

FRIDAY, MAY 26, 1978



highlights

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

For workshops in Los Angeles and San Francisco, see notice on inside front cover.

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FEDERAL REGISTER WORKSHOPS

LOS ANGELES AND SAN FRANCISCO

FOR: Any person who must use the Federal Register and Code of Federal Regulations.

WHAT: Free public workshop (approximately 3 hours) to present:

1. Brief history of the Federal Register system.
2. Difference between legislation and regulations.
3. Relationship of Federal Register and the Code of Federal Regulations.
4. Important elements of a typical Federal Register document.
5. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in government actions. There will be no discussion of specific agency regulations.

LOS ANGELES

WHEN: June 21, 22, and 23, 1978, at 9 a.m.

(Each session identical.)

WHERE: Room 8544, Federal Bldg., 300 N. Los Angeles St.

RESERVATIONS: Call Evelyn Tirre, 213-688-3800.

SAN FRANCISCO

WHEN: June 21, 22, and 23, 1978, at 9 a.m.

(Each session identical.)

WHERE: Conference Rooms C and D, Environmental Protection Agency, 215 Fremont Street.

RESERVATIONS: Call Area Code 415-556-6600.

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

federal register

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

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CHLOROTHALONIL ON BANANAS

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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.

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[6325-01]

Title 5—Administrative Personnel CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Commerce, National Foundation on the Arts and the Humanities

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment excepts under Schedule C certain positions at the Department of Commerce, and the National Foundation on the Arts and the Humanities because they are confidential in nature.

EFFECTIVE DATES: Department of Commerce—May 8, 1978; National Foundation on the Arts and the Humanities—May 11, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3314(r)(1) is amended and 213.3382(v) is added as set out below:

§ 213.3314 Department of Commerce.

(r) *National Oceanic and Atmospheric Administration.*

(1) One Private Secretary and one Executive Assistant to the Administrator.

§ 213.3382 National Foundation on the Arts and the Humanities.

(v) One Staff Assistant to the Public Affairs Officer, National Endowment for the Humanities.

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

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

[FR Doc. 78-14519 Filed 5-25-78; 8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE

Department of the Interior, Depart- ment of Energy, Department of Housing and Urban Development

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment excepts under Schedule C certain positions in the Department of the Interior, Department of Energy, and the Department of Housing and Urban Development, because they are confidential in nature.

EFFECTIVE DATE: May 6, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3312(f)(1) is added and 213.3331(c)(3) and 213.3384(b)(23) are amended to read as follows:

§ 213.3312 Department of the Interior.

(f) *Bureau of Land Management.*
(1) One Confidential Assistant to the Director.

§ 213.3331 Department of Energy.

(c) *Federal Energy Regulatory Commission.* * * *
(3) Four Assistants to the Chairman.

§ 213.3384 Department of Housing and Urban Development.

(b) *Office of the Assistant Secretary for Housing—Federal Housing Commissioner.* * * *

(23) Two Executive Assistants to the Assistant Secretary for Housing—Federal Housing Commissioner.

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

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

[FR Doc. 78-14520 Filed 5-25-78; 8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE

Department of Commerce

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: The positions of Private Secretary to the Deputy Assistant Secretary for Science and Technology; and Private Secretary and Confidential Assistant to the Associate Administrator of the National Oceanic and Atmospheric Administration are excepted from the competitive service under Schedule C because they are confidential in nature.

EFFECTIVE DATE: May 17, 1978.

FOR FURTHER INFORMATION CONTACT:

Michael Sherwin, 202-632-4533.

Accordingly, 5 CFR 213.3314(n)(2) and (r)(10) are added as set out below:

§ 213.3314 Department of Commerce.

(n) *Office of the Assistant Secretary for Science and Technology.* * * *

(2) One Private Secretary to the Deputy Assistant Secretary for Science and Technology.

(r) *National Oceanic and Atmospheric Administration.* * * *

(10) One Private Secretary and Confidential Assistant to the Associate Administrator.

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

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

[FR Doc. 78-14796 Filed 5-25-78; 8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE**Smithsonian Institution**

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment modifies the exception under Schedule B for positions of Veterinary Intern with the National Zoological Park, by increasing the number of positions covered from two to four and the grade level coverage from GS-9 to GS-8/9. These positions are excepted under Schedule B because it is not practicable to examine competitively for them.

EFFECTIVE DATE: May 18, 1978.

FOR FURTHER INFORMATION CONTACT:

Michael Sherwin, 202-632-4533.

Accordingly, 5 CFR 213.3274(a)(1) is amended as set out below:

§ 213.3274 Smithsonian Institution.

(a) *National Zoological Park.*

(1) Four positions of Veterinary Intern, GS-8/9. Employment under this authority is not to exceed 15 months.

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

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

[FR Doc. 78-14794 Filed 5-25-78; 8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE**Department of State, Department of Energy**

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment (1) excepts under Schedule C a position at the Department of State because it is confidential in nature; and (2) changes the title of a position in the Department of Energy formerly excepted under Schedule C in the Federal Power Commission. This change in title is appropriate in order to more accurately reflect the duties of the position.

EFFECTIVE DATES: Department of State—May 11, 1978; Department of Energy—May 16, 1978.

FOR FURTHER INFORMATION CONTACT:

Michael Sherwin, 202-632-4533.

Accordingly, 5 CFR 213.3304(a)(7) is added and 213.3331(c)(4) is amended as set out below:

§ 213.3304 Department of State.

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

(7) One Secretary (Stenography) to the Ambassador-at-Large, Conference on Security and Cooperation in Europe.

§ 213.3331 Department of Energy.

(c) *Federal Energy Regulatory Commission.* * * *

(4) Seven Technical Assistants to Members of the Commission.

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

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

[FR Doc. 78-14795 Filed 5-25-78; 8:45 am]

[3410-30]

Title 7—Agriculture**CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE**

[Amdt. No. 131]

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS**Food Stamp Program; Pretermination Hearings for Households Disqualified for Fraud**

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rulemaking.

SUMMARY: This rule requires State agencies to provide otherwise eligible households applying for subsequent certification with an advance notice of adverse action and an opportunity to appeal before the household can be disqualified for prior fraudulent acquisition of food stamps. If such households request fair hearings, their benefits will continue until the hearing decisions are made. This rulemaking is needed to permit uniform national application of the procedure now followed in Mississippi as the result of a recent court case.

EFFECTIVE DATE: May 22, 1978.

FOR FURTHER INFORMATION CONTACT:

William R. Tlucek, Acting Chief, State Agency Operations Branch, Food Stamp Division, 500 12th Street SW., Washington, D.C. 20250, 202-447-8360.

SUPPLEMENTAL INFORMATION:

Current Food Stamp Program Regulations require that households being disqualified within the certification period for fraudulent acquisition of food stamps be given a notice of adverse action 10 days before the scheduled termination date. Such households must also be provided an opportunity to appeal through a fair hearing before being disqualified. If the household requests a fair hearing during the 10 day advance notice period, the household can continue to receive coupons until the fair hearing decision is made, even if it is not made within the certification period. However, if the disqualification decision occurs at the time of subsequent certification, a notice of adverse action is not sent, and the State agency is not required to process the application. The household can request a fair hearing but the State agency is not required to certify the household even if it meets all eligibility requirements. The failure to provide a notice of adverse action and an opportunity for a pretermination fair hearing when the household is disqualified for fraud at the time of subsequent certification was found to be unlawful in *Williams v. Butz*, U.S.D.C., S.D. Miss., Civ. Action No. J75-24(N). This rulemaking requires State agencies to process applications for subsequent certification even if the household is to be disqualified for prior fraudulent acquisition of food stamps. In addition, the regulation specifies that a household cannot be disqualified if the food stamps were acquired because of a State agency certification error or a misunderstanding of program requirements by the household. If the household is otherwise eligible for subsequent certification (i.e., meets all financial and non-financial eligibility criteria), the household shall be certified. The household shall then be given a notice of adverse action, an opportunity for a fair hearing, and continued benefits if a hearing is requested. Any household being disqualified for fraud shall be informed in writing, either on the notice of adverse action or separately, why fraud was determined, of the period of disqualification, how the overissuance amount was determined, and of its right to a fair hearing on the amount and/or the determination of fraud.

If a household fails to request a hearing during the advance notice period and the notice period ends before the household's new certification begins, the disqualification for fraud takes effect; and no benefits are issued. However, if the notice period has not expired or the household has made a timely request for a fair hearing, the household must be provided an opportunity to purchase in the normal issuance cycle. The house-

hold's basis of issuance will be the one authorized by the application for subsequent certification. For example, a household whose certification period ends in May reapplies and, while otherwise eligible, is sent a notice of adverse action informing it of the State agency's intention to disqualify it for past fraud. If the notice period expires by the end of May and the household has not requested a hearing, no benefits are to be issued in June. If a hearing is requested or the notice period is still in effect in June, the household must receive the June issuance in the normal cycle, based on the eligibility determined and the basis of issuance authorized by the application for subsequent certification.

If the household requests a fair hearing during the advance notice period, its participation shall continue on the basis authorized by the subsequent certification until the fair hearing decision on the fraud issue is rendered. If the fair hearing decision upholds the State agency's action, the household is terminated effective the first possible monthly issuance cycle following the date the decision is rendered.

If the household is determined to be ineligible at the time of subsequent certification, the State agency issues a notice of denial explaining the denial and the household's right to a fair hearing. In addition to the information to be given any household determined to have fraudulently acquired food stamps, the State agency shall advise ineligible households of the possibility of future disqualification and that the household may request a fair hearing. The State agency must also explain in writing that the household may prefer to resolve the fraud determination immediately as the period of disqualification may take effect at the time of the next subsequent certification. However, if a fair hearing is requested, the denial of subsequent certification remains in effect, and the household is not entitled to continued benefits.

The final rule given below changes the regulations to conform with the court's ruling in the *Williams* case. However, this rule is only a provisional measure. The Food Stamp Act of 1977 (Pub. L. 95-113; September 29, 1977) mandates new fraud disqualification procedures and precludes recipients from receiving benefits after the expiration of their certification periods unless they are determined eligible for the subsequent period. When the regulations promulgating these provisions of the new Act are implemented, the amendment below will be superseded. Until such regulations are in effect, though, this rulemaking is needed to permit uniform national application of the procedure now followed in Mississippi.

In accordance with 5 U.S.C. 553, notice of proposed rulemaking and a public comment period are found to be impracticable, unnecessary, and contrary to the public interest for the amendment set forth below. The reasons for this finding are that the rule will provide additional safeguards for participants against wrongful disqualification, will involve only minor administrative changes for State agencies and will reinforce national eligibility standards on this point.

Accordingly 7 CFR Part 271 is amended by revising §271.7(e) as follows:

§271.1 Financial Liabilities of the State Agency.

(e) (1) Upon a determination of the State agency that a participating household has fraudulently obtained coupons, the State agency, on behalf of FNS, shall make demand upon such household for repayment of the value of free coupons issued to such household as a result of such fraud. Such actions shall be documented in the files of the State agency, and any funds collected as a result of such actions shall be remitted to FNS by the State agency. Demand and payment of any such amounts shall not relieve or discharge such household of any liability, either civil or criminal, for such additional amounts as may be due under any other applicable provisions of the law.

(2) (i) If the State agency finds that any eligible household has fraudulently acquired food coupons, the household may be disqualified from further program participation for a period of time determined by the State agency. To commit fraud, a household must knowingly, willfully, and with deceitful intent acquire food coupons to which it was not entitled. The State agency shall not disqualify a household which acquires food coupons as the result of a certification error by the State agency or through a misunderstanding of program requirements by the household, as defined in paragraph (f) of this section.

(ii) Prior to disqualifying an otherwise eligible household within its certification period for fraudulently acquiring food coupons, the State agency shall provide the household with a notice of adverse action, an opportunity for a fair hearing, and if a hearing is requested, continued benefits in accordance with paragraphs (n) and (o) of §271.1 of this subchapter. The State agency shall also inform the household, either on the notice of adverse action or by a separate written statement, of the following: (a) The State agency's reasons for the determination of fraud; (b) if applicable the period of disqualification; (c) how the overissuance amount was computed

(e.g., the source, amount, and duration of unreported income); and (d) the households' right to a fair hearing.

(iii) If a decision to disqualify for fraud occurs at the time of subsequent certification, the State agency shall accept and process the application. If the household is otherwise eligible, the State agency shall certify the household and simultaneously issue a notice of adverse action in accordance with §271.1(n) informing the household of the State's intention to disqualify it for fraud. In addition, the State agency shall inform the household, either on the notice of adverse action or by a separate written statement, of the following: (a) The State agency's reasons for the determination of fraud; (b) if applicable, the period of disqualification; (c) how the overissuance amount was computed (e.g., the source, amount and duration of unreported income); and (d) the household's right to a fair hearing. If the household to be disqualified requests a fair hearing, its participation shall be continued on the basis authorized by the subsequent certification. If the household does not make a timely request for a fair hearing, it shall be provided an opportunity to purchase in the first month of the subsequent certification period only if the notice period has not expired before the new issuance cycle begins.

(iv) If a household to be disqualified for fraud is determined ineligible when applying for subsequent certification, the State agency shall issue a notice of denial explaining the denial and the household's right to a fair hearing. The State agency shall also inform the household, either on the denial notice or by a separate written statement, of the following: (a) The State agency's reasons for the determination of fraud; (b) if applicable the period of disqualification; (c) how the overissuance was computed (e.g., the source, amount and duration of unreported income); (d) the household may prefer to resolve the fraud determination immediately as it may be disqualified for fraud if it becomes eligible in the future; (e) the period of disqualification may take effect at the time of the next subsequent certification. Even if an ineligible household requests a fair hearing on the denial or the fraud determination, the determination of ineligibility on the application for subsequent certification remains in effect unless it is reversed by a fair hearing decision.

(78 Stat. 703 as amended, (7 U.S.C. 2011-2026).)

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

(Catalog of Federal Domestic Assistance Programs No. 10.551, Food Stamps).

Dated: May 22, 1978.

CAROL TUCKER FOREMAN,
Assistant Secretary.

[FR Doc. 78-14721 Filed 5-25-78; 8:45 am]

[1505-01]

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

Food Stamp Program; Maximum Monthly Allowable Income Standards and Basis of Coupon Issuance: 48 States and District of Columbia, Alaska, Virgin Islands and Guam

Corrections

In FR Docs. 78-13462, 13465, 13466, and 13467 appearing in part IX of the issue for Tuesday, May 16, 1978, the following corrections should be noted:

1. In the table appearing on page 21304 in the middle and third columns at the top of the page, the heading now reading, "Maximum allowable monthly income standards," should have added to it, "48 States and District of Columbia".

2. In the table appearing on page 21309, under the heading, "8 persons" the fourth entry from the bottom now reading "2888", should read, "288".

3. In the large table appearing at the bottom of page 21310 the fourth monthly coupon allotment in the heading now reading, "\$2341", should read, "\$234".

4. In the table appearing on page 21312 the first entry under the heading of Monthly Net Income now reading "\$0 to \$19.90" should read, "\$0 to \$19.99".

[3410-02]

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

[Lemon Reg. 147]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period May 28-June 3, 1978. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: May 28, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

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

The committee met on May 23, 1978, to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons continues good, but is expected to ease the latter part of the week.

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

§ 910.447 Lemon Regulation 147.

Order. (a) The quantity of lemons grown in California and Arizona which may be handled during the period May 28, 1978, through June 3, 1978, is established at 300,000 cartons.

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

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

Dated: May 25, 1978.

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

[FR Doc. 78-15056 Filed 5-25-78; 11:29 am]

[3410-07]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FmHA Instruction 444.1]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart A—Section 502 Rural Housing Loan Policies, Procedures and Authorizations

MAXIMUM ADJUSTED INCOME FOR LOW-INCOME FAMILIES, REVISED

AGENCY: Farmers Home Administration.

ACTION: Interim rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulation regarding the maximum adjusted income for qualification as a low-income family. The intended effect of this amendment is to increase the adjusted income by an amount comparable to the increase in costs due to inflation. The action is taken so that more families will be eligible for participation as low-income families in the housing program. It is currently anticipated that these changes will be of limited duration as FmHA has under review broader changes concerning income eligibility for interest credit assistance.

EFFECTIVE DATE: May 26, 1978. Comments must be received on or before July 25, 1978.

ADDRESSES: Submit written comments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, Washington, D.C. 20250. All written comments made pursuant to this notice will be available for public inspection at the address given above.

FOR FURTHER INFORMATION CONTACT:

Frank Colon, 202-447-4808.

SUPPLEMENTARY INFORMATION: Exhibit C to Subpart A, Part 1822, Title 7 of the Code of Federal Regulations is amended. The maximum adjusted income for low-income families is increased as follows: from \$10,000 to \$11,200 in the contiguous States, Puerto Rico, Virgin Islands, the Trust Territory of the Pacific Islands and American Samoa; from \$15,000 to \$16,800 in Alaska; and from \$12,200 to \$13,700 in Hawaii and Guam. It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts, shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This amendment, however, is published effective on an interim basis. This action is being taken to make the program immediately available to low-income families who would not be able to afford home ownership without interest credit assistance which is granted only to families whose incomes are within such limits. Any delay in implementing this amendment would, therefore, be contrary to the public interest. Comments made pursuant to this publication will be considered in the development of the final rule. Accordingly, Exhibit C is amended to read as follows:

EXHIBIT C—MAXIMUM ADJUSTED INCOME FOR LOW-INCOME FAMILIES

State	Maximum adjusted income
Alabama.....	\$11,200
Arizona.....	11,200
Arkansas.....	11,200
California.....	11,200
Colorado.....	11,200
Connecticut.....	11,200
Delaware.....	11,200
Florida.....	11,200
Georgia.....	11,200
Idaho.....	11,200
Illinois.....	11,200
Indiana.....	11,200
Iowa.....	11,200
Kansas.....	11,200
Kentucky.....	11,200
Louisiana.....	11,200
Maine.....	11,200
Maryland.....	11,200
Massachusetts.....	11,200
Michigan.....	11,200
Minnesota.....	11,200
Mississippi.....	11,200
Missouri.....	11,200
Montana.....	11,200
Nebraska.....	11,200
Hawaii.....	13,700
Guam.....	13,700
Trust Territory of the Pacific Islands.....	11,200
American Samoa.....	11,200
Nevada.....	11,200
New Hampshire.....	11,200
New Jersey.....	11,200
New Mexico.....	11,200
New York.....	11,200

State	Maximum adjusted income
North Carolina.....	11,200
North Dakota.....	11,200
Ohio.....	11,200
Oklahoma.....	11,200
Oregon.....	11,200
Pennsylvania.....	11,200
Puerto Rico.....	11,200
Rhode Island.....	11,200
South Carolina.....	11,200
South Dakota.....	11,200
Tennessee.....	11,200
Texas.....	11,200
Utah.....	11,200
Vermont.....	11,200
Virginia.....	11,200
Virgin Islands.....	11,200
Washington.....	11,200
West Virginia.....	11,200
Wisconsin.....	11,200
Wyoming.....	11,200
Alaska.....	16,800

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

Dated: May 23, 1978.

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

[FR Doc. 78-14880 Filed 5-25-78; 8:45 am]

[3410-07]

[FmHA AL-695(447)]

PART 1823—ASSOCIATION LOANS AND GRANTS—COMMUNITY FACILITIES, DEVELOPMENT, CONSERVATION, UTILIZATION

Subpart L—Watershed Loans

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration deletes regulations regarding Watershed Loans authority by law in certain States. This action is taken because the program is no longer necessary. The intended effect of this action is to remove unnecessary regulations from the Code of Federal Regulations in accordance with an Executive order on improving government regulations.

EFFECTIVE DATE: May 26, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Fred Young, 202-447-7668.

SUPPLEMENTARY INFORMATION: The Farmers Home Administration deletes §1823.360 of Subpart L, Part 1823, Chapter XVIII, Title 7, in the Code of Federal Regulations. This deletion removes regulations concerning Watershed Loans in connection with the eleven watershed improvement

programs authorized by Pub. L. 534 in the States of California, Georgia, Iowa, Maryland, Minnesota, Mississippi, New York, Oklahoma, Pennsylvania, Tennessee, Texas, Virginia, and West Virginia. It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. These amendments, however, are not published for proposed rulemaking since the purpose of the change is to delete unnecessary regulations.

Section 1823.360 of Subpart L, Part 1823, Chapter XVIII, Title 7 in the Code of Federal Regulations is hereby deleted and reserved.

(5 U.S.C. 301, delegation of authority (Authorities from OGC) by Secretary of Agriculture, 7 CFR 223, delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 270.)

Dated: May 18, 1978.

KENNETH LATCHOLIA,
Acting Administrator,
Farmers Home Administration.

[FR Doc 78-14823 Filed 5-25-78; 8:45 am]

[4110-03]

Title 21—Food and Drugs

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

SUBCHAPTER A—GENERAL

[Docket No. 78N-0134]

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

Subpart A—Delegations of Authority to the Commissioner of Food and Drugs

LEAD-BASED PAINT POISONING PREVENTION ACT

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the regulations for delegations of authority regarding the Commissioner's delegated authority. The Department of Health, Education, and Welfare issued a notice in the FEDERAL REGISTER of April 18, 1978 (43 FR 16423), announcing the delegation and redelegations of the Secretary's authority under the Lead-Based Paint Poisoning Prevention Act, as amended within the Public Health Service. This amendment adds the authority redelegated

to the Commissioner under the Act to his previously published authorities.

EFFECTIVE DATE: May 26, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert L. Miller, Office of Management and Operations (HFA-340), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4976.

SUPPLEMENTARY INFORMATION: On March 15, 1978, in the third of a series of delegations and redelegations of authority under the Lead-Based Paint Poisoning Prevention Act, as amended by Pub. L. 94-317 (42 U.S.C. 4801, et seq.) the Deputy Assistant Secretary for Health-Programs redelegated to the Commissioner of Food and Drugs the authority under section 401(a) of the Act relating to the prohibition of the application of lead-based paint to cooking, drinking, and eating utensils.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner (21 CFR 5.1), Part 5 is amended in § 5.1 by adding new paragraph (a)(23) to read as follows:

§ 5.1 Delegations from the Secretary, Assistant Secretary for Health, and the Deputy Assistant Secretary for Health-Programs.

(a) * * *

(23) Functions vested in the Secretary under section 401(a) of the Lead-Based Paint Poisoning Prevention Act, as amended by Pub. L. 94-317 (42 U.S.C. 4831(a)) relating to the prohibition of the application of lead-based paint to cooking, drinking, or eating utensils.

Effective date: This regulation shall be effective May 26, 1978.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)).)

Dated: May 17, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Regulatory Affairs.

[FR Doc. 78-14491 Filed 5-25-78; 8:45 am]

[4110-03]

PART 14—PUBLIC HEARING BEFORE A PUBLIC ADVISORY COMMITTEE

Advisory Committees; Establishment and Terminations

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: Under the Federal Advisory Committee Act of October 6, 1972, and the public advisory committee procedures, this document announces the establishment of one advisory committee and the termination of three others. This document adds to and deletes from the agency's list of standing advisory committees.

DATES: Effective May 26, 1978; authority for the committee will remain in effect until amended or terminated by the Commissioner of Food and Drugs.

FOR FURTHER INFORMATION CONTACT:

Richard L. Schmidt, Committee Management Office (HFS-20), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-2765.

SUPPLEMENTARY INFORMATION: Under the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463) and § 14.40(b) (21 CFR 14.40(b)), the Food and Drug Administration (FDA) announces the establishment of the Immunology and Microbiology Devices Panel by the Commissioner of Food and Drugs.

The Committee will review and evaluate data concerning the safety and effectiveness of immunology, microbiology, and pathology devices currently in use and advise the Commissioner regarding recommended classification of these devices into one of three regulatory categories; recommend the assignment of a priority for the application of regulatory requirements for devices classified in the standards or premarket approval category; advise on any possible risks to health associated with the use of devices; advise on formulation of product development protocols and review premarket approval applications for those devices classified in the premarket approval category; review classification of devices to recommend changes in classification as appropriate; recommend exemption of certain devices from the application of portions of the Federal Food, Drug, and Cosmetic Act; advise on the necessity to ban a device; and respond to requests from the agency to review and make recommendations on specific issues or problems concerning the safety and effectiveness of devices.

Concurrently with the establishment, the Commissioner approved the termination of the Immunology Device Classification Panel, the Microbiology Device Classification Panel, and the Pathology Device Classification Panel. Under § 14.55(b) (21 CFR 14.55(b)), FDA announces the termination of these committees.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and

under authority delegated to the Commissioner (21 CFR 5.1), part 14 is amended in § 14.100 by revising paragraph (d)(1)(xi) and deleting paragraphs (d)(1)(xii) and (xvii) and marking them "reserved," as follows:

§ 14.100 List of standing advisory committees.

* * * * *

(d) * * *

(1) * * *

(xi) Immunology and Microbiology Devices Panel. Established April 28, 1978.

(xii) [Reserved]

* * * * *

(xvii) [Reserved]

* * * * *

Effective date: Since this is a technical conforming amendment to part 14, the Commissioner finds that there is good cause for the rule to be effective immediately upon publication in the FEDERAL REGISTER, May 26, 1978.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)).)

Dated: May 17, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Regulatory Affairs.

[FR Doc. 78-14488 Filed 5-25-78; 8:45 am]

[4110-03]

PART 14—PUBLIC HEARING BEFORE A PUBLIC ADVISORY COMMITTEE

Advisory Committees; Establishment and Terminations

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: Under the Federal Advisory Committee Act of October 6, 1972, and the public advisory committee procedures, this document announces the establishment of one advisory committee and the termination of two others. This document adds to and deletes from the agency's list of standing advisory committees.

EFFECTIVE DATE: May 26, 1978; authority for the committee will remain in effect until amended or terminated by the Commissioner of Food and Drugs.

FOR FURTHER INFORMATION CONTACT:

Richard L. Schmidt, Committee Management Office (HFS-20), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-2765.

SUPPLEMENTARY INFORMATION: Under the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463) and § 14.40(b) (21 CFR 14.40(b)), the Food and Drug Administration (FDA) announces the establishment of the General Medical Devices Panel by the Commissioner of Food and Drugs.

The Committee will review and evaluate data concerning the safety and effectiveness of general medical devices currently in use and advise the Commissioner regarding recommended classification of these devices into one of three regulatory categories; recommend the assignment of a priority for the application of regulatory requirements for devices classified in the standards or premarket approval category; advise on any possible risks to health associated with the use of devices; advise on formulation of product development protocols and review premarket approval applications for those devices classified in the premarket approval category; review classification of devices to recommend changes in classification as appropriate; recommend exemption of certain devices from the application of portions of the Federal Food, Drug, and Cosmetic Act; advise on the necessity to ban a device; and respond to requests from the agency to review and make recommendations on specific issues or problems concerning the safety and effectiveness of devices.

Concurrently with the establishment, the Commissioner approved the termination of the General Hospital and Personal Use Device Classification Panel and Gastroenterological and Urological Device Classification Panel. Under § 14.55(b) (21 CFR 14.55(b)), FDA announces the termination of these committees.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner (21 CFR 5.1), part 14 is amended in § 14.100 by revising paragraph (d)(1)(vii) and deleting paragraph (d)(1)(ix) and marking it "reserved," as follows:

§ 14.100 List of standing advisory committees.

- • • • •
- (d) • • •
- (1) • • •
- (vii) *General medical devices panel.* Established April 28, 1978.
- • • • •

(ix) [Reserved]

Effective date: Since this is a technical conforming amendment to part 14,

the Commissioner finds that there is good cause for the rule to be effective immediately upon publication in the **FEDERAL REGISTER**, May 26, 1978.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))).

