAL BLDG	NEW LONDON 06320
* CITY OF NORWICH	MOHEGAN PARK ZOO	CITY HALL ANNEX	NORWICH 06360
* CONNECTICUT PACKING CO.		335 COTTAGE GROVE RD	BLOOMFIELD 06002
* DEPT OF PARKS & REC	HUBBARD PARK ZOO	460 LIBERTY ST	MERIDEN 06450
* EMERSON, RL	EMERSONS CIRCUS & MENAGRIE EXHS	2545 BERLIN TNPK	NEWINGTON 06111
* GOODWIN R		RT 5 BOX 223	WAREHOUSE PT 06088
* NATURE CENTER FOR ENVIRONMENTAL ACTIVITIES		PO BOX 165	WESTPORT 06880
* NEW BRITAIN YOUTH MUSEUM		30 HIGH ST PO BOX 11	NEW BRITAIN 06051
* NEW HAVEN DEPT OF PARKS,REC,HORT & TREES	WEST ROCK NATURE REC CTR	PO BOX 2969	NEW HAVEN 06515
* OLD MACDONALDS FARM INC		768 POST RD	NORWALK 06854
* R.W. COMMERFORD & SONS INC		RTE 4	GOSHEN 06756
* SHELDEN, DD		33 PENNY DR	MONROE 06468
* STAMFORD MUSEUM & NATURE CTR		39 SCOFIELDTOWN RD	STAMFORD 06903
* STEMPIEN, AC	WILLINGTON GAME FARM	OLD FARMS RD	WILLINGTON 06279
* THE DENISON PEQ. NATURE CTR		PO BOX 122 PEQUOTSEPOS RD	MYSTIC 06355
* WATERMAN, HE		193 NORTH GRAND ST	W SUFFIELD 06093
* WAWRZYNOWICZ, P	BORN FREE GAME FARM	PO BOX 11	MONTVILLE 06353
		FLORIDA	
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* ARC SCENIC & WILDLIFE ATTRAC.		P.O. BOX 367	SILVER SPRINGS 32688
* ADAMS, E		PO BOX 595	GIBSONTON 33534
* ALEXANDER, R		PO BOX 247	GENEVA 32732
* ALLEN, V	PET & HOBBY DEN	8369 BIRD RD	MIAMI 33155
* ALLIGATOR LAND SAFARI		P.O. BOX 819	KISSIMMEE 32741
* ANTALEK, M		PO BOX 1	GIBSONTON 33534
* ANTHONY, P		P.O. BOX 355	RIVERVIEW 33569
* ANTONUCCI, A		P.O. BOX 554	GIBSONTON 33534
* BAUDY, RF	RARE FELINE BREEDING COMPOUND	PO BOX 132	CENTER HILL 33514
* BENGTSSON, K & LINARES, K		BOX 125 RT 3	SARASOTA 33578
* BERGSINI, R&J		P.O. BOX 16523	TEMPLE TERRACE 33687
* BERGUSEK, O		2075 BAHIA VISTA	SARASOTA 33579
* BERTEI,M		RR 2 BOX 297P	SARASOTA 33577
* BERTINI, HS	ERNA'S CHIMPANZEES	725 N CONRAD AVE	SARASOTA 33580
* BLANCHARD, DRP		85 APAPAHO AVE	ST AUGUSTINE 32084
* BOARD OF COUNTY COMMRHARDEE COUNTY	HARDEE COUNTY PIONEER PARK	PO BOX 458	WAUCHULA 33873
* BOWEN, JC	EVERGLADES GATORLAND	BOX 279	SOUTHBURG 33493
* BRADDOCK, A	GRT AMLS OF THE 7 CONTINENTS	RT 1 BOX 162	BUSHNELL 33513
* BROOKS, HW	GATOR JUNGLE	P.O. BOX 209	CHRISTMAS 32709
* CENTRAL FLA ZOOLOGICAL SOCIETY		PO BOX 2078	SANFORD 32771
* CHRISTIAI, L		1024 STOERER LANE	SARASOTA 33580
* CHRISTIE, DRE		P.O. BOX 336	ASPREY 33559
* CITY OF JACKSONVILLE	JACKSONVILLE ZOOLOGICAL PARK	8605 700 ROAD	JACKSONVILLE 32218
* CITY OF ST. PETERSBURG PR R DEPT	BOYD HILL NATURE PARK	1450 16 ST NO	ST PETERSBURG 33704

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
	FLORIDA —Continued		
* CITY OF TAMPA-PARK DEPT	LOWRY PARK ZOO	NORTH BLVD & SLIGH AVE	TAMPA 33604
* CLYDE BEATTY-COLE BROS CIRCUS		P.O. BOX 1570	WINTER PARK 32789
* CREIGHTON, R	KING KONG ZOO	RT 1 BOX 567Z20	BROOKSVILLE 33513
* CRISTIANI, DR	CONSOLIDATED AMUSEMENT CO	PO BOX 877	RIVERVIEW 33509
* CRISTIANI, O		1747 RIVIERA CIRCLE	SARASOTA 33580
* CRISTIANI, R&I		L723 LARAMIE ST	SARASOTA 33581
* DADE COUNTY PARK & REC DEPT	CRANDON PARK ZOO	4000 CRANDON BLVD	KEY BISCAYNE 33149
* DURSKY, H	GINA'S ROYAL PALACE LEOPARDS	3110 47TH ST	SARASOTA 33580
* DURSKY, J	JANOS & COMPANY	4103 BRAZILNUT AV	SARASOTA 33580
* EDWARDS, TR		PO BOX 336 3256 C RD	LOXAHATCHEE 33470
* ELLIS, DF	DESKER PARK ZOO GARDENS	PO BOX 6597	W PALM BEACH 33405
* ENGESSER, D&R	WESTERN WILD CATS SHOW & BUNCH	RT 1 BOX 286E	FLORA CITY 32636
* FEE,HW		BOX 493	GIBSONTON 33534
* FOSSETT, T		637 NO CONRAD AV	SARASOTA 33580
* FRANCIS, FA		510 2ND AVE	MELBOURNE 32951
* GARDNER, RG		P.O. BOX 313	PLYMOUTH 32768
* GARVIN, C	FLORIDA REPTILE LAND	RT 16	BOWLING GREEN 42101
* GATORLAND		PO BOX 518	ST. AUGUSTINE 32084
* GODWIN'S GATORLAND, INC		HWY 441 NORTH	KISSIMMEE 32741
* GOLDEN, J&D	GOLDENS ZOO	RT 18 BOX 592	FT MYERS 33903
* GOSSING, G & STEVENS, C	SHRINE CIRCUS	SINGLETARY RD BOX 9	MYAKKA CITY 33551
* HANNEFORD, G		BOX 909	NOKOMIS 33555
* HANNEFORD, T&G	HANNEFORD CIRCUS, INC		OSPREY 33559
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* HARRWELL, GC	GATOR WORLD OF FLAMINGO GARDENS	3782 FLAMINGO RD	DAVIE 33330
* HERRIOTT, JM&MR	HERRTOTT'S PERFORMING ANIMALS	RR3 BOX 94	SARASOTA 33580
* HOMOSASSA SPRINGS INC	NORIN CORP	P.O. BOX A	HOMOSASSA SPRINGS 32647
* HOOVER, DC		665 W 38TH ST	HIALEAH 33012
* HOUSER, F		9230 NEW HAVEN AVE	MELBOURNE 32901
* HOXIE BROS CIRCUS	HOXIE BROS. CIRCUS	9140 SW 59TH AV	SO MIAMI 33156
* JOHNS, MRT		6073 STIRLING RD	HOLLYWOOD 33024
* JOHNSON, RA		BOX 936 9812 MASS AVE	GIBSONTON 33534
* JOYCE, E	WONDERFUL WORLD OF DOGS	BOX 302	GIBSONTON 33534
* JUNGLE LARRY'S SAFARI LAND, INC		P.O. BOX 7129	NAPLES 33940
* JUNGLE QUEENS INC.		800 E BROWARD BLVD #301	FT LAUDERDALE 33312
* KANANGA, R		6073 STIRLING RD	HOLLYWOOD 33024
* KELLY, P	NATIONAL AMUSEMENT	RR 1	BUNKERHILL 46914
* KING BROS CIRCUS		BOX 1570	WINTER PARK 32790
* KIT CIRCUS OPERATING CO, INC	SELLS & GRAY CIRCUS	PO DRAWER 1570	WINTER PARK 32790
* KRAUSE, J		PO BOX 2512	SARASOTA 33578
* KRAUSE, JR., RP	THE KRAUSE HOUSE ZOO	RT 1 BOX 126	FT PIERCE 33450
* KRISTENSEN, S		PO BOX 725	BRANDON 33511
* KUHN & LUPFER	ALLIGATOR ALLEY JUNGLE ZOO	PO BOX 802	KISSIMMEE 32741
* MARINE ATTRACTIONS INC	SHARK WORLD	6500 BEACH PLAZA RD	ST PETERSBURG 33736
* MARINELAND, INC		RFD 1, BOX 122	ST. AUGUSTINE 32084
* MASTERPIECE GARDENS, INC		PO BOX 1230	LAKE WALES 33853
* METRO-GOLDWYN-MAYER, INC	MGM'S BOUNTY EXHIBIT	102020 W WASHINGTON BLVD	CULVER CITY 90230
* MIDWAY PET CENTER 189 INC		7771 W FLAGER ST	MIAMI 33144
* MIRACLE STRIP AMUS. CO. INC	MIRACLE STRIP JUNGLELAND	P.O. BOX 2000	PANAMA CITY 32401
* MONKEY JUNGLE, INC.		14805 SW 216TH ST	MIAMI 33170
* NATIONAL REC. SERVICE	SIX GUN TERRITORY	P.O. BOX 307	SILVER SPRINGS 32688
* NEID, RN		620 NE 2ND ST	POMPANO 33060
* NOCK, P&K	KANITKA'S POODLES	PO BOX 968	SARASOTA 33578
* OCEAN WORLD INC		1701 SE 17TH ST	FT LAUD 33316
* PARNELL, G		PO BOX 994	GIBSONTON 33534
* PARROT JUNGLE, INC.		11000 SW 57TH AVE	MIAMI 33156
* PEDLEY, S		2219 SW 60 CT	MIAMI 33155
* PIERCE, AM	KING'S SHETLAND PONY FARM	1700 NE 144 ST	MIAMI 33181
* PIPER, L & R			BONITA SPRINGS 33923
* POTTER, D		PO BOX 1092	GIBSONTON 33534
* RINGLING BROS BM & BLY CO MAINED SHOWS		1015-18TH ST NW	WASHINGTON DC 20036
* ROBERTS, D	ROBERTS GULF STATION	822 N CHARLESTON	FT MEADE 33841
* ROBINSON, R&S	HOLLYWOOD'S BEST DRESSED MONKEYS	BOX 1176	GIBSONTON 33534
* ROSS ALLEN SOUTH INC.	ROSS ALLEN WILD LIFE PARK	2805 N TAMIAMI TRAIL	N FT MEYERS 33903
* ROTH, P	ANIMALS OF DISTINCTION	RT 4 BOX 241	FT PIERCE 33450
* SALISBURY, DL	ROYAL PANTHERS	1519 CAMBRIDGE DR	COCOA 32922
* SANTA FE TEACHING ZOO		3000 NW 83RD ST	GAINSVILLE 32601
* SCARPUZZI, L	AQUARAMA WALTZING WATERS	339 RIVERSIDE DR	FORT MYERS 33905
* SCHACHT, F & P		PO BOX 1333	BRANDON 33511
* SCHAPPACHER, P	DIAMOND RODEO & WILD WEST	3515-63 AVE E	BRADENTON 33505
* SCHILE, FR&DJ	MUSEUM OF THE SEA & INDIAN	STAR ROUTE BOX 611	DESTIN 32541
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* SCHMIDT, R&H		318 HOWELL PL	SARASOTA 33580
* SCHREIBER, B	CAPT SCHEIBER CHIMPANZEES	RT 3 BOX 48	ST AUGUSTINE 32084
* SEA WORLD OF FLORIDA		7007 SEA WORLD DR	ORLANDO 32809
* SEROLT, D	SNAKE-A-TORIUM	PO BOX 9253	PANAMA CITY 32401
* SETDEN'S EXOTIC FELINES		8425 SW 108TH ST	MIAMI 33156

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
	FLORIDA —Continued		
* SEIGLE, A		732 NW 29TH TERRACE	MIAMI 33127
* SIPEK, S		3384 C RD	LOXAHATCHEE 33470
* SPYKE, HH		7250 GRIFFIN RD	DAVIE 33314
* SQUIRRELS		RT 1, US HWY 98	GULF BREEZE 32561
* ST AUGUSTINE ALLTG. FARM INC		PO BOX DRAWER E	ST AUGUSTINE 32084
* STEARING ROYAL EUR. CIRCUS INC		PO BOX 249	SARASOTA 33578
* STEELE, R	BOB STEELE ANIM PROMOTIONS	RT 5 BOX 131 H	ORLANDO 32807
* SUNKEN GARDENS OF ST PETERSBURG		1825 4TH ST NO	ST PETERSBURG 33704
* SZYMONSKI, K		2022 DODGE AVE	SARASOTA 33580
* TALLAHASSEE JR MUSEUM		3945 MUSEUM DR	TALLAHASSEE 32304
* THE R-I-EES,		2075 BAHIA VISTA	SARASOTA 33579
* THOMAS, HO		PO BOX 281	RIVERVIEW 33569
* TIKI GARDENS INC		19601 GULF BLVD	INDIAN SHORES 33535
* TOOLE, EH		PO BOX 126	CHATTAHOOCHEE 32324
* VIELE, CE	VIELE GROVES	6990 GRIFFIN RD	FORT LAUDERDALE 33314
* WALT DISNEYWORLD CO		P.O. BOX 40, ATTN: LEGAL DEPT	LAKE BUENA VISTA 32830
* WATSON, W		RT 1, BOX 117	TAMPA 33612
* WEED, E		13800 W ST RD 84	FT LAUDERDALE 33325
* WEEKI WACHEE SPRINGS INC	ABC SCENIC & WILDLIFE ATTACS.	PO BOX 97	BROOKSVILLE 33512
* WELDE, J		PO BOX 547	GIBSONTON 33534
* WILLIAMS, R&F		RT 1 BOX 556C	MYAKKA CITY 33551
* WILNER, F & A		861 OAK STREET	FT MYERS BEACH 33931
* WILSHIRE CORPORATION	LION COUNTRY SAFART INC	PO BOX 16066	W PALM BEACH 33406
* WOMETCO ENTERPRISES INC	FLIPPERS SEA SCHOOL	PO BOX DOLPHIN	MARATHON SHORES 33052
* WONDERLAND OF FLORIDA, INC	MARCO POLO PARK	BOX 54 STAR ROUTE	BUNNELL 32010
* WYNN, F		400 E ORANGE AVE	LONGWOOD 32750
* ZERBINI, T		RT 2 BOX 8	SARASOTA 33580
	GEORGIA		
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* ALVES, JF	HILLSIDE CHIMP FARM	PO BOX 66	CLERMONT 30527
* BAUMANN, REL	LINRICH ANIMAL CIR & PETTING ZOO	RT 1 BOX 74	ELLERSLIE 31807
* CITY OF ALBANY	TIFT ZOOLOGICAL PARK	1314 NO MONROE ST	ALBANY 31705
* CITY OF ATLANTA	ATLANTA ZOO, PARK	800 CHEROKEE AV, SE	ATLANTA 30315
* SNOWDEN, R	CHICO'S MONKEY FARM	RT 1 BOX 118	RICHMOND 31324
* STAHL SOUTHERN GROUP INC	KINGDOMS 3	LION COUNTRY PARKWAY	STOCKBRIDGE 30281
* STONE MOUNTAIN GAME RANCH INC		1 PORT. E. LEE BLVD	STONE MOUNTAIN 30086
* THOMAS, HOBBY		PO BOX 281	RIVERVIEW 33569
	HAWAII		
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* COUNTY OF HAWAII	PANAEWA RAINFOREST ZOO	25 AUPINI ST	HILO 96720
* HONOLULU ZOO	HONOLULU 96815	151 KAPAHULU AVE	
* ISLAND FEDERAL SAVING & LOAN ASSN OF HONOLULU		PO BOX 2521	HONOLULU 96804
* ISLAND HOLIDAYS, LTD	COCO PALMS RESORT HOTEL	PO BOX 631	LIHUE 96766
* MAUI ZOOLOGICAL AND BOTANICAL GARDEN	DEPT OF PARKS & RECREATION		WAILUKU, 96793
* MEADOW GOLD DAIRIES-HAWAII		R1 BOX 224	HALEIWA 96712
* PEARL CITY TAVERN		PO BOX 246	PEARL CITY 96782
	IDAHO		
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* BOISE CITY ZOO		1104 ROYAL BLVD	BOISE 83706
* CUMMINGS R & CORDELL S	DEER FARM	BOX 711	POST FALLS 83854
* EDEN P	ALASKA WILD BERRY PRODUCTS	BOX 374	HOMER 99603
* HAZEN, VD	HAZEN'S DEER FARM	RT 2	JEROME 83338
* HAZEN, VD	HAZEN'S PETTING ZOO	RT 2	JEROME 83338
* NOBLE, ER	COWBOY JOE & HIS ANIMAL SHOW	PO BOX 303	NAMPA 83651
* ROSS PARK ZOO		BOX 4169	POCATELLO 83201
* TAUTPHAUS PARK ZOO		PO BOX 220	IDAHO FALLS 83401
* W E ARRINGTON, INC		BOX 881	IDAHO FALLS 83401
	ILLINOIS		
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* AVILES MARTINEZ, C		436 4TH ST	NORTHFIELD 60093
* BUIKEMA, C	BUIKEMA ACE HARDWARE	1030 N WASHINGTON	NAPERVILLE 60540
* CANTON PARK DISTRICT		250 S AVE D	CANTON 61520
* CHAMPAIGN PK DISTRICT		706 HOLIDAY PK DR	CHAMPAIGN 61820

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
	ILLINOIS—Continued		
* CHICAGO ZOOLOGICAL PARK		3300 S GOLF RD	BROOKFIELD 60513
* CITY OF AURORA PARK DEPT	PHILLIPS PARK ZOO	44 EAST DOWNER PLACE	AURORA 60504
* CITY OF ELGIN		150 DEXTER CT	ELGIN 60120
* DECATUR PK DIST		PO BOX 1136	DECATUR 62525
* DEPT OF VETERANS AFFAIRS	ILLINOIS VETS HOME	126 W JEFFERSON ST	SPRINGFIELD 62705
* DUNCANSON, J	HOUSE OF PISCES PET SHOP	344 MILL ST	WAUCONDA 60084
* DUNDEE TOWNSHIP PARK DISTRICT	RANDALL OAKS PARK & ZOO	21 N WASHINGTON ST	CARPENTERSVILLE 60110
* EDLUND, RO & MJ	WHITE PINES DEER PARK	R 3 BOX 259	OREGON 61061
* ELLIOTT, R	HEE HAW FARM	2140 SANDERS RD	NORTHBROOK 60062
* FISHER, L		2700 N CANNON DR	CHICAGO 60614
* FLORIST, D		NORTH MAIN ST	MASON CITY 62664
* FOREST PRESERVE DIST OF COOK CO		536 NO HARLEM AV	RIVER FOREST 60305
* ERTSCO, JT		RR 2 BOX 329	PEORIA 61614
* GLEN OAK ZOO		2218 NO PROSPECT RD	PEORIA 61603
* HOFFMAN, CR	ANIMAL KINGDOM, INC	2980 N MILWAUKEE AV	CHICAGO 60618
* HUME'S EXOTIC WILD LIFE RANCH		401 W GULF RD	ARLINGTON HTS 60005
* JOLAS, K & S	SAFARI PETS	3145 W 111	CHICAGO 60607
* LAMBS INC.		BOX 520	LIBERTYVILLE 60048
* LASALLE COUNTY PARKS ENVT R. CTR		RT 4	OTTAWA 61350
* LILLE, G		909 KNOTT AVE	ANAHEIM 92804
* MATHENA M		RT 4 BOX 151	ELGIN 60120
* MILLER PARK ZOO		109 E OLIVE	BLOOMINGTON 61701
* NAGUTIM, W		436 4TH ST	NORTHFIELD 60093
* NIABI ZOOLOGICAL PRESERVE		13010 NIABI RD	COAL VALLEY 61240
* POLAR DOME CORPORATION	SANTA'S VILLAGE	RT 72 & 25	E DUNDEE 60118
* POZEN, G	PEACE, INC	RT 1 BOX 239	MUNDELEIN 60060
* REDING, M	FISHERMAN'S DUDE RANCH	9600 GULF RD	DES PLAINS 60016
* ROCKFORD PARK, DISTRICT C HILDREN'S FARM	CHILDREN'S FARM	1401 N SECOND ST	ROCKFORD 61107
* SHAFTON, S	THE AMAZING MR. SHAFTON	616 WICKER AV	STREAMWOOD 60103
* SHEPARD, JO		NORTH LAKE RD	SPRINGFIELD 62707
* SOCIAL DYNAMICS INC		2 S 661 ROUTE 53	GLEN ELLYN 60137
* SPRINGFIELD PARK DISTRICT	HENSON C. ROBINSON ZOO	PO BOX 5052	SPRINGFIELD 62705
* TALBOTT, G		RR2	MANITO 61546
* VOKOUN, W	PINE HILL BIRD FARM & ZOO	2605 63RD ST	DOWNERS GROVE 60515
* WATSON, L	PLAINSMEN ZOO	RT 4 BOX 151	ELGIN 60120
* WHEATON PARK DIST.	COSLEY CHILDREN'S PARK	666 SO MAIN ST	WHEATON 60187
* WILDLIFE PARK FOUNDATION	WILDLIFE PRAIRIE PARK	RR 1	HANNA CITY 61536
* WILHELM'S LANDING, INC		PO BOX 934	JOILET 60434
* WILLOW BROOK WILDLIFE HAVEN	WILLOW BROOK WILDLIFE HAVEN	25101 PARK BLVD	GLEN ELLYN 60137
	INDIANA		
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* BIGGS, M		BOX 18	RUSSELLVILLE 46175
* BOOKER, C	STORYBOOK VILLAGE		DUGGER 47848
* BOYD, RD	SILVERMOON ROLLER RINK	RR 2, BOX 98	WATERLOO 46793
* CHILDREN'S MUSUEM, INC.		3000 N. MERIDIAN	INDIANAPOLIS 46208
* CITY OF EVANSVILLE	MESKER PARK ZOO	REMENT AVE	EVANSVILLE 47712
* CITY OF MICHIGAN CITY	PARK & REC. DEPT	LAKE FRONT	MICHIGAN CITY 46360
* CITY OF RICHMOND	GLEN MILLER PARK	PARK & REC DEPT	RICHMOND 47374
* CLARK, R		R 1 BOX 101	CLARKS HILL 47930
* DEPARTMENT OF NATURAL RESOURCES		616 STATE OFFICE BLDG	INDIANAPOLIS 46204
* DRAKE, RWRJ	HILL HAVEN GAME FARM & ZOO	RR 51 BOX 699	TERRE HAUTE 47805
* FAWN LAKE APTS		PO BOX 2010	KOKOMO 46901
* FORT WAYNE CHILDREN'S ZOO GARD		3411 SHERMAN ST	FORT WAYNE 46808
* HARDING, MF		382 W MAIN ST	PERU 46970
* IND DEPT OF NATURAL RESOURCES	JASPER-PULASKI FISH & WILD AREA	607 STATE OFFICE BLG	INDIANAPOLIS 46204
* INDIANAPOLIS ZOOLOGICAL SOC INC		3120 E 30TH ST	INDIANAPOLIS 46218
* KELLY, PR	KELLY WINTER CIRCUS		PERU 46970
* KENWORTHY, SR, D	DON'S AMUSEMENTS	PO BOX 179	CLAYTON 46118
* LAFAYETTE BOARD OF PARKS & REC	COLUMBIAN PARK ZOO	1915 SCOTT ST	LAFAYETTE 47904
* LAKE COUNTY FAIRGROUNDS		889 S COURT ST	CROWN POINT 46307
* N AM. WILDLIFE PARK FNDN. INC	WOLF PARK		BATTLE GROUND 47920
* PARISH, R		RT 1	KINGMAN 47952
* PICKETT, N		238 NORTH DEPOT ST	BRAZIL 47834
* POTAWATOMI PARK ZOO		301 S ST. LOUIS BLVD	SOUTH BEND 46617
* SANTA CLAUS LAND INC		BOX 36	SANTA CLAUS 47579
* SCHAEFER, FV & M		RR 1 BOX 357	WESTFIELD 46074
* SMITH, K		RT 3 BOX 43	MUNCIE 47302
* SPRUCE HILL FARMS, INC.		RR 7 BOX 206	MARTINSVILLE 46151
* STRONG, D	BEARCREEK FARMS	R 1	BRYANT 47326
* TAYLOR, KJ		RT 1 BOX 151	CARBON, 47837