Dated: May 17, 1978.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner
for Regulatory Affairs.*

[FR Doc. 78-14489 Filed 5-25-78; 8:45 am]

[4110-03]

**PART 14—PUBLIC HEARING BEFORE
A PUBLIC ADVISORY COMMITTEE**

**Advisory Committees; Establishment
and Terminations**

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: Under the Federal Advisory Committee Act of October 6, 1972, and the public advisory committee procedures, this document announces the establishment of one advisory committee and the termination of two others. This document adds to and deletes from the agency's list of standing advisory committees.

EFFECTIVE DATE: May 26, 1978, authority for the committee will remain in effect until amended or terminated by the Commissioner of Food and Drugs.

FOR FURTHER INFORMATION CONTACT:

Richard L. Schmidt, Committee Management Office (HFS-20), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-2765.

SUPPLEMENTARY INFORMATION: Under the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463) and § 14.40(b) (21 CFR 14.40(b)), the Food and Drug Administration (FDA) announces the establishment of the Obstetrics-Gynecology and Radiologic Devices Panel by the Commissioner of Food and Drugs.

The Committee will review and evaluate data concerning the safety and effectiveness of obstetrics-gynecology and radiologic devices currently in use and advise the Commissioner regarding recommended classification of these devices into one of three regulatory categories; recommend the assignment of a priority for the application of regulatory requirements for devices classified in the standards or premarket approval category; advise on any possible risks to health associated with the use of devices; advise on formulation of product development protocols

and review premarket approval applications for those devices classified in the premarket approval category; review classification of devices to recommend changes in classification as appropriate; recommend exemption of certain devices from the application of portions of the Federal Food, Drug and Cosmetic Act; advise on the necessity to ban a device; and respond to requests from the agency to review and make recommendations on specific issues or problems concerning the safety and effectiveness of devices.

Concurrently with the establishment, the Commissioner approved the termination of the Obstetrical-Gynecological Device Classification Panel, and the Radiological Device Classification Panel. Under § 14.55(b) (21 CFR 14.55(b)), FDA announces the termination of these committees.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner (21 CFR 5.1), part 14 is amended in § 14.100 by revising paragraph (d)(1)(xiv) and deleting paragraph (d)(1)(xix) and marking it "reserved," as follows:

§ 14.100 List of standing advisory committees.

- • • • •
- (d) • • •
- (1) • • •
- (xiv) *Obstetrics-gynecology and radiologic devices panel.* Established April 28, 1978.
- • • • •

(xix) [Reserved]

Effective date: Since this is a technical conforming amendment to part 14, the Commissioner finds that there is good cause for the rule to be effective immediately upon publication in the **FEDERAL REGISTER**, May 26, 1978.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))).

Dated: May 17, 1978.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner
for Regulatory Affairs.*

[FR Doc. 78-14490 Filed 5-25-78; 8:45 am]

[4110-03]

**PART 14—PUBLIC HEARING BEFORE
A PUBLIC ADVISORY COMMITTEE**

**Advisory Committees; Establishment
and Terminations**

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: Under the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463) and the public advisory committee procedures (21 CFR part 14), this document announces the establishment of one advisory committee and the termination of another. This document revises an entry in the agency's list of standing advisory committees.

EFFECTIVE DATE: May 26, 1978, authority for the committee will remain in effect until amended or terminated by the Commissioner of Food and Drugs.

FOR FURTHER INFORMATION CONTACT:

Richard L. Schmidt, Committee Management Office (HFS-20), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-2765.

SUPPLEMENTARY INFORMATION: Under the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463) and § 14.40(b) (21 CFR 14.40(b)), the Food and Drug Administration (FDA) announces the establishment of the Circulatory Systems Devices Panel by the Commissioner of Food and Drugs.

The Committee will review and evaluate data concerning the safety and effectiveness of circulatory systems devices currently in use and advise the Commissioner regarding recommended classification of these devices into one of three regulatory categories; recommend the assignment of a priority for the application of regulatory requirements for devices classified in the standards or premarket approval category; advise on any possible risks to health associated with the use of devices; advise on formulation of product development protocols and review premarket approval applications for those devices classified in the premarket approval category; review classification of devices to recommend changes in classification as appropriate; recommend exemption of certain devices from the application of portions of the Federal Food, Drug, and Cosmetic Act; advise on the necessity to ban a device; and respond to requests from the agency to review and make recommendations on specific issues or problems concerning the safety and effectiveness of devices.

Concurrently with the establishment, the Commissioner approved the termination of the Cardiovascular Device Classification Panel. Under § 14.55(b) (21 CFR 14.55(b)), FDA announces the termination of this committee.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner (21 CFR 5.1), part 14 is

amended is § 14.100 by revising paragraph (d)(1)(ii) to read as follows:

§ 14.100 List of standing advisory committees.

- • • • •
- (d) • • •
- (1) • • •
- (ii) *Circulatory devices panel.* Established April 28, 1978.

Effective date: Since this is a technical conforming amendment to part 14, the Commissioner finds that there is good cause for the rule to be effective immediately upon publication in the **FEDERAL REGISTER**, May 26, 1978.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))).

Dated: May 18, 1978.

WILLIAM L. RANDOLPH,
*Acting Associate Commissioner
for Regulatory Affairs.*

[FR Doc. 78-14451 Filed 5-25-78; 8:45 am]

[4110-03]

**PART 14—PUBLIC HEARING BEFORE
A PUBLIC ADVISORY COMMITTEE**

**Advisory Committees; Establishment
and Terminations**

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: Under the Federal Advisory Committee Act of October 6, 1972, and the public advisory committee procedures this document announces the establishment of one advisory committee and the termination of two others. This document adds to and deletes from the agency's list of standing advisory committees.

EFFECTIVE DATES: May 26, 1978. Authority for the committee will expire on May 1, 1980, unless the Secretary formally determines that renewal is in the public interest.

FOR FURTHER INFORMATION CONTACT:

Richard L. Schmidt, Committee Management Office (HFS-20), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-2765.

SUPPLEMENTARY INFORMATION: Under the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463), and § 14.40(b) (21 CFR 14.40(b)), the Food and Drug Administration (FDA) announces the establishment of the Anesthetic and Life Support Drugs Advisory Committee by the Secretary, Department of Health, Education, and Welfare.

The committee will review and evaluate available data concerning the safety and effectiveness of currently marketed and new prescription drug products proposed for marketing for use in anesthesiology and surgery and make recommendations to the Commissioner of Food and Drugs regarding current advances, changing concepts, and trends in the field.

Concurrently with the establishment, the Secretary approved the termination of the Anesthesiology Advisory Committee and the Surgical Drugs Advisory Committee. Under 14.55(b) (21 CFR 14.55(b)), FDA announces the termination of these committees.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner (21 CFR 5.1), Part 14 is amended in § 14.100 by revising paragraph (c)(1) and deleting paragraph (c)(19) and marking it "reserved" as follows:

§ 14.100 List of standing advisory committees.

- • • • •
- (e) • • •
- (1) *Anesthetic and Life Support Drugs Advisory Committee.* (i) Date established: May 1, 1978.

(ii) Function: Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in the fields of anesthesiology and surgery.

- • • • •
- (19) [Reserved]
- • • • •

Effective date: Since this is a technical conforming amendment to Part 14, the Commissioner finds that there is good cause for the rule to be effective immediately upon publication in the **FEDERAL REGISTER**, May 26, 1978.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))).

Dated: May 18, 1978.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner
for Regulatory Affairs.*

[FR Doc. 78-14587 Filed 5-25-78; 8:45 am]

[4110-03]

SUBCHAPTER H—MEDICAL DEVICES

[Docket No. 77N-0110]

PART 25—ENVIRONMENTAL IMPACT CONSIDERATIONS

Exemptions From Federal Preemption of State and Local Device Requirements; Procedures for Consideration of Applications; Correction

AGENCY: Food and Drug Administration.

ACTION: Correction.

SUMMARY: In FR Doc. 78-11719 appearing at page 18661 in the FEDERAL REGISTER of Tuesday May 2, 1978, on page 18664, amendment No. 2 is corrected by changing "§ 25.1(d)(6)" to read "§ 25.1(d)(7)" and § 25.1 *Applicability* is corrected in paragraph (d) by changing subparagraph "(6)" to read "(7)."

EFFECTIVE DATE: July 3, 1978.

FOR FURTHER INFORMATION CONTACT:

John Richards, Federal Register Writer (HFC-11), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-2994.

Dated: May 22, 1978.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner
for Regulatory Affairs.*

[FR Doc. 78-14728 Filed 5-25-78; 8:45 am]

[4110-03]

SUBCHAPTER A—GENERAL

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

[Docket No. 77N-00261]

CHEMICAL COMPOUNDS IN FOOD-PRODUCING ANIMALS

Criteria and Procedures for Evaluating Assays for Carcinogenic Residues in Edible Products of Animals

AGENCY: Food and Drug Administration.

ACTION: Revocation of rule.

SUMMARY: Following an opinion and order by the United States District Court for the District of Columbia, the Commissioner of Food and Drugs is revoking the regulations establishing the procedures and criteria for evaluating the assays for carcinogenic residues in edible products of animals. The regulations will be repropounded, and interested persons given an opportunity to comment, in a future issue of the FEDERAL REGISTER.

EFFECTIVE DATE: May 26, 1978.

ADDRESS: The administrative record of this proceeding and a copy of the opinion and order of the District Court are on file with the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Edward J. Allera, Office of the General Counsel (GCF-1), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-1770.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of February 22, 1977 (42 FR 10412), the Commissioner promulgated regulations establishing criteria and procedures for evaluating the assays for carcinogenic residues in edible products of animals. Subsequently, the United States District Court for the District of Columbia issued an opinion and order (*Animal Health Institute v. Food and Drug Administration*, Civil No. 77-806 (D.D.C., February 8, 1978)) remanding the case to the Food and Drug Administration "for further findings to rectify the omissions in the current record." in accordance with the court decision, the Commissioner has concluded that republishing the regulations is the most appropriate course of action. Accordingly, this document revokes the current regulations. A notice of proposed rulemaking is being prepared and will be published in the future. Paragraph (c) of § 70.50 appearing in the revocations below is the former § 8.36(c) which was revised in the February 22, 1977, regulation and later transferred to its present designation under Part 70 in a recodification of Subchapter A published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553).

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 402, 403, 409, 512, 701(a), 706, 52 Stat. 1046-1048 as amended, 1055, 72 Stat. 1785-1788 as amended, 74 Stat. 399-403, 82 Stat. 343-351 (21 U.S.C. 342, 343, 348, 360b, 371(a), 376)) and under authority delegated to the Commissioner (21 CFR 5.1), Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

PART 70—COLOR ADDITIVES

§ 70.50 [Amended]

1. In Part 70, § 70.50 is amended by revoking paragraph (c).

PART 500—GENERAL

§§ 500.80 through 500.98 [Revoked]

2. In Part 500, by revoking in its entirety Subpart E, consisting of §§ 500.80 through 500.98.

PART 514—NEW ANIMAL DRUG APPLICATIONS

§ 514.111 [Amended]

3. In Part 514, § 514.111 is amended by revoking paragraph (a)(10).

PART 571—FOOD ADDITIVE PETITIONS

§ 571.115 [Revoked]

4. In Part 571, by revoking § 571.115 *Application of the anti-cancer clause of section 409.*

Effective date: This document shall be effective May 26, 1978.

(Secs. 402, 403, 409, 512, 701(a), 706, 52 Stat. 1046-1048 as amended, 1055, 72 Stat. 1785-1788 as amended, 74 Stat. 399-403, 82 Stat. 343-351 (21 U.S.C. 342, 343, 348, 360b, 371(a), 376).)

Dated: May 17, 1978.

SHERWIN GARDNER,
*Acting Commissioner
of Food and Drugs.*

[FR Doc. 78-14586 Filed 5-25-78; 8:45 am]

[4110-03]

SUBCHAPTER B—FOOD FOR HUMAN CONSUMPTION

[Docket No. 77F-0397]

PART 175—INDIRECT FOOD ADDITIVES: ADHESIVE COATINGS AND COMPONENTS

Subpart B—Substances for Use Only as Components of Adhesives

POLYOXYETHYLENE (20 MOLES) LANOLIN

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the food additive regulations to provide for safe use of polyoxyethylene (20 moles) lanolin as a component of adhesives intended for production of food-contact articles. This rule is based on a petition filed by ICI Americas, Inc.

DATES: Effective May 26, 1978; objections by June 26, 1978.

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

FOR FURTHER INFORMATION CONTACT:

John J. McAuliffe, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street, SW., Washington, D.C. 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Notice was given in the FEDERAL REGISTER.

TER of December 23, 1977, (42 FR 64440) that a food additive petition (FAP 7B3316) had been filed by ICI Americas, Inc., Wilmington, Del. 19897, proposing that § 175.105 (21 CFR 175.105) be amended to provide for the safe use of polyoxyethylene (20 moles) lanolin as a component of adhesives in the production of food-packaging materials.

Having evaluated data in the petition and other relevant material, the Commissioner concludes that § 175.150 should be amended as set forth below to permit the use of the substance under its preferred chemical nomenclature as given below.

Therefore, under the Federal Food, and Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348 (c)(1))) and under authority delegated to the Commissioner (21 CFR 5.1), part 175 is amended in § 175.105(c)(5) by alphabetically inserting a new item in the list of substances, to read as follows:

§ 175.105 Adhesives.

(c) * * *	(5) * * *				
		Substances		Limitations	
		Polyoxyethylene (20 mol)—anhydrous			
		lanolin adduct.			

Any person who will be adversely affected by the foregoing regulation may at any time on or before June 26, 1978, submit to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objections shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this regula-

tion. Received objections may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Effective date: May 26, 1978.
(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348 (c)(1)).)

Dated: May 18, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Regulatory Affairs.

[FR Doc. 78-14585 Filed 5-25-78; 8:45 am]

[4110-03]

[Docket No. 78N-0095]

PART 449—GRISEOFULVIN

Griseofulvin Tablets

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the antibiotic drug regulations to provide for certification of a new dosage size of griseofulvin tablets. The manufacturer has supplied sufficient data and information to establish the safety and efficacy of the tablets.

DATES: Effective May 26, 1978; comments by June 26, 1978.

ADDRESS: Send comments to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857. Comments received may be seen at the Office of the Hearing Clerk.

FOR FURTHER INFORMATION CONTACT:

Joan M. Eckert, Bureau of Drugs (HFD-140), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs has evaluated data submitted under provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357) with respect to a new dosage size (250 milligrams) of griseofulvin tablets and concludes that the manufacturer's data on that antibiotic drug product adequately establish its safety and efficacy for use as directed in the labeling; he finds that the regulations should be amended in Part 449 (21 CFR Part 449) to provide for its certification.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357)) and under authority delegated to him (21 CFR 5.1), the Commissioner amends Part 449 in § 449.120d by revising the second sentence after the heading of paragraph (a)(1) to read as follows:

§ 449.120d Griseofulvin (ultramicrosize) tablets.

(a) * * *

(1) *Standards of identity, strength, quality, and purity.* * * * Each tablet contains either 125 or 250 milligrams of griseofulvin. * * *

Because the matter is noncontroversial and meets the prerequisites for certification of this drug, the Commissioner finds for good cause that prior notice and public procedure are unnecessary and that the amendment may become effective upon the day of its publication. Interested persons may, on or before June 26, 1978, file with the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, four copies of written comments identified with the docket number found in brackets in the heading of this document. Comments received may be seen in the office of the Hearing Clerk between the hours of 9 a.m. and 4 p.m., Monday through Friday. Any changes in this regulation justified by such comment will be the subject of a further amendment.

Effective date. This regulation shall be effective May 26, 1978.

(Sec. 508, 59 Stat. 463 as amended (21 U.S.C. 357).)

Dated: May 9, 1978.

MARY A. McENIRY,
Assistant Director for
Regulatory Affairs, Bureau of Drugs.
[FR Doc. 78-14454 Filed 5-25-78; 8:45 am]

[4210-01]

Title 24—Housing and Urban
Development

CHAPTER X—FEDERAL INSURANCE
ADMINISTRATION, DEPARTMENT
OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD
INSURANCE PROGRAM

[Docket No. FI-3720]

PART 1917—APPEALS FROM FLOOD
ELEVATION DETERMINATIONS
AND JUDICIAL REVIEW

Final Flood Elevation Determinations
for Town of Hanceville, Cullman
County, Ala.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for se-

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

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Hanceville, Ala.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Hanceville, are available for review at town hall, Hanceville, Ala.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Hanceville, Ala.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mud Creek	Louisville and Nashville RR.	526
	U.S. Highway 31	532
	Alabama Highway 91	534
North Fork of Mud Creek.	Commercial St. (upstream side).	535
	Blountsville Rd. (upstream side).	540

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13887 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3581]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Municipality of Anchorage, Alaska

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the municipality of Anchorage, Alaska. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the municipality of Anchorage, Alaska.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the municipality of Anchorage, Alaska, are available for review at the Loussac Library, 415 F Street, Anchorage, Alaska

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the municipality of Anchorage, Alaska.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insur-

ance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet ¹
Peters Creek	Mouth.....	19
	Alaska RR.....	73
	Helluva St. (extended) ...	142
	Valley Ave. (extended) ...	183
	New Glenn Highway.....	259
	Old Glenn Highway.....	271
	Confluence of Little Peters Creek.	303
Meadow Creek.....	300 ft. upstream of confluence with Eagle River.	220
	Eagle River Rd.....	335
	Eagle River Loop Rd.....	616
Ship Creek	Confluence with Knik Arm.	19
	C St.....	19
	Alaska RR.....	31
	Post Rd.....	40
	Fort Richardson Military Reservation boundary.	75
Chester Creek.....	Confluence with Knik Arm.	19
	Spennard Thruway	21
	Spennard Rd.....	23
	Arctic Blvd.....	23
	C St	28
	Gambell St	49
	Confluence with south fork, Chester Creek.	66
South fork, Chester Creek.	Confluence with Chester Creek.	66
	Maplewood St	87
	Lake Otis Parkway	92
	East Northern Lights Blvd.	114
	Mallard Dr.....	121
	Providence Ave	138
	Wesleyan Dr.....	174
	Knight's Way	177
	Confluence with south branch of south fork, Chester Creek.	180
South branch of south fork, Chester Creek.	Checkmate Dr.....	183
	Downstream of Boniface Parkway.	186
	Upstream of Boniface Parkway.	198
	33d Ave.....	198
	Campbell Field Rd.....	202
	Carnaby Way	204
	Upstream of East Northern Lights Blvd.	210
	Baxter Rd.....	212
	East 20th Ave.....	232
	East 17th Ave.....	234
	Muldoon Rd	252
Middle branch of south fork, Chester Creek.	DeBarr Rd.....	251
	Muldoon Rd	251
	Rangeview Ave.....	259
	Valley Rd.....	262
	Cherry St.....	265
Fish Creek.....	Alaska RR, 1,700 ft downstream of Forest Park Dr.	30
	Upstream of Forest Park Dr.	34

Source of flooding	Location	Elevation in feet ¹
	Upstream of Northern Lights Blvd.	35
	Alaska RR 600 ft downstream of 30th Ave.	41
	Upstream of 30th Ave.	42
	Upstream of McRae Rd.	47
	Upstream of Spenard Rd.	58
	Northwood Dr.	58
	Upstream of 44th Ave.	65
	Alaska RR, 1,200 ft downstream of Minnesota Ave.	78
	Upstream of Minnesota Ave.	82
	Chugach Way.	85
	Upstream of Arctic Blvd.	92
	Upstream of 36th Ave.	100
	Upstream of Old Seward Highway.	115
	Upstream of New Seward Highway.	116
	Upstream of Tudor Rd. near Becharof St.	122
	Upstream of Shelikef St.	127
	Upstream of Tudor Rd. between Lake Otis Parkway and MacInnes Rd.	132
	Upstream of Lake Otis Parkway.	137
Campbell Creek.	Campbell Lake.	20
	Dimond Blvd.	26
	Mentra St.	42
	Robena St.	46
	Arctic Blvd.	53
	C St.	59
	Alaska RR.	78
	Dowling Rd.	98
	Old Seward Highway.	107
	New Seward Highway.	118
	Cache Dr.	123
	Dimond Dr.	134
	Lake Otis Parkway.	141
	Confluence with Campbell Creek.	153
North fork, Campbell Creek.	do.	153
South fork, Campbell Creek.	East 50th Avenue (extended).	156
Little Campbell Creek.	Confluence with Campbell Creek.	77
	Nathan Dr.	81
	Glade Pl.	88
North fork, Little Campbell Creek.	Confluence with Little Campbell Creek.	89
	Upstream of Old Seward Highway.	95
	Upstream of East 72d Ave.	99
	Upstream of East 71st Ave.	104
	Upstream of New Seward Highway.	113
South branch of north fork, Little Campbell Creek.	Confluence with north fork, Little Campbell Creek.	133
	Downstream of Lake Otis Parkway.	145
	Upstream of East 68th Ave.	148
	Upstream of East 72d Ave.	162
	Spruce Rd.	186
	Downstream of Abbott Loop Rd.	210
North branch of north fork, Little Campbell Creek.	Confluence with north fork, Little Campbell Creek.	133
	Lake Otis Parkway.	141
	Upstream of East 68th Ave.	161
South fork, Little Campbell Creek.	Confluence with Little Campbell Creek.	89
	East 78th St.	90
	Upstream of Old Seward Highway.	96
	Downstream of New Seward Highway.	113
	Upstream of New Seward Highway.	118
Rabbit Creek.	do.	16

Source of flooding	Location	Elevation in feet ¹
	Upstream of Old Seward Highway.	79
California Creek.	Upstream of Alaska RR.	30
	Gunnysack Rd. (extended).	34
	Fern Circle.	74
	Beaver Circle.	84
	Downstream of Alyeska Rd.	97
	Upstream of Alyeska Rd.	109
	Crow Creek Rd.	156
Glacier Creek.	Confluence with Turnagain Arm.	22
	Seward Highway.	22
	Upstream of Alaska RR.	29
	Mineral Circle.	60
	Gold Circle.	77
	Alyeska Rd.	106
	Chugach State Park boundary.	157

¹Greater Anchorage area borough post quack, U.S. Coastal and Geodetic Survey, mean sea level datum of 1972 (MSL).

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13888 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3811]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of Douglas, Cochise County, Ariz.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Douglas, Cochise County, Ariz. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Douglas, Cochise County, Ariz.

ADDRESSES: Maps and other information showing detailed outlines of the flood-prone areas and the final elevations for the city of Douglas, Co-

chise County, Ariz., are available for review at the Office of Public Works, City Hall, Douglas, Ariz.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Douglas, Cochise County, Ariz.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum	Depth of flooding in feet above ground surface
Palm Grove Wash.	Just upstream of 16th St.	3,963	
	Intersection of J Ave. and 17th St.	3,968	
Palm Grove Branch.	Intersection of 20th St. and Pan American Ave.	3,990	
Airport Road Channel.	Just downstream of Airport Ave.	4,120	
Major floodwater collection area within southwest section of city.	Just upstream of Pan American Avenue Bridge.	3,950	
Shallow flooding in southwest-southcentral portion of town.	Intersection of C Ave. and 3d St.	1	
	Intersection of Dolores Ave. and 4th St.	1	
Pan American Avenue Channel.	Intersection of Pan American Avenue Channel and 10th St.	2	
Rose Avenue Channel.	West of intersection of Rose Ave. and 6th St.	3	
Washington Avenue Channel.	Intersection of Washington Ave. and 7th St.	3	
Louis Avenue Channel.	West of intersection of Louis Ave. and 17th St.	2	

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13889 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-2711]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of Sherwood, Pulaski County, Ark.

AGENCY: Federal Insurance Adminis-
tration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Sherwood, Pulaski County, Ark. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Sherwood, Pulaski County, Ark.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Sherwood, Pulaski County, Ark., are available for review at the Sherwood City Hall, 201 Country Club, Sherwood, Ark.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Sherwood, Pulaski County, Ark.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Five Mile Creek.....	Upstream corporate limits.....	251
	McAlmont Ave.....	251
	Downstream corporate limits.....	251
Five Mile Creek, Tributary 1.....	Upstream corporate limits.....	266
	Brookwood Dr.....	253
	U.S. 67 and 167.....	252
	Cemetery Rd.....	251
	East Lee Ave.....	336
Woodruff Creek.....	Club Rd.....	294
	North Beverly St.....	274
	Windchime Dr.....	257
	U.S. 67 and 167.....	251
	Wildwood Ave.....	253
Woodruff Creek, Tributary 1.....	Upstream corporate limits.....	272
	Claremont Dr.....	271
	Club Lane.....	265
Woodruff Creek, Tributary 3.....	Arkansas Route 5.....	338
	North Devon Ave.....	284
	Beverly St.....	280

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719).

Issued: April 20, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13851 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3812]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Banning, Riverside County, Calif.

AGENCY: Federal Insurance Adminis-
tration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Banning, Riverside County, Calif. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations for the city of Banning, Calif.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Banning, are available for review at Public Works Department, City Hall, Banning, Calif.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Banning, Calif.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Gilman Home Channel.	Confluence with Smith Creek.	2,209
	George St.	2,455
	12th St.	2,460
	Wilson St.	2,520
	8th St.	2,601
Highland Spring Channel.		
Montgomery Creek (below Southern Pacific RR.).	Confluence with Smith Creek.	2,218
	Westward Ave.	2,347
	Lincoln Ave.	2,394
	Southern Pacific RR.	2,403
Montgomery Creek, improved channel.	Williams St.	2,465
	Nicolet St.*	2,490
	Sunrise Ave.	2,507
	Wilson St.	2,556
	Sunset Ave.*	2,634
San Geronio River.	Downstream corporate limits.	2,426
	Corporate limits 87,360 ft above confluence with Whitewater River.	2,600
	Upstream corporate limits.	2,671
Smith Creek.	Panoramic Highway*.	2,205
	Confluence with Pershing Channel.	2,237
Smith Creek (west tributary).	Southern Pacific RR.*	2,504
	Interstate 10*	2,507
	Wilson St.*	2,570
West Pershing Channel.	Southern Pacific RR.*	2,501
	Ramsey St.*	2,507*
	Wilson St.	2,550

*Upstream side.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: April 19, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13852 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3813]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Beaumont, Riverside County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Beaumont, Riverside County, Calif. These

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

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Beaumont, Calif.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Beaumont, are available for review at the Building Department, Beaumont City Hall, Beaumont, Calif.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Beaumont, Calif.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Marshall Creek.	14th St.	2,609

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: April 20, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13853 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3814]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Fillmore, Ventura County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Fillmore, Ventura County, Calif. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Fillmore, Calif.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Fillmore, are available for review at the Building Department, City Hall, Fillmore, Calif.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Fillmore, Calif.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been

provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Pole Creek.....	Highway 126.....	472
	Main St.....	483
	Sespe Ave.....	498
	2d St.....	534
	4th St.....	580
Santa Clara River.....	Highway 23 (upstream side).....	424
	Confluence with Pole Creek.....	439
Sespe Creek.....	Highway 126, west fork (upstream side).....	394
	Southern Pacific RR., east fork.....	438
	Southern Pacific RR., west fork.....	443

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: April 19, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13854 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3816]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Ojai, Ventura County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Ojai, Ventura County, Calif. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map

(FIRM), showing base (100-year) flood elevations, for the City of Ojai, Calif.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Ojai, are available for review at City Hall, Ojai, Calif.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Ojai, Calif. This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

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

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum
Fox Canyon	Creek Rd.....	684
Storm Drain.	Southern Pacific RR.....	727
	Upstream corporate limits.....	926
San Antonio Creek.	Creek Rd. (Country Club Dr.).....	614
	Private Rd. (Dip Crossing).....	644
	Ojai Ave. (State Highway 150).....	768
	Grand Ave.....	815
Stewart Canyon	Southern Pacific RR. (upstream side).....	726
Storm Channel.	Matilija St.....	757
	Eucalyptus St.....	783
	McKee St.....	820
	Confluence with San Antonio Creek.....	712
Thatcher Creek.....	Boardman Rd.....	771

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719).

Issued: April 19, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13855 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3635]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Town of Portola Valley, San Mateo County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Portola Valley, San Mateo County, Calif. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Portola Valley, Calif.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Portola Valley, are available for review at Town Hall, 765 Portola Road, Portola Valley, Calif.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Portola Valley, Calif. This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90)

days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Corte Madera Creek.	Willowbrook Dr	525
	Portola Rd	508
	Grove Dr	486
	West Ridge Dr	444

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: April 18, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13856 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3969]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Santa Barbara, Santa Barbara County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Santa Barbara, Santa Barbara County, Calif. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Santa Barbara, Calif.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final

elevations for the city of Santa Barbara, are available for review at Division of Land Usage, 630 Laguna Street, Santa Barbara, Calif.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Santa Barbara, Calif.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Sycamore Creek	East Cabrillo Blvd	12
	India Muerta St	24
	Mason St.*	36
	do.**	47
Mission Creek	Flores Dr	261
	West Cabrillo Blvd	5
	U.S. Highway 101	19
	De La Guerra St.*	40
	do.**	43
	Micheltorena St	71
	Mission St	101
	Tallant Rd.*	100
Arroyo Burro Creek	do.**	166
	State St	221
	Los Olivos St	237
	Cliff Dr.*	18
	do.**	20
	Torino Dr.*	88
	do.**	97
	San Remo Dr.*	197
San Rogue Creek	do.**	206
	Brenner Dr	296
	Foothill Rd	323
	Hitchcock Way	188
San Pedro Creek	Ontare Rd	230
	Foothill Rd	290
	Fowler St	11
Las Vegas Creek	Hollister Ave	17
	Confluence with San Pedro Creek	17
	Hollister Ave	12
Carneros Creek	Confluence with Carneros Creek	14

*Downstream.

**Upstream.

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13857 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3971]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Santa Barbara County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Santa Barbara County, Calif. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for Santa Barbara County, Calif.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Santa Barbara County, are available for review at Santa Barbara Courthouse, 100 East Anapamu Street, Santa Barbara, Calif.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C., 20410.202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Santa Barbara County, Calif.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance

ance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tecolotito Creek ...	State Highway 217*	7
	do.**	9
	U.S. Highway 101	39
	Cathedral Oaks Road Bridge*	84
	do.**	88
Carneros Creek	Firestone Rd.	12
	U.S. Highway 101*	35
	do.**	36
	Los Carneros Rd.*	46
	do.**	48
	Cathedral Oaks Rd.	71
San Pedro Creek ...	Powder St.	11
	Southern Pacific RR.*	18
	do.**	25
	Cathedral Oaks Rd.	76
Las Vegas Creek	U.S. Highway 101*	25
	do.**	26
	Stow Canyon Rd.*	50
	do.**	53
	Cathedral Oaks Rd.	70
Atascadero Creek ..	Hollister Ave.	101
	U.S. Highway 101	121
	Cathedral Oaks Rd.	218
	Calle Caridad*	240
	do.**	249
Cieneguitas Creek ..	Nogal Dr.	87
	Southern Pacific RR.*	117
	do.**	120
	U.S. Highway 101	137
	State Highway 154*	145
	do.**	177
	Primavera Rd.	190
Montecito Creek ...	Southern Pacific RR.	19
	East Valley Rd.*	244
	do.**	246
	Ashley Rd.	468
Hot Springs Creek ..	Clover Lane	447
	Rock Bridge Rd.	472
	Theatre Lane	511
Oak Creek	U.S. Highway 101	22
	Pamona Lane	60
	Santa Rosa St.	133
	East Valley Rd.	183
San Ysidro Creek ..	Southern Pacific RR. bridge*	20
	do.**	23
	San Leandro Lane Bridge*	62
	do.**	66
	East Valley Road Bridge Mountain View Road Bridge	273
Romero Creek	U.S. Highway 101	32
	Sheffield Dr.	83
	East Valley Rd. (State Highway 192)	285
	Featherhill Lane	358
Buena Vista Creek, west branch.	East Valley Rd.	255
	Aliso Dr.	354
	Lilac Dr.	8

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Bella Vista Dr.	678
	Sheffield Dr.	130
Buena Vista Creek, east branch.	East Valley Rd. (State Highway 192)	256
	Aliso Dr.	311
	Lilac Dr.	482
Picay Creek	East Valley Rd.	318
	Private bridge, furthest upstream	460
Santa Ynez River- Lompoc Reach.	13th St.	35
	Floradale Ave.	67
	State Route 246	108
Santa Ynez River- Solvang Reach.	Buellton Parkway (U.S. Highway 101)	330
	Alisal Rd.	390
	Refugio Rd.	434
	San Marcos Pass Rd./ Highway 154 Bridge* ..	520
	do.**	522
Arroyo Burro	Santa Barbara corporate limits*** ..	26
	do.***	165
Mission Creek	do.***	263
	do.***	289
Franklin Creek	Carpinteria corporate limits***	12
	do.***	26
Carpinteria Creek ..	do.***	53

*Downstream.
**Upstream.
***Furthest downstream crossing.
****Furthest upstream crossing.

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13858 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3974]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of St. Helena, Napa County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of St. Helena, Napa County, Calif. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of St. Helena, Calif.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of St. Helena, are available for review at City Hall, 1480 Main Street, St. Helena, Calif.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of St. Helena, Calif. This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevations, in feet, national geodetic vertical datum
Napa River	Pope St.	214
	Pratt Ave.	228

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13859 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3818]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Union City, Alameda County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Union City, Alameda County, Calif. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Union City, Calif.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Union City, are available for review at City Hall, Union City, Calif.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Union City, Calif.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

flood-prone areas in accordance with 24 CFR part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Dry Creek.....	Alvarado-Niles Rd.....	35
	Railroad Ave.....	69
	Mission Blvd.....	100
Union City "M" Line.	Decoto Rd.....	35
	Union Sq.....	39
	Gregory Ave.....	47
Old Alameda Creek and A and D Line.	Hesperian Blvd.....	9
	State Highway 17.....	10
San Francisco Bay..	Intersection of Union City Blvd. and Alvarado Blvd.	7
	Veasy St.....	7

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719).

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13860 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3680]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Lakeport, Lake County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Lakeport, Lake County, Calif. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Lakeport, Calif.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Lakeport, are

available for review at City Hall, 445 Main Street, Lakeport, Calif.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Lakeport, Calif.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Forbes Creek.....	State Highway 29, upstream side.....	1,357
	Downstream side.....	1,354
	Martin St.....	1,337
	Main St.....	1,334
North Branch Forbes Creek.	Compton St.....	1,351
	Russell St.....	1,347
	Armstrong St.....	1,342
	Estep St.....	1,337
10th St. drainage ditch.	11th St.....	1,366
	Pool St.....	1,349
	Tunis St.....	1,342
	Main St.....	1,336
Rumsey Bay drainage.	Mellor Dr.....	1,357
	16th St.....	1,350
	Hartley St.....	1,339
	High St.....	1,331
Hartley drainage ditch.	Hartley St., upstream side.....	1,349
	Howard Ave.....	1,335
	Lakeshore Blvd.....	1,331

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13861 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3634]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Lake County, Calif.

AGENCY: Federal Insurance Adminis-
tration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Lake County, Calif. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for Lake County, Calif.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Lake County, are available for review at Lake County Courthouse, 255 North Forbes Street, Lakeport, Calif.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Lake County, Calif. This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in

flood-prone areas in accordance with 24 CFR part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Middle Creek	Elk Mountain Rd.....	1,418
	Rancheria Rd.....	1,366
	Lucerne Cutoff Rd.....	1,331
	State Highway 20.....	1,345
Scotts Creek	State Highway 29.....	1,339
	Eickhoff Rd.....	1,405
	Scotts Valley Rd.....	1,443
Blue Lakes tributary.	Irvine Ave.....	1,364
	Mid Lake Rd.....	1,361
	Scotts Valley Rd.....	1,354
Pool Creek	Hendricks Rd.....	1,426
	Scotts Valley Rd.....	1,405
Clover Creek	Elk Mountain Rd.....	1,362
Burns Valley Creek.	State highway 53, upstream side.....	1,406
	Downstream side.....	1,401
	Burns Valley Rd.....	1,354
	Lakeshore Dr.....	1,334
Burns Valley Creek overflow.	Old State Highway 53.....	1,376
	Burns Valley Rd.....	1,358
	Redwood St.....	1,349
	Buckeye St.....	1,345
	Bayless Ave.....	1,340
	Lakeshore Dr.....	1,331
Molesworth Creek.	State Highway 53, upstream side.....	1,412
	Downstream side.....	1,380
	Old State Highway 53.....	1,347
	Ridgeview Dr.....	1,342
Cole Creek	Wilkinson Rd.....	1,430
	Konociti Rd.....	1,403
	Sylar Lane.....	1,386
	Clark Dr.....	1,341
	Clear Lake State Park Rd.....	1,331
Kelsey Creek	Gross cutoff.....	1,409
	State Highway 29.....	1,381
	Main St.....	1,374
	Dorn crossing.....	1,357
	Soda Bay Rd.....	1,344
Adobe Creek	Bell Hill Rd.....	1,410
	Merritt Rd.....	1,375
	Argonaut Rd.....	1,363
	Big Valley Rd.....	1,354
	Soda Bay Rd.....	1,339
	Manning Rd.....	1,332
Manning Creek	George Rd.....	1,380
	Ackley Rd.....	1,374
	State Highway 29.....	1,352
	Soda Bay Rd.....	1,340
Cache Creek	Lake St.....	1,329
Seigler Canyon Creek.	Ball Park Ave.....	1,379
	State Highway 29.....	1,368
	Jessie St.....	1,357
Putah Creek	State Highway 175.....	1,199
	Big Canyon Rd.....	1,086
	State Highway 29.....	967
Coyote Creek	Hidden Valley Rd.....	992
	Hartmann Rd.....	962
Gallagher Creek	Hartmann Rd.....	973
	Mountain Meadow North Rd.....	965
Saint Helena Creek.	Hildebrand Rd.....	1,255
	Brenda Lane.....	1,171
	Wardlaw St.....	1,096
	State Highway 29.....	1,088
Dry Creek	Dry Creek cutoff.....	1,128
	State Highway 175.....	1,100
Anderson Creek	Road M.....	1,468
	Road G.....	1,423
	Road F.....	1,383
	Anderson Springs Rd.....	1,355
	Foard Rd.....	1,325

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Ad-

ministrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13890 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3174]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Sacramento, Sacramento County, Calif.

AGENCY: Federal Insurance Adminis-
tration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Sacramento, Sacramento County, Calif. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Sacramento, Calif.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Sacramento, are available for review at City Hall, 915 I Street, Sacramento, Calif.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Sacramento, Calif.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determina-

tion to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Unionhouse Creek	Wyndham Way	24
	Frontage Rd.	24
	Highway 99 and Alternate 5.	24
	Access road	24
	Stockton Blvd.	26
	Center Parkway	18
	Franklin Blvd.	15
	Western Pacific RR.	13
Robla Creek	Sacramento Northern RR. (abandoned).	39
	Rio Linda Blvd.	39
	Western Pacific RR.	35
Natomas west drainage canal.	Del Paso Rd.	12
	El Centro Rd.	12
	San Juan Rd.	12
Natomas main drainage canal.	I-880	8
	West El Camino Ave.	8
Natomas east main drainage canal.	Main Ave.	33
	I-880	32
	Silver Eagle Rd.	32
	El Camino Ave.	32
	Northgate Ave.	31
	Discovery Park entrance, road.	29
	I-5	29
	Jiboon St.	29
Natomas east drainage canal.	Elkhorn Blvd.	12
	Del Paso Rd.	11
	San Juan Rd.	10
	I-5 northbound on ramp	10
	I-5	10
	I-5 southbound on ramp	10
Morrison Creek	Central California Traction RR.	42
	Florin Perkins Rd.	41
	Army Depot bridge (9.9 mi upstream from mouth).	40
	Army Depot bridge (10.5 mi upstream from mouth).	39
	Army Depot Southern Pacific RR. spur.	37
	Southern Pacific RR.	35
	Power Inn Rd.	30
	65th Expressway	27
	Elder Creek Rd.	25
	Stockton Blvd.	24
	Franklin Blvd.	16
	G Parkway	15
	Meadowview Rd.	15
	Elder Creek	14
	Western Pacific RR.	13
Magpie Creek	Raley Blvd.	47
Magpie Creek—diversion.	Vinci Ave.	44
	Dry Creek Rd.	40
Lower Magpie Creek.	Rio Linda Blvd.	32
	Bell Ave.	28
	Jessie Ave.	26
	Norwood Ave.	23
Laguna Creek	Sheldon Rd.	22
	Franklin Blvd.	18
Florin Creek	Florin Perkins Rd.	36
	Center Parkway	18
	Brookfield Dr.	17
	Franklin Blvd.	16
Elder Creek	Highway 99 and Alternate 5 and frontage road.	20

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Center Parkway	18
	Tangerine St.	17
	Franklin Blvd.	16
Dry Creek	Western Pacific RR.	35
Arcade Creek	Auburn Blvd.	69
	Bridge Rd.	65
	I-80 off ramp	63
	I-80	62
	Watt Ave.	62
	Roseville Rd.	47
	Southern Pacific RR.	45
	Verano St.	40
	Del Paso Blvd.	40
	Marysville Blvd.	39
	Footbridge	34
	Rio Linda Blvd.	33
	Sacramento Northern RR. (abandoned).	33
	Norwood Ave.	32
	Western Pacific RR.	32
American River	Watt Ave.	46
	Howe Ave.	43
	Guy West footbridge	41
	H St gaging station	39
	I-80	35
	Southern Pacific RR.	34
	Western Pacific RR.	32
	Abandoned railroad bridge.	32
	State Highway 160	32
	I-5	29
	Jiboon St.	29

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary

[FR Doc. 78-13891 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3798]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Thousand Oaks, Ventura County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Thousand Oaks, Ventura County, Calif. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Thousand Oaks, Calif.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Thousand Oaks, are available for review at City Hall, 401 West Hillcrest Drive, Thousand Oaks, Calif.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Thousand Oaks, Calif. This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
South Branch	Vent-Tu Park Rd.	621
Arroyo Conejo.	U.S. Highway 101	641
	(Rancho Conejo Blvd. Overpass).	
	Kimber Rd.	684
	West Lynn Rd.	736
	Briar Rd. (upstream side).	757
Tributary to South Branch	Reno Rd.	663
Arroyo Conejo.		
Lang Creek	Wilbur Rd.	750
	Combes Ave.	761
	Gainsborough Rd.	763

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delega-

tion of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974.)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13892 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3799]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Town of Erie, Weld and Boulder Counties, Colo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Erie, Weld and Boulder Counties, Colo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Erie, Colo.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Erie, are available for review at Town Hall, Erie, Colo.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Erie, Colo. This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a). An opportunity for the community or individuals to appeal this determination to or through the

community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Coal Creek.....	Briggs St	5011
	Cheesman St	5016
	Moffat St	5020
	Anderson St.....	5023

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: April 20, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13862 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3682]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Town of Wiggins, Morgan County, Colo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Wiggins, Morgan County, Colo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations for the town of Wiggins, Colo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final

elevations for the town of Wiggins, are available for review at Wiggins Hardware Store, 218 Main Street, Wiggins, Colo.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Wiggins, Colo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Kiowa Creek.....	Burlington Northern RR.....	*4,552
	do.....	**4,547
	U.S. Highway 6	*4,545
	do.....	**4,544
	Interstate 76.....	4,543

*Upstream side.

**Downstream side.

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13863 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3820]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Town of Bayfield, La Plata County, Colo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Bayfield, La Plata County, Colo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations for the town of Bayfield, Colo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Bayfield, Colo., are available for review at Town Hall, Bayfield, Colo.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Bayfield, Colo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

flood-prone areas in accordance with 24 CFR part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Los Pinos River	U.S. Highway 160 (alternate).	6,865

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.
Federal Insurance Administrator.
[FR Doc. 78-13893 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-4141]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Littleton, Arapahoe County, Colo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Littleton, Arapahoe County, Colo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Littleton, Colo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Littleton, are available for review at City Hall, 2450 West Main Street, Littleton, Colo.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance,

Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Littleton, Colo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Slaughterhouse Gulch.	West Berry Ave.....	(1)
	South Hickory St	5,398
	South Greenwood St	5,395
	South Elmwood St	5,389
	South Datura St	5,385
	South Windermere St.....	5,378
Tributary to Slaughterhouse Gulch.	South Prince St	5,320
	West Powers Ave	5,390
South Platte River.	West Bowles Ave	5,322
	West Crestline Ave.....	75,319
	West Bellevue Ave	5,311
	South Santa Fe Dr	5,317
	Denver & Rio Grand	5,325
	Western RR.	
Big Dry Creek.....	Atchison, Topeka & Santa Fe RR.	5,326
	Lehow Ave	5,374
	South Broadway	5,390
	East Littleton Blvd.....	5,419
	South Apache St	5,462
	South Cherokee St	5,450
	South Delaware St	5,446
	Arapahoe Dr	5,443
	South Elati St	5,439
	South Greenwood St	5,429
	South Gallup St	5,423
	West Caley Ave	5,408
Little Creek.....	South Windermere St	5,405
	Parkhill Ave	5,392
	West Lake Ave	5,385
	South Bemis St	5,371
	South Nevada St	5,351
	South Curtice St	5,340
	South Rapp St	5,338
	South Santa Fe Dr	5,336
Lee Gulch.....	South Elati St	5,465
	South Gallup St	5,435
	South Prince St	5,384

¹Varies.

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13894 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3638]

**PART 1917—APPEALS FROM FLOOD
ELEVATION DETERMINATIONS
AND JUDICIAL REVIEW**

**Final Flood Elevation Determinations
for City of Loveland, Larimer
County, Colo.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Loveland, Larimer County, Colo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Loveland, Colo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Loveland, are available for review at City Hall, 410 East 5th Street, Loveland, Colo.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Loveland, Colo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act

of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Big Thompson River.	U.S. Route 287	4,931
	Fairground access road ..	4,938
	Colorado & Southern RR.	4,947

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13895 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3724]

**PART 1917—APPEALS FROM FLOOD
ELEVATION DETERMINATIONS
AND JUDICIAL REVIEW**

**Final Flood Elevation Determinations
for City of Northglenn, Adams
County, Colo.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Northglenn, Adams County, Colo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map

(FIRM), showing base (100-year) flood elevations, for the city of Northglenn, Colo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Northglenn, Colo., are available for review at City Hall, 10701 Melody Drive, Suite 313, Northglenn, Colo.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Northglenn, Colo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Grange Hall Creek.	Interstate 25	5,348
	Grant Dr	5,319
	Washington St	5,283
	Larson St	5,279
	Marion St	5,257
	Irma Dr. (upstream side).	5,231
North fork, Grange Hall Creek.	Dirt Rd. (upstream side) 700 ft downstream of confluence of south fork.	5,223
	Leroy Dr	5,240
	Union Pacific RR. (upstream).	5,230
	Union Pacific RR. (downstream).	5,209
	Tuck Lateral Station (12,640 ft above Grange Hall Creek).	5,400
	Melody Dr	5,392
South fork, Grange Hall Creek.	Interstate 25 (upstream side).	5,368
	104th Ave	5,238
	Union Pacific RR	5,255
	York St	5,241
Grange Hall Creek Tributary.		

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13896 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3640]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Town of Silverton, San Juan County, Colo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Silverton, San Juan County, Colo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Silverton, Colo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Silverton, are available for review at Town Hall, 1360 Greene Street, Silverton, Colo.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Silverton, Colo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance

Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The administrator has developed criteria for flood plain management in flood-prone areas in accordance 24 CFR Part 1910.

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

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum
Animas River	Bridge No. 1 (14th St.) ...	9,289
Mineral Creek	Bridge No. 3 (Denver and Rio Grande Western RR.)	9,236
	Bridge No. 4 (Highway 550).	9,255
Cement Creek	Bridge No. 5 (14th St.) ...	9,306
	Bridge No. 6 (U.S. Highway 110).	9,327

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13898 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3760]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Town of Telluride, San Miguel County, Colo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevation, are listed below for selected locations in the town of Telluride, San Miguel County, Colo. These base (100-year) flood elevations are the bases for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified

for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Telluride, San Miguel County, Colo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Telluride are available for review at Telluride Town Hall, 135 West Columbia, Telluride, Colo.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Telluride, San Miguel County, Colo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
San Miguel River ..	Bridge at Telluride Lodge.	8,728
	700 ft upstream of bridge at Telluride Lodge.	8,730
	850 ft upstream of bridge at Telluride Lodge.	8,735
	1,150 ft upstream of bridge at Telluride Lodge.	8,735
	100 ft downstream of South Fir Street Bridge.	8,747
	50 ft upstream of South Pine Street Bridge.	8,751
	Upstream of Maple Street Bridge.	8,759

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	1,900 ft upstream of North Maple Street Bridge (at east corporate limit).	8,774
		Depth in feet above ground level
Cornet Creek	Area between West Pacific Ave. to West Galena Ave.	1
	Area between West Galena Ave. to the northern corporate limits.	2

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13897 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3824]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Town of Madison, New Haven County, Conn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Madison, New Haven County, Conn. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Madison, New Haven County, Conn.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Madison, New Haven County, Conn., are available for review at the Planning and

Zoning Office, Town Hall, Madison, Conn.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 7th St. SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Madison, New Haven County, Conn.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Hammonasset River.	Approximately 100 ft upstream of Chestnut Hill Rd.	52
	Approximately 100 ft upstream of confluence of Camp Laurelwood Brook.	121
	Route 80 (old toll road)..	214
Camp Laurelwood Brook.	Just upstream of Summer Hill Rd.	184
Bailey Creek	Approximately 100 ft upstream of Sandwood Rd.	11
	Approximately 100 ft upstream of Salem Rd.	12
Neck River	Approximately 100 ft upstream of Fort Path Rd.	17
	Approximately 200 ft downstream of Route 95 (Connecticut Turnpike).	21
	Approximately 100 ft downstream of Warpass Rd.	31
Long Island Sound	Entire shoreline.....	11

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13899 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-2898]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Town of Lake Clarke Shores, Palm Beach County, Fla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Lake Clarke Shores, Palm Beach County, Fla. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Lake Clarke Shores, Fla.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Lake Clarke Shores, are available for review at Town Hall, 1701 Barbados Road, Lake Clarke Shores, Fla.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Lake Clarke Shores, Fla.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination

to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevation for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Shallow flooding (rainfall runoff).	Areas surrounding Lake Clarke and all canals.	12

¹Depth: 1 to 3 ft.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13864 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3985]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Ocoee, Orange County, Fla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Ocoee, Orange County, Fla. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations for the city of Ocoee, Fla.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Ocoee, are available for review at City Hall, 150 Lake Shore Drive, Ocoee, Fla.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Ocoee, Fla.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Stream "A"	Bluford Ave.**	101
	do.*	113
	Oakland Ave.*	119
Stream "B"	No physical features.....	118
Stream "C"	Palm Dr.....	117
Starke Lake.....	Areas along the shore.....	101
Spring Lake.....	do.....	121
Peach Lake.....	do.....	149
Lake Moxie.....	do.....	142
Lake Bennet.....	do.....	118

*Upstream side.

**Downstream side.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13865 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3825]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Belle Isle, Orange County, Fla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Belle Isle, Orange County, Fla. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Belle Isle, Fla.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Belle Isle, Fla., are available for review at City Hall, Belle Isle, Fla.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Belle Isle, Fla. This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lake Conway	Shoreline	89
Little Lake Conway	do	89

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13900 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3491]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Athens, Clarke County, Ga.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Athens, Clarke County, Ga. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Athens, Ga.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Athens, are available for review at City Hall, 301 College Avenue, Athens, Ga.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Athens, Ga.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Brooklyn Creek	Talmadge Dr	708
	King St	694
	Broad St	666
	Dearing extension	663
	Baxter St	652
	Baxter Dr	632
	Dudley Dr	627
	Fortson Dr	618
	Milledge Circle	609
	West Lake Dr	602
	Belvoir Heights	701
Brooklyn Creek—Tributary A.	Rockspring Rd	698
Brooklyn Creek—Tributary B.	Paris St	676
	Minor St	666
Carr's Creek	U.S. Highway 78	637
	Unnamed paved road	629
Hunnicutt Creek	Janice Dr	672
	Ashton St	658
	Seaboard Coastline RR.	629
	Oglethorpe Ave	624
Middle Oconee River.	Mitchell Bridge	584
	U.S. Highway 29	583
	Malcolm Branch	580
	U.S. Highways 29 and 78	577
	U.S. Highways 144 and 129, Georgia Highway 15.	563
North Oconee River.	North Athens bypass	620
	Elizabeth St	617
	Seaboard Coastline RR.	615
	North Ave	615
	Broad St	611
	Georgia RR	609
	U.S. Highway 78 and Oconee St	607
	Cemetery Rd	605
Tanyard Creek	Baxter St	621
	Lumkin St	612
	Sanford Dr	606
Trail Creek	Seaboard Coastline RR.	611
Tributary C	John Davis Rd	563
Tributary D	Will Hunter Rd	562
Tributary F	Boulevard	688
	Nantahala Ave	685
	Seaboard Coastline RR.	669
	Barber St	661
	Southern RR	655

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Waterworks Dr	635
Tributary M	Unnamed dirt road	640
	Unnamed Rd	631
	Newton Bridge Rd	623
Tributary MT	Seaboard Airline	668
	U.S. Highway 29	650
Tributary O	Tallassee Rd	621
Tributary P	U.S. Highway 29 (upstream side).	642
	U.S. Highway 29 (downstream side).	630

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13901 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3762]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Clarke County, Ga.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Clarke County, Ga. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for Clarke County, Ga.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Clarke County, Ga., are available for review at Clarke County Courthouse, Athens, Ga.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Clarke County, Ga.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Oconee River	Barnett Shoals Rd.*	533
	Confluence with North Oconee and Middle Oconee Rivers.	541
Middle Oconee River	Central of Georgia RR.	544
	Old Lexington Rd.	550
	U.S. Highways 441 and 129; Georgia Highway 15.	563
	Mitchell Bridge Rd.	584
	Seaboard Coastline RR.	603
	Georgia Highway 230	649
McNutt Creek	U.S. Highway 441	559
	Epps Bridge Rd.*	521
	U.S. Highway 78	710
Malcolm Branch	U.S. Highway 78*	623
Big Bear Creek	Big Bear Rd.	618
Little Bear Creek	Fowler Mill Rd.*	659
Turkey Creek	Tallahassee Rd.*	610
	Lavender Rd.*	655
North Oconee River	Whitehall Rd.*	559
	College Station Rd.*	592
	Southern RR.	621
	Newton Bridge Rd.	625
Big Creek	Old Lexington Rd.*	605
Tributary H	U.S. Highway 78 and Georgia Highway 10*.	637
Shoal Creek	Barnett Shoals Rd.	541
	Belmont Rd.	594
	Lexington Rd.*	615
	U.S. Highway 78*	638
	Beaver Dam Rd.*	652
	Cherokee Rd.*	662
Tributary J	Winterville corporate limits.	735
Cedar Creek	Barnett Shoals Rd.*	615
	Old Lexington Rd.*	636
	Gentry Dr.*	644
	Cedar Creek Dr.*	672
Carrs Creek	At the confluence with the Oconee River.	596
Tributary G	Barnett Shoals Rd.	605
	U.S. Highway 78	720
Tributary K	College Station Rd.	600
	River Rd.	618
Trail Creek	At the confluence with East and West Fork Trail Creek.	643

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
East Fork Trail Creek	Joyles Rd.*	741
Tributary 5	At the confluence with East Fork Trail Creek.	663
West Fork Trail Creek	Seaboard Coastline RR.	646
	New Hull Rd.*	674
Sandy Creek	U.S. Highway 441*	621
East Sandy Creek	Nowhere Rd.*	644
Nokatchee Creek	Nowhere Rd.*	641
	Smokey Rd.	739
Walton Creek	Jefferson River Rd.*	650
Tributary R	Athena Dr.*	666

*Upstream side.