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
	INDIANA—Continued		
* TURNER, PK		RR 1 BOX 223	WALTON 46994
* UHL, J		RR3	PERU 46970
* VOLZ, HC		RR 2 BOX 430	BATESVILLE 47006
* WARNER, J		2915 MORRIS AVE	TERRE HAUTE 47805
* WEREDING, W		RT 3 BOX 117	BATESVILLE 47006
* WISE, D		R 1 BOX 416	MUNCIE 47302
* ZOPPF, JRD		RS	ROCHESTER 46975
	IOWA		
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* BLAIR, JI	DEERLAND ZOO		LAKE PARK 51347
* DES MOINES CHILDRENIS ZOO		7401 SW 9TH ST	DES MOINES 50315
* ELDORA CITY PARK		1702 15TH ST	ELDORA 50627
* LYON COUNTRY CONSERVATION LEAGUE			ROCK RAPIDS 51246
* MUSCATINE PARK COMMISSION	WEED PARK ZOO		MUSCATINE 52761
* SEABOLD, J	SEABOLD ANIMAL FARM	VALLEY RD RT 1	KEOKUK 52632
	KANSAS		
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* BRTT SPAUGH PARK & ZOO		BOX 215	GREAT BEND 67530
* CITY OF INDEPENDENCE	RALPH MITCHELL ZOO	RT 4	INDEPENDENCE 67301
* DAVIS, B&K	HAPPY HOLLOW ZOO	101 HAPPY HOLLOW LANE 300	FORT SCOTT 66701
* FARMER, LR	PRAIRIE DOG TOWN	I-70 & HWY 83	OAKLEY 67748
* LEF RICHARDSON ZOO	FINNUP ZOO	P.O. BOX 499	GARDEN CITY 67846
* LEONARD, RF		BOX 332	MANHATTAN 66502
* SEDGWICK COUNTY ZOOLOGICAL SOCIETY		5555 700 BLVD	WICHITA 67212
* TOPEKA ZOOLOGICAL PARK	GAGE PARK ZOO	635 GAGE BLVD	TOPEKA 66606
	KENTUCKY		
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* LOUISVILLE ZOO, GARDEN		1100 TREVILIAN WAY	LOUISVILLE 40213
	LOUISIANA		
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* ALEXANDRIA ZOOLOGICAL PARK		PO BOX 71	ALEXANDRIA 71301
* AUDUBON PARK COMMISSION	AUDUBON PARK		NEW ORLEANS 70118
* BOESCH, M & BURROWS, LP	GUPPIES TO PUPPIES PET SHOP	5050 W ESPLANADE AVE-BAY E	METAIRE 70002
* CITY OF GRAND PRAIRIE		BOX11	GRAND PRAIRIE 75050
* CITY OF MONROE	LOUISIANA PURCHASE GARDENS & ZOO	P.O. BOX 123	MONROE 71201
* GREATER BATON ROUGE ZOO		PO BOX 458	BATON ROUGE 70821
* LEBLANC, BJ	CRITTER CORNER PET SHOP	PO BOX 458	CUT OFF 70345
* WHITE, G	ANIMAL LAND	RT 1 BOX 455	SLIDELL 70458
	MAINE		
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* ANIMAL FOREST PARK		BOX 404	YORK BEACH
* DEPT OF INLAND FISH & WILD		284 STATE ST	AUGUSTA 04333
* FRASER, CH	LUDLOW BEAR FARM	RT 1	HOULTON 04730
* GALLOP, V	GALLOP'S ANIMAL RANCH	RFD 2	HOULTON 04730
* MCKENNA, E	RUMFORD ZOO	RT 2	RUMFORD POINT 04279
* MERRILL, CRE		RFD 2	LISBON FALLS 04252
* SEALAND OF CAPE COD INC.	AQUALAND	ROUTE 3	BAR HARBOR 04609
* SKIBICKI, J		5 SAYWARD ST	KENNEBUNK 04043
	MARYLAND		
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* DAVIS, ERS	TRIO-D-FARM SUPPLY	PO BOX 325 RR STATION	PASADENA 21122
* ENCHANTED FOREST		10040 BALTO NATL PIKE	ELLICOTT CITY 21043
* HAHN, RA	CATOCTIN MOUNTAIN ZOO		THURMONT 21788
* HAHN, RA	COLUMBIA CHILDRENIS ZOO	RT 3 BOX 126	THURMONT 21788
* HINKLE, J		1396 DUAL HWY	HAGERSTOWN 21740
* LEWIS, JI	BIG VALLEY RANCH	PO BOX 1156	PASADENA 21122
* SALISBURY ZOO		750 S. PARK DRIVE	SALISBURY 21801

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
	MASSACHUSETTS		
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* AQUARIAUM OF CAPE COD		RT 28	WEST YARMOUTH 02673
* BASSETT, HW	BASSETT WILD ANIMAL FARM	THURMAN RD	BREWSTER 02631
* BLUE HILLS TRAILSIDE MUSEUM	COMMONWEALTH OF MASS M.D.C.	1904 CANTON AVE	MILTON 02186
* BOSTON MUSEUM OF SCIENCE		SCIENCE PARK	BOSTON 02114
* BUTTONWOOD ZOO		1200 PURCHASE ST	NEW BEDFORD 02740
* CAPRON PARK ZOO		COUNTY ST	ATTLEBORO 02703
* CHILDREN'S MUSEUM		THE JAMAICA WAY	BOSTON 02130
* CITY OF PITTSFIELD	DEPT OF PARKS & RECREATION	874 NORTH ST	PITTSFIELD 01201
* CITY OF SPRINGFIELD	FOREST PARK ZOO		SPRINGFIELD 01108
* CITY OF WORCESTER	GREEN HILL PARK	455 MAIN STREET	WORCESTER 01608
* EDAVTLIF CORP		BOX 7 RTE 58	SOUTH CARVER 02366
* ESTES, KL	MOHAWK TEPEE GIFT SHOP	RT 2 MOHAWK TRAIL	SHELBURNE FALLS 01370
* FOREST PARK ZOO, SOCIETY		SOUTH GREETING RD	SPRINGFIELD 01108
* FRANK NEWHALL LOOK MEMORIAL PARK		300 N MAIN ST	NORTHAMPTON 01060
* FRANKLIN PK ZOO GDNS			DORCHESTER 02121
* H.K.WEBSTER CO INC		32 WEST ST	LAWRENCE 01842
* HAMPDEN COUNTY COMMISSIONERS	ROBERT COLE MUSEUM	50 STATE ST	SPRINGFIELD 01103
* HUBBARDSTON WILD ANIMAL FARM	MT WACHUSETT ANIMAL FOREST	BOX 51	HUBBARDSTON 01452
* JOHN SONS INC	SANTAS LOOKOUT	RT 114	MIDDLETON 01949
* MASS AUDUBON SOC			LINCOLN 01773
* NEW ENGLAND AG CORP		CENTRAL WHARF	BOSTON 02110
* SPRINGFIELD SCT MSM		236 STATE ST	SPRINGFIELD 01103
* TOWN OF NORTH ATTLEBORO	WORLD WAR 1 MEMORIAL PARK	ELMWOOD ST	N ATTLEBORO 02745
* WALTHAM PK & REC DEPT		314 TOTTEN POND RD	WALTHAM 02154
* WARD'S NURSERY INC		410 SOUTH MAIN ST	GREAT BARRINGTON 01230
* WORCESTER SCIENCE CTR	WORCESTER NAT HIS SOC	222 HARRINGTON WAY	WORCESTER 01604
	MICHIGAN		
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* CITY OF DETROIT ZOO PARK DEPT		BOX 39	ROYAL OAK 48068
* DEER FOREST PARK INC		BOX 817	COLOMA 49038
* DEER PARK FUNLAND INC		4750 WHITEHALL RD	MUSKEGON 49445
* HETOF, K	GAME HAVEN	13750 SHIRE RD	WOLVERINE 49799
* JOHN BALL ZOO, GDNS		301 MARKET ST SW	GRAND RAPIDS 49502
* PLANK ROAD FARM	COWBELL SEEDS INC		BRADLEY 49311
	MINNESOTA		
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* CALL OF THE WILD, INC		4948 THREE POINTS BLVD	MOUND 55364
* COOK, V&M	COLD SPRINGS 66		ORR 55771
* EGGLESTON, ORD		DEER VALLEY	WALKER 56484
* HOCHMAYR, F&T	DEER FOREST	BOX 46	NISSWA 56468
* KLETTENBERG, CF & M		ITASCA STAR ROUTE	PARK RAPIDS 56470
* LARARGE, LRR	SMOKEY HOLLOW ANIMAL HAVEN	RT 1 BOX 59	CHISHOLM 55719
* LOSS, MT	TOTAL LOSS GAME FARM	RT 10 BOX 63	BRAINERD 56401
* MARKKANEN, R	10,000 SEA SHELLS	RT 1 BOX 282	EVELETH 55734
* POTAMI, D	RIVERSIDE INN		SIDE LAKE 55781
* ROLLIE WESTMAN ENT INC	WILDWOOD	ROUTE 1	CENTER CITY 55012
* TANK, THEGA	DEERLAND ENT	RT 7 BOX 11	BRAINERD 56401
* TYRON, R	HIGH TOWN DEER PARK	RT 3 BOX 160	BEMIDJI 56601
* VALLEY PARK, INC		ONE VALLEYFAIR DR	SHAKOPEE 55379
	MISSISSIPPI		
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* BRELAND, MA	THE CABIN STORE	HWY 29-NORTH	WIGGINS 39577
* CITY OF HATTIESBURG	KAMPER PARK & ZOO	107-17TH AVE	HATTIESBURG 39401
* JACKSON ZOOLOGICAL PARK		2918 W CAPITOL ST	JACKSON 39209
* MARINE ANIMAL PRODUCTIONS INC		150 DEBUYS RD	BILOXI 39531
* MERIDIAN PARKS & RECREATION	MERIDIAN ZOO	PO BOX 4153	MERIDIAN 39301
	MISSOURI		
***			
* ACTION ADVERTISING CO.		2819 WILCOX RD.	POPLAR BLUFF 63901
* AFRICAN LION SAFARI INC		RR 1	LINN CREEK 65049
* ANHEUSER-BUSCH, INC.		721 PESTALOZZI ST	ST. LOUIS 63118
* CATHCART, D & R	OL'MACDONALD FARM	HWY 71 SOUTH	KANSAS CITY 64132

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
		MISSOURI—Continued	
* JONES, D	ROARING ACRES ZOO RANCH	PO BOX 127	CAPE GIRARDEAU 63701
* KANSAS CITY ZOO	KANSAS CITY ZOO GARDEN	SWOPE PARK	KANSAS 64132
* KRUSE, M		RT 1 BOX 204	BLUE SPRINGS 64015
* SIX FLAGS OVER MID-AMERIC A INC		PO BOX 666	EUREKA 63025
* SPRINGFIELD PARK BOARD	DICKERSON PARK ZOO	1923 NORTH WELLER	SPRINGFIELD 65803
* ST. LOUIS ZOOLOGICAL PARK		FOREST PARK	ST. LOUIS 63110
		MONTANA	
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* THE TRAP INC	THE TRAP INC.	5850 HWY 2 EAST	COLUMBIA FALLS 59912
		NEBRASKA	
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* BOYKIN, GL	SILVER VALLEY ACRES KENNEL	P.O. BOX 276	EDGAR 68935
* CHILDRENS ZOO		2800 A ST	LINCOLN 68502
* CITY OF NORTH PLATTE		211 WEST 3RD ST	NORTH PLATTE 69101
* DETTEMEYER OIL CO.			ALDA 68810
* HENRY DOORLY ZOO	RIVERVIEW PARK		OMAHA 68107
		NEVADA	
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* AUBAIN, CL		115 E WIGHAM	LAS VEGAS 89119
* AUGSPURG, C		6772 EASTERN AV	LAS VEGAS 89119
* DAVIS, J & BIRCHFIELD, W	BIG JOHN A STRONG CIRCUS	185 SERGEI	SUN VALLEY 89431
* DETROY, G	MARQUIS CHIMPANZEES	2971 SANTA MARGARITA	LAS VEGAS 89102
* EVANS, K	CATS	5938 BARRY LA	LAS VEGAS 89119
* LEE, RJ		3660 LONG TREE LA	RENO 89511
* LEVINSON, S&R	BONNIE SPRINGS RANCH		BONNIE SPRINGS 89004
* SIEGFRIED & ROY		1639 NO VALLEY DR	LAS VEGAS 89108
* SPARKS NUGGET, INC.		PO BOX 797	SPARKS 89431
* VINICKY, J		3131 S JONES BLVD	LAS VEGAS 89114
* ZOOLOGICAL SOCIETY OF NEV ADA	LAS VEGAS VALLEY ZOO	PO BOX 4036	LAS VEGAS 89106
		NEW HAMPSHIRE	
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* BALDT, L	ENCHANTED FOREST	R7 SHOE DR	LACONIA 03246
* BENSON WILD ANIMAL FARM			HUDSON 03051
* BRADY, J	SIX GUN CITY		JEFFERSON 03583
* CLARKS TRADING POST		BOX 1	NO. WOODSTOCK 03262
* FOX, R	THE FRIENDLY FARM INC	BOX 76	BURLIN 03448
* FRANCIS, AR	CIRCUS TOWNE	PO BOX 98	TWIN MT 03595
* LINWOOD INVESTORS, INC	NATURELAND'S FANTASY FARM	RT 3	LINCOLN 03251
* MORRELL, R	STORYLAND, INC	BOX 381	N CONWAY 03860
* SANTA'S VILLAGE INC.		PO BOX 8	JEFFERSON 03583
* SQUAM LAKES SCIENCE CENTE R		PO BOX 146	HOLDERNESS 03245
* WEIRS SPORT CENTER, INC	STORYBROOK FOREST	PO BOX 278	WEIRS BEACH 03246
		NEW JERSEY	
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* ANIMAL ACTORS INT INC		RD 3 BOX 221	WASHINGTON 07882
* ASHWORTH, JR		PO BOX 120	JACKSON 08527
* BERGEN CO. PARK COMM.		575 MAIN STREET	HACKENSACK 07601
* CITY OF TRENTON	CADWALADER PARK	CITY HALL E STATE ST	TRENTON 08608
* COHANZICK ZOO		CITY PARK	BRIDGETON 08302
* COLLINS, B		RT 23	OAK RIDGE 07438
* DAWN ANIMAL AGENCY, INC		CROSS RD	COLTS NECK 07722
* ESSEX COUNTY PARK COMM	TURTLE BACK ZOO	560 NORTHFIELD AV	W ORANGE 07052
* FALLON, S&L	FALLONWAY	285 CLEAR STREAM RD	JACKSON 08527
* GIORDANO, S&R		PO 1 BOX 109-E	FRANKLIN 07416
* HUNT, HT	HUNT'S CIRCUS	P.O. BOX 170	KENTON 19955
* JONES, RE		151 NO ANNAPOLIS AV	ATLANTIC CITY 08401
* MARASEK, JR		42 BROWNSTONE WAY	UPPER SADDLE RIVER 07458
* MCMILLAN, D		RT 1 ORR RD	ALLENTOWN 08501
* MIDDLESEX CO. DEPT OF PAR KS & REC		PO BOX 661	NEW BRUNSWICK 08903
* MORGAN, R	ANIMALAND EXHIBITS	164 WESTMINSTER	ATLANTIC CITY 08401
* ROBINSON, B	BOUINK THE CLOWN	627 CAYUGA	PLEASANTVILLE 08232
* SILS, JR		PO BOX 123	BORDENTOWN 08505
* SOMERSET CO. PARK COMMISS ION		PO BOX 837	SOMERVILLE 08876

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
		NEW JERSEY—Continued	
* SPACE WILD ANIMAL FARM IN C		RFD 3 BEEMERVILLE RD	SUSSEX 07461
* TERRY, ETAL	TERRY LOU ZOO	1451 RARITAN RD	SCOTCH PLAINS, 07070
* TOWN OF KEARNY			KEARNY 07032
* UNION COUNTY PARK COMM	TRAILSIDE NATSCI CTR	BOX 275	ELIZABETH 07207
* WHITCRAFT, JR	MONKEY BUSINESS	109 DELAWARE AV	MT HOLLY 08060
* WINTERS, R		23 TIMBERLANE RD	UPPER SADDLE RIVER 07458
		NEW MEXICO	
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* CITY OF ALBUQUERQUE	RIO GRANDE ZOOL PK	PO BOX 1293	ALBUQUERQUE 87103
		NEW YORK	
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* ALL-TIME ANIMALS INC		37 W 57 STREET	NEW YORK CITY 10019
* ANIMAL LAND INC	ANIMAL LAND, INC	RD 2	GLEN FALLS 12801
* BARRA, JE		1721 ST. PAUL ST	ROCHESTER 14621
* BURNET PARK ZOO		412 SPENCER ST	SYRACUSE 13204
* CATSKILL GAME FARM INC	CATSKILL GAME FARM, INC	RD 1 BOX 92	CATSKILL 12414
* CHATEAU STABLES, INC.		608 W 48TH ST	NEW YORK 10036
* CINEHAUS, INC.		736 BROADWAY	NEW YORK CITY 10003
* CITY OF MONROE	SENECA PARK ZOO	2222 ST PAUL ST	ROCHESTER 14621
* CITY OF NY, DEPT. PARKS, REC & CUL AFF.	CENTRAL PARK ZOO	830 FIFTH AV	NEW YORK 10021
* CITY OF UTICA & UTICA ZOO SOC.		STEEL HILL RD	UTICA 13501
* CITY OF WATERTOWN	THOMPSON PARK ZOO	WASHINGTON ST	WATERTOWN 13601
* FANTASY ISLAND, INC		2400 ISLAND BLVD	GRAND ISLAND 14072
* FESS KJ & VOSLER SJ	MARMOSET BREEDING FARM	362 MOSLEY RD	ROCHESTER 14616
* FRONTIER TOWN PROD., INC			NO HUDSON 12855
* FULTON-DARBY, INC		353 W 56TH STON	NEW YORK 10019
* GARLER, JH	FT. RICKEY GAME FARM	408 NO GEORGE ST	ROME 13440
* GILLETTE, AE	MAGIC FOREST	151 SAMPSON PKWY	PITTSFIELD 01201
* HERMAN'S NURSERY, INC.	HERMAN'S NURSERY, INC	660 DUTCHESS TNPK	POUGHKEEPSIE 12603
* HIRES, DM		171 SO PORTAGE ST	WESTFIELD 14787
* KELLY, J	KELLY'S CHIMPANZEES	77 CLAYWOOD DR	BRENTWOOD 11717
* KINGSTON RECREATION COMM	FORSYTH PARK ZOO	467 BROADWAY	KINGSTON 12401
* LEROY, W	GREAT ADVENTURE	320 E 65TH ST	NEW YORK 10021
* LONG ISLAN GAME FARM, INC		CHAMPMAN BLVD	MANORVILLE 11949
* LOOMIS, LJ	ROSS PARK ZOO	BOX 1513	BINGHAMTON 13902
* MILLBROOK SCHOOL		MILLBROOK SCH RD	MILLBROOK 12545
* MOREAU, MM	JOY & THE MOREAU BOYS	1807 18TH ST	NIAGARA FALLS 14305
* MUS. OF THE HUDSON HIGH		THE BOULEVARD	CORNWALL-ON-HUDSON 12520
* NEW YORK ZOOLOGICAL SOC		185TH ST&SOUTHERN BLVD	BRONX 10460
* OPPENHIEM ZOO SOC OF NIAGARA CO INC		2697 NIAGARA FALLS BLVD	NIAGARA FALLS 14304
* PALISADES INTERSTATE PARK COMM	BEAR MOUNTAIN TRAILSIDE MUS		BEAR MOUNTAIN 10911
* POPOLIZIO, GR		RT 1	HOLMES 12531
* RIX, A	RIX PERFORMING BEARS	RD 1	MIDDLETOWN 10940
* ROSH, R		BOX 3	WAVERLY 14892
* SARO, D		RT 44 BOX 181	AMENIA 12501
* SANTA'S WORKSHOP, INC			NORTH POLE 12946
* SERGENT, D		RT 44 BOX 181	AMENIA 12501
* SNYDER'S DARIEN LAKE		9993 ALLEGHENY RD	CORFU 14036
* STATEN ISLAND ZOOLOGICAL SOC.	STATEN ISLAND ZOO SOC	614 BROADWAY	STATEN ISLAND 10310
* STEINHERR, S		RR 1 BOX 152	WINDHAM 12496
* STERLING ALASKA FUR & GAME FARM INC		17 SARANAC AV	LAKE PLACID 12946
* VETT, JM	CANDY CANE VILLAGE	1945 EDEN EVANS RD	EDEN 14057
* VIDBEL, A&J		RR 1 BOX 251	WINDHAM 12496
* WILDCLIFF NATU. SCI CTR		WILDCLIFF RD	NEW ROCHELLE 10805
* WOOD, CR	STORYTOWN USA	BOX 511	LAKE GEORGE 12845
* ZOOLOGICAL SOCIETY OF BUFFALO INC		BUFFALO ZOO GAR.	BUFFALO 14214
		NORTH CAROLINA	
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* CAROWINDS	FAMILY LEISURE CENTERS	PO BOX 15514	CHARLOTTE 28210
* CITY OF ASHEVILLE	NATURE CENTER	GASHES CREEK ROAD	ASHEVILLE 28805
* HOFF, W	NO CAROLINA ZOO PARK	RT 4 BOX 73	ASHEBORO 27203
* JETT, CF	JETT'S PETTING ZOO	1200 WEST RD	KINSTON 28501
* JOHNSON, SR, CH		BUFFALO RD RT 3 BOX 464	SMITHFIELD 27577
* RITTER, T & C	SOCO GARDENS	RT 1 BOX 355	MAGGIE VALLEY 28751
* TOMS, I	RUTHERFORD CO ZOO	RT 3 BOX 306	FOREST CITY 28043
* TREGEMBO, GR&J	TOTE-EM-IN-ZOO	5845 CAROLINA BCH RD	WILMINGTON 28401
* TRUESDELL, T	VICTOR PROMOTIONS	P.O. BOX 795	CHEROKEE 58715
* WESTHEIMER	THE DEER FARM	PO BOX 7	DEEP GAP 28618