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13902 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-38061]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Unincorporated Areas of Rockdale County, Ga.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the unincorporated areas of Rockdale County, Ga. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the unincorporated areas of Rockdale County, Ga.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the unincorporated areas of Rockdale County, Ga., are available for review at the Planning and Inspection Office, 922 Court Street, Conyers, Ga.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the unincorporated areas of Rockdale County, Ga.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period on ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Yellow River	Just upstream Gees Mill Rd.	650
	Just upstream Georgia Highway 138.	660
	Just downstream Irwin Bridge Rd.	709
Carr Branch	Just upstream of Hi-Roc Rd.	675
Carr Branch tributary	do.....	676
Boar Tusk Creek	Just downstream of Boar Tusk Rd.	670
	Norton Rd.	763
North Conyers tributary	Approximately 50 ft upstream Sigmund Rd. bypass.	756
Mark Branch	Almand Rd.	784
Lake Capri tributary	Lake Capri Dr.	727
Snapping Shoals Creek	Approximately 150 ft upstream Honey Creek Rd.	706
	Approximately 100 ft upstream Old Salem Rd.	752
Almand Creek	Approximately 100 ft upstream McDonough Highway (Route 20).	729
	Just upstream Stockbridge Highway (Route 138).	756
Snapping Shoals Creek tributary	Confluence with Snapping Shoals Creek.	750
Snapping Shoals Creek, tributary No. 2	Confluence with Snapping Shoals Creek tributary.	763
South River	Confluence of Bailey Creek.	622

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Approximately 100 ft upstream Oglesby Bridge.	634
	Approximately 300 ft downstream Georgia Highway 138.	651
Honey Creek.....	Just upstream Georgia Highway 212.	642
	Confluence with Rowan Rd. tributary.	653
	Approximately 100 ft upstream Tucker Mill Rd.	680
	Just upstream Smyrna Rd.	710
	Just upstream Turner Rd.	777
McLane Creek	Approximately 100 ft upstream Troupe Smith Rd.	663
McLane Creek tributary.	Confluence of McLane Creek, tributary No. 2.	681
McLane Creek, tributary No. 2.	Hall Rd. (extended)	700
Cowan Lake tributary.	Old Honey Creek Rd	659
Goodard Road tributary.	Ebenezer Rd	693
	Northeastern corporate limit.	747
Bailey Creek	Wendwood Rd	654
Scott Creek	East Shore Dr	640

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13903 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. FI-4142]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Village of Cahokia, St. Clair County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the village of Cahokia, St. Clair County, Ill. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map

(FIRM), showing base (100-year) flood elevations, for the village of Cahokia, St. Clair County, Ill.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the village of Cahokia, St. Clair County, Ill., are available for review at the Cahokia Village Hall, 103 Main Street, Cahokia, Ill.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the village of Cahokia, St. Clair County, Ill.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234, 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Areas of shallow flooding due to rainfall.	South of the intersection of Capgill Rd. and the Illinois Central Gulf RR., running parallel to the railroad to corporate limits.	397
	Between Dead Creek and Falling Springs Rds., south of Edward Pl., extending slightly south of Mildred Ave.	405
	West of Dead Creek in the area of Barber St.	405
	Between Falling Springs Rd. and corporate limits, north of Judith Lane.	406
	Between northern corporate limits and Bi-State Parks Airport, extending from hangar area to southeastern corporate limits.	406

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Between Missouri Pacific RR. and Terminal Railroad Association of St. Louis, south of 7th St.	406
	Between Range Lane and LaSalle Dr., east of Missouri Pacific RR.	408
	400 ft on either side of St. Michael Rd., between Ellen St. and St. Stephen Dr.	409
	Between Camp Jackson Rd. and William St., bordered by Carol Rd. and Annunciation Ct.	409
	Area bordered by Armard, Melvin, Andrews Drs., and Reiber Rd., and southern corporate limits.	406
	Area extending approximately 1,200 ft on either side of Goose Lake ditch.	408
Mississippi River...	Upstream corporate limits.	423
	Downstream corporate limits.	422

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13866 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3807]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of De Kalb, Dutchess County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of De Kalb, Dutchess County, Ill. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map

(FIRM), showing base (100-year) flood elevations, for the city of De Kalb, Dutchess County, Ill.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of De Kalb, Dutchess County, Ill., are available for review at the De Kalb City Hall, 200 South Fourth Street, De Kalb, Ill.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of De Kalb, Dutchess County, Ill.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The administrator has developed criteria for flood plain management in flood-prone areas in accordance 24 CFR part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
South branch Kishwaukee River.	North corporate limit.....	837
	Hillcrest Dr.....	842
	Lucinda Ave.....	846
	Chicago & Northwestern RR.	848
Unnamed tributary to Kishwaukee River.	Taylor St.....	850
	South corporate limit.....	851
	Confluence with south branch, Kishwaukee River.	847
	Castel St.....	850
	Normal Rd.....	850
	Carroll Ave.....	852
	Lucinda Ave.....	855
	Downstream of Glidden Ave.	859
Upstream of Grant Drive East.	Upstream of Glidden Ave.	863
	Upstream of Grant Drive East.	870

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development

Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 43 FR 7719.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13867 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3939]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Village of Lombard, DuPage County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the village of Lombard, DuPage County, Ill. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the village of Lombard, DuPage County, Ill.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the village of Lombard, DuPage County, Ill., are available for review at the Lombard Village Hall, 48 North Park Avenue, Lombard, Ill.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the village of Lombard, DuPage County, Ill.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act

of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
East branch DuPage River.	Downstream corporate limits at Glen Ellyn sewage treatment plant.	680
	Treatment plant road.....	680
	Confluence with unnamed tributary north of 22nd St.	683
	Corporate limits (2,700 ft upstream from treatment plant road).	683
	Corporate limit at Charles Lane.	688
	Hill Ave.....	692
	Chicago & Northwestern RR.	692
	Crescent Blvd.....	692
	Corporate limit at Churchill Woods.	692
	Tributary north of 22nd St.	705

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13868 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3834]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determination for Town of Longmeadow, Hampden County, Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Longmeadow, Hampden County, Mass.

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

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Longmeadow, Hampden County, Mass.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Longmeadow are available for review at the Planning Board's Office, Town Hall, 20 Williams Street, Longmeadow, Mass. 01106.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Longmeadow, Hampden County, Mass.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Connecticut River.	At southern corporate limit.	56
	10,000 ft upstream of confluence of Longmeadow Brook.	58
Longmeadow Brook.	Confluence with Connecticut River.	57
	400 ft downstream of route 91.	58
	300 ft upstream of route 91.	63

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	150 ft downstream of Longmeadow St.	64
	Upstream end of Longmeadow St. culvert.	78
	800 ft upstream of Mill Rd.	78
	325 ft downstream of Old Shaker Rd.	82
	50 ft downstream of Old Shaker Rd.	86
	50 ft upstream of Shaker Rd.	101

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13869 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-1147]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Town of Mashpee, Barnstable County, Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Mashpee, Barnstable County, Mass. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Mashpee, Mass.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Mashpee, are available for review at Town Hall, Main Street, Mashpee, Mass.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Ad-

ministrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Mashpee, Mass.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Nantucket South (Waquoit Bay to Popponesset Bay).	Bluff Ave.....	11
	Nick Trail (extended).....	11
	Kim Path (extended).....	11
	Waterline Dr.....	11
	Mariner Lane.....	11
	Whippoorwill Circle.....	11

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13870 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3615]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Bay City, Bay County, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Bay City, Bay County, Mich. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Bay City, Mich.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Bay City, are available for review at City Hall, 201 Washington Street, Bay City, Mich.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Bay City, Mich.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevation for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Saginaw River	Belinda St	585
	Lafayette Ave	585
	Southernmost corporate limit	585

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13871 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3692]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Southgate, Wayne County, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Southgate, Wayne County, Mich. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations for the city of Southgate, Mich.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Southgate, are available for review at City Hall, 13763 Northline Road, Southgate, Mich.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Southgate, Mich.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the

Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Frank and Poet Drain	Pennsylvania Ave	594
	Southgate Kennels	
	Footbridge No. 1	595
	Footbridge No. 2	595
	Dix-Toledo Highway	596
	Allen Rd	598

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13872 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3693]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Circle Pines, Anoka County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Circle Pines, Anoka County, Minn. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Circle Pines, Minn.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Circle Pines, are available for review at City Hall, 9201 Lexington Avenue North, Circle Pines, Minn.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Circle Pines, Minn.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The administrator has developed criteria for flood plain management in flood-prone areas in accordance 24 CFR Part 1910.

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

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum
Rice Creek.....	Baldwin Lake	885
	Southern corporate limits.	885
Blaine Pond	Western corporate limits (east of Blaine Pond).	885
Baldwin Lake	Eastern corporate limits (at Baldwin Lake).	885

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13873 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3695]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of North St. Paul, Ramsey County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of North St. Paul, Ramsey County, Minn. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations for the city of North St. Paul, Minn.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of North St. Paul, are available for review at City Hall, 2526 East 7th Avenue, North St. Paul, Minn.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of North St. Paul, Minn.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for

a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
County ditch No. 18.	Ariel St.....	929
	13th Ave. North*	929
	do.**	931
	Detention Pond service road*	931
	do.**	935
	11th Ave. North	935
	Shopping center service road	935
	Minnesota Highway 36* ..	935
	do.**	937
	Soo Line RR. bridge*	937
	do.**	939
	East South Ave	939
	McKnight Rd	936
North branch, County ditch No. 18.		
Casey Lake	Western corporate limits (north of 17th Ave.)	928
Silver Lake	Eastern corporate limits (west of Century Ave. in Oakdale)	991

*Downstream side.
**Upstream side.

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13874 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3771]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Shakopee, Scott County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Shakopee, Scott County, Minn. These base

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

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Shakopee, Minn.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Shakopee, are available for review at City Hall, 129 East 1st Avenue, Shakopee, Minn.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Shakopee, Minn.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individual to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Minnesota River....	State Highway 101 and U.S. Highway 169.	722

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13875 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-37331]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Wilkin County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Wilkin County, Minn. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for Wilkin County, Minn.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Wilkin County, are available for review at Wilkin County Courthouse, Breckenridge, Minn.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Wilkin County, Minn.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, National geodetic vertical datum
Otter Tail River....	Minnesota Highway 9.....	982
	County Road 164.....	984
	County State Aid Highway 14.....	970
	County Road 169.....	989
	County State Aid Highway 19.....	1,007
Bois De Sioux River.	County State Aid Highway 6.....	968
	County State Aid Highway 9.....	969

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13876 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. FI-36961]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Cleveland, Bolivar County, Miss.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Cleveland, Bolivar County, Miss. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Cleveland, Miss.

ADDRESS: Maps and other information showing the detailed outlines of

the flood-prone areas and the final elevations for the city of Cleveland, are available for review at City Hall, 100 North Street, Cleveland, Miss.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Cleveland, Miss.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Jones Bayou.....	Rosemary Rd., upstream.....	138
	Downstream.....	137
	Hillcrest Circle.....	137
	West 3d St., upstream.....	137
	Downstream.....	136
	South Court St.....	136
	Leflore Ave.....	135
	Yale St.....	135
Bear Pen Canal.....	Highway 8, upstream.....	137
	Downstream.....	136
	Sunflower Rd.....	136
	Road (360 ft upstream of corporate limits).....	134
Pecan Bayou.....	Maple St.....	137
	College St.....	136
	Bishop St.....	136
	Yale St.....	135
West Main Canal ..	Unnamed Road (at upstream corporate limits).....	139
	Pearman Rd.....	137
	Sunflower Rd., upstream.....	136
	Downstream.....	135

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delega-

tion of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13877 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3653]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Grenada County, Miss.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Grenada County, Miss. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for Grenada County, Miss.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Grenada County, are available for review at Grenada County Courthouse, Grenada, Miss.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Grenada County, Miss.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been

provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Yalobusha River ...	State Highway 8*.....	158
	I-55 southbound lane	177
	I-55 northbound lane	178
	State Highway 51	180
	Main St.....	181
	Illinois Central Gulf RR ..	182
Batupan Bogue.....	State Highway 8	186
	Tie Plant Rd.....	198
	County Rd. (approximately 2 mi downstream from county line).....	218
Perry Creek.....	Vance Rd.*.....	193
	U.S. Highway 51*.....	210
	I-55*.....	222
Perry Creek tributary.	I-55 northbound lane	232
	I-55 southbound lane	239
	Carrollton Rd.....	239
	Shelby Chapel Rd.....	250

*Upstream side.

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13878 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3773]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of Aurora, Lawrence County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Aurora, Lawrence County, Mo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in

order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Aurora, Lawrence County, Mo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Aurora are available for review at City Hall, Aurora, Mo.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Aurora, Lawrence County, Mo.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Chat Creek.....	1,100 ft upstream from Missouri Highway 39.	1,340
	250 ft upstream from Missouri Pacific RR.	1,345
	360 ft downstream from Morgan Ave.	1,350
	McNatt Ave	1,357
	30 ft downstream from Elliott Ave.	1,359
	St. Louis-San Francisco RR.	1,366
	20 ft downstream from Hudson Ave.	1,375
	105 ft upstream from Business Route 60.	1,378
	55 ft downstream from Highland St.	1,382
Unnamed tributary No. 1 at Carnation Rd.	110 ft upstream from Carnation Rd.	1,342
	190 ft upstream from Lewis-Shaw Ave.	1,349

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	245 ft upstream from Business Route 60.	1,354
	Downstream side of South St.	1,356
	Upstream of Lincoln Ave.	1,366
	60 ft downstream from Springfield St.	1,368
	110 ft upstream from Jefferson Ave.	1,386
	Union St.....	1,401
Unnamed tributary No. 2, 2,700 ft upstream from the tributary No. 1 at Carnation Rd.	500 ft upstream from the confluence with tributary No. 1.	1,359
	65 ft downstream from Springfield St.	1,365
	Springfield St.....	1,366
	20 ft downstream from confluence of tributary No. 3.	1,373
	30 feet upstream from Hadley St.	1,376
	460 ft upstream from Hadley St.	1,380
	70 ft downstream from Prospect St.	1,399
	Prospect St	1,401
Tributary No. 3, 2,840 ft from the confluence with tributary No. 1.	130 ft upstream from Hadley St.	1,380
	750 ft upstream from Hadley St.	1,387
Tributary No. 4 at Roosevelt Ave.	60 ft downstream from W. St. Louis St.	1,360
	90 feet downstream from W. Springfield St.	1,366
	60 ft upstream from W. Springfield St.	1,369
	40 ft downstream from Pearl St.	1,370
	90 ft downstream from Lincoln Ave.	1,374
	130 ft downstream from Hadley St.	1,379
	Hadley St.....	1,381

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13879 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3774]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of Blue Springs, Jackson County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Blue Springs, Jackson County, Mo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Blue Springs, Jackson County, Mo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Blue Springs, Jackson County, Mo., are available for review at Engineering and Inspection Office, 903 Main Street, Blue Springs, Mo.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Blue Springs, Jackson County, Mo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Burr Oak Creek.....	Northern corporate limits.	773
	Just upstream of Pink Hill Rd.	799

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Just downstream of Saunders Rd.	833
Burr Oak Creek tributary.	Just downstream of Pink Hill Rd.	803

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13880 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-37341]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of Bridgeton, St. Louis County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Bridgeton, St. Louis County, Mo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Bridgeton, St. Louis County, Mo.

ADDRESS: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the city of Bridgeton are available for review at the Engineer's Office, City Hall, 11955 Natural Bridge, Bridgeton, Mo.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Bridgeton.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood prone areas in accordance with 24 CFR part 1910.

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

Source of flooding	location	Elevation in feet, national geodetic vertical datum	Depth in feet, above ground level
Cowmire Creek.....	At the confluence of east tributary.	468	
	Just downstream of Norfolk & Western RR.	469	
	Just upstream of Norfolk & Western RR.	480	
	1,300 ft upstream of Enterprise Way.	481	
	Just downstream of Pennridge Dr.	488	
	Just downstream of Interstate 270.	490	
	Just downstream of Target Store culvert.	492	
	Just upstream of Target Store culvert.	497	
	Just downstream of McKelvey Rd.	497	
East tributary, Cowmire Creek.	At the confluence with Cowmire Creek.	468	
	1,160 ft upstream of confluence with Cowmire Creek.	469	
	Just downstream of Norfolk & Western RR.	481	
South tributary, Cowmire Creek.	250 ft south of the southern wall of Target Store.	494	
	Just upstream of Target culvert south.	496	
	Just downstream of McKelvin Rd. culvert.	496	
Missouri River.....	9,770 ft downstream of Norfolk & Western RR.	451	
	Just downstream of Highway 115.	454	
South tributary, Cowmire Creek.	250 ft south of the southern wall of Target Store.	1	

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13881 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3847]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of Buckner, Jackson County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Buckner, Jackson County, Mo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Buckner, Jackson County, Mo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Buckner, Jackson County, Mo., are available for review at City Hall, Buckner, Mo.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Buckner, Jackson County, Mo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)).

ance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Fire Prairie Creek	Eastern corporate limit.. Approximately 140 ft upstream of Buckner- Tarnsby Rd.	725 730

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13882 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3775]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of Gideon, New Madrid County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Gideon, New Madrid County, Mo. The base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map

(FIRM), showing base (100-year) flood elevation, for the city of Gideon, New Madrid County, Mo.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Gideon, New Madrid County, Mo., are available for review at Gideon City Hall, P.O. Box 396, Gideon, Mo.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Gideon, New Madrid County, Mo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received for the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ditch No. 3.....	Downstream of 4th St. (Route 162).	268
	Downstream of Route 153.	269

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13883 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3776]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of Hayti, Pemiscot County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Hayti, Pemiscot County, Mo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Hayti, Pemiscot County, Mo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Hayti, Pemiscot County, Mo., are available for review at City Clerk's Office, Hayti, Mo. 63851.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Hayti, Pemiscot County, Mo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Main ditch No. 6 ...	Approximately 160 ft downstream of the western crossing of Route 84.	261
	Approximately 160 ft downstream of the eastern crossing of Route 84.	262
Lateral No. 21	Intersection of Mallory St. and Lincoln St.	268

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

FR Doc. 78-13884 Filed 5-25-78; 8:45 am

[4210-01]

[Docket No. FI-3848]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Mosby, Clay County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Mosby, Clay County, Mo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Mosby, Mo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Mosby, are

available for review at City Hall, Main Street, Mosby, Mo.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Mosby, Mo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

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

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum
Fishing River	Main St.....	765
	Rock Island RR	767
	U.S. Route 69	770

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13885 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3777]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of Raytown, Jackson County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Raytown, Jackson County, Mo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Raytown, Jackson County, Mo.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Raytown, Jackson County, Mo., are available for review at the Public Works Department, 10000 East 59th Street, Raytown, Mo. 64133.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Raytown, Jackson County, Mo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
White Oak Creek..	Approximately 110 ft upstream from Raytown Rd.	876
	Approximately 420 ft upstream from southern corporate limits.	812
Round Grove Creek.	Just upstream of Raytown Rd.	887
	Approximately 150 ft upstream from 55th St.	892

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13886 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3714]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Vernon County, Wis.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Vernon County, Wis. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for Vernon County, Wis.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Vernon County, Wis., are available for review at Vernon County, Courthouse, Virginia, Wis.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Ad-

ministrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Vernon County, Wis.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR 1910.

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

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum
West Fork Kickapoo River.	Town Rd (upstream)	864
	(Downstream)	860
	Salem ridge Rd	874
	County Trunk Highway "S"	918
	Town Rd	932
	County Trunk Highway "P"	951
Coon Creek	County Trunk Highway "P"	752
Tributary to Coon Creek.	County Trunk Highway "P" (upstream)	747
	(Downstream)	745
Bad Axe River	Burlington Northern	635
	State Trunk Highway 35	635
	Willenberg Rd	636
	Town Rd	641
North Fork Bad Axe River.	State Trunk Highway 56	661
	North Ridge Rd	668
	(Downstream)	665
	County Trunk Highway "O"	732
South Fork Bad Axe River.	Kuehn Rd	651
	Lockington Rd	660
	Town Rd (upstream)	672
	(Downstream)	669
	South Creek Rd (upstream)	684
	(Downstream)	682
	Town Rd (upstream)	689
	(Downstream)	687
	County Trunk Highway "N"	698
Kickapoo River at Readstown.	State Trunk Highway 131	750
West Fork Kickapoo river at Readstown.	Town Rd	750
West Branch Baraboo River.	Town Rd	967
Bear Creek	State Trunk Highway 131	795
North Bear Creek.	County Trunk Highway "D"	826

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum
Otter Creek	State Trunk Highway 82 (just west of La Farge).	803
	Farm Rd	824
	State Trunk Highway 82 (near Greene Hollow).	838
	State Trunk Highway 82 (about 0.4 mile east of intersection with County Trunk Highway "D")	863
Tributary to Weister Creek.	Town Rd	923
	County Trunk Highway "P"	962
Warner Creek	County Trunk Highway "P" (upstream)	884
	(Downstream)	879
	Valley Ave (upstream)	891
	(Downstream)	889
	Union Ave (upstream)	902
	(Downstream)	900
	Farm Bridge	913
	Warner Ave (upstream)	922
	(Downstream)	919
Webster Creek	Town Rd	920
Tributary at De Soto.	Private Dr	714
	State Trunk Highway 82	734

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

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13850 Filed 5-25-78; 8:45 am]

[4410-01]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

PART 2—PAROLE, RELEASE, SUPERVISION AND RECOMMITMENT OF PRISONERS, YOUTH OFFENDERS AND JUVENILE DELINQUENTS

Definitions

AGENCY: United States Parole Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending the definitions section of its rules to provide that the "Chairman" of the National Commissioners shall be known as the "presiding officer" of the National Commissioners, in order to distinguish the Commissioner exercising that function from the Chairman of the Commission and the Chairman of the National Appeals Board.

EFFECTIVE DATE: June 26, 1978.

FOR FURTHER INFORMATION CONTACT:

Michael A. Stover, Office of the

General Counsel, United States Parole Commission, 320 First Street NW., Washington, D.C. 20537; telephone 202-724-3092.

SUPPLEMENTARY INFORMATION: This rule has not been published for public comment inasmuch as it relates to the internal procedures of the Commission.

Accordingly, pursuant to 18 U.S.C. § 4203(a)(7) and § 4204(a)(6) Title 28, Code of Federal Regulations, § 2.1(d) is amended to read as follows:

§ 2.1 Definitions.

(d) The term "National Commissioners" refers to the Chairman of the Commission and the three members of the National Appeals Board. The Vice Chairman of the Commission shall be the presiding officer of the National Commissioners. In the absence of vacancy of the Vice Chairman, the Chairman of the Commission shall be presiding officer of the National Commissioners.

Dated: May 22, 1978.

CECIL C. McCALL,
Chairman,
U.S. Parole Commission.

[FR Doc. 78-14763 Filed 5-26-78; 8:45 am]

[4410-01]

PART 2—PAROLE, RELEASE, SUPERVISION AND RECOMMITMENT OF PRISONERS, YOUTH OFFENDERS AND JUVENILE DELINQUENTS

Paroling, Recommitting and Supervising Federal Prisoners

AGENCY: United States Parole Commission.

ACTION: Final rule.

SUMMARY: The rule as adopted would remove a previous restriction on Commissioners and hearing examiners from holding personal interviews with persons wishing to discuss a specific case before the Commission. Instead of a blanket prohibition, which was found to be unduly restrictive in cases where interviews with family members, community representatives, etc., would be appropriate and useful to the Commission, the final rule provides that a written summary of such an interview must be retained in order to protect the integrity of the Commission's consideration of the case under discussion.

EFFECTIVE DATE: June 26, 1978.

FOR FURTHER INFORMATION, CONTACT:

Michael A. Stover, Office of the

General Counsel, United States Parole Commission, 320 First Street NW., Washington, D.C. 20537, telephone 202-724-3092.

SUPPLEMENTARY INFORMATION: This rule has not been published for public comment inasmuch as it relates to the internal procedures of the Commission.

Accordingly, pursuant to 18 U.S.C. § 4203(a)(7) and § 4204(a)(6), Title 28, Code of Federal Regulations, § 2.22, is amended by deletion of the entire text of that section and the substitution of the following text:

§ 2.22 Communication with the Commission.

Attorneys, relatives, or interested parties wishing a personal interview to discuss a specific case with a representative of the Commission must submit a written request to the appropriate office setting forth the nature of the information to be discussed. Such interview may be conducted by a Commissioner or assigned staff, and a written summary of each such interview shall be prepared and placed in the prisoner's file.

Dated: May 22, 1978.

CECIL C. McCALL,
Chairman, United States
Parole Commission.

[FR Doc. 78-14764 Filed 5-26-78; 8:45 am]

[7630-01]

Title 36—Parks, Forests, and Public Property

CHAPTER IX—PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

PART 904—RELOCATION ASSISTANCE AND LAND ACQUISITION UNDER THE UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970

AGENCY: Pennsylvania Avenue Development Corporation.

ACTION: Interim rule and request for comments.

SUMMARY: The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 requires: that any Federal agency acquiring real property do so in a manner consistent with the acquisition requirements of the Act; that persons affected by real property acquisition be provided with relocation advisory services; that persons who are required to move as a result of the acquisition be provided with benefits related to the expenses of moving and, in some cases, pay-

ments to assist with purchase of a new home or rental of a new dwelling. Because the Corporation will be acquiring real property in the area along the north side of Pennsylvania Avenue NW., Washington, D.C., the Corporation is promulgating this interim rule in compliance with the Uniform Act. The interim rule sets out the Corporation's policies and procedures for the acquisition of real property and the procedures for obtaining benefits relating to relocation.

DATES: Submit written comments by June 30, 1978; effective date: May 26, 1978.

ADDRESS: Send written comments to: Mr. Jerry Smedley, Chief of Real Estate Operations, Pennsylvania Avenue Development Corporation, 425 13th Street NW., Suite 1148, Washington, D.C. 20004. All written comments relating to this interim rule will be available for public inspection during normal business hours at this office.

FOR FURTHER INFORMATION CONTACT:

Mr. Clifford Brooks, Community Planner, Real Estate Staff, 202-566-0602, or Ms. Mary M. Schneider, Attorney, Office of General Counsel, 202-566-1078, Pennsylvania Avenue Development Corporation, 425 13th Street NW., Suite 1148, Washington, D.C. 20004.

SUPPLEMENTARY INFORMATION: Chapter IX of Title 36 of the Code of Federal Regulations is amended by adding a new Part 904. This part provides for implementation of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91-646, 84 Stat. 1894, 42 U.S.C. 4601 et seq.).

The Pennsylvania Avenue Development Corporation was established by Act of Congress (Pub. L. 92-578, 86 Stat. 1270, as amended, 40 U.S.C. 871 et seq.) to improve and enhance the ceremonial thoroughfare known as Pennsylvania Avenue, and its northern environs, between the White House and the Capitol in Washington, D.C.

In section 2(c) of the Pennsylvania Avenue Development Corporation Act of 1972 (supra) Congress declared that "to insure suitable development, maintenance, and use of the area and the elimination of blight, it is essential that there be developed and carried out as an entirety plans for this area which will specify the uses, both public and private, to which property is to be put, the programming and financing of necessary acquisitions, construction, reconstruction, and other activities;" and in section 2(e) "that the powers conferred by this chapter are for public uses and purposes for which public powers may be employed, public funds may be expended, and

the powers of eminent domain and the police power may be exercised, and the granting of such powers is necessary in the public interest." As required by this enabling legislation, the Corporation prepared "The Pennsylvania Avenue Plan—1974," and is now beginning the implementation phase of the Plan. During implementation, real property will be acquired by the Corporation, and, of necessity, current occupants will be displaced, and adjacent properties will be affected by the Corporation's project.

Because of this acquisition and the attendant relocations, the Corporation must comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (supra). In drafting this interim rule, the preparers have attempted to organize and write it so that it is easy to read and understand. Comments addressing the organization and readability of this interim rule will be carefully considered. The interim rule reflects the Corporation's determinations concerning the provisions of the Uniform Act, specifically:

(1) Part 904 has been divided into subparts with each subpart covering a general category of benefits or procedures. Subpart A has an extensive section on definitions which apply to all subparts. Since many of the terms defined are used throughout the part, it was decided that a single definition section was convenient and easy to understand. Subpart A covers, in addition to definitions, those procedures that are administratively applicable to one or more of the other subparts. Repetition is minimized by organizing the material in this manner.

(2) In subpart B, the term "eligible person" rather than "displaced person" was used to refer to a person who can obtain relocation advisory services, because these services are available to persons other than just those within the definition of "displaced person." The term "eligible person" is used throughout this subpart for that reason.

(3) In subpart D on Replacement Housing Payments, attempts were made to minimize complexity. To that end, the sections describing the three basic types of payments provide a formula intended to be easy to read and understand. The formula is set out step-by-step making it easy to calculate the payment to which displaced persons are entitled. Brevity may have been sacrificed in this instance, but with the benefit of clarity.

(4) The Review Procedure in subpart E was established to provide the requisite review for anyone aggrieved by a determination made on any claim under this part. The procedure is intended to provide an objective final determination. Because the Corporation has relatively few employees, it

was felt that objectivity in making a final determination could be obtained by giving the responsibility to someone other than a staff member. The Chairman or member of the board of Directors can provide that objectivity, and the procedures set out for review are in keeping with the requirements of the Administrative Procedure Act (5 U.S.C. 551 et seq.).

(5) The procedures for the acquisition of real property by the Corporation are set out in subpart F and are in compliance with the requirements of the Uniform Act.

For the reasons described above, the Corporation amends chapter IX of title 36 of the code of Federal Regulations by adding part 904 as follows:

Subpart A—General

- Sec.
- 904.1 Purpose and policy.
- 904.2 Definitions.
- 904.3 Program administration.
- 904.4 Written notices.
- 904.5 Records.
- 904.6 Availability of housing.
- 904.7 Application and payment for relocation benefits.
- 904.8 Payments not to be considered income.
- 904.9 Outleasing.

Subpart B—Relocation Advisory Services

- 904.10 Scope.
- 904.11 Eligibility.
- 904.12 Minimum advisory services provided.
- 904.13 Refusal of assistance.
- 904.14 Coordination with other agencies.

Subpart C—Relocation Moving Payments

- 904.21 Scope.
- 904.22 Eligibility.
- 904.23 Actual reasonable moving expenses.
- 904.24 Exclusions.
- 904.25 Additional moving and related expenses: business or non-profit organizations.
- 904.26 Fixed payment in lieu of moving and related expenses: businesses and non-profit organizations.
- 904.27 Fixed payments in lieu of moving and related expenses: Individuals and families.

Subpart D—Replacement Housing Payments

- 904.40 Scope.
- 904.41 Eligibility.
- 904.42 Replacement housing payments: purchase.
- 904.43 Replacement housing payments: rental assistance.
- 904.44 Replacement housing payments: down payment assistance.
- 904.45 Combined payments.
- 904.46 Occupancy.
- 904.47 Inspection of replacement dwelling required.
- 904.48 Provisional payment pending condemnation.
- 904.49 Partial use of home for business.
- 904.50 Multiple occupants of a single dwelling.
- 904.51 Dwelling in multiple unit building.
- 904.52 Certificate of Eligibility pending purchase of replacement dwelling.

Subpart E—Review Procedure

- Sec.
- 904.70 Scope.
- 904.71 Request for review.
- 904.72 Time for filing request for review.
- 904.73 Review procedures.
- 904.74 Final determination.

Subpart F—Acquisition of Real Property

- 904.80 Scope.
- 904.81 Real property acquisition practices.
- 904.82 Statement of just compensation to owner.
- 904.83 Buildings, structures, and Improvements to be acquired.
- 904.84 Expenses incidental to transfer of title.
- 904.85 Litigation expenses.
- 904.86 Allowance for benefits prohibited.

AUTHORITY: Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894 (42 U.S.C. 4601 et seq.); Pennsylvania Avenue Development Corporation Act of 1972, as amended, sec. 6(6), Pub. L. 92-578, 86 Stat. 1270 (40 U.S.C. 875(6)); sec. 8, Pub. L. 92-578, 86 Stat. 1273 (40 U.S.C. 877).

Subpart A—General

§ 904.1 Purpose and Policy.

(a) This part provides the policy and procedures to be followed by the Pennsylvania Avenue Development Corporation (hereinafter referred to as the Corporation) or its agents for implementing the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (hereinafter referred to as the Act). These regulations are intended to establish equitable policies and procedures for acquiring real property and providing relocation services and payments so that persons displaced by the Corporation do not suffer disproportionate injuries as a result of activities designed for the benefit of the public as a whole.

(b) The Corporation to the greatest extent practicable will:

(1) Administer its development program so that when any person is displaced by the Corporation from his dwelling, a comparable replacement dwelling will be available.

(2) Make prompt and equitable relocation assistance payments to eligible displaced persons.

(3) Provide relocation assistance advisory services in a manner that assures eligible persons will receive assistance suitable to their needs.

(4) Provide review procedures that afford prompt and proper resolution of any grievance.

(5) Notify displaced persons promptly of the date they will be required to vacate, in order to provide maximum time to relocate.

(6) Make every effort to expeditiously acquire real property based upon payment of just compensation.

§ 904.2 Definitions.

The following definitions shall apply to this part:

(a) "Business" means any lawful activity other than a farm operation conducted primarily for the purchase, sale, lease, or rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities, or any other personal property; or for the sale of services to the public; and includes activities of a nonprofit organization.

(b) "Comparable replacement dwelling" is one which is:

(1) Decent, safe, and sanitary, as defined in paragraph (c) of this section.

(2) Functionally equivalent and substantially the same as the dwelling being acquired with respect to: (i) number of rooms, (ii) area of living space, and (iii) type of construction, but no precluding new construction.

(3) In an area not generally less desirable than the dwelling being acquired with respect to: (i) public utilities, (ii) public and commercial facilities, and (iii) neighborhood conditions, including municipal services, and unreasonably adverse environmental factors.

(4) Reasonably accessible to the place of employment, or potential place of employment, of the head of the displaced family, or the displaced individual, as the case may be.

(5) Adequate in size to accommodate the needs of the displaced family or individual.

(6) Within the financial means of the displaced family or individual. A dwelling is within the financial means of an individual or family if, taking into account payments made under subpart D, the monthly housing cost (including payments for mortgage, insurance, and property taxes) or rental cost is not more than: (i) 25 percent of the monthly gross income of the individual or family (including supplemental income payments received from public agencies); or (ii) the portion of the monthly gross income of the individual or family (including supplemental income payments received from public agencies), paid for rent or housing cost at the acquired dwelling, if the rent or housing cost was not excessive taking into consideration the cost of other needs of the family or individual.

(7) Open to all individuals regardless of race, color, religion, or national origin, in a manner consistent with the requirements of title VIII of the Civil Rights Act of 1968, as amended, and available to all individuals regardless of sex.

If replacement dwellings which meet the requirements in paragraph (b) (1) through (7) of this section are not available on the market, the Corporation may, after a proper finding of the need therefore, treat available dwellings which exceed those requirements as comparable replacement dwellings.

(c) "Decent, safe, and sanitary housing" means a dwelling which meets the following criteria:

(1) For housekeeping units, a decent, safe, and sanitary dwelling is one which:

(i) Conforms with all applicable provisions for existing structures that have been established under state or local building, plumbing, electrical, housing, and occupancy codes and similar ordinances or regulations.

(ii) Has a continuing and adequate supply of potable, safe water.

(iii) Has a kitchen or an area set aside for kitchen use which contains a sink in good working condition, connected to hot and cold water, an adequate sewage system, and a stove and refrigerator in good operating condition when required by local codes, ordinances, or customs. When these appliances are not required by local codes, ordinances, or customs, the kitchen area or area set aside for kitchen use shall have utility service connections and adequate space for installation of such appliances.

(iv) Has an adequate heating system in good working order which will maintain a minimum temperature of 68 degrees in the living area (excluding bedrooms) under local outdoor temperature conditions. A heating system will not be required in those geographical areas where it is not normally included in new housing.

(v) Has a bathroom, well lighted and ventilated; affording privacy to a person within it; containing a lavatory basin and bathtub or stall shower, properly connected to an adequate supply of hot and cold running water; having a flush toilet, properly connected to a sewage disposal system; and all in good working order.

(vi) Has an adequate and safe wiring system for lighting and other electrical services in each room.

(vii) Is structurally sound, weather-tight, in good repair and adequately maintained.

(viii) Has a safe unobstructed means of egress leading to safe open space at ground level. Each unit in a multiple dwelling must have access either directly or through a common corridor to a means of egress leading to open space at ground level. In a multiple dwelling of three stories or more, the common corridor on each story must have at least two means of egress.

(ix) Has habitable sleeping, living, cooking, and dining floor space (exclusive of such enclosed spaces as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfurnished attics, foyers, storage spaces, cellars, utility rooms, or similar spaces) subdivided into adequately ventilated rooms sufficient to accommodate the occupants.

(2) For non-housekeeping units (rental of sleeping rooms), decent, safe and sanitary dwelling is one which includes the minimum requirements contained in paragraphs (c) (1) (i), (ii),

(iv), (vi), (vii), and (viii) of this section, and has a lavatory; bath and flush toilet facilities providing privacy; and a door that can be locked if such facilities are separate from the sleeping room.

(3) In those instances in which a dwelling is located in an area where the local housing code does not meet all the standards listed in paragraphs (c) (1) and (2) of this section, the Corporation may approve the dwelling as acceptable, decent, safe, and sanitary housing if it meets the standards of the local code.

(4) Exceptions may be granted to decent, safe, and sanitary standards, but such exceptions shall be limited to items and circumstances that are beyond the reasonable control of the Corporation. Approved exceptions shall not affect the computation of the replacement housing payment. In case of extreme hardship or other extenuating circumstances, an exception to the decent, safe, and sanitary requirements of replacement housing may be permitted in a particular case, with the written concurrence of the Corporation.

(d) "Displaced person" means any person who moves from real property, or moves his personal property from real property, as a result of the Corporation's acquisition of such real property, in whole or in part; or a written order to vacate from the Corporation.

(e) "Dwelling" means the place of permanent or customary and usual abode of a person. It includes a single family building, a one-family unit in a multi-family building, a unit of a condominium or cooperative housing project, or any other residential unit.

(f) "Economic rent" means the amount of rent a residential displaced person would have to pay for a comparable dwelling unit in areas not less desirable than that of the dwelling unit to be acquired by the Corporation.

(g) "Family" means two or more individuals who live together in a dwelling and are related by blood, marriage, adoption, legal guardianship, or operation of law; or determined by the Corporation to be jointly eligible for benefits under this part.

(h) "Farm operation" means a lawful activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(i) "Initiation of negotiations" means the day on which the Corporation makes the first personal contact with the property owner or his representative and furnishes him with a written offer to purchase the proper-

ty, or the day on which a written offer is mailed to the property owner or his representative.

(j) "Mortgage" means a lien commonly given to secure an advance on, or the unpaid purchase price of, real property under the laws of the state in which the real property is located, together with any credit instruments secured thereby.

(k) "Nonprofit organization" means a corporation, partnership, individual, or other public or private entity, engaged in a lawful activity on a nonprofit basis, necessitating fixtures, equipment, stock in trade, or other tangible property for the carrying on of the business, profession or instructional activity on the premises.

(l) "Owner" means a person(s):

(1) Owning, legally or equitably, the fee simple estate, a life estate, a 99 year lease or other proprietary interest in the property.

(2) The contract purchaser of any of the foregoing estates or interests, who has the right of occupancy under said contract.

(3) With a lease, at least 50 years to run from the date of the acquisition of the property.

(4) With an interest in a cooperative housing project, which includes the right to occupy a dwelling.

(5) Who has succeeded to any of the foregoing interests by devise, bequest, inheritance, or operation of law. For the purpose of these regulations, in the event of acquisition of ownership by any of the foregoing methods in this paragraph, the tenure of ownership, not occupancy, of the succeeding owner shall include the tenure of the preceding owner.

(m) "Person" includes a partnership, company, corporation, or association as well as an individual or family.

(n) "Peak business season" means that period of time between December 1 and January 1, inclusive, and 2 weeks prior to Easter day and Easter day, inclusive.

§ 904.3 Program administration.

In carrying out the relocation assistance program set forth in this part, the Corporation will have at least one employee whose primary responsibility is relocation assistance. The Corporation may also hire or contract with other persons or government agencies to assist in implementation of this program.

§ 904.4 Written notices.

Written notices, including the following, shall be served personally or sent by certified or registered first class mail, return receipt requested:

(a) *Notice of appraisal.* Prior to appraisal of property, the Corporation will notify each owner that the Corporation is having his property appraised. This notice shall state the

name of the appraiser(s) and shall afford the owner or his representative the opportunity to accompany the appraiser(s) during inspection of the property.

(b) *Notice of initiation of negotiations.* The Corporation will notify each owner at the time of initiation of negotiations, and each tenant within 15 days of initiation of negotiations, of the following:

(1) The Corporation has made an offer to purchase the property;

(2) All tenants will be required to execute disclaimers or releases of leases;

(3) The occupants will be required to pay rent during the period of occupancy following acquisition;

(4) The Corporation's schedule for vacating the property;

(5) The name of the person to contact for relocation assistance;

(6) Information on the eligibility for relocation assistance and the types of assistance available generally;

(7) A written statement setting forth the optional types and amounts of replacement housing payments to which the individual displaced person may be entitled; and

(8) A copy of the relocation brochure.

(c) *Ninety-day notice.* The Corporation will notify all persons lawfully occupying real property acquired or to be acquired by the Corporation of the scheduled date for vacating the real property. The construction or development of the Corporation's project shall be scheduled so that to the extent practicable, no person lawfully occupying real property shall be notified or required to move without at least ninety days written notice of the Corporation's scheduled date for vacating the property. This notice is not an Order to Vacate and can be furnished at any time after the Corporation's Board of Directors has approved the acquisition of the property occupied by such individual. This notice may also be included in the notices provided for in paragraphs (b) and (d) of this section.

(d) *Order to vacate.* Following acquisition of real property or an interest therein requiring the displacement of lawful occupants, the Corporation will serve or send the occupants an Order to Vacate as follows:

(1) When the effective date is the same or later than the date specified in the Ninety Day Notice provided for in paragraph (c) of this section, the order shall be furnished at least 30 days prior to the date the property must be vacated.

(2) When the effective date is earlier than the date specified in the Ninety Day Notice provided for in paragraph (c) of this section, or in the event no Ninety Day Notice preceded the Order to Vacate, the Order shall be furnished, to the extent practicable, at

least 90 days prior to the date the property must be vacated.

(3) To the extent practicable, no Order to Vacate will require retail occupants to vacate during a peak business season.

(e) *Notice of right to review.* At the time the Corporation makes a determination regarding eligibility or benefits under this part, all persons shall be furnished a written notice of their right to have such determinations reviewed.

§ 904.5 Records.

(a) The Corporation will maintain separate records for each acquisition of real property and for each relocation of a displaced person suitable for enabling a fair determination of any claim or request for review and for determining just compensation in any eminent domain proceeding.

(b) Records maintained on individuals will be subject to the provisions of the Privacy Act of 1974 (Pub. L. 93-579, 88 Stat. 1896 (5 U.S.C. 522a)).

§ 904.6 Availability of housing.

(a) The Corporation shall assure, within a reasonable period of time prior to displacement of any person from a dwelling, that a comparable replacement dwelling is available. No person shall be required to move from his dwelling unless a comparable replacement dwelling is available to such person.

(b) In the event the Corporation cannot proceed to actual construction because comparable replacement sale or rental dwellings are not available and the Corporation determines that such dwellings cannot otherwise be made available, the Corporation may take such action as is necessary or appropriate to provide such dwellings by use of funds authorized for the Corporation's project. In doing so, the Corporation will be guided by criteria and procedures of the Secretary of Housing and Urban Development Appearing at 24 CFR Part 43, Subpart A.

§ 904.7 Application and payment for relocation benefits.

(a) A displaced person who is eligible for payments must submit an application in writing which:

(1) Is signed by, or on behalf of, the displaced person;

(2) Itemizes the expenses and benefits claimed;

(3) Includes such supporting receipts, invoices, and other documents that the Corporation may require; and

(4) Is submitted within 18 months of becoming eligible for payments for benefits under subpart C and within 6 months of becoming eligible for payment under subpart D.

(b) Payment shall be made as follows:

(1) If a displaced person, his mover, and the Corporation agree in writing,

the displaced person may submit an unpaid bill for moving expenses for direct payment to the mover.

(2) In the case of a self-move by a displaced person who conducts a business, the amount of payment for actual reasonable moving expenses is negotiable but may not be more than the lower of two firm bids or estimates furnished to the Corporation unless the Corporation determines that a greater amount is justified. The displaced person may claim allowable removal and installation expenses in addition to self-move expenses.

(3) A displaced person may not be paid for his moving expenses in advance of the actual move unless the Corporation finds that a hardship would otherwise result.

(4) The Corporation shall make payment under subpart D directly to the displaced homeowner or tenant, if he has purchased or rented and occupied a decent, safe, and sanitary dwelling. At the option of the displaced homeowner or tenant, the Corporation may make payment to the seller or lessor of the decent, safe and sanitary dwelling.

(5) The Corporation shall make a rental payment under § 904.43 in installments if requested by the displaced person.

(6) The Corporation shall not withhold all or any portion of payments provided for herein to cover claims or rentals owed to the Corporation unless the displaced person agrees in writing that the Corporation may withhold claims or rentals from payments.

§ 904.8 Payments not to be considered income.

Payments received by a displaced person under these regulations shall not be considered income for the purpose of:

(a) Internal Revenue Code of 1954, as amended; or

(b) Determining the eligibility or extent of eligibility for assistance under the Social Security Act or any other Federal law.

§ 904.9 Outleasings.

Persons who become occupants of Corporation property after acquisition of the property will not be eligible for benefits under this Part. The Corporation will obtain a waiver, specifically waiving the lessee's rights to claim any benefits under this Part, from any lessee to whom it leases if that person was not occupying the property at the time of its acquisition by the Corporation. The waiver will be obtained prior to execution of the outlease and will be incorporated in the outlease, where possible.

Subpart B—Relocation Advisory Services

§ 904.10 Scope.

This subpart prescribes the requirements for providing relocation assistance advisory services to eligible persons affected by the Corporation's acquisition of real property.

§ 904.11 Eligibility.

The Corporation shall offer relocation assistance advisory services to any "displaced person," and any person occupying property immediately adjacent to the real property acquired when PADC determines that such person is caused substantial economic injury because of the acquisition.

§ 904.12 Minimum advisory services provided.

(a) The Corporation shall carry out a relocation assistance advisory program so eligible persons will receive uniform and consistent services and payments regardless of race, color, or national origin pursuant to Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000a). The Corporation, as necessary or appropriate, will:

(1) Explain the services available, relocation payments and the eligibility requirements and assist in completing any applications or other forms required;

(2) Determine the need, if any, of eligible persons, for relocation assistance;

(3) Provide current and continuing information on the availability, prices and rentals of comparable decent, safe, and sanitary sale and rental housing, and of comparable commercial properties and locations;

(4) Assist eligible persons in obtaining and becoming established in replacement locations;

(5) Supply information concerning Federal and District of Columbia housing programs, disaster loan programs, and other Federal or District of Columbia programs offering assistance to eligible persons; and

(6) Provide other advisory services to eligible persons in order to minimize hardships in adjusting to their new location.

(b) Advisory services, to the extent practicable, shall be provided by personal contact. If such personal contact cannot be made, the Corporation shall document reasonable efforts made to achieve personal contact.

§ 904.13 Refusal of assistance.

A person may refuse relocation advisory services and still be eligible for payments. If a person refuses relocation advisory services, the Corporation shall obtain a statement from that person stating that relocation advisory services were offered and declined and

that relocation benefits were explained.

§ 904.14 Coordination with other agencies.

All relocation advisory services performed by or on behalf of the Corporation shall be coordinated with the District of Columbia's central relocation programs. The Corporation will coordinate and, where appropriate, enter cooperative agreements with other agencies providing services useful to persons being relocated. Such agencies may include social welfare agencies, business development organizations, urban renewal agencies, redevelopment authorities, the U.S. Department of Housing and Urban Development, the Veteran's Administration and the Small Business Administration. The Corporation shall obtain information on available replacement properties and financial assistance from the local private real estate, banking and investment communities.

Subpart C—Relocation Moving Payments

§ 904.21 Scope.

This Subpart prescribes the requirements and procedures for the payment of moving and related expenses and other payments for persons displaced from real property or who move their personal property from real property as the result of acquisition of that real property by the Corporation.

§ 904.22 Eligibility.

(a) A displaced person is eligible for payment of moving and related expenses or payments in lieu thereof without regard to the length of time he occupied the real property from which displacement occurred. A person may be eligible for both a business and a residential moving payment if the displaced person resides and conducts a business on the same property, or is the owner-occupant of a multi-family dwelling that is being acquired.

(b) To be eligible for the moving expense payments provided for in this subpart, a person shall:

(1) Be a displaced person.

(2) Submit (i) a written notice of his intention to move, setting forth the address to which he will move, (ii) an inventory of the personal property to be moved, and (iii) any other supportive data or information, including bids which the Corporation may require. All of these shall be submitted at least 15 days prior to the move, unless the Corporation determines under exceptional circumstances that less than 15 days is justified.

(3) Not be a department, agency or instrumentality of any Federal, state, or local government.

§ 904.23 Actual reasonable moving expenses.

Except as provided in § 904.24, a displaced person is entitled to actual reasonable expenses for the following:

(a) Transporting individuals, families and personal property from the displacement site to a replacement site (including storage), but not more than fifty (50) miles unless the Corporation finds that the displaced person cannot relocate within that distance. If the Corporation finds that relocation cannot be accomplished within the 50 mile limit, then payments may be allowed, but only to the nearest adequate and available site. This paragraph is not intended to limit the distance a displaced person may move, but sets the maximum distance for which the Corporation will pay the transportation component of moving expenses;

(b) Packing and unpacking, crating and uncrating personal property, and advertising for such services when the Corporation determines that advertising is necessary;

(c) Storing personal property for up to 12 months when determined necessary by the Corporation;

(d) Insurance premiums covering loss or damage of personal property while in storage or transit. Also, the reasonable replacement value of property lost, stolen or damaged through no intentional or negligent actions of the displaced person, his agent or employee, where insurance to cover such loss or damage is unavailable.

(e) Removing, reinstalling, and reconnecting utilities for machinery, appliances, and equipment, together with modification when the Corporation determines modification to be necessary; if the items are not acquired by the Corporation as real property, and the displaced person agrees in writing that the items are personal property and releases the Corporation from payment for them;

(f) Such additional expenses as may apply under section 904.25;

(g) Such other reasonable expenses determined to be allowable by the Corporation.

§ 904.24 Exclusions.

A displaced person is not entitled to be paid for:

(a) Additional expenses incurred because of living in a new location;

(b) The cost of moving structures or other improvements to real property in which ownership is reserved by the displaced person;

(c) Improvements to the replacement site, except when required by law for use of tangible personal property moved from the acquired property;

(d) Interest on loans to cover moving expenses;

(e) Loss of goodwill, profits, or trained employees;

- (f) Loss due to personal injury;
- (g) Cost of preparing the application for moving and related expenses;
- (h) Expenses in searching for a replacement dwelling; or
- (i) Any item which the Corporation excludes from payments as inconsistent with these regulations.

§ 904.25 Additional moving and related expenses: business or non-profit organizations.

In addition to those expenses provided for in § 904.23, the following pertains to an eligible person who conducts a business:

(a) A displaced person who conducts a business is entitled to additional actual reasonable expenses for:

(1) Licenses, permits, fees or certifications determined by the Corporation to be necessary and related to the move, when (i) the displaced person had such license, permit, or certification at the acquired property, and (ii) the cost does not exceed the cost for one year or the remaining useful life of the license, permit, or certification at the acquired property.

(2) Relettering of trucks, signs, and similar items, and reprinting of a reasonable supply of stationery determined by the Corporation to be necessary as a result of the move.

(b) In the case of low value, high bulk personal property, such as junk, stockpiled sand, gravel, minerals, metals, or similar items used in connection with a relocated business, payment for actual reasonable moving expenses may not be more than the cost of replacing that personal property at the relocation site less the amount for which it could be sold at the displacement site.

(c) If the cost of moving or relocating an outdoor advertising display is determined to be equal to or in excess of the in-place value of the display, the Corporation shall acquire the display as part of the real property.

(d) Regarding actual direct losses, a displaced person who conducts a business and does not move all or part of his business-related personal property and makes a bona fide effort to sell business-related personal property not moved, is entitled, subject to the requirements and limitations in paragraphs (d) (1) through (3) of this section, to payment for actual direct losses of personal property used in connection with the business but is no longer needed because the business is being discontinued; or not being moved to a relocation site because it is not suitable for use there.

(1) The displaced person who relocates a business, sells an item of business-related personal property and promptly replaces it with a comparable item, is entitled to payment for actual direct loss of the original item but not more than the replacement

cost less its sale price, or the estimated cost of moving the original item, whichever is less.

(2) The displaced person who discontinues a business and sells an item of business-related personal property is entitled to payment for actual direct loss of the item but not more than the fair market value of the item for continued use at its location prior to displacement less its sale price, or the estimated cost of moving the original item 50 miles, whichever is less.

(3) The displaced person who abandons an item of business-related personal property after making a bona fide effort to sell it is entitled to payment for the actual direct loss of that item but not more than the fair market value of the item for continued use at its location prior to displacement of the estimated cost of moving the original item 50 miles, whichever is less regardless of the cost of the Corporation of removing that item.