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
	NORTH DAKOTA		
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* CHAMINKAPA ZOO ASSO	CHAMINKAPA ZOO	BOX 101	WAHPETON 58075
* DAKOTA ZOOLOGICAL SOCIFTY , INC.	DAKOTA ZOO	PO BOX 711	BISMARCK 58501
* GOLD SEAL CO MEDORA DIV	MEDORA ZOO		MEDORA 58645
* ROOSEVELT PARK ZOO	MINOT PK DISTRICT	BOX 538	MINOT 58701
* SPRING LAKE ZOO	WILLISTON PK DIST	BOX 1306 .	WILLISTON 58801
	OHIO		
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* BISCHROFF RJ	HIGHWAY ANIMAL FARM	RT 1 BOX 97A	ADA 45810
* CITY OF AKRON PARKS & REC BUREAU	AKRON CHILDRENS ZOO	1436 TRIPLETT BLVD BLG 1A	AKRON 44306
* CITY OF COLUMBUS	COLUMBUS ZOO		COLUMBUS 43215
* CULLISON, K		1949 KIM DR	AKRON 44312
* DIAMOND K DONKEY BALL CO		R 1	WAPAKONETA 45895
* DODGE, EG	GORDANS AMUSEMENTS	PO BOX 104	BURTON 44021
* EGGERS, DG	MOTHER NATURES MENAGERIE	695 WEBER AVENUE	AKRON 44303
* FALLIN, AJ	A-1 DONKEY BALL CO	BOX 159	UNIOPOLIS 45888
* HOSKINSON, SP	HOSKINSON'S ANIMALS OF DISTINC TION	4 HOMESTEAD	SEVILLE 44273
* LAGOON DEER PARK INC	LAGOON DEER PARK INC	1502 MARTIN'S PT RD	SANDUSKY 44870
* LAWYER, JERLA		175 ELM ST	ANDOVER 44003
* LIPKO, COL. J	LIPKO'S CHIMPS	PO BOX 113	SEVILLE 44273
* LONG, HH		1342 HOME AVE	AKRON 44310
* METROPARKS ZOOLOGICAL PAR K	BROOKSIDE PARK	BOX 09040	CLEVELAND 44109
* SAUDER MUSEUM		R 2	ARCHBOLD 43502
* SEDIVY, R		252 SPRINGDALE LANE	MORELAND HILLS 44022
* SEELEY, DV	LION WRECKING YARD	PO BOX 314	LISBON 44432
* TAFT BROADCASTING CO.	KINGS ISLAND	BOX 400	KINGS MILLS 45034
* THE HIRAM HOUSE		33775 HIRAM TRAIL	CHAGRIN FALLS 44022
* THOMAS, C		RT 2	CIRCLEVILLE 43113
* TOLEDO ZOO GARDENS		2700 BROADWAY	TOLEDO 43609
* WILLIAMS, JE		955 N STATELINE RD	SHARON 16146
* ZOO SOC OF CINCINNATI		3400 VINE ST	CINCINNATI 45220
	OKLAHOMA		
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* BARREDA, J		PO BOX 381	EDMOND 73034
* CITY OF ALVA ZOO		415 4TH ST	ALVA 73717
* CITY OF OKLAHOMA CITY	OKLAHOMA CITY ZOO TRUST	RT 1 BOX 1	OKLAHOMA CITY 73111
* GADIENT, DE	DRIPPING SPRINGS SAFARI	RT 8	SILOAM SPRINGS 72761
* MILLER, DR	CARSON & BARNES CIRCUS	PO BOX J	HUGO 74743
* TULSA ZOO PARK		5701 E 36TH ST, NO	TULSA 74115
* WARD, R		RT 1 BOX 110	LOCUST GROVE 74352
	OREGON		
***			
* CITY OF KLAMATH FALLS	MOORE PARK	226 S FIFTH ST	KLAMATH FALLS 97601
* FIEBER, R	NEMAHA RANCH WILDLIFE PRES.		SILETZ 97380
* FRISCHMANN, OJ	WOODLAND DEER PARK	27893 REDWOOD HWY	CAVE JUNCTION 97523
* HOLLAND, LD	DEERLAND PARK	BOX 77	CHILOQUIN 97624
* INDIAN FOREST INC		ROUTE 1 BOX 654	FLORENCE 97439
* J&J INVESTMENTS INC		204 SW YAMHILL	PORTLAND 97204
* JACOBS, JR., T	CANDYLAND CIRCUS	RT 4, BOX 652	GRESHAM 97030
* KARAT, RG	ANIMAL ACTORS RANCH	13260 HWY 238	JACKSONVILLE 97530
* METROPOLITAN SERVICE DIST RICT	WASHINGTON PARK ZOO	4001 SW CANYON RD	PORTLAND 97221
* ORGAN GRINDER INC		1303 SW 16TH AVE	PORTLAND 97201
* SCHROEDER OJ & HURD B	BISON-TEN-YAL ZOO	175 MT VIEW DRIVE	EUGLUE 77001
* TROUTMAN, R	OPERATION SANTA CLAUS	90434 HILL RD	SPRINGFIELD 97477
* WEST COAST DEER PARK INC	WEST COAST DEER PARK	RT 1, BOX 1330	BRANDON 97411
* WORLD SAFARI, INC		PO BOX 600	WINSTON 97496
* ZUMSTEIN, J&D	J.Z. REINDEER RANCH	11480 W HWY 126	REDMOND 97756
	PENNSYLVANIA		
***			
* ACDMY OF NAT SCIENCES		19TH & THE PARKWAY	PHILADELPHIA 19103
* ALLEGHENY CY PK RE CN		345 COUNTY OFF BLDG	PITTSBURGH 15219
* ANIMAL GARDENS		HERSHEY PARK	HERSHEY 17033
* ANIMAL KINGDOM TALENT SER VICE		RD 2 BOX 61	TIOGA 16946
* BLUHAUGH, CR	TWIN DRIVE IN	RT 1 BOX 311	WAYNESBORO 17268
* BODINE, SR., DS	ANIMALAND	RD 6 BOX 225	WELLSBORO 16901
* BOR OF NORRISTOWN	ELMWOOD PK ZOO	235 EAST AIRY ST	NORRISTOWN 19401

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
		PENNSYLVANIA—Continued	
* BREEDMORE INTERNATIONAL L TD		HWY 434	SHOHOLA 18458
* BRUBAKER, RM		PENRYN RD	MANHEIM 17545
* BUTTON, DE	BUTTONS PRE X-MAS SANTA CLAUS SER	RD 1	MILLERTOWN 16936
* CITY OF SCRANTON	NAY AUG PARK ZOO	CITY HALL	SCRANTON 18510
* CLYDE PEELING'S REPTILAND LTD		BOX 66	ALLENTOWN 17810
* CORNELL, JR.,PA		20 RIVERSIDE DR	WARREN 16365
* DAVIS, RI		36 BRADDOCK DR	WASHINGTON 15301
* DEMBROSKY, MP		RD 3 BOX 323	NAZARETH 18064
* ERIE ZOO SOC		653 SHUNPIKE RD	ERIE 16508
* EXHIBITS INC		DORNEY PARK ZOORAMA	ALLENTOWN 18104
* FAIRYLAND FOREST			CONNEAUT LAKE PK 16316
* FANTASYLAND, INC		RD 1,RT 134 SO	GETTSBURG 17325
* FOREST ZOO INC		RD BOX 79	ASHVILLE 16613
* FORKER, T		STAR RT 3	TIONESTA 16353
* FUNCK, RS		BOX 309	ANNVILLE 17003
* GREGG, PC	KLONDIKE GIFT SHOP	KINZUA HTS	BRADFORD 16701
* HALL, V	CLAWS & PAWS WILD ANIMAL FARM	206 MAPLE AV	HAWLEY 18428
* HARRY M STEVENS INC	BUSHKILL FALLS	521 FIFTH AV	NEW YORK 10017
* HAVERSACK, WC			HYDE 16843
* HEASLEY, JE	HEASLEY'S TRADING POST	RD 1	LEWIS RUN 16738
* HILTS, LR		RD 2	MIDDLEBURY CENTER 16935
* HOCK, R	PEACOCK CNR GAME FARM	RD4	BLOOMSBURG 17815
* HOLLER, J	DEER STOP	RD 1	EASTON 18042
* HOLMBERG, WC	FRONTIER ZOO	BOX C	LIGONIER 15658
* KIRACOFE, JM	BOTLING SPG ZOO	RD 1	BOILING SPRINGS 17007
* KISER, LL	KISER WILDLIFE RANCH	RD 1 BOX 117	CAIRNBROOK 15924
* KISTLER R		RD 1	E WATERFORD 17021
* LEHMAN, HW &FM	BLACK FOREST TRADING POST	RD 1 BOX 130	ULYSSES 16948
* MARCON, INC		WILD ACRES LAKES	DINGMAN'S FERRY 18328
* MAYES, GT	GT MAYES DEER PARK	BOX 25	ANTES FORT 17720
* MCDANIEL,JH	JIM MACK'S ICE CREAM	RD 11	HELLAM BRANCH 17406
* MCINTOSH, RT	BIRDLAND PARK	RD 1 BOX 326	COVINGTON 16917
* MEALY, RF	LAKE LUCY PARK	RD 1 BOX 121	TIONESTA 16353
* MERCERBURG SPORTSMENS ASS N.,INC.		BOX 33	MERCERSBURG 17236
* MONTGOMERY CO COMM	UPPER SCHUYLKILL VALLEY FARM P K	AIRY & SWEDE STS	NORRISTOWN 19404
* MOON VALLEY PK INC		RR 1 BOX 50	MILFORD 18337
* MORRISON, PN	MORRISONS GROCERY STORE	RT 1 BOX 19	TIONESTA 16353
* MOUNT AIRY LODGE			MT POCONO 18344
* NO AMER OPERATING CO		PO BOX 181	E BERLIN 17316
* POCONO SNAKE COUNTRY INC		PO BOX 238	MARSHALLS CREEK 18335
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* POCONO WILD ANIMAL FARM, INC.		RD 1	STROUDSBURG 18360
* PYMATUNING DEER PK		RD 2 BOX 397 HWY 58	JAMESTOWN 16134
* RICE SR, DW	STEVE'S WESTERN & TACK SHOP	RD BOX 382	BEDFORD 15522
* ROSATRE FAMILY		9590 PEACH ST	WATERFORD 16441
* SILLS, C		145 GRANDVIEW RD	CENTRE HALL 16828
* SIMPSON, RR		R 5	GETTYSBURG 17325
* STORY BOOK FOREST, INC		BOX F	LIGONIER 15658
* THE PITTSBURGH ZOO		CITY-COUNTY BLDG	PITTSBURGH 15219
* TOBIAS, SR., ER	LAKE TOBIAS & ANIMAL HAVEN	RD 4	HALIFAX 17032
* TREXLER LEHIGH CO COMM		455 HAMILTON ST	ALLENTOWN 18105
* UNION CO CLUB, INC		RD 1	MILLMONT 17845
* WAMPLER, GR	WAMPLERS WILD ANIMALS	RD 2 BOX 354	ANNVILLE 17003
* WAYNESBORO FISH & GAME PR OT ASSOC INC		PO BOX 368 RT 5	WAYNESBORO 17268
* WEAVER, TS	CHUKAR HILL WILD ANIMAL	RD 1 BOX 443	EAST EARL 17519
* YEAGLE, NG	ANIMAL PARADISE	3020 PENNA AV W	WARREN 16365
* YOUNG, L	STORYLAND		SCHELLSBURG 15559
* YOUNG, WC		RD1 BOX 81	NICHOLSON 18446
* ZIMMERMAN, RJ	GETTYSBURG GAME PK	RD 1	FAIRFIELD 17320
* ZOOLOGICAL SOC OF PHILADE LPHIA		34TH ST & GIRARD AV	PHILADELPHIA 91104
		RHODE ISLAND	
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* CITY OF PAWTUCKET	SLATER MEMORIAL PARK ZOO	137 ROOSEVELT AVE	PAWTUCKET 02860
* CITY OF PROVIDENCE	ROGER WILLIAMS PARK ZOO		PROVIDENCE 02905
* RECORDS, LH	RECORDS BROS SHOWS	RT 138	WYOMING 02898
* ROCKY POINT AMUSEMENTS, I NC			WARWICK 02889
		SOUTH CAROLINA	
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* COLLINS, RH	CIRCLE C AN EXH	RT 1	CAMPOBELLO 29322
* COLUMBIA ZOOLOGICAL PK		PO BOX 1143	COLUMBIA 29202

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
	SOUTH DAKOTA		
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* ABERDEEN PKS & REC DEPT	WYLIE PARK ZOO	MUNICIPAL BL	ABERDEEN 57401
* BEAR COUNTRY USA		R 2 BOX 628	RAPID CITY 57701
* CITY OF WATERTOWN	BRAMBLE PARK ZOO		WATERTOWN 57201
* GREAT PLAINS ZOO		224 W 19TH ST	SIOUX FALLS 57102
* HOLM, JC		615 E DAKOTA AVE	PIERRE 57501
* JOHNSON, CJ	JOHNSON FARM	4109 THUNDERBIRD TRAIL	SIOUX FALLS 57103
	TENNESSEE		
***			
* CITY OF KNOXVILLE	KNOXVILLE ZOOLOGICAL PARK	CITY HALL PARK	KNOXVILLE 37901
* CUMBERLAND MUS. & SCI. CE NTER		800 RIDLEY AVE	NASHVILLE 37203
* HANNA JR-LANSYN INC	BABY ANIMAL KINGDOM	ROUTE 17 EXECTIVE PARK DRIVE	KNOXVILLE 37919
* LIBERTYLAND (MID-SOUTH FA IR)	ANIMAL PALS PETTING ZOO	PO BOX 18808	MEMPHIS 38118
* MILLS, R		RT 1	ROCKWOOD 37854
* OPRYLAND USA		PO 2138	NASHVILLE 37214
* OVERTON PK ZOO & AQUAR			MEMPHIS 38112
* RUCKER, H	RUCKERS UNCAGED LEOPARD		WATERTOWN 37184
* SORELL, R	RUCK SORELL ENTERPRIZES INC	850 LOUISVILLE HWY	GOODLETTSVILLE 37072
* TALLEY, CP	TENN-ALABAMA GIFT SHOP	PO BOX 27	S. PITTSBURG 37380
* TYTLANDSVIK, L & PETERSON , L	TENN GAME FRM	R 2 BOX 192	JOELTON 37080
	TEXAS		
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* AMARILLO PKS REC DIV	AMARILLO STORY ZOO	PO BOX 1971	AMARILLO 79186
* CALDWELL SCHOOLS INC		PO BOX 428	TYLER 75701
* CENTRAL TX ZOO & BOT SOC		RT 10 BX 173 E	WACO 76708
* CITY OF DALLAS	DALLAS ZOO	621 E CLARENDON DR	DALLAS 75203
* CITY OF LUFKIN	ELLEN TROUT PARK ZOO	PO BOX 190	LUFKIN 75901
* CRAWFORD, RC	SLATON ZOO	107 N 9TH	SLATON 79364
* DAILEY BROTHERS CIRCUS		PO BOX 613	GONZALES 78629
* EL PASO ZOOL PARK	EL PASO 79905	EVERGREEN & PAISANO	EL PASO 79905
* FRANK BUCK MEMORIAL ZOO			GAINESVILLE 76240
* FT WORTH ZOOL PK		2727 ZOOL PK DR	FORT WORTH 76110
* GLADYS PORTER ZOO		500 RINGGOLD ST	BROWNSVILLE 78520
* HIX, RW & MORROW, FM	SNAKES ANIMALS & THINGS	RT 4 BOX 4384T	BELTON 76513
* HOUSTON ZOOL GARDENS		PO BOX 1562	HOUSTON 77001
* LYNCH, C	GATOR'S ISLAND	STAR RT 1 BOX 624 A	ROCKPORT 78382
* MANTZEL, T	WATERFALL RANCH	2500 FT WORTH NATIONAL BANK B LDG	FT WORTH 76102
* MORROW, JE		5405 EAST BELKNAP	HALTOM CITY 76117
* SAN ANTONIO ZOOLOG SOC	SAN ANTONIO ZOO GARAG	3903 N ST MARY'S ST	SAN ANTONIO 78212
* SEA ARAMA MARINEWORLD		PO BOX 3068	GALVESTON 77551
* SOUTH TEXAS ZOOLOGICAL SO CIETY	TEXAS ZOO	110 MEMORIAL DR	VICTORIA 77901
* SPRING LAKE PARK ZOO		PO BOX 1967	TEXARKANA 75501
* TESKA, J	SNAKE FARM	RT 6 BOX 487	NEW BRAUNFELS 78130
* TOWN OF PECOS CITY		PO BOX 929	PECOS 79772
* WALKER, WE	ZOOLAND PETTING ZOO	PO BOX 3704	ODESSA 79760
* WILD ANIMAL INTERNATIONAL		RT 5 BOX 22	BRYAN 77801
	UTAH		
***			
* ADANAC FILM PROD LTD		BOX 200	OAKLEY 84055
* CITY OF LOGAN	KILLOK PARK ZOO	PO BOX 527	LOGAN 84321
* DAVIS, J	NO AMERICAN WILDLIFE FARM	BOX 325	LEHI 84043
* GLENDILL, J	BIG ROCK CANDY MT RESORT		MARYSVALE 84750
* HOGLE ZOOLOGICAL GARD		PO BOX 8475	SALT LAKE CITY 84108
* LAGOON CORP	WILD KINGDOM TRAIN	PO BOX N	FARMINGTON 84025
* SUN INTL MOV AN HAVEN		BOX 231	SPRINGDALE 84767
* WASATCH WILDLIFE		RT 1 BOX 6466	HEBER CITY 84032
	VERMONT		
***			
* SANTA'S LAND INC.		RT 5	PUTNEY 05346
* TRUSTEES, VT VETS HOME		325 NORTH ST	BENNINGTON 05201
	VIRGINIA		
***			
* CITY OF HAMPTON	BLUE BIRD GAP FARM		HAMPTON 23669
* CITY OF NORFOLK	LAFAYETTE ZOOLOGICAL PARK	3500 GRANBY ST	NORFOLK 23501

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
		VIRGINIA—Continued	
* CITY OF STAUNTON		P.O. BOX 58	STAUNTON 24401
* G.A. COLEMAN CO. INC		916 MAIN ST	LYNCHBURG 24505
* KINGS MOUNTAIN		RFD 1&6	OOSWELL 23047
* MAYMONT FOUNDATION		1700 HAMPTON ST	RICHMOND 23220
* MILL MOUNTAIN ZOO, INC.		PO BOX 13&&8	ROANOKE 24034
* NATURAL BRIDGE ZOOLOGICAL PARK	NATURAL BRIDGE ZOO	BOX 117	NATURAL BRIDGE 24578
* PENINSULA NATURE & SCIENCE CENTER		592 J. CLYDE MORRIS BLVD	NEWPORT NEWS 23601
* PET-A-PET FARM PARK INC		1228 HUNTERMILL RD	VIENNA 22180
* WALTERMYER, RD	ALL STAR ANIMAL ATTRACTIONS	PO BOX 182	TROUTVILLE 24175
* WILSON, SH	WILSON'S PET FARM	RT 1 BOX 272-A	WINCHESTER 22601
		WASHINGTON	
***			
* BETTS, B		36201 KIT CORNER RDS	FEDERAL WAY 98003
* DAILY, ME		N7120 SMITH	SPOKANE 99207
* LORD WOLF FOUNDATION	LORD LAND USA	PO BOX 344	GARDINER 98334
* METRO PARK DIST TACOMA	POINT DEFIANCE ZOO	POINT DEFIANCE PK	TACOMA 98407
* NIEMELA		RT 1 BOX 838A	SEQUIM 98382
* NORTHWEST TREK			EATONVILLE 98328
* OLYMPIC GAME FARM		RT 3 BOX 903	SEQUIM 98382
* PEDERSEN, D		PO BOX 26	GRAHAM 98338
* WOODLAND PARK ZOOLOGICAL GAR		5500 PHINNEY AVE N	SEATTLE 98103
		WEST VIRGINIA	
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* FOSTER, JM	HAWKS NEST ZOO		ANSTEAD 25812
* RIDER, JR	PINDEROSA ZOO	RT 2 BOX 148	PAINTELLE 25962
		WISCONSIN	
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*	LACROSSE COUNTY FARM	WEST SALEM ROD & GUN CLUB	WEST SALEM 54669
* BLOM, ME	FINN'S INN	RT 2 BOX 273F	LADYSMITH 54848
* CARLTNO, CJ		RT 2	OXFORD 53952
* CARSON INTERNATIONAL INC	HONEY BEAR FARM		POWERS LAKE 53159
* CHEVTER WF	CHEVERTER'S BAIT SHOP	RT 5 BOX 45	CHIPPEWA FALLS 54729
* CITY OF MARSHFIELD	WILDWOOD PARK & ZOO	112 E 2ND ST	MARSHFIELD 54449
* CITY OF OSHKOSH		215 CHURCH AVE	OSHKOSK 54901
* CITY OF RACINE	RACINE ZOOLOGICAL PARK	2131 N MAIN ST	RACINE 53402
* CITY OF WISCONSIN RAPIDS MUN ZOO		211-12TH AVE SOUTH	WISCONSIN RAPIDS 54494
* DAVID A HELLMAN FOUNDATIO N, INC	RANCH PETTING ZOO	PO BOX 502	MENOMONEE FALLS 53051
* FAWN-DOE-ROSA			ST. CROIX FALLS 54024
* FRANZEN N		RT 1, BOX 195	RIPON 54971
* HANSEN, RH	FAWN DUE RUSH	BOX 328	ST CROIX FALLS 51624
* HENRY VILAS PARK ZOO		500 SO RANDALL AVE	MADISON 53715
* HINDERHULTZ, M & PFEIL, J R, R		GLEN FLORA 54526	RACINE 53406
* IRVINE PARK ZOO	CITY OF CHIPPEWA FALLS	JEFFERSON AVE	CHIPPEWA FALLS 54729
* TSENRING, L&D	BLACKHAWK RIDGE	PO 92	SAUK CITY 53583
* JO-DON FARMS INC		1834 E OAKWOOD ROAD	OAK CREEK 53154
* JOHNSON, LO		106 HIGHLAND AVE	HARTLAND 53029
* JOHNSON, N		RT 2	POYNETTE 53955
* LAKESIDE PARK ZOO		76 EAST 2ND ST	FOND DU LAC 54935
* LAYMAN, H&S	BAMBILAND	BOX 494	MERCER 54547
* MILWAUKEE COUNTY ZOO		10001 WEST BLUEMOUND RD	MILWAUKEE 53226
* NELSON, AC		233 KEDZIE ST	MADISON 53704
* OCHSNER PARK		903 PARK ST	BARABOO 53913
* POWERS, R	P.A.W.S.	15393 W GRANGE AVE	NEW BERLIN 53151
* SEIDON, A	MURRY HILL ENTERPRISES	RT 5 BOX 9	BURLINGTON 53105
* WARDONNET ZOO INC		STAR RT-BOX 69	HAZELHURST 54331
* WETSER, A		RT 3	HAYWARD 54843
* WILKINSON GIFT SHOP INC			WASCOTT 54890
		PUERTO RICO	
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* AMADOR, FJ	EL ARCA DE NOE	BOX 94	GUERRADILLAS 00742
* CONGREGACION MITA, INC		DUARTE ST235	HATO REY 00917
* FAMILANDIA INC		PO BOX 633	YAUCO 00768
* HERNANDEZ, JV	MINI-ZOO	BOX 171	MOCA 00716
* LEONELLI, RD	KIMBA SHOW	905 ALONDRA ST	RIO PIEDRAS 00924
* MARCAN, FW		818 13TH AVE	GREEN BAY 54304
* MONDFORD ANIMAL PARK		BOX 1345	CAROLINA 00630
* OCEAN PARK PARK AQUARIUM		ROCA DE CANGREJOS	SAN JUAN 00914
* ROSADO, FV	MINIPARQUE SAFARI	RUZON H-32	JAYUYA 00664
* SAFARI PARK INC		BOX 777	RAYAMON 00619

[FR Doc. 78-5758 Filed 3-6-78; 8:45 am]

federal register

TUESDAY, MARCH 7, 1978
PART III



DEPARTMENT OF TRANSPORTATION

Urban Mass Transportation Administration

■

POLICY TOWARD RAIL TRANSIT

[4910-57]

DEPARTMENT OF TRANSPORTATION

Urban Mass Transportation Administration

POLICY TOWARD RAIL TRANSIT

AGENCY: Urban Mass Transportation Administration, Department of Transportation.

ACTION: Statement of policy.

SUMMARY: This Statement is issued to clarify the Department's policy toward urban rail transit investments and to furnish applicants and the public with a more explicit statement of principles and procedures governing the evaluation and award of Federal grants for the design and construction of rail transit facilites.

EFFECTIVE DATE: March 7, 1978.

FOR FURTHER INFORMATION CONTACT:

C. Kenneth Orski, Associate Administrator for Policy and Program Development, Urban Mass Transportation Administration, 400 Seventh, SW., Washington D.C. 20590.

SUPPLEMENTARY INFORMATION: On September 22, 1976 the Department issued a Statement of Policy outlining the considerations and procedures it intended to follow in approving grant awards for the design and construction of major mass transportation investments (41 FR 41512). The aim of those guidelines was to improve the quality of the local transit planning process and to promote the development of soundly conceived, cost-effective and economically viable fixed guideway transit systems.

To this end, the policy statement promulgated an "alternatives analysis" requirement and set forth certain principles that should guide the planning and design of major transit projects. Key among these principles was the requirement to consider combinations of transit modes and technologies appropriate to the needs of specific corridors; the need to plan and construct fixed guideway systems incrementally; and the need to support new facility construction with complementary transportation system management (TSM) actions.

Since the issuance of the policy statement the Department has adopted a nunber of additional principles and procedures aimed at ensuring the sound conception and execution of Federally-aided rail transit projects. These principles and procedures are contained in the following supplementary Statement of Policy. It is hoped that the publication of this statement will contribute to a better public understanding of the Federal position on rail transit and serve to convey the Department's resolve to promote the future development of this mode in an orderly, effective and prudent manner.

Issued on: February 28, 1978.

BROCK ADAMS,
Secretary.

RICHARD S. PAGE,
Urban Mass Transportation Administrator.

POLICY TOWARD RAIL TRANSIT

For purposes of this policy statement "rail transit" means all forms of rail passenger transportation serving metropolitan areas. It includes "rail rapid transit", "light rail" and "commuter (or regional) rail" technology operating on surface, elevated or subsurface rights-of-way. The definition excludes busways and "people movers" or other types of automated guideway technolohy (AGT), although similar rigorous standards are also applicable to those investments.

"Rail lines" means both extensions to existing metropolitan rail systems and initial segments of new urban or metropolitan rail systems.

I. THE RATIONALE FOR FEDERAL SUPPORT OF RAIL TRANSIT

Rail transit possesses certain qualities and attributes which make it suitable in certain circumstances and inappropriate in others. Thus:

Rail transit is a highly efficient carrier of large numbers of people, and in heavily traveled corridors it is a cost-effective transportation solution. However, the number of such corridors is limited. They are likely to be found mostly in densely populated cities that possess well-defined core areas containing large concentrations of employment and retail activities. In the newer metropolitan areas that have grown in the past fifty years and have been shaped by highways, travel patterns are more diffuse and fewer trips begin or end in the city center. These cities are likely to have fewer corridors whose traffic density is sufficient to warrant rail transit service. Nationwide, therefore, there is a fairly well-defined limit to the number of rail projects that could be justified as meritorious and deserving of Federal support in the foreseeable future.

Rail transit can vary considerably in the type and level of service, performance capabilities, design characteristics and costs. While rapid transit or commuter rail service can be justified only in very intensively used corridors, light rail transit could be an appropriate solution in corridors at the lower end of the traffic density spectrum.

Careful, site-specific planning and analysis is, of course, necessary to determine whether rail transit is warranted and, if warranted, what type of rail technology and service is most appropriate.

Rail transit can be a supportive tool of urban revitalization. When properly coordinated with land use planning and real estate development, rail investment can help rejuvenate declining core areas, increase the city's tax base, create a more attractive investment climate and promote a more efficient, livable urban environment. For older urban centers rail transit can thus be part of a strategy to arrest center city decline and stimulate economic recovery. For newer, auto-based cities, on the other hand, with multiple growth centers scattered throughout the metorpolitan area, an efficient bus system may be the most effective means of maintaining urban mobility and a healthy urban economy.

Rail transit has a demonstrated capacity to influence patterns of development and foster more intensive uses of land. Many decades after streetcars went out of existence one can still trace their routes by the higher density corridors they created, often from undeveloped land. While today rail facilities are less effective in shaping land use, because automobiles have given people much greater freedom to live and work where they choose, evidence shows that, when supported by appropriate zoning policies and development incentives, rail transit can still exert a strong shaping influence on the patterns of urban growth. To the extent that it can foster higher density, clustered development, rail transit can be a means to more efficient forms of urban settlement and an instrument of long range energy conservation efforts.

In short, rail transit is and will continue to be a valuable form of urban transportation in selected circumstances, provided that local public and private leaders and interests recognize and learn to exploit its unique contributions. In particular, rail transit should be viewed as part of a strategy to promote broader national purposes. Its effectiveness should be measured not just in terms of its ability to move people, but in terms of its positive influence on the urban economy and on the long term patterns of urban growth. Specifically, rail transit can help in our nation's efforts to revitalize distressed cities and prepare the way for a gradual transition to an energy-constrained future.

In light of the above, the Department intends to pursue the following policy toward rail transit investment:

The Department will continue to finance the construction of new rail lines and extensions to existing rail systems in those urban corridors whose population densities, travel volumes and growth patterns indicate a need for high-capacity, high-performance mass transportation service. In making decisions on initial rail segments, preference will be given to corridors serving densely populated central portions of metropolitan areas, including central cities and close-in suburbs.

Preference will also be shown to metropolitan areas which view rail transit investment as part of a long-term regional strategy to protect the environment, conserve energy, promote urban economic development and support orderly patterns of metropolitan growth.

Localities building or planning to build new rail lines or extensions to existing systems with Federal assistance will be required to commit themselves to (1) the development of a financial plan to meet capital and operating expenses; and (2) a program of local supportive actions to enhance the project's cost-effectiveness, patronage and prospect for economic viability. Such actions may include: zoning and other incentives that stimulate private real estate development around transit stations; provision of coordinated feeder services and adequate parking facilities at transit stations to expand the service area of the rail system; local land use plans and policies that are compatible with the objectives of the rail investment; and pricing and regulatory measures designed to manage automobile use during peak hours in corridors where rail service is to be introduced.

II. CONTROLLING THE COST AND INCREASING THE EFFECTIVENESS OF RAIL TRANSIT

The Federal Government has a strong obligation to ensure that the Federal assistance dollars are spent prudently and with maximum effectiveness. To this end the Department will adhere to the following set of policies, which will apply to all rail transit proposals:

1. Any approval of a rail transit proposal must be preceded by a federally ratified, rigorous analysis of alternatives which considers rapid transit, light rail, busway, people mover and transportation system management (TSM) options. *Applicants will be required to show clearly and convincingly the need for partially or fully grade-separated transit service and to demonstrate that the proposed transit solution is, on balance, superior to other options* in terms of ridership, capital and operating expenses, transportation service, and environmental, urban revitalization and energy conservation objectives.

2. *Urban areas will have to demonstrate a compelling need for high-capacity, high-performance transit service in order to obtain Federal assistance for rail rapid transit.* Light rail transit operating partially or fully on surface rights-of-way, may offer a substantially less costly, less disruptive and more flexible rail transit option, and should be seriously considered, especially in places where extensive underground or elevated construction would otherwise be required.

3. Where the long range plan of a metropolitan region calls for the construction of an area-wide network of rail lines, *the Department will require that the system be approved and built in stages—one segment at a time.* Federal financial support will be limited to such staged projects. This incremental approach to construction of urban rail transit is aimed to ensure that the burden of financing the system is spread out in time, that high volume corridors receive priority attention, that benefits of the public investment begin to accrue as soon as possible, and that maximum flexibility is preserved to modify the system in response to advances in technology, changes in growth patterns, and other unforeseen circumstances. Each successive line segment will normally be subject to a further alternatives analysis. This analysis must contain an assessment of the effectiveness of the initially funded segments in reaching stated objectives and a method for identifying and correcting problems encountered in the construction or operation of those line segments. This policy aims to encourage the construction of the most cost effective segments first, and to discourage localities from relying on a continued flow of federal funding to complete unworthy or marginally justified segments of a system.

4. *The Department will give preference to initial rail segments serving densely populated central portions of metropolitan areas including central cities and close-in suburbs.* This policy is designed to target Federal transit investment on areas with the greatest potential payoff in terms of ridership, relief of congestion, help to transit dependents and positive real estate development and revitalization impact.

5. *Localities proposing to build rail transit with Federal assistance will be required to commit themselves to the development and implementation of a program of local supportive policies and actions designed to enhance the proposed system's cost-effectiveness, patronage and prospect for economic viability.* The Department will require evidence of reasonable progress in carrying out this program of supportive policies as a condition of initial and subsequent construction funding approvals.

The supportive actions shall include the following:

Zoning policies and development incentives to stimulate high density private real estate development around selected transit stations;

Land use plans that support or reinforce the developmental impact and shaping influence of the rail transit system;

Station area improvements in the form of plazas, malls, walkways, open spaces and other pedestrian amenities that might help reverse the physical deterioration of the central business district or revitalize declining residential neighborhoods;

Coordinated bus and/or paratransit feeder services to the rail system, especially in low density suburban areas;

Adequate parking and other mode transfer facilities at suburban transit stations;

Pricing, regulatory or traffic control measures aimed at managing the peak-period use of automobiles with rail corridors (e.g., traffic metering, tolls, higher parking fees, elimination of employer-subsidized parking).

6. *The Department will require localities to develop realistic estimates of future operating expenses and to identify and reach a local concensus on the specific means of funding these expenses.* In particular, the Department will require, as a condition of Federal capital assistance, the development of a stable and reliable source of local revenue to cover operating deficits.

7. *Construction grant contracts will be negotiated with a fixed ceiling on the federal contribution,* subject to a defined method of adjustment for inflation. Localities will be required to complete the project as defined, and absorb any additional costs incurred, except under certain specified extraordinary circumstances.

8. The Department will strengthen its role in monitoring projects during the planning and design stages in order to prevent over-design, the introduction of unnecessary embellishments, and the use of untested technologies, subsystems and components which might adversely affect system performance and future operating and maintenance costs.

III. PROCEDURES FOR THE APPROVAL OF RAIL TRANSIT AND OTHER MAJOR FIXED GUIDEWAY TRANSIT INVESTMENTS

The Department's procedures for the approval of major capital grant requests are governed by the Statement of Policy on "Major Urban Mass Transportation Investment" published in the FEDERAL REGISTER on September 22, 1976, as supplemented by the following clarifications:

1. Explicit UMTA authorization must be obtained by any locality wishing to undertake the detailed phase (Phase II) of alternative analysis.

2. After a locality has completed an alternatives analysis and an environmental impact analysis, the Department will review the analysis to determine whether a clear and convincing case has been made for a major capital investment, i.e., a partially or fully grade-separated fixed guideway project. If DOT concludes that a persuasive case for investment has been made, it will approve a preliminary engineering grant to develop a more precise specification of the selected alter-

native and an estimate of its expected cost. Approval of the preliminary engineering grant will not imply any commitment to finance construction of the project. This will be made clear in the letter to the grantee.

3. If, after a careful review of the preliminary engineering data, the Department determines that the project warrants Federal support, a formal pledge, to be called a "letter of intent," will be issued to the locality. This letter will (1) fix the total amount of the Federal contributions, subject to a defined method of adjusting for inflation; (2) include a mutually agreeable schedule for anticipating Federal contributions during the life of the project; and (3) require the locality to complete construction of the project as defined, and to absorb any additional cost incurred, except under certain specified "extraordinary" circumstances.

4. Specific annual contributions under the letter of intent will be made subject to the availability of appropriations and the ability of the grant recipient to use the funds effectively.

5. The sum total of all the pledges will be a basis for estimating the DOT's 5-year discretionary grant assistance requirements and its authorization request to Congress, and for guiding DOT's multi-year programming effort. However, the Department will limit the issuance of letters of intent so that the sum of annual payments under them does not exceed the total appropriation authorizations enacted for each future year by the Congress, after allowing sufficient amounts in each of those years to cover projected costs of the standing bus and rail modernization programs.

6. Preliminary engineering grants and letters of intent will be reported annually to the Authorization and Appropriation committees of the Congress.

7. During the transition to the new authorization/budget system, however, no letters of intent will be issued until new appropriation authorizations have been approved by Congress.

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federal register

TUESDAY, MARCH 7, 1978
PART IV



DEPARTMENT OF AGRICULTURE

Science and Education Administration

■

PLANT BIOLOGY AND HUMAN NUTRITION

Competitive Grants for Basic Research

[3410-22]

DEPARTMENT OF AGRICULTURE

Science and Education Administration

PLANT BIOLOGY AND HUMAN NUTRITION

Competitive Grants for Basic Research

Notice is hereby given that pursuant to the authority contained in section 2 of the Act of August 4, 1965, Pub. L. 89-106, as amended by section 1414(b) of Pub. L. 95-113, the Science and Education Administration through its Competitive Grants Office (CGO) will award competitive grants for mission-oriented basic research in four areas of plant biology (biological nitrogen fixation, biological stress on plants, photosynthesis, and genetic mechanisms of crop impovement) and in human nutrition. Proposals may be submitted through their parent organizations by scientists associated with State Agricultural Experiment Stations, colleges and universities, other public or private research organizations, or Federal agencies.

A total of $15 million is available for such grants and necessary operational expenses during Fiscal Year 1978 (October 1, 1977-September 30, 1978). Of that amount, $5 million (less operational expenses) is reserved for human nutrition research. These competitive grants are in addition to the special grants administered by the Directorate for Cooperative Research (formerly Cooperative State Research Service), guidelines for which were published in the FEDERAL REGISTER of December 20, 1977.

The initial CGO staff currently is located in Rooms 404W/405W of the U.S. Department of Agriculture administration building, at 14th and Indpendence Avenues, Washington, D.C. (telephone 202-447-6040 or 202-447-6050). It is anticipated that, on or about March 6, 1978, the staff will move to the first floor, Rosslyn Commonwealth Building, 1300 Wilson Blvd., Arlington, Va. (opposite the Rosslyn Station of the Metrorail Blue Line).

Therefore, proposals in response to this notice should be submitted no earlier than March 15, 1978. Proposals received by April 15, 1978, will be considered for funding during Fiscal Year 1978.

Each proposal will be reviewed by a scientist serving as a CGO program officer, and by an assembled panel of scientists who constitute a spectrum of expertise for the category in which the proposal is reviewed.

Guidelines for these competive grants consist of four parts:

I. TYPES OF RESEARCH TO BE SUPPORTED IN FY 1978

II. PROPOSAL SUBMISSION

III. CRITERIA FOR THE SELECTION OF PROJECTS

IV. POST-AWARD ADMINISTRATION

Parts I through III are published in this Notice, which incorporates suggestions from various agencies of the U.S. Department of Agriculture (USDA), from liaison representatives of other Federal agencies and propective performing organizations, and from ad hoc committees on the plant sciences and on human nutrition.

Part IV will be the subject of a subsequent Notice.

Dated: March 1, 1978.

JAMES NIELSON,
Action Director,
Science and Education.

GUIDELINES FOR COMPETITIVE GRANTS

FOREWORD

For many years the U.S. Department of Agriculture (USDA) has conducted agricultural research in its various laboratories and has supported cooperative Federal-State efforts, largely through grants-in-aid to State Agricultural Experiment Stations with funds provided under the Hatch and McIntire Stennis Acts.

The National Agricultural Research, Extension, and Teaching Policy Act of 1977 (Title XIV of Pub. L. 95-113) firmly established the USDA as the lead agency in the Federal Government for the food and agricultural sciences, and emphasized that agricultural research, extension, and teaching are distinct missions of the Deaprtment. Among other things, it established a new program of grants for high-priority agricultural research to be awarded on the basis of competition. It stated the intent of Congress to augment, corrdinate, and supplement the planning, initiation, and conduct of agricultural research programs existing prior to the enactment of Title XIV.

Section 1414 of Pub. L. 95-113 amended the authority for awarding research grants contained in Pub. L. 89-106 and distinguished between "competitive" and "special" grants. Subsection 1414(b) states that competitive grants are for high priority research to further the programs of the Department. It emphasizes that, both in seeking research proposals and in performing peer review evaluations of such proposals, USDA should seek the widest participation of qualified scientists in the Federal Government, all colleges and universities, State agricultural experiment stations, and the private sector.

During Fiscal Year 1978, $15 million is available for competitive grants in areas critical to food production and human nutrition, described in Part I, below. The areas selected for initial support are ones which possess exceptional opportunities for discovery of knowledge vital to the basic understanding in important biological process and which can contribute to applied research on problems having great impact on food production and human nutrition.