(e) For the actual reasonable expenses in searching for a replacement business location, the displaced person may be reimbursed up to Five Hundred Dollars (\$500). In exceptional cases, and with prior approval of the Corporation, an amount greater than Five Hundred Dollars (\$500) may be authorized when circumstances so require. The displaced person must submit receipted bills for expenses claimed, other than the value of time when time actually spent in search is claimed. A signed statement of the time spent in search and the applicable wage rate(s) shall accompany the claim and shall be based on the actual wage rate for the person(s) conducting the search, but not to exceed \$10.00 per hour. Expenses to be reimbursed may include transportation, meals, lodging away from home and the reasonable value of time actually spent in search. Such expenses may also include the fees of real estate agents or real estate brokers when determined necessary by the Corporation.

§ 904.26 Fixed payment in lieu of moving and related expenses: businesses and non-profit organizations.

(a) Any displaced person eligible for payments under § 904.23 who is displaced from his place of business and who elects to accept the payment provided for in this section in lieu of the payment authorized by § 904.23 may receive a fixed payment in an amount equal to the average annual net earnings of the business except that the payment shall be not less than \$2,500 nor more than \$10,000. For purposes of this section, the term "average annual net earnings" means one-half of any net earnings of the business, before Federal, State, and local income taxes, during the two taxable years immediately preceding the tax-

able year in which such business moves from the real property acquired by the Corporation, or such other period of time as may be determined under paragraph (d) of this section. Earnings shall include any compensation paid by the business to the owner, his spouse, or his dependents during such period. If a business has no average annual net earnings or has an average annual net deficit during the period used to compute average annual net earnings, the person who conducts that business may receive a \$2,500 payment if he is otherwise eligible for payment under this section.

(b) A business conducted for profit qualifies for a payment in lieu of moving and related expenses if, in addition to the requirements in paragraph (c) of this section, the Corporation determines that during the two taxable years immediately preceding displacement the business had:

- (1) Average gross receipts of at least \$2,000 in value; or
- (2) Average annual net earnings of at least \$1,000 in value; or
- (3) Contributed at least 33 1/3 percent of the average gross annual income of the owner including income from all sources, such as welfare.

(c) A business or non-profit organization qualifies for a payment in lieu of moving and related expenses, if the Corporation determines that:

(1) It cannot be relocated without substantial loss of existing patronage, taking into consideration such factors as the type of business, the nature of its clientele, the relative importance of the present and proposed locations, and the availability of relocation sites.

(2) It is not part of a commercial enterprise having at least one other establishment engaged in the same or similar business, and not being acquired by the United States.

(d) The Corporation shall:

(1) Prescribe some other time period for computing average annual net earnings if it finds that the two tax years immediately preceding displacement are not representative or the business has not been in operation for at least two years;

(2) Require a displaced person who conducts a business and elects to receive a payment in lieu of moving and related expenses to provide proof of his earnings from the business. Proof of earnings may be established by income tax returns, certified financial statements, or other similar evidence;

(3) Consider the following factors, among others, in determining whether one or more displaced legal entities, constitute a single business for purposes of this section:

- (i) The extent to which the same premises and equipment are shared;
- (ii) The extent to which substantially identical or intimately interrelated business functions are pursued and

business and financial affairs are commingled;

(iii) The extent to which such entities are held out to the public, and to those customarily dealing with such entities as one business; and

(iv) The extent to which one person or closely related persons own, control or manage the entities.

§904.27 Fixed payments in lieu of moving and related expenses: individuals and families.

(a) An individual or family displaced from a dwelling who elects to receive a fixed dislocation and moving expense allowance in lieu of payment of actual moving and related expenses is entitled to:

- (1) A dislocation allowance of \$200; and
- (2) The applicable moving expense allowance specified in the schedule of moving expense allowances for the District of Columbia, established and maintained by the Federal Highway Administration (42 FR 35961, July 13, 1977, as amended).

(b) Two or more individuals, not a family, who occupy the same dwelling, are considered to be a single family for the purposes of this section.

Subpart D—Replacement Housing Payments

§904.40 Scope.

This subpart prescribes the requirements governing payment for replacement housing for individuals and families displaced from a dwelling actually owned and occupied by such individuals or families as the result of acquisition of the dwelling by the Corporation.

§904.41 Eligibility.

(a) A displaced homeowner, who actually owned and occupied the acquired dwelling for at least 180 consecutive days immediately preceding initiation of negotiations for the property, is eligible for a replacement housing payment under §§904.42 or 904.43 and, a displaced homeowner, who actually owned and occupied the acquired dwelling for at least 90 consecutive days, but less than 180 days, immediately preceding initiation of negotiations for the property, is eligible for a replacement housing under §§904.43 or 904.44 if he:

- (1) Qualifies as a displaced person; and
- (2) In the case of a payment under §§904.42 or 904.44 purchases and occupies, or, in the case of a payment under §904.43 rents and occupies, a decent, safe and sanitary dwelling within one year after the latest of the following events: The date he receives a final payment of just compensation paid for the acquired dwelling; or the date he moves from the acquired dwelling.

(b) A displaced tenant is eligible for a replacement housing payment under §§904.43 or 904.44 if he:

- (1) Qualifies as a displaced person;
- (2) Actually lawfully occupied the acquired dwelling for at least 90 consecutive days immediately preceding the initiation of negotiations for the property; and

(3) Rents or purchases, and occupies a decent, safe and sanitary dwelling within one year after the effective date he is required to move as stated in the Notice to Vacate, or, if earlier, the date he actually moves.

(c) For the purpose of this section, if a homeowner inherits an interest in a dwelling by devise or operation of law, his tenure of ownership, but not occupancy, includes the tenure of the preceding homeowner.

§904.42 Replacement housing payments: purchase.

(a) A displaced homeowner who actually owned and occupied the acquired dwelling for at least 180 days immediately preceding initiation of negotiations, and qualifies under §904.41(a) is entitled to a replacement housing payment of not more than \$15,000, which represents the combined cost of:

(1) The amount, if any, by which the cost of a comparable replacement dwelling as determined under paragraph (b) of this section exceeds the price the Corporation paid for the acquired dwelling;

(2) The amount, if any, necessary to compensate the displaced person for any increased interest costs and other debt service costs to be incurred in connection with the mortgage(s) on the replacement dwelling, as determined under paragraph (c) of this section; and

(3) The amount of the reasonable expenses, as determined in accordance with paragraph (d) of this section that are incidental to the purchase of the replacement dwelling, but not including prepaid expenses.

(b) *Computation of reasonable cost of comparable replacement dwelling.*

(1) The Corporation shall compute the amount of payment to which the displaced homeowner is entitled under this section by: (i) Establishing the cost of a comparable replacement dwelling by examining the selling prices of at least three comparable replacement dwellings; and

(ii) Subtracting the price the Corporation paid for the acquired dwelling.

(2) If the displaced homeowner purchases and occupies a decent, safe and sanitary dwelling, for a price less than the amount established in paragraph (b)(1)(i) of this section, then the actual purchase price will be used to compute the amount of the payment. To obtain a payment, however, the purchase price must be higher than

the price paid for the acquired dwelling.

(3) If the displaced homeowner purchases and occupies a decent, safe and sanitary dwelling, for a price greater than the amount established in paragraph (b)(1)(i) of this section, then the amount established in paragraph (b)(1)(i) of this section will set the upper limit of the replacement housing payment. The displaced homeowner must pay any part of the purchase price over the cost of a comparable replacement dwelling.

(c) *Computation of increased interest costs.* (1) The amount payable for increased interest costs under paragraph (a)(2) of this section is the present value of the difference in interest costs and other debt service costs (including points paid by the purchaser) charged for refinancing an amount equal to the new mortgage or the balance of the mortgage on the acquired dwelling at the time of acquisition, whichever is less, over a period equal to the term of the new mortgage or the remaining term of the mortgage on the acquired dwelling, whichever is shorter.

(2) For purposes of computing increased interest costs, the following rules apply:

(i) The interest charge on the new mortgage may not exceed the prevailing interest rate currently charged by mortgage lending institutions in the area in which the replacement dwelling is located.

(ii) The present value of the increased interest cost must be computed at the prevailing interest rate paid on savings deposits by commercial banks in the area in which the replacement dwelling is located.

(iii) Purchaser's points or origination fees, or both, where permitted by law, may be added to the increased interest costs upon approval by the Corporation.

(iv) Seller's points may not be added to the increased interest costs.

(d) *Computation of incidental expenses.* (1) The incidental expenses payable under paragraph (a)(3) is the amount necessary to compensate the homeowner or tenant for actual costs incurred incident to the purchase of a decent, safe and sanitary dwelling, including the following:

(i) Legal closing costs, including title search, preparing conveyance instruments, notary fees, surveys, preparing plats, and charges incident to recordation;

(ii) Lender, FHA, or VA appraisal or application fees;

(iii) Certification of structural soundness when required by the lender, FHA, or VA;

(iv) Credit report;

(v) Title policies or abstract of title;

(vi) Escrow agent's fee;

(vii) State revenue stamps or sale or transfer taxes.

(2) An incidental expense which is part of a finance charge under the Truth in Lending Act, Title I, Pub. L. 90-321, and Regulation "Z" (12 CFR Part 226) issued thereunder by the Board of Governors of the Federal Reserve System, may not be reimbursed.

§ 904.43 Replacement housing payments: rental assistance.

(a) A person is entitled to a payment of not more than \$4,000 for rental assistance as determined in paragraph (b) of this section, if that person:

(1) Qualifies under § 904.41;

(2) Is a displaced homeowner who actually owned and occupied, or a displaced tenant who actually rented and occupied, the acquired dwelling for at least 90 days immediately preceding initiation of negotiations; and

(3) The amounts established in paragraph (b)(2) (i) and (ii) of this section are each greater than the rent paid at the acquired dwelling. For the purposes of this section, the amount used as rent paid at the acquired dwelling shall be the average monthly rent paid during the three months immediately preceding initiation of negotiations for the acquired dwelling. In the case of a homeowner, or in the case of a tenant whose rent was not reasonable, then the economic rent for the acquired dwelling will be the amount used as the rent paid at the acquired dwelling.

(b) *Computation of rental assistance.*

(1) The Corporation shall establish the amount necessary to rent a comparable replacement dwelling for four years by examining the rent of at least three comparable replacement dwellings.

(2) The Corporation shall compute the amount of the payment by subtracting 48 times the average monthly rent paid at the acquired dwelling from the lesser of:

(i) The actual rent to be paid for a 4-year term (or 48 times the actual monthly rent) at the replacement dwelling; or

(ii) The rent established in paragraph (b)(1) of this section.

§ 904.44 Replacement housing payments: down payment assistance.

(a) A displaced homeowner who actually owned and occupied the acquired dwelling for at least 90 days but less than 180 days immediately preceding initiation of negotiations or a displaced tenant who actually rented and occupied the acquired dwelling for at least 90 days immediately preceding initiation of negotiations, and qualifies under § 904.41, and purchases a comparable replacement dwelling, is entitled to a payment of not more than \$4,000 for down payment assistance.

(b) *Computation of down payment assistance.* (1) In determining the payment to which the displaced homeowner or tenant is entitled under para-

graph (a) of this section, the Corporation shall establish:

(i) The down payment ordinarily required for financing a conventional loan on a comparable replacement dwelling. The comparable replacement dwelling value will be established by examining the price of three available Comparable Replacement Dwellings; or, if less

(ii) The down payment required for financing a conventional loan on the replacement dwelling actually purchased.

(2) Using the amount determined in paragraph (b)(1) of this section, the Corporation shall:

(i) Pay the full amount of the first \$2,000 of the down payment required to obtain a conventional loan and incidental expenses as computed under § 904.42(d); plus

(ii) One-half of any amount required over \$2,000, but the total amount provided by the Corporation shall not exceed \$4,000.

The displaced homeowner or tenant must apply the full contribution of the Corporation to the down payment and incidental expenses.

§ 904.45 Combined payments.

(a) If a homeowner is eligible for payment under § 904.42, but has previously received a rental payment under § 904.43, the amount of rental payment previously received must be deducted from any amount that he receives under § 904.42.

(b) If a homeowner or tenant is eligible for a down payment under § 904.44, but has previously received a rental payment under § 904.43, the amount of rental payment previously received shall be deducted from the amount of any down payment that he receives under § 904.44.

§ 904.46 Occupancy.

(a) A displaced tenant or homeowner "occupies" a dwelling within the meaning of this subpart only if the dwelling is his permanent place of residence.

(b) If a tenant or homeowner contracts for the construction or rehabilitation of a replacement dwelling, and for reasons not within his control the construction or rehabilitation is delayed beyond the date occupancy is required, the Corporation may extend the period of eligibility for a replacement housing payment until the tenant or homeowner occupies the replacement dwelling.

§ 904.47 Inspection of replacement dwelling required.

(a) Before making a replacement housing payment to a displaced homeowner or tenant, or releasing a payment from escrow, the Corporation shall inspect the replacement dwelling

to determine whether or not it meets the criteria for decent, safe, and sanitary dwellings. The Corporation may use the services of any public agency ordinarily engaged in housing inspection to conduct the inspection required by this section.

(b) A determination by the Corporation that a dwelling meets the criteria for decent, safe, and sanitary housing is solely for the purpose of this subpart and is not a representation for any other purpose.

§ 904.48 Provisional payment pending condemnation.

If the exact amount of a replacement housing payment cannot be determined because of a pending condemnation suit, the Corporation may make a provisional replacement housing payment to the displaced homeowner equal to the difference between the Corporation's estimate of just compensation deposited in court for the property and the reasonable cost of a comparable replacement dwelling, but only if the homeowner enters into an agreement with the Corporation that:

(a) Upon final adjudication of the condemnation suit the replacement housing payment will be recomputed on the basis of the acquisition price determined by the court;

(b) If the acquisition price as determined by the court is greater than the Corporation's estimate of just compensation upon which the provisional replacement housing payment is based the difference will be refunded to the Corporation; and

(c) If the acquisition price as determined by the court is less than the Corporation's estimate of just compensation upon which the provisional replacement housing payment is based, the difference will be paid to the homeowner.

§ 904.49 Partial use of home for business.

In the case of a displaced homeowner or tenant who has allocated part of his dwelling for use in connection with a displaced business, a replacement housing payment may not be paid for that part of the property which is allocated to the business.

§ 904.50 Multiple occupants of a single dwelling.

(a) Where two or more individuals, families, or combination thereof occupy an acquired dwelling, the replacement housing payment is based on the cost of a single comparable replacement dwelling.

(b) If a single comparable replacement dwelling is not available on the market, then a single replacement housing payment may be based on the cost of more than one comparable replacement dwelling.

§ 904.51 Dwelling in a multiple unit building.

In the case of a displaced homeowner who is required to move from a unit in a multiple dwelling which he owns, the replacement housing payment must be based on:

(a) The cost of a comparable unit in a multiple dwelling without regard for the number of units in the building being acquired; or

(b) If a comparable unit in a multiple dwelling is not available, the cost of a single-family structure.

§ 904.52 Certificate of eligibility pending purchase of replacement dwelling.

The Corporation shall, upon request of an eligible homeowner or tenant, certify to any interested party, financial institution, or lending agency, the eligibility of the displaced homeowner or tenant, the amount he will receive, and the time limit applicable to the payment if he purchases and occupies a decent, safe, and sanitary dwelling.

Subpart E—Review Procedure

§ 904.70 Scope.

This subpart prescribes the procedures for review of a claim submitted by any person aggrieved by a determination as to the amount of, or eligibility for, benefits under the Act, and these regulations.

§ 904.71 Request for review.

Any person aggrieved by a determination as to the amount of, or his eligibility for, a payment under the Act and these regulations may request that the determination be reviewed. The request shall be in writing, state the reasons for requesting review, and the relief sought by the applicant. The applicant's written request for review shall be sent to the Chief of Real Estate Operations, Pennsylvania Avenue Development Corporation, 425 13th Street NW., Washington, D.C. 20004.

§ 904.72 Time for filing request for review.

Any person who files a request for review must do so within one year of the date of the determination for which review is sought.

§ 904.73 Review procedures.

(a) Upon receipt of a request for review, the Chief of Real Estate Operations shall compile all pertinent records maintained on the applicant's relocation claim, including the following:

(1) Information on which the original determination was based, including applicable regulations;

(2) Information submitted by the applicant including the request for review and any information submitted in support of the claim;

(3) Any additional information the Chief of Real Estate Operations con-

siders relevant to a full and fair review of the claim and which he obtains by request, investigation or research.

(b) The Chief of Real Estate Operations shall submit the complete file together with a summary of the issues and facts involved in the claim to the Chairman of the Board or his designee within 30 days of receipt of the request for review.

(c) The Chairman of the Board of Directors of the Corporation may either review the claim, or, designate one or more persons from the Board of Directors or from outside the Corporation to review the claim. During review the Chairman or designated person(s) may consult with the Corporation's General Counsel to obtain advice on legal issues arising from the claim.

§ 904.74 Final determination.

(a) The reviewer(s) shall make a final determination on the claim within 45 days of receipt of the file from the Chief of Real Estate Operations. The final determination shall be in the form of Findings of Fact and Conclusions of Law and shall be sent to the applicant. A copy of the final determination shall be furnished to the Chief of Real Estate Operations for appropriate action.

(b) If the applicant is determined to have been aggrieved as to eligibility for, or amount of, payment, the Corporation shall promptly make payment to the applicant based on the final determination. If the amount of payment due to the applicant is not stated in the final determination, and the final determination indicates the applicant is to receive a payment, the Corporation shall promptly determine the amount of payment, and shall pay the applicant.

(c) A notice of the right to judicial review shall be sent to the applicant with the final determination.

Subpart F—Acquisition of Real Property

§ 904.80 Scope.

This subpart prescribes procedures for the acquisition of real property by the Pennsylvania Avenue Development Corporation.

§ 904.81 Real property acquisition practices.

(a) In acquiring real property, the Corporation shall to the greatest extent practicable:

(1) Make every reasonable effort to acquire real property expeditiously through negotiation;

(2) Have the real property appraised before the initiation of negotiations and give the owner or his representative an opportunity to accompany the appraiser during inspection of the property;

(3) Before the initiation of negotiations establish an amount which it believes to be just compensation for the real property and make a prompt, written offer to acquire the property for that amount. In no event shall the amount be less than the Corporation's approved appraisal of the fair market value of the property. Any decrease or increase in the fair market value of the real property prior to the date of evaluation caused by the Corporation, The Pennsylvania Avenue Plan—1974, as amended, implementation of the Plan, or by the likelihood that the property would be acquired by the Corporation, other than any increase or decrease due to physical deterioration within the reasonable control of the owner, will be disregarded in determining compensation for the property;

(4) Before requiring any owner to surrender possession of real property: (i) Pay the agreed purchase price; or (ii) deposit with the court an amount not less than the Corporation's approved appraisal of the fair market value of the property;

(5) If any interest in real property is to be acquired by exercise of the power of eminent domain, institute formal condemnation proceedings and not intentionally make it necessary for an owner to institute legal proceedings to establish the taking of his real property;

(6) If the acquisition of only part of a property would leave its owner with an uneconomic remnant, offer to acquire that remnant; and

(7) Schedule the construction or development of a public improvement so that no person lawfully occupying real property shall be required to move from a dwelling or to move his business without at least 90 days written notice of the scheduled date for vacating the property.

(b) In acquiring real property, to the greatest extent practicable, the Corporation shall not:

(1) Charge more than the short-term fair rental value of the property, if the Corporation rents real property for short term to the person who occupied the property at the time of the Corporation's acquisition.

(2) Compel an agreement on the price to be paid for the property by: (i) Advancing the time of condemnation; (ii) deferring negotiations, condemnation, or the deposit of funds in court for use of the owner; or (iii) taking any other action coercive in nature.

§ 904.82 Statement of just compensation to owner.

At the time it makes an offer to purchase real property, the Corporation shall provide the owner with a written statement and summary of the basis for the amount established by the Corporation as just compensation. To

the greatest extent practicable, the statement shall include: an identification of the real property, the interests being acquired, and the owner of the interests; an identification of buildings, structures, and other improvements, including fixtures, removable building equipment, and any trade fixtures considered part of the real property for which the offer of just compensation is made; and a declaration regarding the Corporation's determination of just compensation. The declaration shall state that the determination of just compensation:

(1) Is based on the fair market value of the property;

(2) Is not less than the Corporation's approved appraised value of the property;

(3) Disregards any decrease or increase in the fair market value as set forth in § 904.81(a)(3); and

(4) In the case of separately held interests in the real property, includes an apportionment of the total just compensation for each of those interests, including, in the case of partial taking, the amount of damages, if any, to the remaining real property.

§ 904.83 Buildings, structures, and improvements to be acquired.

(a) In acquiring any interest in real property, the Corporation shall acquire at least an equal interest in all buildings, structures, or other improvements located on that real property which must be removed or which the Corporation determines will be adversely affected by the completed project.

(b) In the case of a building, structure, or other improvement owned by a tenant on the real property required to be acquired by paragraph (a) of this section, the Corporation shall, notwithstanding the right or obligation of the tenant to remove such building, structure, or improvement at the expiration of his lease, subject to paragraph (c) of this section, pay the tenant the greater of:

(1) The fair market value that the building, structure, or other improvement contributes to the fair market value of the real property acquired; or

(2) The fair market value of the building, structure or other improvement, for removal from the property.

(c) The Corporation shall not pay a tenant under paragraph (b) of this section unless:

(1) The tenant, in consideration for the payment, assigns, transfers, and releases to the Corporation all his right, title, and interest in the improvement;

(2) The owner of the acquired real property disclaims all interest in the improvement; and

(3) The payment is not duplicated by any payment otherwise authorized by law.

(d) Nothing in this section shall be construed to deprive the tenant of any rights to reject payment under this section and to obtain payment otherwise authorized by law.

§ 904.84 Expenses incidental to transfer of title.

As soon as possible after real property has been acquired, the Corporation shall, to the extent it deems fair and reasonable, reimburse the owner for expenses necessarily incurred for:

(a) Recording fees, transfer taxes, and similar expenses incidental to conveying the real property to the Corporation;

(b) Penalty costs for prepayment of any preexisting recorded mortgage entered into in good faith encumbering the real property; and

(c) The pro rata portion of any prepaid real property taxes which are allocable to a period subsequent to the date of vesting title in the Corporation or the effective date of possession of the real property by the Corporation, whichever is the earlier.

§ 904.85 Litigation expenses.

The Corporation shall pay any award made pursuant to section 304(a) of Pub. L. 91-646 (42 U.S.C. 4654(b)).

§ 904.86 Allowance for benefits prohibited.

No allowance for relocation benefits provided in Title II of the Act and this part may be included in:

(a) Contracts or options to purchase real property;

(b) The appraised value of real property; and

(c) Estimated compensation in the event of condemnation with a declaration of taking.

Dated: May 22, 1978.

Approved:

E. R. QUESADA,
Chairman.

[FR Doc 78-14803 Filed 5-25-78; 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 VA (Veterans Administration) is increasing the maxi-

maximum interest rate on guaranteed, insured and direct loans for new homes and condominiums. The interest rate is also increased on loans for the purchase of a mobile home lot or for site preparation over \$2,500 on a lot previously acquired by a veteran. The maximum interest rate is increased because the former interest rate was not sufficiently competitive to induce private sector lenders to make VA guaranteed or insured loans without imposing substantial discounts. The increase in the interest rate will assure a continuing supply of funds for home mortgages; thereby allowing veterans to purchase a home with the assistance of a no downpayment VA loan.

EFFECTIVE DATE: May 23, 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 Administrator is required to establish a maximum interest rate for loans guaranteed, insured or made by the Veterans Administration as he finds the mortgage money market demands. Recent market indicators—including the rate of discount charged by lenders on VA and Federal Housing Administration loans, the general increase in interest rates charged by lenders on conventional loans, and the results of the bi-weekly Federal National Mortgage Association auctions—have shown that the mortgage money 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 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.

The increase in the maximum interest rate is accomplished by amending §§ 36.4212(a) (2) and (3), 36.4311(a), and 36.4503(a), Title 38, Code of Federal Regulations. 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: May 22, 1978.

MAX CLELAND,
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 May 23, 1978 (38 U.S.C. 1819(f)).

(2) 9 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) 9 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 9 per centum per annum, effective May 23, 1978, the interest rate on any loan guaranteed or insured wholly or in part on or after such date may not exceed 9 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 9 percent per annum (38 U.S.C. 1811(d)(1)).

[FR Doc. 78-14768 Filed 5-25-78; 8:45 am]

[7710-12]

Title 39—Postal Service

CHAPTER I—UNITED STATES POSTAL SERVICE

PART 10—INTERNATIONAL POSTAL SERVICE

PART 111—GENERAL INFORMATION ON POSTAL SERVICE

PART 601—PROCUREMENT OF PROPERTY AND SERVICES

Incorporations by Reference

EDITORIAL NOTE.—The Director of the Federal Register, under 5 U.S.C. 552(a) and 1 CFR Part 51, grants approval to extend, from July 1, 1978 until July 1, 1979, the following incorporations by reference: Postal Service Publication No. 42, International Mail (39 CFR 10.4); Chapter I of the Postal Service Manual (39 CFR 111.4); and Publication No. 41, Postal Contracting Manual (39 CFR 601.100).

[6560-01]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 885-8]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approval of Revisions of Maryland State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces the Administrator's approval of amendments to Maryland's air pollution control regulations, Section 10.03.35, as a revision of the Maryland State Implementation Plan (SIP). The State requested that the Administrator review and process the amendments as revisions of the Maryland SIP for the attainment and maintenance of national ambient air quality standards. The amendments consist of various definitions of terms, changes of the State Air Pollution Episode Plans, changes of the method of measurement of air quality to determine conformance to air quality standards, changes of the registration procedures for existing installations, changes of the requirements for permits to construct and permits to operate, changes of the procedures with respect to action on application for permits, changes of procedures with respect to denying an application for permits, and deletion of provisions governing prior registration of proposed installations.

EFFECTIVE DATE: June 26, 1978.

ADDRESSES: Copies of the amended regulations and associated support and comment material are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Curtis Building, 10th Floor, Sixth and Walnut Streets, Philadelphia, Pa. 19106, Attention: Mr. Harold A. Frankford.

Maryland Bureau of Air Quality and Noise Control, 201 West Preston Street, Baltimore, Md. 21201, Attention: Mr. George P. Ferreri.

Public Information Reference Unit, Room 2922—EPA Library, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Mr. Harold A. Frankford (3AH11), U.S. Environmental Protection Agency, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pa. 19106, Attention: AH001/4/8MD-G, phone 215-597-8392.

SUPPLEMENTARY INFORMATION: The State of Maryland submitted amendments to Section 10.03.35 of the Maryland Regulations governing the control of Air Pollution. The State requested that these amendments submitted on April 24, 1974, December 11, 1974 and July 1, 1975 be reviewed and processed as revisions of the Maryland State Implementation Plan for the attainment and maintenance of national ambient air quality standards. The amendments consist of the below-listed changes:

REGULATION AND BRIEF DESCRIPTION, 10.03.35

- .01C Definition of "Char-Broiling" (addition).
- .01F Definition of "Control Equipment" (addition).
- .01P Definition of "Grill" (addition).
- .01U Definition of "Interruptible Gas Service" (addition).
- .01Z Definition of "Opacity" (addition).
- .01AP Definition of "Rotary Cup Burner" (addition).
- .03B Air Pollution Episode Plan.
- .03B(2)b Deletion of the phrase "of Health and Mental Hygiene".
- .03B(2)c Deletion of the phrase "of Health and Mental Hygiene".
- .03B(2)e Deletion of the phrase "of Health and Mental Hygiene".
- .03C(5) Standby emission reduction plans.—Delegation of authority changed from "Secretary" to "Department".
- .03D Control Requirements and Standby Orders.
- .03D(2)C (addition). Requirements for sources with regard to standby emission reduction plans.
- .04 (deletion). Prior Registration of Proposed Installations.
- .04A (1)-(4) (addition). (Formerly 10.03.36-41.05A.) Definitions of Pollutants.—Change in definition from "include" to "means".
- .04F (Formerly 10.03.36-41.05E(4).) Method of Measurement (National Ambient Air Quality Standards).—Deletion of expression "and any later applicable amendment and".
- .04G (1)-(3) (addition). Number and Duration of Measurements.—Specifies sampling frequencies for different types of measurements and instruments.
- .05E(2) Installations Not Required to be Registered.—Section rewritten to indicate that installations exempt from the "Permit to Construct" requirements are listed in Section 10.03.35.11G.
- .06A(3) Requirements for Testing.—Effective date of amendments specified; scaffolding requirement added.
- .11B Permit to Operate.—Renewal period for permit changed from "90 days prior to expiration" to "60 days prior to expiration".
- .11G Installations Not Required to Obtain Permits to Construct.
- .11G(1) The term "replacement" is modified to read "component replacement".
- .11G(9) Photographic process equipment (minor wording change).
- .11G(11) Storage of motor vehicle gasoline.—In areas III and IV.—The requirement only exempts storage tanks of "less than 5000 gallons"; in the remainder of the State,

25,000 gallon tanks or greater are not exempted.