In keeping with the recommendations of the June 1977 report to the Congress by the Office of Technology Assessment, and of the June 1977 report to the President of the National Research Council's World Food and Nutrition Study, the new USDA Science and Education Administration (SEA) includes a new Competitive Grants Office, organizationally separate from the former Agricultural Research Service, Cooperative State Research Service, and Extension Service. The competitive grants to be administered by this new Office are to complement the ongoing efforts of the USDA agencies and the States, by replenishing the storehouses of basic talent and knowledge in the food and agricultural sciences. It is hoped that these grants may result in:

- Additional scientists and research organizations investigating the fundamental processes needed to meet the rising demand for food and fiber;
- Increasing cooperation and coordination among performing scientists and organizations involved in the various stages of agricultural research and development;
- Improvements and innovations of investigative methodology in the food and agricultural sciences;
- Dissemination and diffusion of both technical results and standards of excellence;
- Significant future breakthroughs in food production and human nutrition.

I. TYPES OF RESEARCH TO BE SUPPORTED

The Competitive Grants Office will award research grants, on a competitive basis, to support basic research underlying the mission of the USDA as the lead Federal agency in food and agriculture. Basic research grants initially will be considered in selected areas of plant biology, and in certain areas of human nutrition which have been considered by a number of scientific groups to possess exceptional opportunity for fundamental scientific discovery and for contributing, in the long run, to applied research and development vitally needed on important food and nutrition problems. This grants program results from the recognition that new innovative approaches and enhanced levels of funding are needed as we seek ways to increase U.S. and world food production and to improve human nutrition.

During the initial year of the competitive grants program, consideration will be given to research proposals which address fundamental questions

in the six areas noted below and which are consistent with the long range missions of USDA. While a basic guideline for each of the six programs is provided to assist the scientific community in assessing their interest in the program areas and to delineate certain important areas where new information is vitally needed, the guidelines are not meant to provide boundaries or to detract from the creativity of potential investigators. Accordingly, it is hoped that innovative projects in the so-called "high risk" category as well as those which may have a higher payoff potential will be submitted.

Clinical research, action or demonstration projects, or research requiring security classification will not be supported. No funds will be provided for the construction or major alteration of facilities, although a modest amount of funds may be approved for needed minor renovations or alterations.

The following guidelines are thus provided as a base from which proposals may be developed.

A. Plant Biology

1. *Biological nitrogen fixation.* The most commonly limiting nutrient for plant growth is nitrogen. Normally, nitrogen fertilizer also represents the largest single energy input involved in cropping. Thus, the enhancement of biological nitrogen fixation capacity in plant-soil microbial associations is of major importance. Research aimed at understanding nitrogen fixing mechanisms in both symbiotic and free living organisms is of high priority. In general, the objectives of this program include building a foundation of basic information concerning nitrogen fixation as it relates to enhancing the process in currently known systems and in providing a base for developing new nitrogen fixing associations, by genetic transfer or other means, for crop species not now possessing such capability.

Examples of research areas encompassed in this program include: (a) Structure and mechanism of action of nitrogenase; the regulation of nitrogenase activity and synthesis; the relationship between nitrogenase and hydrogenase activities in nitrogen fixing organisms; (b) energetics of the nitrogen fixation process including competitive processes within the plant; (c) infection by Rhizobium and conditions for effective nodulation; bases of the recognition process between symbiotic organisms; factors controlling symbiont specificity; (d) identification of additional organisms capable of nitrogen fixation and quantitation of their contribution; and (e) transfer and utilization of the fixed nitrogen; relation between the fixation process and the processes of assimilation.

Emphasis in program priorities will be on innovative approaches which may contribute to a thorough understanding of biological nitrogen fixation encompassing biochemistry, cellular and developmental biology, genetics and genetic manipulation, and other relevant life science disciplines.

2. *Photosynthesis.* There are many indications that crop productivity may be increased through basic research leading to increased photosynthetic efficiency of crop plants. In order to increase our knowledge of the photosynthetic and associated carbon metabolism processes which could assist in reaching that objective, expansion of research is needed, but not exclusively, in three major subareas: (a) The identification of aspects of photosynthesis which limit the conversion of solar energy into stable chemical products which include such areas as the mechanisms of energy capture and conversion, structure and regulation of the photosynthetic apparatus, CO_2 fixation, photorespiration and dark respiration; (b) the relation of plant development to photosynthesis including the development of photosynthetic competence, translocation and partition of photosynthetic products and attendant energetic considerations, and design of whole leaf and whole plant structures best suited for photosynthetic productivity; and (c) the design of new methods of genetic and cellular manipulation to improve photosynthetic efficiency in plants to include studies of the chloroplast genome, of nuclear genes regulating photosynthesis, and the application of a wide spectrum of techniques that may be used as screening procedures for use in acquiring improved yield. However, research designed to generate new information in areas that relate to photosynthesis and its accompanying processes in the context of the objectives of the program may be considered a part of this area.

3. *Genetic mechanisms for crop improvement.* The major aim of this program is to encourage cellular and molecular research directed to the development of genetically superior varieties of agricultural crops. The approaches should be aimed at obtaining novel genetic combinations or gene modifications difficult or impossible to achieve using conventional techniques of plant breeding. This research program thus will emphasize the following: (a) Cell culture studies including the regeneration of plants from single cells, cell/protoplast fusion, mutagenesis, and incorporation of foreign DNA, chromosome or organelle; (b) development of effective cellular and molecular methods for identification of plant characteristics or genes which are significant targets for genetic manipulation; (c) development of methods for producing, selecting and transferring desired genetic traits; and (d) acquisition of basic information on plant gene expression to facilitate application to plant improvement. These guidelines are not meant to exclude other innovative or unique genetic approaches to crop improvement.

4. *Biological stress on plants.* Plants are exposed to many stresses that may adversely affect their productivity and usefulness to man. Initially this grants program will focus on stresses on plants arising from their interactions with other plants or with other biological agents such as insects, nematodes, and microorganisms. Its aim is to enhance our understanding of how such interactions generate stresses in plants and how the stresses damage plants. The ultimate goal is to reduce losses in plant productivity from damage caused by biologically generated stresses. The program will emphasize studies on (a) how stressful interactions are established between plants and other biological agents, (b) how such interactions are influenced by environmental and other factors inherent to the interacting organisms, (c) how the interactions reduce plant productivity and usefulness to man, (d) how plants react to stresses generated by such interactions, and (e) how damage from such interactions may be reduced or eliminated. The interactions may be studied at any number of levels; i.e. population, organismal, and molecular; and by various approaches including genetics, molecular biology, and biochemistry. This would not exclude studies on plants apart from their interacting partners, or on biological agents apart from their target plants and their interrelations with other organisms in their environment. However, such studies should provide information that will help explain the capabilities of the plant and other organisms for participating in the interactions. A key to the program will be the identification of new approaches to reduction of plant stress caused by biological agents, approaches that will be both effective and compatible with social and environmental concerns.

B. Human Nutrition

Proposals are invited in the following two subject matter areas. Support will not be provided for clinical research nor for demonstration and action projects.

1. *Human requirements for nutrients.* Research in this program is intended to contribute to the improvement of human nutritional status by increasing our understanding of requirements for nutrients in relation to different patterns of food intake. The objective is to support basic, creative research that will help to fill gaps in the knowledge about nutrient requirements, bioavailability, the interrelationships of nutrients, and the nutritional value of foods that are consumed in the U.S. Innovative ap-

proaches designed to improve methods of research and investigation that will increase the reliability and validity of research results will be given special consideration.

2. *Behavioral factors affecting food preferences and buying habits.* Research in this area should focus on the basis behavioral factors which relate to food preferences and habits with emphasis on identifying and analyzing the demographic, cultural, social, institutional and economic variables and conditions determining consumer behavior. Development of methodology for identifying and measuring such behavioral relations and their interactions will be basic to significant progress in this area of research.

II. PROPOSAL SUBMISSION

A. Proposal Purpose

The purpose of a proposal is to persuade the CGO staff and reviewing peer scientists that the proposed project is feasible and sufficiently meritorious to warrant support under the criteria enumerated in Part III. It should be clear, concise, and technically correct, but sufficiently inclusive to cover the:

Overall objectives and long-term goals of the project
Relationship of the research to other previous and current investigations
Relevance and significance of the work to long-range improvements in the food and agricultural sciences
Suitability and feasibility of proposed approaches and methodology
Qualifications of the investigator and supporting staff
Adequacy of facilities, equipment, and instrumentation
Level of funding needed from USDA

B. Who May Submit Proposals

Unsolicited proposals for support under the competitive grants program may be submitted through their parent organizations by scientists associated with State Agricultural Experiment Stations, colleges and universities, other public or private research organizations whether or not operating for profit, or Federal agencies. Proposals from scientists at non-U.S. organizations will not be considered for support. Only in special situations, where it can be demonstrated that a proposed project will contribute directly to breakthroughs in the food and agricultural sciences, will proposals from unaffiliated scientists be given favorable consideration.

C. When and Where to Submit

Unsolicited research proposals may be submitted at any time after March 15, 1978 to:

Competitive Grants Office, USDA/SEA, 1300 Wilson Blvd., Room 129, Arlington, Va. 22209, Attention: ———— Program.

Proposals must be received by April 15, 1978, to be considered for funding during fiscal year 1978.

If copies of the proposal are mailed in more than one package, the number of packages should be marked on the outside of each. The acknowledgment of receipt of the proposal will contain a control number, and identify the cognizant CGO program. Later inquiries, addenda, revised budgets, etc. should be addressed to the cognizant program office and reference the CGO control number.

D. What to Submit

The grant proposal should be prepared on standard sized paper (no larger than 8½"x11"), range from 8-12 single spaced pages in its text, with pages numbered at the bottom, and printed only on one side of each sheet. Twenty copies of the proposal, including a signed original, are required for review by the staff and by peer scientists.

Complete proposals, arranged in a standard sequence, help to expedite review and assist the applicant to meet a planned program. General instructions for the various parts of the proposal are contained in succeeding sections F through L. To assure that research proposals submitted to the CGO are complete, an administrative check should be made prior to mailing, to ensure that the following is included, in the sequence indicated:

Cover page
Project summary
Project description
Vitae and bibliographies
Budget
Current and pending support
Appendices (if any)

In addition to submitting proposals for support of specific projects, each prospective performing organization should submit, on a one-time basis, the organizational information and assurances contained in Appendix III.

E. Considerations in Submitting Proposals

A number of situations frequently encountered in the conduct of research require special information and supporting documentation before funding can be approved for the project. Among these are the following, some mandated by Federal law:

1. Research which has an actual and/or potential impact on the environment;
2. Research by a U.S. investigator at a non-U.S. site;
3. Research at a registered historic or cultural property;
4. Research involving the use of in vitro generated recombinant DNA molecules;
5. Research involving the use of human subjects, hazardous materials, or laboratory animals.

The proposal should address each relevant item and provide information on the status of any special permissions, clearances, or provisions. Further, before submitting a proposal, the endorsing administrative official should ensure that:

1. The proposed project is consistent with the policies and goals of the submitting organization;
2. The organization can make available the necessary facilities, general purpose equipment, special purpose equipment, and services for the conduct of the project;
3. The organization can make available the necessary personnel for tha amounts of time estimated to be required;
4. The organization has legal authority to accept grants and the requisite policies, procedures, and personnel to meet the standards shown in Appendix III;
5. The total costs estimated to be required for the conduct of the project are reasonable and there is a plan for meeting such costs either from grant funds or from some other source;
6. The costs which CGO is being asked to support are allowable and the treatment of direct or indirect costs in the proposal budget is consistent with Federal cost principles and with the policies of the submitting organization.

If the submitting organization does not already have an indirect cost base and rate recognized by USDA or by the cognizant Federal negotiating agency, an indirect cost proposal should be separately submitted to the Grants Officer, CGO.

If not previously done, the submitting organization should also separately furnish the organizational information and assurances contained in Appendix III.

F. Cover Page

1. *Purpose.* The format for the cover page to be placed on top of each proposal to CGO is illustrated in Appendix I. It serves four purposes:

(a) Provides basic data for statistical purposes;

(b) Flags research involving special considerations, such as those enumerated in E, above;

(c) Contains necessary assurances and acceptances, and

(d) Expedites referral to the appropriate program.

2. *Format.* Attachment M to OMB Circular A-110 prescribes a standard form (SF 424) for use in programs covered by Part I, Attachment A to OMB Circular A-95 and for grant-in-aid reporting required by Treasury Circular 1082.

The CGO programs of competitive grants are intended to stimulate and support basic research in the plant sciences and human nutrition. Such research is national in scope, is not designed to meet the needs or address

the problems of a particular State, area, or locality, does not include demonstration or pilot research projects which might have an impact on local communities or areas, and does not involve capital construction. Therefore, CGO projects are not subject to the Project Notification and Review System procedures of OMB Circular A-95. Further, CGO grants are awarded directly and on similar terms to all qualifying organizations, whether public or private. They are not grants-in-aid to States or political subdivisions for which Reports of Federal Action are required under the provisions of Treasury Circular 1082.

Therefore, CGO does not require the use of the standard form. Nor does it provide an "application kit." Instead, CGO prescribes a cover page designed to present key infirmation in optimum format both for the purposes outlined above and for compatibility with the Department's Current Research Information System (CRIS), by means of which the progress of ongoing research projects is made readily avialable to the scienfific community.

3. *Instructions.* If the proposing principal investigator believes that the project would be of special interest to a particular one of the program areas described in Part I, referral to that program can be expedited by inserting "Attention: ———— Program" immediately below the cover page heading.

Instructions for other items to be inserted in the format illustrated in Appendix I follow:

(a) *Submitting organization.* The name and address of the performing organization should include any relevant branch or component title. Normally, if a grant is awarded in support of the proposal, it will be made to performing organization. In the event that the organization which will be legally and financialy responsible and accountable for the use and disposition of any funds awarded is different from that of the organzation under whose auspices the research will be performed, the name of such prospective grantee organization should be separately listed. List the complete address of the grantee organization, its employer identification (IRS) number, and the Congressional District in which the headquarters is located.

For statistical purposes the type of performing organization should be idenfified as follows:

State Agricultural Experiment Station—"SAES."
Land Grant College or University—"1862" or "1890."
Other College or University—"Public University," "Private University," etc.
Other Federal, State, or local agency—show "Federal," "State," etc.
Other organization—show type, and if nonprofit, so indicate.

(b) *Project title.* The title of the proposed research should be brief, scientifically valid, intelligible to the nonscientist, and suitable for use in the public press. For compatibility with the Department's Current Research Information System (CRIS), titles must be not more than 100 typewriter spaces long (including punctuation and spaces between words), and preferably 80 spaces or less. Phrases such as "research on." "investigation of," etc. should be avoided.

(c) *Principal investigator.* List the name of the scientist who will be responsible to the performing organization for the scientific or technical direction of the proposed project. Normally only one individual should be so designated. In the event that more than one scientist shares equal responsibility, no more than one principal investigator and two co-principal investigators may be listed, for compatibility with CRIS. Please list last name first, followed by first name and middle initial. Indicate the staff position, or if more than one staff position is held, show the one most relevant to the proposed research, e.g., Professor of Biochemistry, Director of Laboratory, etc. List the departmental affiliation and address if different from that of the grantee organization. Enter the telephone number (including area code) at which the principal investigator usually can be reached.

(d) *Proposed project period.* The lenght of time for which support is requested should be consistent with the nature and complexity of the proposed research. Normally competitive research projects will be supported for periods of up to three years, but support may be provided for periods up to five years. The means by which support may be provided beyond the initial year is under consideration.

Specification of a desired starting date for the research is important and helpful to the staff. Normally the desired starting date should be at least six months subsequent to the time the proposal is submitted, to allow for peer evaluation and decision. If the project is judged sufficiently meritorious to warrant USDA support, within the limitations of available funds, the effective date of the grant will be established on or before the desired starting date, if practicable. Grant funds may not be expended by the institution for any costs associated with the project before the effective date designated in the grant instrument.

(e) *Amount requested.* As indicated in section J, concerning the budget, the SEA will reimburse grantee organizations for both the direct and indirect costs of projects selected for support. However, only the requested direct costs should be shown on the cover page. For multiple-year projects two figures should be shown: the direct cost amount requested for the entire project period (not to exceed five years) and the direct cost amount for the initial year.

(f) *Proposal type.* During fiscal year 1978, type the word "New" in item f, to indicate a proposed project not currently receiving support through a CGO grant.

(g) *Performance sites.* Please indicate where the research actually will be conducted. Commonly used abbreviations or acronyms will suffice. Example: "Performance Site: Botany Dept., Nutrition Lab., etc." If more than one site will be involved, please so indicate, showing city and State if this is not readily apparent.

(h) *Research involving special considerations.* Section E summarized research situations which require special information and supporting documentation before funding can be approved for the project. If special information or supporting documentation is involved, item h of the cover page should so indicate. Since some types of research targeted for CGO support have a high probability of involving either recombinant DNA molecules or human subjects, special instructions follow.

(1) *Research involving recombinant DNA molecules.* Principal investigators and endorsing grantee officials must comply with the guidelines of the National Institutes of Health published in FEDERAL REGISTER Vol. 41, No. 131, dated July 7, 1976. USDA will issue a "Notice Regarding Research Involving Recombinant DNA Molecules," instructing grantee organizations on the required Memorandum of Understanding and Agreement and Biohazards/Biosafety Committee Certification.

The cover page of each proposal must contain one of the following two statements:

"This project involves recombinant DNA research. It was approved by the institutional Committee on ————." or

"This project does not involve recombinant DNA research."

(2) *Research involving human subjects.* Safeguarding the rights and welfare of human subjects involved in research supported by CGO grants is the responsibility of the grantee. The informed consent of the individual is a vital element in this process. Guidance is contained in Public Law 93-348, as implemented by Part 46, Subtitle A of Title 45 of the Code of Federal Regulations, as amended (45 CFR Part 46).

The cover page of each proposal must contain one of the following two statements:

"This project involves human subjects. It was approved by the Institutional Review Board on ————. (is scheduled for review by the Institutional Review Board on ————)"

or

"This project does not involve human subjects."

If the project does involve human subjects at risk, the grantee must furnish CGO with a statement that the research plan has been reviewed and approved by the appropriate Institutional Review Board at the grantee organization, and that the grantee assures CGO that it will comply with DHEW policies, as amended, regarding the use of human subjects.

(i) *Principal investigator assurance.* The following statement should be inserted:

The undersigned agrees to accept responsibility for the scientific and technical conduct of the research project and for provision of required progress reports if a grant is awarded as the result of this proposal.

Dated: ————.

————,
Principal Investigator."

(j) *Certification and acceptance.* The following statement should be inserted and signed by an authorized official of the prospective grantee organization;

"The undersigned certifies that, if a grant is awarded, the above-listed organization will make available the necessary facilities, equipment, services, and personnel to conduct the project substantially as outlined in the proposal or such modifications thereof as may be mutually agreed and accepts the obligation to comply with the Science and Eduaction Administration Grant General Conditions is effect at the time of the award.

————
(Signature)

————
(Typed name and title)

————
(Date)

G. Project Summary

Immediately following the cover page should be a Project Summary, about a page or two in length, to focus on:

Overall objectives and project goals; Relevance and significance of the project; Scientific approaches.

The Project Summary is *not* intended for publication, so should be couched in language which will be meaningful to others in the field of science. If a grant is awarded in support of the project, the grantee organization will be furnished with a USDA "Project Description/Research Resume" (Form AD-416), for entry into the USDA Current Research Information System (CRIS). CRIS is a computer based information storage and retrieval system designed to provide ready access to information regarding on-going research projects being conducted by USDA, the State Agriculture Experiment Stations and other cooperating institutions, and by USDA grantees. Data on such projects, including annual reports of progress, are readily available world-wide to subscribers of the Lockheed DIALOG Service.

Please note that, if a grant is awarded, neither the phenomenon or phenomena under study nor the overall objectives and project goals stated in the project summary and project description, or agreed modifications thereto, may be changed without the prior written approval of CGO.

H. Project Description

The project summary should be followed by a more detailed statement of the research to be undertaken and how it will relate to the program objectives. Such a statement should include: objectives and expected significance; relation to the present state of knowledge in the field and to previous work done on this project and to related work in progress elsewhere; and a bibliography of pertinent literature. The general plan of work, including the design of experiments to be undertaken, should be described. An adequate description of experimental methods and procedures should be included. The project description should be a carefully prepared and self contained document. Brevity is desired but not at the sacrifice of important information needed for evaluation.

Reviewing groups are assisted materially in their evaluation of proposals when the project description is arranged under a uniform pattern of captions. They will consider the information provided as an example of the principal investigator's approach to a research objective and as an indication of ability in this area of scientific expertise. The principal investigator should prepare the project description according to the suggested outline insofar as possible.

1. *Introduction*—(a) *Objectives and goals.* State the overall objective(s) and long-term goal(s) of the proposed research.

(b) *Relationship to other research.* Review the most significant previous work, including your own, and describe the current status of research in this field. Document with references.

2. *Rationale and significance.* Present concisely the rationale behind the proposed research and list specific objectives for the total period of requested support. Show how these objectives relate to potential long range improvements in food production or human nutrition. What is the potential importance of the proposed research? Discuss any noval ideas or contributions which the project offers.

3. *Methodology.* Give details of the research plan, including a description of the experiments or other work proposed; the methods and techniques to be employed and their feasibility; the kinds of results expected; and the means by which the data will be analyzed or interpreted. Include, if appropriate, a discussion of pitfalls that might be encountered, and limitations of the procedures proposed. Point out any procedures, situations, or materials that may be hazardous to personnel and the precautions to be exercised.

Insofar as possible, describe the principal experiments or observations in the sequence in which it is planned to carry them out, and indicate, if possible, a tentative schedule of the main steps of the investigations within the project period requested.

4. *Facilities and equipment.* Describe the facilities available for this project including laboratories. List major items of instrumentation and equipment which reasonably could be made available by the parent institution for this research.

5. *Collaborative arrangements.* If the proposed project requires collaboration with other research organizations, describe the collaboration and provide evidence to assure the reviewers that the organizations involved agree. Indiciate specifically whether or not such collaborative arrangements might have the potential for any conflict of interest.

I. Vitae and Bibliographies

Vitae and bibliographies of the principal investigator, senior associates, and other professional/professorial personnel should be provided to assist reviewers in evaluating the competence and experience of the project staff. This section should include curricula vitae on all key persons who will work on the project, whether or not Federal funds are sought for their support.

Provide for each person a chronological list of the most representative publications during the preceding 5 years. List the authors in the same order as they appear on the paper, the full title, and the complete reference as these usually appear in journals.

J. Budget

1. *General.* A detailed budget, in the format of Appendix II, should be provided for the first year of the proposed project. Funds may be requested under any of the categories listed so long as the item is considered necessary to conduct the research. A less detailed estimate of funds requested for subsequent years, together with a total for the entire proposed project, should be provided. Section 2 of Pub. L. 89-106, as amended by Section 1414 of Pub. L. 95-113, states that these competitive grants shall be awarded without regard to matching funds by the recipient(s) of such grants.

2. *Instructions.* Instructions follow for the items to be inserted in the format illustrated in Appendix II:

(a) *Salaries and wages.* Salaries of the principal investigator and other

personnel associated directly with the research constitute appropriate direct costs in proportion to their effort devoted to the research. Charges by academic institutions for work performed by faculty members during the summer months or other periods outside the base salary period are to be at a montly rate not in excess of that which would be applicable under the base salary and to other provisions of section J. 7 to the cost principles for educational institutions (FMC 73-8).

The submitting organization may request that senior personnel salary data not be released to persons outside the government. In this case, the item for senior personnel salaries in the formal proposal may be expressed as a single figure and the man-months represented by that amount omitted. If this option is exercised, however, senior personnel salaries and man-months must be itemized in a separate statement, two copies of which should accompany the proposal. This statement must include all of the information requested in Appendix II for each person involved. The detailed information will not be forwarded to reviewers and will be held privileged to the extent permitted by law.

For research associates and other professional personnel, each position must be listed, with the number of full-time equivalent man-months and rate of pay (hourly, monthly or annual) indicated. For other personnel (graduate students, technical, clerical, etc.) only the total number of persons and total amount of salaries per year in each category are required. Salaries requested must be consistent with the regular practices of the institution.

Grant funds may not be used to augment the total salary or rate of salary of project personnel or to reimburse them for consulting or other time in addition to a regular full-time salary covering the same general period of employment. The performing organization is the grantee, and responsibility for work performed by a faculty member or any other employee under a grant rests with the grantee.

b. *Fringe Benefits.* If the usual accounting practices of the grantee institution provide that the organizational contributions to employee "benefits" (social security, retirement, etc.) be treated as direct costs, grant funds may be requested to defray such expenses as a direct cost.

c. *Total Salaries and Benefits.* Self-explanatory.

d. *Consultant Services.* Grantees normally are expected to utilize the services of their own staff to the maximum extent in managing and performing the activities supported by grants. Where it is necessary for a grantee to contract for the services of persons who are not its officials or employees, it is expected to do so in accordance with written organizational standards which provide for consideration of the factors outlined in the governing Federal cost principles.

If the need for consultant services is anticipated, the proposal narrative should provide appropriate rationale, and the Proposal Budget should estimate the amount of funds which may be required for this purpose. To the extent possible, consultant rates should show separate amounts for actual services and each of the components of the rate.

e. *Equipment.* Equipment is defined as an item of property which has an acquisition cost of $300 or more and an expected service life of 1 year or more. Organizations performing research with the support of a CGO grant are expected to have appropriate facilities, suitably furnished and equipped. Only under very unusual circumstances should grant funds be requested for office equipment and furnishings, air conditioning, automatic data processing equipment, or other "general purpose" equipment which is usable for other than research purposes.

Items of needed scientific equipment or instrumentation should be individually listed by description and estimated cost, and adequately justified. Allowable items ordinarily will be limited to scientific equipment and apparatus which is not already available for the conduct of the work. The purchase of each item of equipment costing $1,000 or more requires prior written approval by CGO which, where given, may be indicated on the grant budget or in subsequent correspondence.

If purchase or lease of expensive, special-purpose equipment having a unit acquisition cost exceeding $10,000 is planned, the proposal must contain a certification that the equipment (a) is essential and not reasonably available or accessible to the proposed project, and (b) will be subject to reasonable inventory controls, maintenance procedures, and organizational policies designed to enhance multiple or shared use on other projects if such use will not interfere with the project for which the equipment is being acquired.

f. *Materials and Supplies.* The types of expendable materials and supplies required should be indicated in general terms with estimated costs. Where substantial funds are requested there should be a more detailed breakdown.

g. *Travel.* The type and extent of travel and its relationship to the research should be briefly specified. Funds may be requested for field work or for travel, including subsistence, associated with the proposed research.

Travel in Canada, Puerto Rico, the United States or its possessions is considered domestic travel. All other travel is considered foreign. If foreign travel is planned in connection with the research, the proposal should include relevant information (including countries to be visited) and justification. Each foreign trip, not specifically authorized in the grant budget, must be approved in writing by the CGO in advance of the trip.

Allowances for air fare will not normally exceed round-trip jet economy air accommodations. Persons traveling under Federal grants must travel by U.S. flag carriers, if available, unless:

1. The traveler, while en route has to wait 6 hours or more and no U.S. carrier is available during this period.

2. The flight by a U.S. flag carrier takes 12 or more hours longer than a foreign carrier.

h. *Computer (ADPE) Costs.* The cost of computer services, including computer based retrieval of scientific and technical information, may be requested. A justification based on the established computer service rates at the proposing institution should be provided. Reasonable costs of leasing automatic data processing equipment may be requested, if justified.

i. *Publication Costs.* Costs of preparing and publishing the results of research conducted under the grant, including cost of reports, reprints, page charges or other journal costs, and necessary illustrations, may be included.

j. *Other Direct Costs.* Other anticipated direct costs not included above should be itemized. Examples are: space rental at research establishments away from the performing organization, minor alterations, and service charges. Reference books and periodicals may be charged to the grant only if they are related specifically to the research project. Proposed subawards should be disclosed in the proposal so that the grant instrument may contain prior approval, if appropriate. None of the research effort under a CGO grant may be contracted or transferred to another organization without prior CGO approval.

k. *Total Direct Costs.* Self explanatory.

l. *Indirect Costs.* The indirect cost rate negotiated by the performing organization with the cognizant Federal negotiating agency must be used in computing indirect costs for a research proposal. Determination of the appropriate indirect cost rate is dependent upon a combination of factors including but not limited to physical location of the work. The official responsible for Federal business relations should review this part of the proposal to see that it properly describes any particular factors which may have a bearing upon the indirect cost rate applicable to the project. If an organization has no established indirect cost rate it should consult the Grants Officer, CGO, who will establish liaison with

the cognizant Federal negotiating agency.

m. *Total Amount Requested.* Self explanatory.

K. Current and Pending Support

The proposal must list all current public or private research support, in addition to the proposed project, to which the principal investigator and other senior personnel have committed a portion of their time, whether or not salary for the person involved is included in the budgets of the various projects. The proposal must also provide analogous information for all proposed research which is being considered by, or which will be submitted in the near future to, other possible sponsors including other USDA programs.

If the project submitted for support has previously been funded from a source other than USDA, the items of information requested in the foregoing paragraph should be furnished for the immediately preceding funding period. This information will help the USDA analyze shifts in research support. Concurrent submission of a proposal to other organizations will not prejudice its review by CGO.

L. Appendices

The submission of appendix material instead of a fully developed proposal is not in the best interest of the applicant since each proposal is expected by the members of review committees and the staff to be complete in itself. Distribution of appendix material, other than for the records, is limited to the principal reviewers. In those instances where appendix material is necessary (as for example: photographs which do not reproduce well, and reprints or other especially pertinent material which are not suitable for inclusion in the proposal), 6 copies or sets, identified by title of the research project and name of the principal investigator, should accompany the proposal. If mailed separately, a copy of the cover page must accompany for identification purposes any appendix material that is submitted.

III. PROPOSAL REVIEW AND EVALUATION

A. Proposal Review

Research proposal received by CGO are acknowledged and assigned to the appropriate program for scientific evaluation. One copy is furnished to a grants specialist for preliminary review of conformance with government-wide policies. Proposing institutions or organizations which have not previously done so must furnish the basic organizational information and assurances prescribed by appendix III.

All proposals are carefully reviewed by a scientist serving as a CGO program officer and usually by three or more additional scientists who are expert in the particular field represented by the proposal. Program officers also obtain comment from assembled peer panels of scientists before recommending which proposals should be funded.

b. Criteria for Selection of Projects

The following criteria or factors are considered in the evaluation of competitive research proposals:

1. The scientific merit of the proposal, including the suitability and feasibility of its proposed approaches and methodology.

2. The probability that the research will contribute to important discoveries or significant breakthroughs in food production or human nutrition.

3. The qualifications of the principal investigator and other senior personnel, such as training, demonstrated awareness of previous and alternative approaches to the problem, and performance record and/or potential for future accomplishment.

4. The probable adequacy of available or obtainable facilities, equipment, instrumentation, and technical support.

C. REVISIONS TO PROPOSALS DURING REVIEW PROCESS

Prior to recommending whether or not CGO should support a particular project, the Program Officer may engage in discussions with the proposing Principal Investigator. Should such discussions result in proposed changes which exceed 10 percent of the proposed grant amount or $10,000, whichever is less, a revised proposal budget, signed by both the proposing Principal Investigator and by the authorized organizational representative, must be submitted, in an original and two copies, to the cognizant Program Officer for incorporation into the proposal file.

Should such discussions result in changes in the basic objectives or scope of the project as originally proposed, an appropriate proposal modification, signed and endorsed as above, must be submitted to the Program Officer.

D. GRANT AWARDS

The proposals judged most meritorious under the criteria in B above, will be awarded grants, within the limitations of available funds. In order to provide optimum freedom for scientific inquiry, CGO grants will be awarded under terms and conditions which are as minimal and flexible as possible, consistent with the need to ensure that Federal funds are wisely spent for the intended purposes. Post award administrative requirements, consistent with those contained in OMB circular A-110, are outlined in part IV.

APPENDIX I

COVER PAGE FORMAT

PROPOSAL TO THE USDA/SEA COMPETITIVE GRANTS OFFICE

Attention

_____

Program

_____

a. Submitting organization

_____

Grantee Organization (if different)

_____

Address

_____

Employer identification Number

_____

Congressional District

_____

Performing Organization Type

_____

b. Project Title

_____

c. Principal Investigator's Name and Title

_____

Department

_____

Telephone

_____

Address (If Different)

_____

d. Proposed Project Period

_____

Desired Starting Date

_____

e. Total Direct Costs Requested

_____

First Year

f. Proposal Type

g. Performance Sites

h. Research Involving Special Considerations

i. Principal Investigator Assurance

j. Certifications and Acceptance

APPENDIX II

PROPOSAL BUDGET

Each proposal should include a detailed budget of the amount of support, by categories, requested from CGO, in the following format for the first year of support. Items not pertinent to the project may be omitted.

PROPOSAL BUDGET

From (month, year) through (month, year)

_____

Organization ....

Principal Investigator..... .....

_____

	Estimated man-months	Amount requested
A. Salaries and wages		
1. Senior personnel (list by name)		
a. Principal Investigator		
b. Senior associates		
2. Research assistants (numbers)		
3. Technical personnel (numbers)		
4. Clerical, labor and other (numbers)		
B. Fringe Benefits (if charged as direct costs)		
C. Total salaries, wages, and fringe benefits (A plus B)		
D. Consultant services		
E. Equipment		
(List items costing $1,000 or more)		
Total equipment		
F. Materials and supplies		
(List by major type)		
G. Travel		
1. Domestic		
2. Foreign		
H. Computer (ADPE) costs		
I. Publication costs/page charges		
J. Other direct costs		
K. Total direct costs (C through J)		
L. Indirect costs (specify rate and base, name of cognizant Federal agency, and date of agreement)		
M. Total amount requested		

Each proposal for a multi-year project should, in addition, include a summary budget, of the amounts requested for direct costs only, in the following format:

SUMMARY BUDGET

From (year) through (year)

	1st Year	2nd Year	3rd Year, etc.
Organization			
Principal investigator			
C. Salaries, wages and fringe benefits			
D. Consultant service			
E. Equipment			
F. Materials and supplies			
G. Travel			
1. Domestic			
2. Foreign			
H. Computer costs			
I. Publication costs			
J. Other direct costs			
K. Total direct costs			
L. Total estimated direct costs for entire periods			

APPENDIX III

ORGANIZATIONAL INFORMATION AND ASSURANCES

A. Federal Standards

1. *OMB standards.* Although not specifically applicable to research support under grants, Subpart 1-1.12 of the Federal Procurement Regulations (FPR) establishes the policy that contracts shall be awarded only to responsible prospective contractors. It prescribes minimum standards and requires acceptable evidence of a contractor's ability to obtain equipment, facilities, and personnel. Comparable standards applicable to colleges and universities, hospitals, and other quasi-public and private nonprofit organizations are contained in three attachments to OMB Circular A-110. These are:

F—Standards for Financial Management Systems,

O—Procurement Standards, and,

N—Property Management Standards.

2. *Title VI of the Civil Rights Act of 1964.* Title VI of the Civil Rights Act of 1964 provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A USDA regulation implementing this requirement is published at 7 CFR Part 15, Subpart A. Every submitting organization is required to have an Assurance of Compliance (CSRS Form 135, copy attached) on file with the Grants Office, CGO, before a grant may be made to that organization.

Prospective grantees may either reproduce the Assurance of Compliance form or request copies from the Grants Officer, CGO. The "applicant" referred to in the form is the organization itself whose Chief Executive Officer or comparable official should sign the Assurance. The name and title of the organization and of the official should be typed on the form. The signed original should be mailed as in 3, below. Once a properly executed form has been filed with CGO, it will cover all future proposals to CGO. Acceptance of a subsequent grant constitutes affirmation that the Assurance of Compliance will be fully applicable to the grant.

3. *OCG requirements.* Whether or not an organization currently is the recipient of a formula or special grant from the Cooperative State Research Service or of a contract, cooperative agreement, or grant from any agency of USDA, CGO requires that each prospective grantee organization furnish, on a one-time basis, the prospective grantee organizational information outlined in B, below, together with the certification contained in C, below. The information and certification should be mailed to Grants Officer, Competitive Grants Office, USDA/SEA, 1300 Wilson Blvd., Arlington, Va. 22209.

B. Prospective Grantee Organizational Information

The following information is to be submitted:

(a) The commonly-used name of the organization, together with the legal (registered) name, if different, and mailing address.

(b) Organization type. Indicate the organizational type, e.g., private university, etc. If a U.S. college or university, show the Federal Interagency Committee on Education (FICE) code and category of control or affiliation as shown in the most recent DHEW Education Directory of Colleges and Universities.

(c) Federal Employer Identification No. Employer identification number as assigned by Internal Revenue Service.

(d) Congressional District.

(e) Organization Affiliations. Describe relationship of the organization to a parent organization or to subsidiaries or other affiliates. If the organization is a successor in interest to a predecessor or if changes in organizational affiliation are anticipated, describe briefly.

(f) Statement of Purposes and Powers. Enclose an official or published statement of the major purposes of the organization and certify as required in C, below, as to the powers which have been granted to it to enter into contractual relationships and/or to accept grants (e.g., articles of incorporation, terms of reference, or by-laws).

(g) Key officials. List the name, title, address, and telephone number of the following officials and their alternates (if any):

(1) Chief Executive Officer;

(2) Authorized Organizational Representative; and

(3) Business Officer.

(h) Affiliations of Key Officials. If the organization is other than a college or university or a State or local government, indicate whether or not each official listed in (g) above is affiliated with any Federal, State, or local agency or with any college or university. If so, describe such affiliation.

(i) Whether or not the organization currently is a grantee or contractor of any component of the U.S. Department of Health, Education, and Welfare.

NOTE.—This information will assist in implementing certain interagency procedures for which DHEW is the lead agency.

(j) A copy of the most recent indirect cost agreement negotiated between the organization and some Federal agency or, if lacking such an agreement, an indirect cost rate proposal.

(k) If other than a college or university or a State or local government, also submit the following:

(1) A certified statement of financial condition covering at least the preceding 2 years; and

(2) Bank or other references.

C. Required Certifications

In addition to the basic information described above, CGO requires that a prospective grantee organization submit a certification substantially as follows, signed by the Chief Executive Officer or authorized organizational representative:

(a) I certify that (name of institution or organization) has legal authority to accept grants as evidenced by the attached (describe document), and the requisite policies, procedures, and personnel to ensure stewardship of Federal funds and management of Federally supported projects, specifically including standards for financial management, procurement, and property management, which meet those described in Attachments F, O, and N to OMB Circular A-110. (Note: in the event this is not the case, list exceptions and provide a realistic estimate of when such standards might be met.)

(b) Each proposal to the USDA Competitive Grants Office will be consistent with the policies and goals of ———— and will be submitted in accordance with its procedures and pursuant to appropriate authority.

(c) In the event that a grant is awarded as a result of any such proposal, I agree that ———— will:

(1) Make available the necessary facilities, equipment, services, and personnel to conduct the project substantially as outlined in the proposal or such modifications thereof as may be mutually agreed;

(2) Conduct such project oversight as may be appropriate, manage the Federal funding with probity and prudence, and comply with the terms and conditions of the grant; and

(3) Comply with applicable laws and regulations.

(d) I further affirm that the "Assurance of Compliance with Department of Agriculture Regulations under Title VI of the Civil

Rights Act of 1964," attached, will be fully applicable to any such grants.

_____
(Signature.)

_____
(Typed name and title.)

_____
(Date.)

ASSURANCE OF COMPLIANCE WITH THE DEPARTMENT OF AGRICULTURE REGULATIONS UNDER TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

_____ (hereinafter called the "Applicant") hereby agrees that it will comply with Title VI of the Civil Rights Act of 1946 and all requirements imposed by or pursuant to the Regulations of the Department of Agriculture, 7 CFR Part 15, Subpart A, issued pursuant thereto, to the end that, in accordance with Title VI of that Act and the regulations, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Applicant receives Federal financial assistance from the Department of Agriculture; and hereby gives assurance that it will immediately take any measures necessary to effectuate this agreement.

This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Applicant by the Department, including installment payments after such date on account of applications for Federal financial assistance which were approved before such date. The Applicant recognizes and agrees that such Federal financial assistance will be extended in reliance on the representation and agreements made in this assurance, and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Applicant, its successors, transferees, and assignees, and the person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Applicant.

Dated: _____.

_____
(Applicant.)

By _____

(Signature of director, administrative-technical representative or research coordinator.)

_____

_____

_____

(Applicant's mailing address.)

[FR Doc. 78-5792 Filed 3-6-78; 8:45 am]

federal register

TUESDAY, MARCH 7, 1978
PART V



DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

■

ANIMAL WELFARE

List of Registered Exhibitors

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

ANIMAL WELFARE

List of Registered Exhibitors

Pursuant to the provisions of the Animal Welfare Act (7 U.S.C. 2131 et seq.), and the regulations thereunder (9 CFR Part 2), notice is hereby given that the following exhibitors are registered under said Act:

(Sec. 3, 80 Stat. 351, as amended (7 U.S.C. 2133).)

Done at Washington, D.C., this 1st day of March 1978.