.11G(15) Char-broilers with a total area of less than 5 [square] feet (addition).

.11H Installations Required to Obtain a Permit to Operate.

.11H(10) Lime Kilns.—Those of less than 1-ton-per-hour capacity are no longer excluded.

.11H(11) Cement Kilns.—those of less than 1-ton-per-hour capacity no longer excluded.

.11H(12) Other kilns of 1 ton per hour or more throughput are excluded.

.11H(26) Deletion of the requirement that "any installation with a potential hydrocarbon solvent emission of one ton per day or more" obtain a permit to operate.

.11J Action on Application of Permits.—The time limit during which the State must notify an applicant that additional information is required is extended from 30 days to 60 days.

.11K Denial of Application.—An example is added to illustrate the conditions under which a permit may be denied.

Table I.—Episode Plan—Alert Stage.—Onsite incineration resulting from public collection of refuse is permitted.

Tables I, II, III.—Wording is added to specify that the source of emissions categories listed in these tables are primarily for the control of TSP and SO₂.

Table 1. (Formerly Table 3 of Regulations 10.03.36 through 10.03.41.) Ambient Air Quality Standards.

1. Sulfur Dioxide.
 - a. Lower limit of More Adverse Range (annual average) changed from 39 ug/m³ to 60 ug/m³.
 - b. More adverse range.—1-hour and 24-hour average—deleted.
 - c. 5-minute average deleted.
2. Dustfall—"monthly average" replaces "monthly maximum".
3. Nitrogen Dioxide—ug/m³ to ppm conversion factor deleted.
4. General—Annual average based on calendar year replaces annual average based on at least nine monthly averages.

The State of Maryland submitted proof that public hearings with regard to these amendments were held in accordance with the requirements of 40 CFR 51.4. All of the above-listed amendments were proposed by EPA as revisions of the Maryland State Implementation Plan. The actions taken by the State and EPA are summarized on the following chart:

Date of Submittal By Maryland to EPA	Date of Public Hearings Held by Maryland	Location of Public Hearings	Date of Notice of Proposed Rulemaking (FR Citation)	Expiration Date of Public Comment Period	Nature of Public Comments Received
April 24, 1974	Sept. 5, '73 Sept. 6, '73	Baltimore Silver Spring	March 27, 1975 (40 FR 13521)	April 28, 1975	None Received
Dec. 11, 1974	August 6, '74 August 7, '74	Takoma Park Baltimore	January 30, 1975 (40 FR 4447) March 27, 1975 (40 FR 13521) November 19, 1975 (40 FR 53595)	March 3, 1975 April 28, 1975 December 19, 1975	None Received
July 1, 1975	May 21, '75 May 25, '75 May 26, 1975	Baltimore Cambridge Cumberland	October 6, 1975 (40 FR 46117)	November 5, 1975	None Received

The amendment to Section 10.03.35.11K (Denial of Application) consists of a specific example under which a permit to construct would be denied. This example has been interpreted to be illustrative in nature and should not be construed as the only condition under which a permit will be denied. The State of Maryland is encouraged to clarify the wording and intent of Sections .11K(1) and .11K of Regulation 10.03.35.

Notwithstanding this comment, all of the above-listed amendments meet the criteria of Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of Implementation Plans.

In view of this evaluation, the Administrator hereby approves the above-listed amendments to Sections .01, .03, .04 (formerly Section .05 of Regulations 10.03.36-10.03.41), .05, .06, .11 and the deletion of the former section .04 of Maryland Regulation 10.03.35 as revisions of the Maryland State Implementation Plan effective June 26, 1978. Section 52.1070 (Identification of Plan) of 40 CFR Subpart V (Maryland) is hereby amended to incorporate these amendments into the federally approved Maryland SIP.

(42 U.S.C. 7401.)

Dated: May 19, 1978.

DOUGLAS M. COSTLE,
Administrator.

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

Subpart V—Maryland

1. In § 52.1070, paragraph (c) is amended as follows:

§ 52.1070 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified

(19) Amendments to Sections .03 (Air Pollution Episode System), .06 (Test Methods) and .11 (Permits); and deletion of .04 (Prior Registration of Proposed Installations) of Maryland Regulation 10.03.35 (Regulations Gov-

erning Control of Air Pollution in the State of Maryland); submitted on April 24, 1974 by the Governor.

(20) Amendments to Sections .01 (Definitions), .04 (Ambient Air Quality Standards (Former Section .05 of Regulations 10.03.36 through 10.03.41 inclusive)) and .11 (Permits) of Maryland Regulation 10.03.35 (Regulations Governing Control of Air Pollution in the State of Maryland) submitted on December 11, 1974 by the Governor.

(21) Amendments to Section .11 (Permits) of Maryland Regulation 10.03.35 (Regulations Governing Control of Air Pollution in the State of Maryland) submitted on July 1, 1975 by the Governor.

[FR Doc. 78-14736 Filed 5-25-78; 8:45 am]

[6560-01]

[FRL 900-21]

PART 52—APPROVED AND PROMULGATION OF IMPLEMENTATION PLANS

California Plan Revision: South Coast Air Quality Management District—Air Pollution Emergency Episode Plans

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The Environmental Protection Agency (EPA) takes final action to approve and, where appropriate, disapprove, take no action on, and promulgate substitute regulations for the South Coast Air Quality Management District (SCAQMD) portion of the California State Implementation Plan (SIP) submitted by the Governor's designee. The intended effect of this action is to provide air pollution emergency episode rules and regulations and to correct certain deficiencies in the SIP.

EFFECTIVE DATE: June 26, 1978.

FOR FURTHER INFORMATION CONTACT:

Allyn M. Davis, Acting Director, Air

and Hazardous Materials Division, Environmental Protection Agency, 215 Fremont Street, San Francisco, Calif. 94105, Attn.: Charlotte Hopper, 415-556-2002.

SUPPLEMENTARY INFORMATION: On November 30, 1977 (42 FR 60929), the Administrator published proposed rules for air pollution emergency episodes in the South Coast Air Quality Management District (SCAQMD). The proposed rulemaking included partial approval of the SCAQMD Regulation VII (Emergencies) submitted by the California Air Resources Board as a revision to the State Implementation Plan (SIP) in July 1977 and the proposal of substitute regulations by EPA to correct those deficiencies found in Regulation VII. The Administrator invited public comments on both the SIP revision and the EPA-proposed substitute regulations, as required by section 110 of the Clean Air Act, and held a public hearing in the City of Los Angeles on January 13, 1978, for the purpose of receiving comments. The comments are addressed below.

No action is being taken on the following paragraphs of Regulation VII as they have been superseded by revisions to the SIP which were submitted too late to be included in the proposed rulemaking: Rules 708.2(b)(3)(B), 708.2(b)(4)(B), 708.2(b)(4)(C), and 708.2(b)(5)(C) concerning abatement plans for certain categories of sources. Action on the corresponding rules and on other additions to Regulation VII submitted as an SIP revision in October and November 1977, is being proposed in a separate section of this FEDERAL REGISTER.

Subsequent to the publication of the Notice of Proposed Rulemaking, two additional deficiencies were discovered in the course of preparation for the public hearing and are remedied in the final rulemaking. These deficiencies were announced at the public hearing in Los Angeles on January 13, 1978, and are discussed below.

The Notice of Proposed Rulemaking inadvertently omitted the requirement for daily acquisition of forecasts of atmospheric stagnation conditions during any episode stage and the up-

dating of such forecasts at least every 12 hours. This requirement is included in the final rulemaking.

An additional oversight occurred in the carbon monoxide (CO) criteria levels. A concentration of 50 parts per million for CO has been established for an eight-hour averaging period by EPA as that level beyond which public health may be significantly impaired. The criteria level established by the South Coast Air Quality Management District for stage 3 CO episodes is 50 parts per million over a 12-hour averaging time. This level would allow concentrations of CO to equal or exceed the significant harm level before stage 3 abatement action would be required by Regulation VII. Therefore, the final regulation establishes the following criteria levels for carbon monoxide concentrations averaged over eight hours:

15 parts per million for Stage 1;
30 parts per million for Stage 2; and
40 parts per million for Stage 3 episodes.

These criteria levels are intended to augment the existing South Coast Air Quality Management District one-hour and twelve-hour CO criteria and the same episode actions that are now required at each of the three stages by Regulation VII apply to the eight-hour criteria.

The wording of paragraph (c)(2) has been clarified to require that all sources listed in SCAQMD Rules 708.1 and 708.3 submit stationary source curtailment plans and/or traffic abatement plans to EPA regardless of whether or not they have been notified to submit such plans by the SCAQMD. Paragraph (d)(16) has been added to indicate where the plans are to be sent.

Paragraph (c)(4) has been modified to make it consistent with paragraph (d)(8)(vii). It requires owners or operators who submit abatement plans that are subsequently disapproved by the Administrator to modify and resubmit such plans within 30 days of receipt of the notice of disapproval.

Comments on the proposed regulations were received from the SCAQMD, California Lung Association, the Southern California Edison Co. and the California Asphalt Pavement Association. The major issues raised in the comments to EPA, and EPA's responses, are summarized below.

Comments from the SCAQMD included a request to consider the changes in requirements for abatement plans under Regulation VII adopted by the District in July 1977. Although these changes were submitted to EPA in October and November 1977, they were not processed in sufficient time to be included in the November 30, 1977, notice of proposed rulemaking in this matter. They are,

however, being proposed for approval in another section of this FEDERAL REGISTER. The changes include requirements to curtail or postpone electrically intensive operations; measures for utilities to import power; requirements for fossil fuel-fired combustion sources to use fuel oil with specific sulfur content when natural gas is unavailable, and provisions for exemption if there is adequate demonstration that such fuel is not available.

EPA has made some adjustments to its regulations to reflect the changes in Regulation VII adopted in July 1977 so that requirements for abatement of individual sources will be consistent with those of the SCAQMD. These changes are discussed below.

Comment: Proposed paragraph (d)(8)(ii) (F)(2), (G)(3), and (G)(6) all address reductions to be specified in source abatement plans for emissions of nitrogen dioxide, particulate matter and sulfur dioxide from electric generating facilities or combustion sources: Paragraph (G)(3) requires the use of low sulfur fuel; paragraphs (F)(2) and (G)(6) require contaminant emissions reductions of 10 and 20 percent, respectively. The District commented that switching to low sulfur fuel oil does not decrease NO_x or particulate emissions, and that to reduce those emissions a different fuel must be used or less fuel burned. They state that reducing SO_x emissions requires that the sulfur content of the fuel burned be reduced. The District indicated that to reduce electrical generating capacity when gas is not available can result in blackouts and that reductions in the case of refineries can result in excessive hydrocarbon emissions.

Reply: EPA agrees with the comments to the extent that it is not the intent of 40 CFR 51.16 or Appendix L to limit the amount of electricity to be generated or to create a different problem while solving the initial problem. Thus EPA has reviewed the most recent version (July 8, 1977) of Regulation VII, Rule 708.2(b), which includes abatement measures as suggested in Appendix L, and has determined that incorporation of those measures into the substitute rule would meet all requirements for reduction of NO_x, TSP, and SO_x. Those measures required in the July 1977 amendments of Regulation VII, Rule 708.2 (b)(3) through (b)(5) are included in paragraphs (d)(8)(ii) (F) through (J) as substitutes for, or in addition to proposed paragraphs (d)(8)(ii) (F)(2), and (G)(3) through (G)(6). Briefly, these measures which are incorporated in response to the SCAQMD's comments call for the importation of power where feasible, postponement of electrically intensive industrial operations, and measures to use fuel with the sulfur content reduced to specific percentages.

These changes also include a provision for exemption from the natural gas use requirement, if it can be demonstrated that natural gas is not available. A provision has been added to the requirements for refineries such that they are to reduce emissions of the episode contaminant without increasing emissions of other pollutants.

Comment: The SCAQMD commented that the Stage 3 NO_x abatement plans for petroleum refineries should require a reduction in NO_x emissions without causing an increase in other contaminants, specifically hydrocarbons.

Reply: If a petroleum refinery should attempt to reduce throughout sufficiently to meet the NO_x reductions, the resulting refinery operations could be upset to the point of emitting more hydrocarbons than would normally be emitted. To prevent this potential problem and to be consistent with the intent of 40 CFR 51.16, Paragraph (d)(8)(ii)(H)(1) has been modified to reflect this comment.

Comment: Both the SCAQMD and the Southern California Edison company commented that the proposed wording of paragraph (d)(8)(ii)(I) would require the shutting down of electric generating facilities.

Reply: Electric generating facilities are covered in paragraphs (d)(8)(ii) (F) and (G) and the measures required for Stage I and Stage II carry over to Stage III. Thus further abatement actions were not required for these facilities in the proposal in the paragraphs concerning Stage III requirements. The wording of these paragraphs has been changed in order to clarify the meaning. There was no intent in the proposal to shut down electric generating facilities if natural gas were not available, but only to insure that adequate measures to reduce emissions are taken.

Comment: Those portions of Regulation VII dealing with sulfates, combined sulfate and O₃, and combined SO_x and O₃ episodes should not be included in the EPA approval because significant harm levels have not been defined by EPA for those pollutants.

Reply: The EPA indicated in the proposed rulemaking that no action would be taken on the "Sulfate Episode Actions" portion of Regulation VII since a significant harm level has not been defined in 40 CFR 51.16 for that pollutant. Since significant harm levels for combined SO_x and O₃, combined sulfate and O₃, as well as sulfates have not been defined, EPA takes no action on the portions of Regulation VII concerning these three pollutants.

Comment: The episode criteria are of concern because the levels are not related to current data or medical judgment.

Reply: The criteria levels are part of the example guidelines for episode

plans listed in Appendix L. They are designed to provide for increasingly stringent emission control actions to be taken as pollutant concentrations increase, with the goal of insuring that such concentrations do not exceed the levels specified in 40 CFR 51.16. No evidence has been presented to warrant consideration of changes in these levels. Moreover, this rulemaking concerns emergency episode plans for the South Coast Air Basin and not changes to the episode criteria in 40 CFR 51.16.

Comment: Penalties for noncompliance with source abatement actions are not spelled out.

Reply: Paragraph (d)(15) of the regulations requires appropriate enforcement for non-compliance under Section 113 of the Clean Air Act.

Comment: The EPA should have undertaken a comprehensive study to determine the strategies for mobile source reductions for NO_x.

Reply: Several alternative NO_x emission reduction strategies were examined in the "Evaluation Report and Technical Support Document" that was prepared to support the proposed regulations. The strategies involved various degrees and combinations of stationary and mobile source emission reductions. Among all the alternatives considered, the one requiring the "major national holiday" strategy was selected because it assures protection against reaching the significant harm level while, at the same time, minimizing the institutional and socio-economic impacts. The commenter did not present any data or alternative strategies to support a change in the regulations.

Comment: Strategies are needed for episodes attained without having been forecast because there is a possibility that concentrations of contaminants could reach episode levels before they are forecast.

Reply: Paragraphs (d) (9) through (11) provide actions for NO_x, TSP, and combined SO₂ and TSP episodes that have been attained without being forecast. Regulation VII provides similar actions for SO₂ episodes but not for implementation of abatement plans for attained stage 2 or 3 CO and O₃ episodes. Paragraph (c)(8) has been added to the regulations to provide for the implementation of abatement plan strategies when the episode levels for CO and O₃ are attained.

Comment: A comment from the California Asphalt Pavement Association requested clarification of the term "without upsetting production".

Reply: The phrase "without upsetting production" in paragraph (d)(8)(ii)(G)(1) means that the production rate (or throughput) shall be reduced, but not necessarily to the point where the production ceases. If the operation of a source (e.g., a chemical

processing plant) is such that mere reduction of throughput to a certain level causes the entire operation to cease production, a reduction to such level is not required. This paragraph is similar to rule 708.2(a)(9)(A) of the SCAQMD's Regulation VII.

The Administrator has weighed all of the comments submitted to EPA, evaluated the SCAQMD Regulation VII as well as the proposed substitute regulations to remedy deficiencies noted in Regulation VII and concludes that together they satisfy the requirements of the Clean Air Act and 40 CFR 51.16 for the prevention of significant harm in the South Coast Air Basin. The Administrator hereby approves the oxidant, carbon monoxide, and sulfur dioxide related portions of Regulation VII of the South Coast Air Quality Management District, except for certain portions of Rule 708.2, making it a part of the approved SIP for California; disapproves Regulation VII to the extent it does not include provisions for nitrogen dioxide, particulate matter, and combined sulfur dioxide and particulate matter episodes as well as the other elements delineated in § 52.274(b); and promulgates the substitute regulations herein.

(Secs. 110, 301(a), Clean Air Act, as amended (42 U.S.C. 7410, 7601(a).)

Dated: May 18, 1978.

DOUGLAS M. COSTLE,
Administrator.

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

Subpart F—California

1. Section 52.220 is amended by adding paragraph (c)(38) as follows:

§52.220 Identification of plan.

* * * * *

(c) * * *

* * * * *

(38) Revisions to air pollution emergency episode plans submitted on June 1, 1977 by the Governor's designee.

(i) South Coast Air Quality Management District's Regulation VII Emergencies as revised on May 6, 1977. No action has been taken on those portions of Rules 702, 703, 704, 706, 708, 708.2, 710, 711, 712 and 714 that pertain to sulfate, oxidant in combination with sulfate, or oxidant in combination with sulfur dioxide. No action has been taken on Rules 708.2(b)(3)(B), 708.2(b)(4)(B), 708.2(b)(4)(C) and 708.2(b)(5)(C).

* * * * *

2. Section 52.274 is added as follows:

§ 52.274 California air pollution emergency plan.

(a) The requirements of § 51.16 of this chapter are not met, except in the South Coast Air Quality Management District (SCAQMD) portion of the Metropolitan Los Angeles Intrastate Air Quality Control Region since the California Air Pollution Emergency Plan does not provide complete, implementable provisions for taking emission control actions necessary to prevent ambient concentrations from reaching significant harm levels.

(b) The requirements of § 51.16 of this chapter are met in the SCAQMD with the following exceptions: SCAQMD Regulation VII has no schedule to assure that the emission control actions are fully implementable; does not provide specific emission control actions for interdistrict coordination; has no provisions for nitrogen dioxide, particulate matter, and sulfur dioxide and particulate matter combined episodes; has no criteria or provisions to protect the eight-hour averaged carbon monoxide significant harm level; and has no provisions for implementation of abatement plans for stage 2 or 3 carbon monoxide or oxidant episodes that are attained without being predicted.

(c) Regulation for prevention of air pollution emergency episodes—plan scheduling, interdistrict coordination, episode criteria, and declaration.

(1) The requirements of this paragraph are applicable in the SCAQMD.

(2) The owner or operator of any governmental, industrial, business, or commercial activity listed in Rules 708.1 and 708.3 of Regulation VII of the SCAQMD, as revised on May 6, 1977, shall submit a Stationary Source Curtailment Plan and/or Traffic Abatement Plan to the Administrator within sixty days after the effective date of this paragraph.

(3) The plans submitted pursuant to the requirements of this paragraph, shall be reviewed by the Administrator for approval or disapproval according to the following schedule:

(i) For sources with emissions of hydrocarbons (HC) or nitrogen oxides (NO_x) greater than or equal to 454 metric tons (500 tons) per year, or for establishments employing 400 or more employees per shift, within 45 days after receipt.

(ii) For sources with emissions of HC or NO_x greater than or equal to 91 metric tons (100 tons) per year and less than 454 metric tons (500 tons) per year, or for establishments employing more than 200 and less than 400 employees per shift, within 90 days after receipt.

(iii) For sources or establishments other than those addressed in paragraph (c)(3) (i) through (ii) of this section, within 180 days after receipt.

(4) The owner or operator of an industrial, business, governmental or

commercial establishment required to submit a plan by this paragraph shall be notified by the Administrator within thirty days after the plan has been evaluated if the plan is disapproved. Any plan disapproved by the Administrator shall be modified to overcome the disapproval and resubmitted to the Administrator within 30 days of the receipt of the notice of disapproval.

(5) In the event specific sources or source areas within the SCAQMD are determined to significantly contribute to a declared air pollution episode in a nearby Air Pollution Control District, emission control actions specified in Regulation VII of the SCAQMD, as revised on May 6, 1977, for that declared episode stage shall be taken in the SCAQMD to abate that episode.

(6) For the purposes of this paragraph, the following episode criteria shall apply to carbon monoxide concentrations averaged over eight hours:

- (i) For stage 1, 15 parts per million.
- (ii) For stage 2, 30 parts per million.
- (iii) For stage 3, 40 parts per million.

(7) The provisions of SCAQMD Regulation VII, as revised on May 6, 1977, relating to carbon monoxide episodes averaged over 12 hours shall apply to carbon monoxide episodes averaged over 8 hours except that the Administrator shall provide for declaration, notification, source inspections, and termination of the episodes.

(8) Whenever the Administrator has determined that the stage 2 or 3 episode level for oxidant or carbon monoxide as specified in Rule 703 of Regulation VII of the SCAQMD, as amended May 6, 1977, is being attained or has been attained, and is predicted to remain at such level for 12 or more hours, or increase, or in the case of oxidant to reoccur within the next 24 hours, unless control actions are taken, the existence of the appropriate episode level and the location of the source-receptor areas shall be declared, and the actions specified in Rules 710(b)(1), 710(b)(2), 711(b)(1), or 711(b)(2) shall be taken by the Administrator.

(d) *Regulation for prevention of air pollution emergency episodes—nitrogen dioxide, particulate matter, and sulfur dioxide and particulate matter combined.*

(1) The requirements of this paragraph are applicable in the SCAQMD.

(2) For the purposes of this regulation the following definitions apply:

- (i) "ppm" means parts per million by volume.
- (ii) "COH" means coefficient of haze.
- (iii) "ugm³" means micrograms per cubic meter.
- (iv) "Administrator" means the Administrator of the Environmental Protection Agency or his authorized representative.

(v) "Major National Holiday" means a holiday such as Christmas, New Year's Day, or Independence Day.

(vi) "Source/Receptor Areas" are defined for each episode occurrence based on air monitoring, geographical, and meteorological factors: Source area is that area in which contaminants are discharged and a receptor

area is that area in which the contaminants accumulate and are measured.

(vii) "Air Contaminants" means nitrogen dioxide, particulate matter, and/or sulfur dioxide and particulate matter combined.

(3) For the purposes of this regulation, the following episode criteria shall apply:

Contaminants	Averaging time (hours)	Stage 1	Stage 2	Stage 3
Nitrogen dioxide.....	1	0.6 ppm.....	1.2 ppm.....	1.6 ppm.
	24	0.15 ppm.....	0.3 ppm.....	0.4 ppm.
Particulate matter.....	24	3.0 COH.....	5.0 COH.....	7.0 COH.
	24	375 ugm ⁻³	625 ugm ⁻³	875 ugm ⁻³ .
Sulfur dioxide and particulate matter combined.	24	0.2*.....	0.8*.....	1.2*.
	24	65,000**.....	261,000**.....	393,000**.

*Product of sulfur dioxide (ppm) and particulate matter (COH).

**Product of sulfur dioxide (ugm⁻³) and particulate matter (ugm⁻³).

(4) Whenever the Administrator has determined that any episode level specified in subparagraph (3) of this paragraph is being attained or has been attained, and is predicted to remain at such level for 12 or more hours, or increase, unless control actions are taken, the existence of the appropriate episode level and the location of the source-receptor areas shall be declared.

(5) Whenever the available scientific and meteorological data indicate that any episode level declared by subparagraph (4) of this paragraph is no longer occurring and is not predicted to immediately increase again to episode levels, such episode shall be declared terminated.

(6) The following shall be notified by the Administrator whenever an episode is predicted, attained or terminated: (i) Public officials; (ii) persons operating any facility or activity named in subparagraph (8) of this paragraph; (iii) public health, safety, and emergency agencies; (iv) news media.

(7) Upon request of the Administrator, persons operating any facility or activity named in subparagraph (8) of this paragraph shall install, properly maintain, and operate radio-receiving equipment with decoding device capable of receiving broadcasts of the declaration and termination of episodes required under this paragraph and instructions as to the actions to be taken.

(8) Stationary source curtailment plans and traffic abatement plans shall be prepared by industrial, business, commercial, and governmental establishments as follows:

(i) The owner or operator of any industrial, business, commercial, or governmental activity listed below shall submit to the Administrator plans to curtail operations causing stationary

source air contaminants in such activity:

(A) Petroleum refinery emitting 23 metric tons (25 tons) or more per year of air contaminants.

(B) Metal-melting plant requiring molten metal temperatures in excess of 540° C (1,000° F) or metal-refining plant or metal-smelting plant, in which a total of 1,135 kilograms (2,500 pounds) or more of metal are in a molten state at any one time or are poured in any 1 hour.

(C) Fossil fuel-fired electric generating facility having a total rated capacity of 50 megawatts or more.

(D) Any facility or plant emitting 91 metric tons (100 tons) or more per year of air contaminants.

(ii) The plans required by subparagraph (8)(i) of this paragraph shall include the following:

(A) A list of equipment which emits nitrogen oxides, particulate matter, and/or sulfur dioxide, including the SCAQMD permit number, the daily amount of air contaminants emitted, and a statement of the minimum time and recommended time to implement the abatement actions for each episode stage for the equipment listed and the percent reduction in emissions at each episode stage.

(B) The total number of employees at the facility during each shift on a normal weekday and on a major national holiday.

(C) The normal amount of electricity used on a normal weekday and on a major national holiday.

(D) The actions to inform employees of the procedures to be taken in the event of an episode declaration.

(E) The name and telephone numbers of the facility's episode action coordinator and alternate, who are responsible for implementation of the plan.

(F) For stage 1 episodes:

(1) The measures to voluntarily curtail equipment emitting air contaminants.

(2) The measures to curtail or postpone electrically intensive industrial operations, where feasible.

(3) The measures for electric utilities to import power from outside the basin to the extent feasible.

(G) For stage 2 episodes:

(1) The measures to curtail as much as possible, without upsetting production, equipment operations which emit air contaminants.

(2) The measures to postpone operations which can be postponed until after the episode.

(3) For fossil fuel-fired combustion sources, including electric utilities, with a heat input greater than 50 million BTU per hour:

(i) The measures to burn natural gas.

(ii) To the extent that natural gas is not available, the measures to burn fuel oil with a sulfur content of not more than 0.25 percent by weight or the measures to reduce air contaminant emissions to equivalent discharge. Any combustion source may be exempt from the provisions of this subparagraph upon demonstration that fuel oil with the specified sulfur content is not available.