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

E. A. SCHILF,
Acting Deputy
Veterinary Services.

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
		ALASKA	
***			
* ALASKA CHILDREN'S ZOO		BOX 1730S STAR ROUTE	ANCHORAGE 99507
* BROWN, JR., LT		3001 MOUNTAINVIEW DR.	ANCHORAGE 99503
* CITY OF FAIRBANKS		POB 790	FAIRBANKS 99701
		ARIZONA	
***			
* ZAHATTA, R		15520 N 38TH ST	PHOENIX 85032
		ARKANSAS	
***			
* ARKANSAS COMMUNITIES, INC		PO BOX 1506	HOT SPRINGS 71901
* HALLIE'S		PO BOX 303	CLINTON 72031
		CALIFORNIA	
***			
* COUNTY OF LOS ANGELES		DEPT. OF PARKS & RECREATIONS 155 W WASHINGTON BLVD.	LOS ANGELES 90015
		COLORADO	
***			
* CITY OF ENGLEWOOD	BELLEVIEW PARK	DEPT OF PARKS & RECREATION R3 400 S ELATI	ENGLEWOOD 80110
* CITY OF GREELEY	ISLAND GROVE PARK ZOO	PARKS DEPT.	GREELEY 80631
* CITY OF PUEBLO		PARKS & RECREATION DEPT. CITY PARK PAVILION	PUEBLO 81005
* DRAKE, D	ANIMAL WORLD	333 6TH ST.	PENROSE 81240
* ENGEL, HJ			WRAY 80758
* ERNEST'S TAXIDERMY		ROUTE 3 BOX 62	MONTE VISTA 81144
* JUDISH, AL & LE	SANTA'S SUMMER HOME	921 LONG'S PEAK AVE	LONGMONT 80501
* KROHN, JC	THE FORT	SR BOX 20AA	MORRISON 80465
* LA CHAUMIERE FRENCH RESTAURANT		PINEWOOD SPRINGS	LYONS 80540
* LA FRANCE RESTAURANT, INC		BOX 2217	DILLON 80435
* NATIONAL PARK VILLAGE		4600 FALL RIVER RD.	ESTES PARK 80517
* POTTER, H	WAGON WHEEL RANCH	BOX 526	DELTA 81416
* SANTA'S WORKSHOP			NORTH POLE 80901
		FLORIDA	
***			
* MILLER, PROFESSO R		2364 FRUITVILLE ROAD	SARASOTA 33577
* SARASOTA JUNGLE GARDENS		3701 BAYSHORE RD	SARASOTA 33580
* SWAMPARIUM		RT 5 BOX 39	CANTONMENT 32533
* WILDLIFE TRUST OF BROWARD COUNTY		2070 GRIFFIN RD	FORT LAUDERDALE 33302
		GEORGIA	
***			
* BEVERLY, DI		PO BOX 724	MOULTRIE 31768
* BUCKNER, G		PO BOX 73	JONESBORO 30237
* CITY OF ATHENS	MEMORIAL PARK	RECREATION & PARKS DEPT	ATHENS 30601
* EDWARDS, L		3653 DIAL DRIVE	STONE MOUNTAIN 30083
* GEORGIA CUMBERLAND ASSOCIATION		PO BOX 12000	CALHOUN 30701
* KETCHAM, LF		BOX 60A RT 3	WOODSTOCK 30188
* LUNSFORD, D		RT 2	DOUGLAS 31533
* MOGYOROS, F	SIX FLAGS OVER GEORGIA	PO BOX 43187	ATLANTA 30336
* OKEFENOKEE ASSOCIATION, INC.	OKEFENOKEE SWAMP PACK		OKEFENOKEE 31501
* SCHLEENTZ, OR		PO BOX 1712	VALDOSTA 31601
* SIX FLAGS OVER GEORGIA		PO BOX 43187	ATLANTA 30336
* TANDY, EM		PO BOX 1712	VALDOSTA 31601
		IDAHO	
***			
* WILD WILD WEST, INC.		ROUTE #7	CALDWELL 83605
* Y-J FOODS INC		BOX 357	COEUR D'ALENE 83814
		ILLINOIS	
***			
* ILLINOIS DEPARTMENT OF CONSERVATION		602 STATE OFFICE BUILDING	SPRINGFIELD 62706
* STONE, LR		BOX 349 ROUTE 1	EAST MOLINE 61244

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
	INDIANA		
***			
* BAIRD, C&K		PO BOX 102	SALEM 47167
* TRANSCONTINENTAL CIRCUS		2228 N. EDMONDSON	INDIANAPOLIS 46219
	IOWA		
***			
* BOARD OF PARK COMMISSIONERS	CHILDREN'S ZOO	236 W CENTRAL PARK AVE	DAVENPORT 52803
* BUFFALO RANCH MUSEUM		310 LOVERS LANE	FAYETTE 52142
* CITY OF CEDAR RAPIDS	BEVER PARK MUNICIPAL ZOO	PARK DEPARTMENT CITY HALL	CEDAR RAPIDS 52401
* CITY OF FORT DODGE		PARK DEPT. 1450 OLESON PK AVE	FORT DODGE 50501
* CITY OF MASON CITY		PARK DEPT. 19 S. DELAWARE AVE	MASON CITY 50401
* HAWKEYE ZOOLOGICAL SOCIETY		PO BOX 1482	CEDAR RAPIDS 52406
* IOWA STATE CONSERVATION COMM		WILDLIFE EXHIBIT STATON	BOONE 50036
* OSBORNE CONSERVATION CENTER			ELKADER 52043
* POLK COUNTY CONSERVATION BOARD	ESTER PARK		GRANGER 50109
	KANSAS		
***			
* BEAR HOUSE TRUCK STOP, INC.			BUNKER HILL 67626
* BOARD OF PARK COMMISSIONERS	CENTRAL RIVERSIDE PARK	503 CITY BLDG ANNEX,104 S MAIN	WICHITA 67202
* CITY OF ST. MARYS			ST. MARYS 66536
* DODGE CITY WRIGHT PARK ZOO			DODGE CITY 67801
* MARKLEY, JF			SENECA 66538
* NOEL, F	NOEL'S SPECIALTY ACTS	RR #1, BOX 113Q	MULVANE 67110
* OLD ABILENE TOWN, INC.		BOX 438	ABILENE 67410
* RUPP'S MINI ZOO		1201 N. BROADWAY	LEAVENWORTH 66408
	KENTUCKY		
***			
* BLAINE, JP		34 ARCADIA	LAKESIDE PARK 41017
* GARVIN, C.	BEECH BAND PARK		BOWLING GREEN 42101
* MAMMOTH ONYX CAVE		BOX 527	HORSE CAVE 42749
* OTTER CREEK PARK			VINEGROVE 40175
	LOUISIANA		
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* ALFRED BONNABEL HIGH SCHOOL		BRUIN DR.	METAIRIE 70003
* COLACURCIO, R		522 BOURBON ST.	NEW ORLEANS 70130
* PLAYLAND AMUSEMENTS, INC.		PONTCHARTRAIN BEACH	NEW ORLEANS 70122
* SNAKE FARM		PO BOX 96	LA PLACE 70068
	MARYLAND		
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* BALTIMORE ZOO		DRUID HILL PARK	BALTIMORE 21217
* DYKES BROS. ATTRACTION		MERRITT MILL RD	SALISBURY 21801
* ENCHANTED FOREST ENTERPRISES, INC.		10040 BALTIMORE NATIONAL PIKE	ELLICOTT CITY 21043
* JACKSON, HL	TRADE LEE'S VILLAGE	RT.50	W OCEAN CITY 21842
* MARJEC, INC	SHAWNEE-LAND		OLNEY 20832
* STARSON PARK		RD 1 BOX 234	WHALEYSVILLE 21872
	MASSACHUSETTS		
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* EASTOVER FARM		EAST STREET	LENOX 01240
	MICHIGAN		
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* BERTHA BROCK PARK		R #3, BOX 295	IONA 48846
* BINDER PARK ZOOLOGICAL SOCIETY, INC.		7500 DIVISION DR	BATTLE CREEK 49017
* BITELY, G	BIRCH SHORES RESORT	R 1	MCMILLAN 49853
* BLAHNICK, JR., HJ	GARGAGE & HATCHERY		CARNEY 49812
* CARL G. FENNER ARBORETUM		2020 E. MT. HOPE	LANSING 48910
* CEDERBERG, EH	DEER ACRES, INC.	2093 COGGINS RD	PINCONNING 48650
* CITY OF KALAMAZOO	MILHAM PARK ZOO	DEPT OF PARKS & RECREATION 24 1 W SOUTH ST.	KALAMAZOO 49006
* CITY OF MIDLAND	CURRIE-WILSON ENTERPRISES, INC.	PO BOX 227	MIDLAND 48640
* CITY OF MT. PLEASANT	NELSON PARK ZOO	120 S. UNIVERSITY	MT. PLEASANT 48858
* CLAERHOUT, E. & SCHUSTER, M.	EMIL THE BUFFALO	8887 GRATIOT RD	RICHMOND 48062
* CLINCH PARK ZOO		GRAND VIEW PKWY.	TRAVERSE CITY 49684
* CLOUGH, L&J	EVERGREEN RESORT	R 2,M-65	HALE 48736
* DICKEY, DL	PINE RIDGE AMUSEMENT	7784 MAIN ST.	BIRCH RUN 48415
* DRAYTON PLAINS NATURE CENTER, INC.		2125 DENBY DR	DRAYTON 48020

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
	MICHIGAN—Continued		
* EDISON INSTITUTE	GREENFIELD VILLAGE		DEARBORN 48121
* ELM REST SERVICE		1507 S LAKE MITCHELL DR.	ADILLAC 49601
* ERICKSON, S		R 2, BOX 2334	GRAYLING 49738
* FINLEY, M	LONGHORN RANCH	7684-25 MILE ROAD	WASHINGTON 48094
* FLATH, J	DELLS SUPPER CLUB		ESCANABA 49837
* FOUNTIAN, LJ & PA		306 E. JOHN ST.	NEWBERRY 49868
* GREENWOOD ACRES		2401 WILTON RD RT 2	JACKSON 49201
* HAFEMAN, R		R 2 BOX 75	WALLACE 49893
* HARRINGTON, TN	DEER RANCH	238 N. STATE	ST. IGNACE 49781
* HERSON, K		RT 1 BOX 139	WALLACE 49893
* HINES, I		RT 2,1781 COLDWATER RD	MT. PLEASANT 48858
* HOLBROOK, S	GERMFASK 49836	R 1	GERMFASK 49836
* HOUSEMAN, HR		RT 1 BOX 43	STEPHENSON 49887
* HULKO, SF		1108 CRYSTAL AVE	CRYSTAL FALLS 49920
* HUMAN SOIETY OF MACOMB CO		11350-22 MILE RD	UTICA 48087
* INDUSTRIAL MUTUAL ASSN	I.M.A. CHILDRENS FARM	901 E. SECOND ST	FLINT 48503
* IRON MOUNTAIN CITY PARK		A&B STS.	IRON MOUNTAIN 49801
* JENSEN, RJ		R 1	POWERS 49874
* JOHN HENES PARK		202 HENES PARK DR	MENOMINEE 49858
* JOHNSON, RM	JOHNNY'S FISH & GAME PARK	5511 E. 46 1/2 RD	CADILLAC 49601
* KALAMAZOO NATURE CENTER		7000 N. WESTNEDGE	KALAMAZOO 49007
* KING ANIMALAND PARK, INC.		62000 GRATIOT AVE.	RICHMOND 48062
* LOFTTS, AUDREY LEE	MENAGERIE MANOR ANIMAL PARK	14140 WORDEN RD	GREGORY 48137
* MAY, H		394 CAMBRIA RD	HILLSDALE 49242
* MAYER, WG		7606 HIX RD	WESTLAND 48185
* MERCIER, FR	SANTA'S GIFT SHOP	BOX 75	MUNISING 49862
* MOE, AG	THE RED BARN	R 1 BOX 210	MUNISING 49862
* MOTT FARM PROGRAM		66140 BRAY RD	FLINT 48505
* N.E. ISAACSON OF MICHIGAN , INC.		5477 SUGAR RIVER RD	GLADWIN 48624
* NANKIN MILLS NATURE CENTE R		33175 ANN ARBOR TRAIL	WESTLAND 48185
* NEWLIN, G		PO BOX 1	WALLACE 49893
* OGEMAN GAME REFUGE	TEN LAKES SPORTSMEN CLUB	5626 W. ROSE CITY RD.	WEST BRANCH 48661
* PALMER, R	PRESQUE ISLE PARK ZOO	PRESQUE ISLE PARK	MARQUETTE 49855
* PEEBLES, G		18810 CARDONI	DETROIT 48203
* PICLNET, N	NORM'S BALD MOUNTAIN RIDING ST ABLE	3085 S. LAPREC RD.	PONTIAC 48057
* PLESSCHER, R		ROUTE 1	MCMILLAN 49853
* POTTER PARK ZOO		1301 S. PENN. AVE.	LANSING 48933
* QUAS, G	RAMBT PARK	PO BOX 215	IRON MOUNTIAN 49801
* RICE, E		539 GOLF RD	LAPEER 48446
* SAGINAW CHILDREN'S ZOO		1694 S WASHINGTON	SAGINAW 48601
* SCIDMORE PARK			THREE RIVERS 49093
* SMITH, C		PO BOX 204	BALDWIN 49304
* SPICKERMAN, H		R 1	ROSE BUSH 48878
* STEELE, D&S	ANIMAL LAND	BATTERSON RD.	FREDERIC 49733
* STEPHENS, YR	YVONNE AND HER FRIENDS	BOX 37	WILLIAMSBURG 49690
* TESCH, H	LENAWEE INSTITUTE	3046 SUTTON RD	ADRION 49221
* WAFFLE, FJ		2416 ALDRICH RD	TEKONSHA 49092
* WALTON, W&J	ANIMAL WORLD	8619 S TRAVERSE RD	KINGSLEY 49649
* WALTZ, DR		625 LINWOOD BCH. RD.	LINWOOD 48634
* WESTRA, JC	ANIMAL KINGDOM WILDLIFE REFUGE	9320 S DIVISION	BYRON CENTER 49315
* WILDER, D	WHOOPEE BOWL	9580 DIXIE HWY.	CLARKTON 48016
	MINNESOTA		
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* AHRENDT, DJ			JASPER 56144
* ALEXANDRIA DEER PARK		RT 4	ALEXANDRIA 56308
* ANDERSON, AE	HIWAY TRADING POST		HACKENSACK 56452
* ASANDER, P	SCHMIDT CIRCUS	RR 1	DALTON 56324
* BLUE MOUND INN			LUVERNE 56156
* BOELTER, JF		ROUTE 3	MCGREGOR 55760
* BRAINERD BAXTER CORP.	PAUL BUNYAN AMUSEMENT CENTER	BOX 563	BRAINERD 56401
* BUFFALO HOUSE		2500 GUSS RD.	DULUTH 55810
* CITY OF MANKATO		DIV. OF PARKS & FORESTRY, 202 E. JACKSON ST.	MANKATO 56001
* CITY PARK BOARD	RAMSEY PARK ZOO	C/O MUNICIPAL OFFICE BLDG. 20 7 EAST FOURTH	REDWOOD FALLS 56283
* COOK, VS			ORR 55771
* COUGARVILLE CASTLE			QUAMBA 55064
* DEER TOWN, INC.		HWY 71 NO.	PARK RAPIDS 56470
* DULUTH ZOO		7210 FREMONT ST.	DULUTH 55807
* EGGLESTON, OC			WALKER 56484
* FORT DETROIT		PO BOX 66	DETROIT LAKES 56501
* GOPHER CAMPFIRE CLUB		C/O H.P. MCQUADE SR. 122 N. M AIN ST	HUTCHINSON 55350
* GRANFOR, J	FRONTIERLAND		PERLEY 56574
* HANSEN WT	ANIMAL ACRES ZOO	44 #3, BOX 203	WADENA 56482
* HAUGHLAND, V	IKE'S CHICKEN SHACK		BROWNS VALLEY 56219
* HIMES, RL	TRAPPER HIMES WILD ANIMAL FARM		RAY 56669
* JAEGERS, SW		RR #1	BUFFALO 55314

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
	MINNESOTA —Continued		
* KLEVEN, L	BIG K TRAILER CAMP	3500-6TH ST N.	MINNEAPOLIS 55412
* MCGREGOR DAIRY QUEEN, INC		BOX 66	MCGREGOR 55760
* NELSON, I		R #2	ST. PETER 56082
* OBERLE, D			COMFREY 56019
* OHLGREN, EJ			CLEAR LAKE 55319
* OLMSTED COUNTY PARK & REC. DIVN.	OXBOW PARK WILDLIFE EXHIBIT	1421-3RD AVE. S.E.	ROCHESTER 55901
* PINE GROVE PARK	MUNICIPAL ZOO	727-3RD ST. NE	LITTLE FALLS 56345
* SHEPPARD, D	SPLIT ROCK TRADING	510 WILSON AVE. N.E.	ST. CLOUD 56301
* SMUDA'S WILDLIFE ZOO			LITTLE FALLS 56345
* ST. PAUL'S COMO ZOO			ST. PAUL 55103
* THE FARM SUPPER CLUB, INC		RR 4	PRINCETON 55371
* VILLAGE OF LE CENTER		21 N. LEXINGTON	LE CENTER 56057
* VILLAGE OF WADENA	SUNNYBROOK PARK	BOX 30	WADENA 56482
* VIRGINIA PARK COMMISSION			OLCOTT 55792
* WALL BROS.			COMFREY 56019
	MISSISSIPPI		
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* MCWILLIAMS, EC		ROUTE 1, BOX 108	PICAYUNE 39466
	MISSOURI		
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* GOLD NUGGETS JUNCTION			OSAGE BEACH 65065
* JACKSON CO. DEPT. OF PARKS & RECREATION	LAKE JACOMO PARK	RT. 2, BOX 408	BLUE SPRINGS 64015
* JONES, JW	BUENA VISTA'S EXOTIC ANIMAL PARADISE	R 1	STRAFFORD 65757
* MAX ALLEN'S ZOOLOGICAL GARDENS		US 54 S	ELDON 65026
* OZARK DEER FARM		ROUTE 3	ELDON 65026
* SILVER DOLLAR CITY			SILVER DOLLAR CITY 65616
* ST. LOUIS CO. PARKS DEPT.	LONE ELK PARK	7900 FORSYTH	ST. LOUIS 63105
* SZASZ, AR		RT 1	GERALD 63037
* WORLDS OF FUN		4545 WORLDS OF FUN AVE.	KANSAS CITY 64161
	MONTANA		
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* SVELSTAD, NELS			WISE RIVER 59762
	NEBRASKA		
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* MUNICIPAL ZOO		DEPT. OF PARKS & RECREATION, 300 S. 27TH ST.	LINCOLN 68502
* RYAN, KP			BLAIR 66008
	NEW MEXICO		
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* CARLSBAD BOTANNICAL-ZOOLOGICAL PK OF THE SW		BOX 1569	CARLSBAD 88220
* CITY OF ALAMOGORDO		511-10TH ST.	ALAMOGORDO 88310
* CITY OF CLOVIS	HILLCREST & ZOO	PO BOX 760	CLOVIS 88101
* LIVING DESERT STATE PARK		BOX 1569	CARLSBAD 88220
* SPRING RIVER PARK & ZOO		CITY HALL	ROSWELL 88201
	NEW YORK		
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* LOLLYPOP FARM OF ROCHESTER & MONROE CO.		99 VICTOR RD	FAIRPORT 14450
* MEDEROS, A	ALFREDO COMEDY ACT	1710-2ND AVE., APT. 3	NEW YORK 10028
	NORTH CAROLINA		
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* CARRADO, JR., N.		PO BOX 894	CARTHAGE 28327
* CHARLOTTE NATURE MUSEUM, INC.		1658 STERLING RD.	CHARLOTTE 28209
* CITY OF GREENSBORO	COUNTY PARK ZOO & NATURAL SCIENCE CTR.	4301 LAWNDALE DR.	GREENSBORO 27408
* ENVIRONMENTAL ED., REC., & RES. CTR.		RT. 1, BOX 401	HIGH POINT 27260
* GRANDFATHER MOUNTAIN, INC			LINVILLE 28646
* GREAT SMOKY MOUNTAINS NATURAL HISTORY ASSN.			GATLINBURG 37738
* KIDDIE ZOO	GREENFIELD GARDENS	PO BOX 1810	WILMINGTON 28401
* MCADENVILLE FOUNDATION, INC.	AVIARY GARDENS		MCADENVILLE 28101
* NATIONAL RECREATION SERVICE, DIV. OF NATL. SERV. IND., INC.	FRONTIERLAND	PO BOX 307	SILVER SPRINGS 32688
* NORTH CAROLINA MUSEUM OF LIFE & SCIENCE		PO BOX 8177	DURHAM 27704
* RIMER DEVELOPMENT CO. INC		RT. 2, BOX 182	KANNAPOLIS 28081
* WOODY, W.W.		RT. 2 BOX 303	SYLVA 28779

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
	OHIO		
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* REESE, R		ROUTE 3	PATASKALA 43062
* CHILDREN'S HOSP. RES. FND N.		PO BOX 237	AURORA 44202
* CLARENCE FAFLIK SHOES, INC.		26242 GREAT NORTHERN	NORTH OLMSTEAD 44070
* CLEVELAND MUSEUM OF NATURAL HISTORY		WADE OVAL, UNIVERSITY CIRCLE	CLEVELAND 44106
* CLEVLAND, L.	CLELAND'S DEER ACRES	ROUTE #1	BAINBRIDGE 45612
* CONLEY, CE	CIRCUS WILLIAMS	4689 ST. RT. 276	BATAVIA 45103
* DAYTON MUSEUM OF NATURAL HISTORY		2629 RIDGE AVE	DAYTON 45414
* DIAMOND RANCH, INC.	WILD ANIMAL ZOO	1000 WARNER RD. S.E.	CANTON 44707
* ECKENRODE, HN	AMAZING AMAZONIA	1596 GRANDVIEW AVE., APT. B	COLUMBUS 43212
* ELYRIA PARKS & RECREATION DEPT.		1101 PROSPECT ST.	ELYRIA 44035
* FANTASY FARM		RT. 1	MIDDLETOWN 45052
* HINEY, KM		1034 HOME AVE.	AKRON 44310
* KHOL, R	KOL'S GAME FARM	30770 CANNON RD.	SOLON 44139
* LAKE ERIE JUNIOR NATURE & SCIENCE CENTER		28728 WOLF RD.	CLEVELAND 44140
* MASINO, GA		13305 JAYNEVIEW AVE.	UNIONTOWN 44685
* NAEZIGER, DL		ROUTE 1, BOX 18	ARCHBOLD 43502
* OHIO STATE UNIVERSITY		BOX 154	RIO GRANDE 45674
* ROGER, M. & IRENE S. WORK, INC.	NELSON LEDGE PARK 44231	R 2, BOX 292	GARRETTSVILLE 44231
* SIEGEL'S FUN FARM, INC.		21897 WESTWOOD DR.	STRONGSVILLE 44136
* SINK, R.		38 JASPER ST.	DAYTON 45409
* THE CLEVELAND AQUARIUM		601 E. 72ND ST.	CLEVELAND 44103
* TRAILSIDE NATURE CENTER		PO BOX 27	CINCINNATI 45220
* TWIN SHOES, INC.		8350 MARYLAND AVE.	LOUIS 63105
* UNIVERSAL PRINTING, INC.		1192 E. 40 ST.	CLEVELAND 44114
* WELDNER, TO		RT 1, WEIDNER'S CORNERS	BALTIMORE 43105
* WOHL SHOE CO.		8350 MARYLAND AVE.	LOUIS 63105
	OKLAHOMA		
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* CARDEN-JOHNSON CIRCUS		14105 CONSTITUTION PO BOX 570	DEMONT 73034
* SHEARER, WV		ROUTE 1	MOORLAND 73852
* THE FRANK PHILLIPS FOUNDATION, INC.	WOOLAROC WILDLIFE REFUGE	402 PROFESSIONAL BLDG.	BARTLESVILLE 74003
	SOUTH CAROLINA		
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* ANIMAL FOREST		CHARLES TOWNE LANDING 1500 OLD TOWNE LANDING	CHARLESTOWN 29407
* BROOKGREEN GARDENS			MURRELLS INLET 29576
* CROMER'S P-NUTS, INC.	CROMER'S P-NUTS DUTCH SQUARE	PO BOX 163	COLUMBIA 29201
* GREENVILLE ZOO		CLEVELAND PARK DR.	GREENVILLE 29601
* MARVIN, FM			HOLLYWOOD 29449
* SESSIONS, CW	WONDERLAND ZOO & GIFT SHOP	RT. 3, BOX 102	CONWAY 29526
* SMITH, WC	WILSON'S TRUCK STOP		WINNSBORO 29180
* WALL, JA		116 CHESTER ST.	SPARTANBURG 29301
	TENNESSEE		
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* OLIVE, BL & MILLER, DR	VILLAGE OF 1800	HWY #411N.	ETOWAH 377331
	TEXAS		
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* ALLEN, DW		PO BOX 971	DONNA 78537
* BAYLOR CHAMBER OF COMMERCE		BOX 225 UNION BLDG. BAYLOR UNIV.	WACO 76706
* CAVERNS OF SONORA		PO BOX 213	SONORA 76950
* CITY OF ANDREWS		MUNICIPAL ADM. BLDG	ANDREWS 79714
* CITY OF CHILDRESS		CITY HALL	CHILDRESS 79201
* CITY OF SINTON		PO BOX 1395	SINTON 78387
* CLARK, MR		RT. 5	MCKINNEY 75069
* CONNER, JH		804 ANTHONY ST.	GAINESVILLE 76240
* DODD, CE		5116 BOB DR.	FT. WORTH 76118
* DUKE, R.		RR 3, BOX 187	SEAGOVILLE 75159
* ENGESSER, GG		RT. 3, BOX 179	SEAGOVILLE 75159
* FISHER, R	FISHER ENTERPRISES	PO BOX 180	BARKER 77413
* FT. WORTH MUSEUM OF SCIENCE & HISTORY		1501 MONTGOMERY ST	FORT WORTH 76107
* GIBBS, B		RT. 4, BOX 550	MISSION 78572
* HALL, CA		RT. 1, BOX 762	MESQUITE 75149
* HALL, JK		RT. 1, BOX 762	MESQUITE 75149
* HARMON, DR. R.		401 E. PINECREST DR.	MARSHALL 75670
* HENRY, GG		BOX 3	GAINESVILLE 76240
* HENRY, GM		BOX 292	GAINESVILLE 76240
* INNER SPACE		HWY 358	GEORGETOWN 78626
* JONES, MR		232 N. LBJ DR.	SAN MARCUS 78666
* LEMKE, J		LAKE JUNE & PEACHTREE RD.	MESQUITE 75149

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
		TEXAS —Continued	
* LENZ, WILLEM		1960 PEAVEY RD. C/O HUBERT CA STLE CIRCUS	DALLAS 75228
* LUCIA, T.			WEATHERFORD 76086
* PINSON, J&D		RT 1	GAINESVILLE 76240
* RICE, R		PO BOX 264 COMBINE RD.	SEAGOVILLE 75159
* RICHTMAN, DT		PO BOX 3068	GALVESTON 77550
* RUCKER, L.		C/O CON E. JOHNSON 12824 NOEL RD. APT. 2052	DALLAS 75230
* RUCKER, R.		GEN. DEL.	GAINESVILLE 76240
* SAPP, MI		27150 O'KENT	SAN ANTONIO 78216
* SMITH, J.A.H.		1960 PEAVEY RD.	DALLAS 75228
* STEELE, RR		BOX 179 HAYMARKET RD	SEAGOVILLE 75159
* STODGILL, TD	STODGILL'S RANCH	RT. 2	QUINLAN 75474
* UNIVERSITY OF HOUSTON		BOX 240 UNIV. CTR.	HOUSTON 77004
* WONDER WORLD		PO BOX 1369	SAN MARCOS 78666
		VIRGINIA	
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* BENNET, WM		BOX 356	CHRISTIANSBURG 24073
* CHILDRESS, FR		ROUTE 1, BOX 214	NEW MARKET 22844
* CITY OF HAMPTON	BLUEBIRD GAP FARM	CITY HALL, DEPT. OF PARKS	HAMPTON 23369
* CITY OF NEWPORT NEWS		DEPT. OF RECREATION & PARKS, 2400 WASHINGTON AVE.	NEWPORT NEWS 23607
* COLEMAN CO., GA		916 MAIN ST.	LYNCHBURG 24505
* HOFHEIMER'S, INC.		325 GRANBY ST.	NORFOLK 23510
* HUTCHINGS, EG & L	THE WISHING WELL GIFT SHOP	US 522-340	WHITE POST 22663
* MARTIN, JR		8725 COMMODORE DR.	NORFOLK 23503
* OCEAN VIEW AMUSEMENT PARK		GRANBY ST.	NORFOLK 23503
		WASHINGTON	
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* BERCHTOLD, EC		601 LANE RD.	WOODLAND 98674
* CITY OF CENTRALIA PARK DEPT.	FORT BORST PARK	CITY HALL	CENTRALIA 98531
* EVERETT PARK & RECREATION DEPT.		FOREST PARK	EVERETT 98203
* INLAND EMPIRE ZOOLOGICAL SOCIFTY		BOX 14258	OPPORTUNITY 99214
		WEST VIRGINIA	
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* MEADOWS, ER		RT. 4, BOX 107	GRAFTON 26354
		WISCONSIN	
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* AQUALAND, INC.			EPHRAIM 54211
* ARCADIA SPORTMAN'S CLUB			ARCADIA 54612
* BARTHMAN, VT		RT. 1	CLEAR LAKE 54005
* BAY BEACH WILDLIFE SANCTUARY		1660 E. SHORE DR.	GREEN BAY 54301
* BEHN, W		RT. 1	ANIWA 54408
* BELSHAW, RD			EARL 54833
* BILL'S LANDING DEER FARM		RT. 3	HAYWARD 54843
* BLACKHAWK RIDGE		PO 92	SAUK CITY 53583
* BOB'S CHUCK WAGON, INC.	ENCHANTED FOREST		WISCONSIN DELLS 53965
* BODIN'S, INC.		LAKESHORE DR.	ASHLAND 54806
* BROWN COUNTY REFORESTATION CAMP		RT. 4	GREEN 54301
* CIRCUS WORLD MUSEUM			BARABOO 53913
* CITY OF ASHLAND	PRENTICE PARK	PARK DEPT.	ASHLAND 54806
* CITY OF BLACK RIVER FALLS		BOX 229	BLACK RIVER 54615
* CITY OF BLAIR			BLAIR 54616
* CITY OF FOND DU LAC	LAKESIDE PARK ZOO	76 F. SECOND ST.	FOND DU LAC 54935
* CITY OF LACROSSE	MYRICK PARK ZOO		LACROSSE 54601
* CITY OF STANLEY			STANLEY 54768
* CITY OF WISCONSIN RAPIDS	MUNICIPAL ZOO	PARK & RECREATION COMMISSION, 441 W GRAND AVE.	WISCONSIN 54494
* CLARK COUNTY HOSPITAL & HOME		RT 2, BOX X	OWEN 54460
* CONNOR FOREST INDUSTRIES		CAMP 5 FARM	LAONA 54541
* COPALLO, A	GERMAIN VILLAGE PARK		ST. GERMAIN 54558
* CORNFORD, MJ R AH		RR 1	RANDOLPH 53596
* DEER PARK ATHLETIC C. CLUB			DEER PARK 54007
* DETSINGER, D		RT. 2	ANTIGO 54409
* DUVAL, E		RT. 3	NEW AUBURN 54757
* EDGERTON CONSERVATION CLUB		BOX 13J, RT. 1	EDGERTON 53534
* FINE R-K RANCH		RT. 5	HAYWARD 54843
* FOREST COUNTY DEER FARM		COURT HOUSE	CRANDON 54533
* FOWLER, DC		ROUTE 2	TOMAH 54660
* FRY'S WILDLIFE MUSEUM		RT. 5	TOMAHAWK 54478
* GALLAGHER, J	BLACKHAWK CAMP GROUND	BOX 686	MILTON JCT. 53564
* GANNON'S BIRCHWOOD RESORT		R.R. 1	LODI 53555

NAME	DOING BUSINESS AS	ADDRESS	CITY AND ZIP CODE
	WISCONSIN —Continued		
* GE-CA-WA LODGE DEER FARM		BOX 117A	IRON RIVER 54847
* GIESE, MJ	TWIN BUCKS GAME FARM	3407 PLOVER RD.	PLOVER 54467
* GRANDPA'S FARM, INC.		C/O WESLEY B. WHITE, RT. 3	RHINELANDER 54501
* GULLICKSON, W.		1680 N. FARWELL AVE.	MILWAUKEE 53202
* HENRY VILAS PARK ZOO		500 S. RANDALL AVE.	MADISON 53715
* HORNER, F.		RT 1, BOX 36	WATERFORD 53105
* J.R. RANCH, INC.		RT. 1	HUDSON 54016
* JANESVILLE CONSERVATION CLUB		BOX 129	JANESVILLE 53545
* JOHNSON, AR		C/O MURRY HILL, RT. 5, BOX 9	BURLINGTON 53105
* JUEDS, A		RT. 1	MARION 54950
* KAMPS, M		BOX 277	EAGLE RIVER 54521
* KLEVEN, D		RT. 1	SARONA 54870
* KLING, D		RT 1, BOX 169	MERRILLEN 54754
* LANGE, EP		1623 SAEMANN AVE.	SHEBOYGAN 53081
* LINCOLN PARK ZOO		736 REVERE DR.	MANITOWOC 54220
* LINK BROS. INC.			MINONG 54859
* LITTLE MEXICO DEER FARM		RT. 2	SIREN 54872
* LUDWIG BROS. INC.		S107 W. 16311 LOOMIS RD. RT 2	HALES CORNER 53130
* MAHLOCH, J	COTTONPATCH RESTAURANT	2003 LAKE DR.	SHAWANO 54166
* MAIN STORE		STAR RT.	MAIN LAKE 54892
* MENOMONIE LIONS CLUB GAME PARK			MENOMONIE 54751
* MILLER, JL	T.J.M. RANCH	RT 1	WEST BEND 53095
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* P.-M. INC.			EAGLE RIVER 54521
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[FR Doc. 78-5864 Filed 3-6-78; 9:58 am]

federal register

TUESDAY, MARCH 7, 1977
PART VI



ENVIRONMENTAL PROTECTION AGENCY

■

STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Lime Manufacturing Plants

[6560-01]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 835-2]

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Lime Manufacturing Plants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes standards of performance which limit emissions of particulate matter from new, modified, and reconstructed lime manufacturing plants. The standards implement the Clean Air Act and are based on the Administrator's determination that lime manufacturing plant emissions contribute significantly to air pollution. The intended effect of setting these standards is to require, new, modified, and reconstructed lime manufacturing plants to use the best demonstrated system of continuous emission reduction.

EFFECTIVE DATE: March 7, 1978.

ADDRESSES: A support document entitled, "Standard Support and Environmental Impact Statement, Volume II: Promulgated Standards of Performance for Lime Manufacturing Plants" (EPA-450/2-77-007b), October 1977, has been prepared and is available. This document includes summary economic and environmental impact statements as well as EPA's responses to the comments on the proposed standards. Also available is the supporting volume for the proposed standards entitled, "Standard Support and Environmental Impact Statement, Volume I: Proposed Standards of Performance for Lime Manufacturing Plants" (EPA-450/2-77-007a), April 1977. Copies of these documents can be ordered by addressing a request to the EPA Library (MD-35), Research Triangle Park, N.C. 27711. The title and number for each or both of the documents should be specified when ordering. These documents as well as copies of the comment letters responding to the proposed rulemaking published in the FEDERAL REGISTER on May 3, 1977 (42 FR 22506) are available for public inspection and copying at the U.S. Environmental Protection Agency, Public Information Reference Unit (EPA Library), Room 2922, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Don R. Goodwin, Director, Emission Standards and Engineering Division (MD-13), Environmental Protection Agency, Research Triangle Park, N.C. 27711, telephone 919-541-5271.

SUPPLEMENTARY INFORMATION: There are two minor changes in the standards from those proposed on May 3, 1977. The first of these is the specific exclusion of lime production units at kraft pulp mills [§ 60.340(b)]. Emission standards for kraft pulp mills were proposed in the FEDERAL REGISTER on September 24, 1976, which cover emissions from the lime production units at these mills.

The second change is the addition of § 60.344(c) (Test methods and procedures). The addition recommends a testing technique which would more accurately test exhaust gases from hydrators in those cases where high moisture content is a problem.

During the 60-day comment period following publication of the proposed emission standards in the FEDERAL REGISTER on May 3, 1977, 23 comment letters were received, 10 from industry, 7 from State or local pollution control agencies, and 6 from other government agencies. In addition, on June 16, 1977, a public meeting was held at the EPA facility at Research Triangle Park, N.C., that provided an opportunity for oral presentations and comments on the standards. None of the comments warranted a change of the emission standards nor did any comments justify any significant changes in the standards support document.

Major comments focused on three areas: (1) criticism of the testing procedures and the supporting emission data, (2) the opacity standard, and (3) the requirement for continuous monitoring. These and other comments are summarized and addressed in Volume II of the standards support document.

The most significant of the three areas of comments was the questioning of the testing procedures and the data base. More specifically, it was asserted that when data were gathered upon which to base the standard, standard testing procedures were not followed in every case, which consequently biased the data. A careful review of the procedures and the resulting data revealed that, although there were minor miscalculations, the errors did not affect the emission standards that were set.

The opacity standard (10 percent), was questioned because it was thought to be too stringent and in a range where observer error would result in unfair violation decisions. A review of the opacity data indicated that of the 1,056 six-minute averages of opacity, less than one percent exceeded the visible emission level of 10 percent, thus EPA considers the 10 percent opacity standard reasonable. As for observer error, as indicated in the introduction to Reference Method 9 (Part 60, Appendix A), the accuracy of the method and any potential error must be taken into account when determining possible violations of the standards.

Some commenters questioned the requirement for continuous monitoring of multiple stack baghouses, believing it to be unnecessary and excessively expensive to place a monitor on each stack. In establishing the continuous monitoring requirement, it was not the intention of EPA that emission monitors be installed at each stack at a multiple stack baghouse. The proposed regulation has been revised to reflect this intent. It is believed that in most cases one monitor, or two in certain situations, can be installed to simultaneously monitor emissions from several stacks. With such a monitoring system, the plant must demonstrate that representative emissions are monitored on a continuous basis.

It should be noted that standards of performance for new sources established under section 111 of the Clean Air Act reflect the degree of emission limitation achievable through application of the best adequately demonstrated technological system of continuous emission reduction (taking into consideration the cost of achieving such emission reduction, any nonair quality health and environmental impact and energy requirements). State implementation plans (SIPs) approved or promulgated under section 110 of the Act, on the other hand, must provide for the attainment and maintenance of national ambient air quality standards (NAAQS) designed to protect public health and welfare. For that purpose, SIPs must in some cases require greater emission reductions than those required by standards of performance for new sources. Section 173 of the Act requires, among other things, that a new or modified source constructed in an area which exceeds the NAAQS must reduce emissions to the level which reflects the "lowest achievable emission rate" for such category of source. In no event can the emission rate exceed any applicable standard of performance.

A similar situation may arise when a major emitting facility is to be constructed in a geographic area which falls under the prevention of significant deterioration of air quality provisions of the Act (part C). These provisions require, among other things, that major emitting facilities to be constructed in such areas are to be subject to best available control technology for all pollutants regulated under the Act. The term "best available control technology" (BACT), as defined in section 169(3), means "an emission limitation based on the maximum degree of reduction of each pollutant subject to regulation under this Act emitted from or which results

from any major emitting facility, which the permitting authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such facility through application of production processes and available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of each such pollutant. In no event shall application of 'best available control technology' result in emissions of any pollutants which will exceed the emissions allowed by any applicable standard established pursuant to section 111 or 112 of this Act."

Standards of performance should not be viewed as the ultimate in achievable emission control and should not preclude the imposition of a more stringent emission standard, where appropriate. For example while cost of achievement may be an important factor in determining standards of performance applicable to all areas of the country (clean as well as dirty), statutorily, costs do not play such a role in determining the "lowest achievable emission rate" for new or modified sources locating in areas violating statutorily-mandated health and welfare standards. Although there may be emission control technology available that can reduce emissions below those levels required to comply with standards of performance, this technology might not be selected as the basis of standards of performance due to costs associated with its use. This in no way should preclude its use in situations where cost is a lesser consideration, such as determination of the "lowest achievable emission rate."

In addition, States are free under section 116 of the Act to establish even more stringent emission limits than those established under section 111 or those necessary to attain or maintain the NAAQS under section 110. Thus, new sources may in some cases be subject to limitations more stringent than EPA's standards of performance under section 111, and prospective owners and operators of new sources should be aware of this possibility in planning for such facilities.

MISCELLANEOUS: The effective date of this regulation is March 7, 1978. Section 111(b)(1)(B) of the Clean Air Act provides that standards of performance or revisions of them become effective upon promulgation and apply to affected facilities, construction or modification of which was commenced after the date of proposal (May 3, 1977).

NOTE.—The Environmental Protection Agency has determined that this document does not contain a major proposal requiring an Economic Impact Analysis under Executive Orders 11821 and 11949 and OMB Circular A-107.

Dated: March 1, 1978.

DOUGLAS M. COSTLE,
Administrator.

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

1. By adding subpart HH as follows:

Subpart HH—Standards of Performance for Lime Manufacturing Plants

Sec.

60.340 Applicability and designation of affected facility.
60.341 Definitions.
60.342 Standard for particulate matter.
60.343 Monitoring of emissions and operations.
60.344 Test methods and procedures.

AUTHORITY: Sec. 111 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7411, 7601), and additional authority as noted below.

§ 60.340 Applicability and designation of affected facility.

(a) The provisions of this subpart are applicable to the following affected facilities used in the manufacture of lime: rotary lime kilns and lime hydrators.

(b) The provisions of this subpart are not applicable to facilities used in the manufacture of lime at kraft pulp mills.

(c) Any facility under paragraph (a) of this section that commences construction or modification after May 3, 1977, is subject to the requirements of this part.

§ 60.341 Definitions.

As used in this subpart, all terms not defined herein shall have the same meaning given them in the Act and in subpart A of this part.

(a) "Lime manufacturing plant" includes any plant which produces a lime product from limestone by calcination. Hydration of the lime product is also considered to be part of the source.

(b) "Lime product" means the product of the calcination process including, but not limited to, calcitic lime, dolomitic lime, and dead-burned dolomite.

(c) "Rotary lime kiln" means a unit with an inclined rotating drum which is used to produce a lime product from limestone by calcination.

(d) "Lime hydrator" means a unit used to produce hydrated lime product.

§ 60.342 Standard for particulate matter.

(a) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere:

(1) From any rotary lime kiln any gases which:

(i) Contain particulate matter in excess of 0.15 kilogram per megagram of limestone feed (0.30 lb/ton).

(ii) Exhibit 10 percent opacity or greater.

(2) From any lime hydrator any gases which contain particulate matter in excess of 0.075 kilogram per megagram of lime feed (0.15 lb/ton).

§ 60.343 Monitoring of emissions and operations.

(a) The owner or operator subject to the provisions of this subpart shall install, calibrate, maintain, and operate a continuous monitoring system, except as provided in paragraph (b) of this section, to monitor and record the opacity of a representative portion of the gases discharged into the atmosphere from any rotary lime kiln. The span of this system shall be set at 40 percent opacity.

(b) The owner or operator of any rotary lime kiln using a wet scrubbing emission control device subject to the provisions of this subpart shall not be required to monitor the opacity of the gases discharged as required in paragraph (a) of this section, but shall install, calibrate, maintain, and operate the following continuous monitoring devices:

(1) A monitoring device for the continuous measurement of the pressure loss of the gas stream through the scrubber. The monitoring device must be accurate within ±250 pascals (one inch of water).

(2) A monitoring device for the continuous measurement of the scrubbing liquid supply pressure to the control device. The monitoring device must be accurate within ±5 percent of design scrubbing liquid supply pressure.

(c) The owner or operator of any lime hydrator using a wet scrubbing emission control device subject to the provisions of this subpart shall install, calibrate, maintain, and operate the following continuous monitoring devices:

(1) A monitoring device for the continuous measuring of the scrubbing liquid flow rate. The monitoring device must be accurate within ±5 percent of design scrubbing liquid flow rate.

(2) A monitoring device for the continuous measurement of the electric current, in amperes, used by the scrubber. The monitoring device must be accurate within ±10 percent over its normal operating range.

(d) For the purpose of conducting a performance test under § 60.8, the owner or operator of any lime manufacturing plant subject to the provisions of this subpart shall install, calibrate, maintain, and operate a device for measuring the mass rate of limestone feed to any affected rotary lime

kiln and the mass rate of lime feed to any affected lime hydrator. The measuring device used must be accurate to within ±5 percent of the mass rate over its operating range.

(e) For the purpose of reports required under §60.7(c), periods of excess emissions that shall be reported are defined as all six-minute periods during which the average opacity of the plume from any lime kiln subject to paragraph (a) of this subpart is 10 percent or greater.

(Sec. 114 of the Clean Air Act, as amended (42 U.S.C. 7414).)

§60.344 Test methods and procedures.

(a) Reference methods in Appendix A of this part, except as provided under §60.8(b), shall be used to determine compliance with §60.322(a) as follows:

(1) Method 5 for the measurement of particulate matter,

(2) Method 1 for sample and velocity traverses,

(3) Method 2 for velocity and volumetric flow rate,

(4) Method 3 for gas analysis,

(5) Method 4 for stack gas moisture, and

(6) Method 9 for visible emissions.

(b) For Method 5, the sampling time for each run shall be at least 60 minutes and the sampling rate shall be at least 0.85 std m^3/h, dry basis (0.53 dscf/min), except that shorter sampling times, when necessitated by process variables or other factors, may be approved by the Administrator.

(c) Because of the high moisture content (40 to 85 percent by volume) of the exhaust gases from hydrators, the Method 5 sample train may be modified to include a calibrated orifice immediately following the sample nozzle when testing lime hydrators. In this configuration, the sampling rate necessary for maintaining isokinetic conditions can be directly related to exhaust gas velocity without a correction for moisture content. Extra care should be exercised when cleaning the sample train with the orifice in this position following the test runs.

(Sec. 114 of the Clean Air Act, as amended (42 U.S.C. 7414).)

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