(4) For electric utilities the measures, in addition to those in subparagraph (F)(3), to:

(i) Shift oil burning power generation to non-source areas to the maximum extent consistent with the public health, safety, and welfare.

(ii) Shift oil burning power generation to combined cycle gas turbine generating equipment burning fuel oil containing less than 0.15 percent sulfur to the maximum extent consistent with the public health, safety, and welfare.

(5) For refineries and chemical plants the measures to be taken to reduce air contaminant emissions by 20 percent without jeopardizing the public health or safety, without causing an increase in the emissions of other air contaminants, without damaging the equipment or without reducing production by more than 20 percent.

(6) The measures in subparagraph (8)(ii)(F) of this paragraph.

(H) For stage 3 nitrogen dioxide episodes:

(1) The measures for petroleum refineries to reduce emissions of nitrogen dioxide by 33 percent, without damaging the equipment or increasing the emissions of other air contaminants.

(2) The measures in subparagraph (8)(ii)(G) of this paragraph.

(3) A list of equipment and the permit numbers of such equipment not operated on a major national holiday.

(4) A statement as to whether or not the facility operates on a major national holiday.

(I) For stage 3 particulate matter episodes:

(1) The measures for petroleum refineries to reduce emissions of particulate matter by 33 percent, without damaging the equipment or increasing the emissions of other air contaminants.

(2) The measures described in subparagraph (8)(ii)(G) of this paragraph.

(3) The measures for any facility or plant, except electrical generating facilities and petroleum refineries, normally emitting 91 metric tons (100 tons) or more per year of particulate matter to eliminate such emissions by starting no new batches, by ceasing feed of new materials, and by phasing down as rapidly as possible without damage to the equipment.

(4) The measures for metal melting, refining, or smelting plants to eliminate emissions of particulate matter by starting no new batches, by ceasing feed of new materials, and by phasing down as rapidly as possible without damage to the equipment.

(J) For stage 3 sulfur dioxide and particulate matter combined episodes:

(1) The measures described in subparagraphs (8)(ii) (G) and (I) of this paragraph.

(2) The measures for petroleum refineries to reduce emissions of sulfur dioxide by 33 percent, without damaging the equipment or increasing the emissions of other air contaminants.

(3) The measures for any facility or plant, except electrical generating facilities and petroleum refineries, normally emitting 91 metric tons (100 tons) or more per year of sulfur dioxide to eliminate such emissions by starting no new batches, by ceasing feed of new materials, and by phasing down as rapidly as possible without damage to the equipment.

(K) An estimate of the resultant reduction in air contaminant emissions.

(iii) The owner or operator of any industrial, business, commercial, or governmental activity listed below shall submit to the Administrator plans to curtail or cease operations causing air contaminants from vehicle use:

(A) Operators of 50 or more fleet vehicles.

(B) Industrial, business, commercial, or governmental establishments employing more than 100 persons per shift at one business address.

(iv) The plans required by subparagraph (8)(iii) of this paragraph shall include the following:

(A) The total number of employees at the facility during each shift on a normal weekday and on a major national holiday.

(B) The number of motor vehicles and vehicle miles traveled for motor vehicles operated:

(1) By the company on company business on a normal weekday and on a major national holiday.

(2) By employees commuting from home to the place of business on a normal weekday and on a major national holiday.

(C) The number of parking spaces used on a normal weekday and on a major national holiday.

(D) The minimum number of motor vehicles to be operated that are necessary to protect public health or safety.

(E) The actions to inform employees of the procedures to be taken in the event of an episode declaration.

(F) The name and telephone numbers of the facility's episode action coordinator and alternate, who are responsible for implementation of the plan.

(G) For stage 1 episodes, the methods by which employers will encourage the utilization of car pools or otherwise reduce employee motor vehicle travel.

(H) For stage 2 and 3 episodes, the measures within the reasonable control of the employer to reduce the number of vehicle miles driven by employees in commuting to and from work.

(I) An estimate of the reduction in vehicle miles traveled as a result of the measures in this subparagraph.

(v) Each owner or operator required to submit a plan by this paragraph shall submit to the Administrator such plan within 60 days of the effective date of this paragraph.

(vi) The plans submitted in accordance with the provisions of this paragraph shall be approved or disapproved by the Administrator according to the following schedule:

(A) For sources with emissions of air contaminants greater than or equal to 454 metric tons (500 tons) per year, or for establishments employing 400 or more employees per shift, within 45 days after receipt.

(B) For sources with emissions of air contaminants greater than or equal to 91 metric tons (100 tons) per year and less than 454 metric tons (500 tons) per year, or for establishments employing more than 200 and less than 400 employees per shift, within 90 days after receipt.

(C) For sources with emissions of air contaminants less than 91 metric tons (100 tons) per year, or for establishments employing 100 to 200 employees per shift, within 180 days after receipt.

(vii) The owner or operator required to submit a plan by this paragraph shall be notified by the Administrator within 30 days after the plan has been evaluated if the plan is disapproved. Any plan disapproved by the Administrator shall be modified to overcome this disapproval and resubmitted to the Administrator within 30 days of the receipt of the notice of disapproval.

(viii) A copy of the plan approved in accordance with the provisions of this paragraph shall be on file and readily available on the premises to any person authorized to enforce the provisions of this section.

(9) The following actions shall be taken in the source and receptor areas upon declaration of a stage 1 episode:

(i) The notifications required by paragraph (d)(6) of this paragraph.

(ii) The Administrator shall advise the public that those individuals with special health problems should follow the precautions recommended by their physicians and health officials.

(iii) The Administrator shall advise school officials to cancel, postpone, or reschedule programs which require outdoor physical activity.

(iv) The Administrator shall request the public to stop all unnecessary driving.

(v) The Administrator shall request the public to operate all privately owned vehicles on a pool basis.

(vi) Persons operating any facility or activity named in subparagraph (8) of this paragraph shall implement the appropriate plans specified in subparagraph (8) for the declared stage 1 episode and air contaminant(s).

(10) The following actions shall be taken in the source and receptor areas upon declaration of a stage 2 episode:

(i) The actions described in subparagraphs (9)(i)-(v) of this paragraph.

(ii) The Administrator shall request suspension of programs that involve physical exertion by participants using public parks or public recreational facilities located in receptor areas.

(iii) The burning of combustible refuse shall be postponed until the episode has been terminated.

(iv) The Administrator shall request the public to reduce the use of electricity by 10 percent.

(v) Persons operating any facility or activity named in subparagraph (8) of this paragraph shall implement the appropriate plans specified in subparagraph (8) for the declared stage 2 episode and air contaminant(s).

(11) The following actions shall be taken in the source and receptor areas upon declaration of a stage 3 episode:

(i) The actions described in subparagraphs (10)(i)-(iii) of this paragraph.

(ii) The Administrator shall request the public to reduce the use of electricity by 40 percent.

(iii) Persons operating any facility or activity named in subparagraph (8) of this paragraph shall implement the appropriate plans specified in subparagraph (8) for the declared stage 3 episode and air contaminant(s).

(iv) For nitrogen dioxide, the general public, schools, industrial, business, commercial, and governmental activities throughout the District shall operate as though the day were a major national holiday.

(v) For particulate matter and/or sulfur dioxide and particulate matter combined, the Administrator shall request the public to reduce as much as possible activities causing dust emissions including agricultural operations, off-road vehicle use, and driving on unpaved roads. Construction and demolition operation shall be postponed until the episode has been terminated.

(12) In the event specific sources or source areas within the SCAQMD are determined to significantly contribute to a declared air pollution episode in a nearby Air Pollution Control District, emission control actions specified in this paragraph for that declared episode stage shall be taken in the SCAQMD to abate that episode.

(13) A source inspection plan shall be implemented by the Administrator upon the declaration of any episode stage.

(14) The Administrator shall provide for daily acquisition of forecasts of atmospheric stagnation conditions during any episode stage and updating of such forecasts at least every 12 hours.

(15) Any source that violates any requirement of this section shall be subject to enforcement action under section 113 of the Act.

(16) All submittals or notifications required to be submitted to the Administrator by this section shall be sent to:

Environmental Protection Agency, Air and Hazardous Materials Division (A-4), Attn: Air Programs Branch, 215 Fremont Street, San Francisco, Calif. 94105.

[FR Doc. 78-14732 Filed 5-25-78; 8:45 am]

[6560-01]

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 900-7; PP 8F2067/R153]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Chlorothalonil

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

AGENCY: Final rule.

SUMMARY: This rule established a tolerance for residues of the fungicide chlorothalonil on bananas. The amendment to the regulations was requested by Diamond Shamrock Corp. This rule establishes a maximum permissible level for residues of chlorothalonil on bananas.

EFFECTIVE DATE: May 19, 1978.

FOR FURTHER INFORMATION CONTACT:

Dr. Eugene Wilson, Product Manager (PM) 21, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, D.C., 202-426-2456.

SUPPLEMENTARY INFORMATION:

On May 4, 1978, the EPA published a notice of proposed rulemaking in the FEDERAL REGISTER (43 FR 19240) in response to a pesticide petition (PP 8F2067) submitted to the Agency by Diamond Shamrock Corp., 1100 Superior Avenue, Cleveland, Ohio 44114. This petition proposed that 40 CFR 180.275 be amended by the establishment of a tolerance for combined residues of the fungicide chlorothalonil (tetrachloroisophthalonitrile) and its metabolite, 4-hydroxy-2,5,6-trichloroisophthalonitrile, in or on the raw agricultural commodity bananas at 0.5 part per million (ppm), of which no more than 0.05 ppm of combined residues shall be present in the edible pulp of banana fruit. No comments were received in response to this notice of proposed rulemaking. As provided in the Administrative Procedure Act (5 U.S.C. 553(d)(3)), the comment period was shortened to less than 30 days because: (1) The notice of filing for this petition, published on April 18, 1978 (43 FR 16400), invited the submission of written comments on the proposed tolerance, and (2) there is an epidemic of banana leaf spot disease (Black Sigatoka) in Honduras against which chlorothalonil is effective.

It has been concluded, therefore, that the proposed amendment to 40 CFR 180.275 should be adopted without change, and it has been determined that this regulation will protect the public health.

Any person adversely affected by this regulation may, on or before June 26, 1978, file written objections with the Hearing Clerk, EPA, Room M-3708, 401 M Street SW., Washington D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by the grounds legally sufficient to justify the relief sought.

Effective on May 19, 1978, part 180, subpart C, §180.275 is amended by alphabetically inserting a tolerance in the table on bananas at 0.5 ppm as set forth below.

(Sec. 408(d) Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)).)

Dated: May 19, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

Part 180, subpart C, §180.275 is amended by alphabetically inserting in

the table a tolerance on bananas at 0.5 ppm to read as follows:

§180.275 Chlorothalonil; tolerance for residues.

Commodity:	Parts per million
Bananas (NMT 0.05 ppm in edible pulp).....	0.5

[FR Doc 78-14720 Filed 5-25-78; 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

Kenai National Moose Range, Alaska

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special Regulations.

SUMMARY: These special regulations govern the use of aircraft, snowmobiles and watercraft on the Kenai National Moose Range in Alaska. The Director has determined that these regulations are consistent with the primary objectives for which the range was established, and will provide additional recreational opportunity to the public.

DATES: These regulations are effective from May 26, 1978 through May 31, 1979.

FOR FURTHER INFORMATION CONTACT:

James E. Frates, Refuge Manager, Kenai National Moose Range, P.O. Box 500, Kenai, Alaska 99611, 907-283-4877.

SUPPLEMENTARY INFORMATION: The primary author of this document is James E. Frates. Regulations and maps describing the designated areas are available at the Headquarters, Kenai National Moose Range, Kenai, Alaska.

§ 26.34 Special regulations concerning public access, use and recreation for individual national wildlife refuges.

ALASKA—KENAI NATIONAL MOOSE RANGE

(a) The landing and operation of aircraft in the Kenai National Moose Range, under other than emergency conditions, is prohibited except as authorized in the following areas: North of the Sterling Highway aircraft may land on lakes except those lakes with

recreational developments including campgrounds, camp sites, road waysides with connecting access trails, the canoe system lakes and lakes within the Moose Research Center inclosures including Coyote Lake. Furthermore, the Swan Lake Canoe Area including the several public recreational lakes bounded on the west by the Swanson River Road, bounded on the north by the Swan Lake Road, bounded on the east by the north-south section line immediately west of Arrow Lake (located at the eastern terminus of Swan Lake Road open to the public) and continuing south 5.8 miles to its intersection with the Moose River (one-half mile southwest of the eastern-most shore of Swan Lake), thence downstream the Moose River, and bounded on the south by the Moose Range boundary, is not designated aircraft landing area; south of the north shoreline of the Kenai River and Skilak Lake, aircraft may land on lakes and rivers except the following lakes not authorized for aircraft operations include: Benchland, Cirque, Crater, Emma, Horsetrail, Marmot Lakes, Newman's, Timberline, Trophy and Wolverine.

(1) The landing of aircraft on any road, glacier or ice field is prohibited.

(2) Hidden Lake, Swanson Lake, Gene Lake and Pepper Lake are designated aircraft landing areas in season, for the purpose of sport ice fishing only.

(3) Bottenintnin Lake is a designated aircraft landing area. (b) The operation of off-road vehicles commonly referred to as all-terrain vehicles (ATV's) is prohibited on the Kenai National Moose Range except the use of lightweight motorized vehicles commonly identified by the general term "snowmobile" are authorized on certain designated areas of the Moose Range and subject to the following special conditions:

(1) Only snowmobiles with an overall width less than 40 inches will be permitted.

(2) The use of snowmobiles may be authorized during the period December 1, 1978 through April 30, 1979, and only when the snow depth is sufficient to protect underlying vegetation and terrain along the route of travel and when determined and announced by the refuge manager.

(3) The use of snowmobiles is prohibited in those game management units of the Kenai National Moose Range during an established moose hunting season. The use of snowmobiles as an aid in big game hunting or for transporting big game animals, except fur animals, is not authorized.

(4) The use of snowmobiles on maintained roads within the Moose Range is prohibited, except that, a snowmobile may cross a maintained road only after stopping and when traffic on the roadway allows crossing safely.

(5) That area above timberline located between Skilak Lake and Tustumena Lake is not authorized for snowmobile use.

(6) The area within T 4 N, R 10 W, Section 5 and those portions of Sections 6 and 7 east of the Sterling Highway right-of-way, including the Soldotna Ski Hill, the cross-country ski trails, Headquarters Lake and Nordic Lake, is not a designated snowmobile area.

(7) The use of snowmobiles for racing purposes is prohibited.

(8) The Swanson River Canoe Route lakes and portages are closed to snowmobile use.

(9) An area including the Swan Lake Canoe Route and several road connected public recreational lakes is not a designated snowmobile area. That area closed to such use is bounded on the west by the Swanson River Road, bounded on the north by the Swan Lake Road, bounded on the east by the section line immediately west of Arrow Lake (which is located at the eastern terminus of Swan Lake Road open to the public) and proceeds south 5.8 miles to its intersection with the Moose River (one-half mile southeast of the eastern-most shore of Swan Lake), thence downstream along the west bank of Moose River, and bounded on the south by the Moose Range boundary.

(c) The use of motorized boats and canoes, other motorized watercraft, engines, including chain saws, auxiliary power units, etc., is prohibited within the Moose Range Canoe System, except that boats and canoes with outboard motors will be permitted on Moose River and Swanson River. The Canoe System includes those lakes and their related shore areas, waterways, tributaries and portages within the existing Swan Lake Canoe Route and Swanson River Canoe Route as described on maps available at Kenai Moose Range Headquarters.

(d) The use of airboats is authorized only on Skilak Lake, Tustumena Lake, the Kenai River and Kaslof River.

(e) The provisions of this special regulation supplement the regulations which govern public entry and use on national wildlife refuges which are set forth in Title 50, Code of Federal Regulations, Part 26.

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

Dated: May 16, 1978.

JAMES E. FRATES,
Refuge Manager,
Kenai National Moose Range.

[FR Doc. 78-14727 Filed 5-25-78; 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.

[3410-02]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 916]

NECTARINES GROWN IN CALIFORNIA

Proposed Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposal would continue through May 31, 1979, current minimum grade and size requirements applicable to fresh shipments of California nectarines. The proposal is designed to maintain orderly marketing conditions in the interest of producers and consumers.

DATE: Comments must be received on or before June 27, 1978.

ADDRESS: Send comments to: Hearing Clerk, USDA, Room 1077, South Building, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION. The proposed amendment was submitted by the Nectarine Administrative Committee, established pursuant to the marketing agreement, as amended, and Order No. 916, as amended (7 CFR Part 916) which regulates the handling of nectarines grown in California. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

This notice invites written comment relative to a proposed amendment that would continue Nectarine Regulation 10 (§ 916.352; 43 FR 20218) through May 31, 1979. Said regulation will expire on July 16, 1978, unless extended. The regulation prescribes that shipments of California nectarines grade U.S. No. 1 except that (1) a slightly smaller area of the surface of each fruit may be affected by fairly light colored, fairly smooth scars, and (2) an additional tolerance is provided for individual fruit not well formed but not badly misshapen. The regulation also prescribes minimum sizes for 47 named varieties. The proposal is designed to continue to provide markets with an ample supply of desirable size and quality nectarines consistent with the available supply in the interest of producers and consumers.

Data, views, or arguments for consideration in connection with this proposed amendment shall be filed, in duplicate, with the Hearing Clerk, United States Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250, not later than June 27, 1978. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Under the proposal, the provisions of Nectarine Regulation 10 (§ 916.352; 43 FR 20218) are revised to read as follows:

§ 916.352 Nectarine Regulation 10.

Order. (a) During the period July 16, 1978, through May 31, 1979, no handler shall handle:

(1) Any package or container of any variety of nectarines unless such nectarines grade at least U.S. No. 1. *Provided*, That nectarines 2 inches in diameter or smaller, shall not have fairly light colored, fairly smooth scars which exceed the aggregate area of a circle $\frac{1}{4}$ inch in diameter, and nectarines larger than 2 inches in diameter shall not have fairly light colored, fairly smooth scars which exceed an aggregate area of a circle $\frac{1}{4}$ inch in diameter. *Provided further*, That an additional tolerance of 25 percent shall be permitted for fruit that is not well formed but not badly misshapen.

(2) Any package or container of Mayred variety nectarines unless:

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 112 nectarines in the lug box;

(ii) Such nectarines in any container when packed other than as specified in subdivision (i) of this subparagraph (92) are of a size that a 16 pound sample, representative of the nectarines in the package or container, contains not more than 105 nectarines.

(3) Any package or container of Mayfair variety nectarines unless:

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 108 nectarines in the lug box;

(ii) Such nectarines in any container when packed other than as specified in subdivision (i) of this subparagraph (3) are of a size that a 16 pound

sample, representative of the nectarines in the package or container, contains not more than 102 nectarines.

(4) Any package or container of Crimson, Gold, June Belle, June Grand, May Grand, Red June, Spring Grand, Armking, Zee Gold, Apache, Spring Red, Red King, Early Sungrand, Independence, Moon Grand, Star Grand I, Star Grand II, Summer Grand, Sun Grand, Kent Grand, Early Star, Firebrite, or Red Diamond variety nectarines unless:

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 96 nectarines in the lug box; or

(ii) Such nectarines in any container when packed other than as specified in subdivision (i) of this subparagraph (4) are of a size that a 16 pound sample, representative of the nectarines in the package or container, contains not more than 90 nectarines.

(5) Any package or container of Autumn Grand, Clinton-Strawberry, Fantasia, Flamekist, Flavortop, Gold King, Granderli, Grand Prize, Harry Grand, Hi-Red, Late Le Grand, Le Grand, Niagara Grand, Red Grand, Regal Grand, Richards Grand, Royal Grand, September Grand, Fairlane, Red Free, Bob Grand, Tom Grand, or Kings Canyon variety nectarines unless:

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 88 nectarines in the lug box; or

(ii) Such nectarines in any container when packed other than as specified in subdivision (i) of this subparagraph (5) are of a size that a 16 pound sample, representative of the nectarines in the package or container, contains not more than 78 nectarines.

(b) As used herein, "U.S. No. 1" and "standard pack" mean the same as defined in the United States Standards for Grades of Nectarines (7 CFR 51.3145-51.3160): No. 22D standard lug box" means the same as defined in section 1387.11 of the "Regulations of the California Department of Food and Agriculture", and all other terms mean the same as defined in the marketing order.

Dated: May 23, 1978.

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

[FR Doc. 78-14798 Filed 5-25-78; 8:45 am]

[3410-02]

[7 CFR Part 989]

RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Proposed Increase in Payment Rate for Handler Services on Reserve Tonnage Raisins

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice of proposed rulemaking invites written comments on increasing the rates of payment to handlers for receiving, storing, fumigating, and handling reserve tonnage raisins during and beyond the crop year of acquisition. The increased rates would be applicable to reserve raisins of the current (1977-78) and subsequent crop years. The increased rates of payment were proposed by the Raisin Administrative Committee to compensate handlers for increased plant and administrative overhead, labor, material and equipment, and other related costs involved in providing these services. The Committee is the agency established under the order to administer its terms and conditions.

DATES: Comments must be received on or before June 15, 1978.

ADDRESSES: Send two copies of comments to the hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250, where they will be available for inspection during business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: This proposed action would increase the rates of payment made to handlers for: (1) Receiving, storing, fumigating, and handling reserve tonnage raisins during the crop year of acquisition from \$17 to \$24 per ton; and (2) holding reserve tonnage raisins beyond the crop year of acquisition from 85 cents to \$1.20 per ton for each month of the three-month period ending November 30, and from 42.5 cents to 60 cents per ton for each month of the next nine months. The current rates have been effective since the 1975-76 crop year and since that time handler costs for all these services have increased significantly.

To make the proposed rate increases it is necessary to amend §989.401(a)(1)

and (b) of Subpart—Schedule of Payments (7 CFR 989.401; 42 FR 52374; 57683). This action would be taken under §989.66(f) of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989; 42 FR 37200), regulating the handling of raisins produced from grapes grown in California (hereinafter referred to collectively as the "order"). The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The proposal is to amend §989.401 (a)(1) and (b) as follows:

§ 989.401 Payments for services performed with respect to reserve tonnage raisins.

(a) *Payment for crop year of acquisition—(1) Receiving, storing, fumigating, and handling.* Each handler shall, beginning with the crop year which began August 1, 1977, be compensated at the rate of \$24 per ton (natural condition weight at the time of acquisition) for receiving, storing, fumigating, and handling the reserve tonnage raisins, as determined by the final reserve tonnage percentages, acquired during a particular crop year and held by him for the account of the Raisin Administrative Committee during all or any part of the same crop year.

(b) *additional payment for reserve tonnage raisins held beyond the crop year of acquisition.* Additional payment for reserve tonnage raisins held beyond the crop year of acquisition shall be made in accordance with this paragraph. Each handler holding such raisins for the account of the Committee on August 15 and the following September 1 shall be compensated for storing, handling, and fumigating such raisins at the rate of \$1.20 per ton per month, or any part thereof, for each month of the three-month period ending November 30, and 60 cents per ton per month, or any part thereof, for each month of the next nine months. Such services shall be completed so that the Committee is assured that the raisins are maintained in good condition.

Dated: May 23, 1978.

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

[FR Doc. 78-14797 Filed 5-25-78; 8:45 am]

[3410-05]

Commodity Credit Corporation

[7 CFR Part 1464]

TOBACCO LOAN PROGRAM

Proposed 1978 Crop Grade Loan Rates—Flue-Cured Tobacco

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Commodity Credit Corporation (USDA), is considering the grade loan rates to be applied to the various grades of 1978-crop flue-cured tobacco to provide price support as required by the Agricultural Act of 1949, as amended. This document invites all interested parties to submit views and recommendations with respect to the proposed rates.

DATES: Written comments must be received by June 26, 1978, in order to be sure of consideration.

ADDRESS: Send comments to Director, Price Support and Loan Division, ASCS, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:

R. P. Hieronymus, 202-447-6695.

SUPPLEMENTARY INFORMATION: Section 106 of the Agricultural Act of 1949, as amended, requires that the 1978 crop of flue-cured tobacco be supported at the level of 121.0 cents per pound. It is anticipated that price support will be provided through a loan to a producers association which will receive the tobacco from the producers and make price support advances to the producers for the tobacco received. The price support advances will be based on the proposed grade loan rates, which will average the required level of support when weighted by the anticipated grade percentages, in accordance with section 403 of the Act. The price support advances to producers shall be the amounts determined by multiplying the pounds of each grade received by the respective grade loan rate less 1 cent per pound, which the producers' association is authorized to deduct and to apply against overhead costs.

PROPOSED RULE

Under the Tobacco Loan Program published in this part and section 403 of the Act, Commodity Credit Corporation proposes to establish loan rates by grades for 1978-crop flue-cured tobacco, types 11-14, as set forth herein. These proposed rates calculated to provide the level of support of 121.0 cents per pound as determined under section 106 of the Agricultural Act of 1949 (7 U.S.C. 1445) are set forth below. Accordingly, it is proposed that

7 CFR Part 1464 be amended by revising § 1464.16 to read as follows effective for the 1978 crop of flue-cured tobacco, types 11-14.

§ 1464.16 1978 crop flue-cured tobacco, types 11-14, loan schedule.¹

(Dollars per hundred pound, farm sales weight)

Grade	Loan rate	Grade	Loan rate
A1F.....	156	B3KL.....	127
A1L.....	156	B4KL.....	123
B1L.....	146	B5KL.....	118
B2L.....	142	B6KL.....	112
B3L.....	139	B3KF.....	127
B4L.....	135	B4KF.....	123
B5L.....	131	B5KF.....	117
B6L.....	125	B6KF.....	112
B1F.....	146	B3KM.....	130
B2F.....	142	B4KM.....	127
B3F.....	139	B5KM.....	122
B4F.....	135	B6KM.....	114
B5F.....	131	B3KR.....	133
B6F.....	125	B4KR.....	129
B1FR.....	144	B5KR.....	124
B2FR.....	140	B6KR.....	118
B3FR.....	137	B5KV.....	113
B4FR.....	134	B6KV.....	107
B5FR.....	130	B4G.....	117
B6FR.....	124	B5G.....	113
B4R.....	123	B6G.....	107
B5R.....	116	B5GR.....	101
B3K.....	134	B4GK.....	114
B4K.....	130	B5GK.....	110
B5K.....	126	B6GK.....	105
B6K.....	119	B5GG.....	101
B3V.....	130	H3L.....	142
B4V.....	125	H4L.....	139
B5V.....	121	H5L.....	134
B3S.....	127	H6L.....	129
B4S.....	123	X3KM.....	124
B5S.....	117	X4KM.....	119
X1L.....	141	X4G.....	109
X2L.....	137	X5G.....	105
X3L.....	132	X4GK.....	109
X4L.....	127	P2L.....	113
X5L.....	118	P3L.....	107
X1F.....	141	P4L.....	99
X2F.....	137	P5L.....	93
X3F.....	132	P2F.....	113
X4F.....	127	P3F.....	107
X5F.....	118	P4F.....	99
X3V.....	123	P5F.....	93
X4V.....	118	P4G.....	89
X3S.....	123	P5G.....	83
X4KL.....	118	M4F.....	121
X4KF.....	118	M5F.....	116
X4KV.....	112	M4KR.....	115
X3KR.....	129	H1F.....	149

¹The loan rates listed are applicable to tied and untied flue-cured tobacco which is (1) eligible tobacco as defined in the regulations and (2) identified by a marketing card which does not bear the notation "Discount Variety-Limited Support." Rates for eligible tobacco identified by a marketing card, which bears the notation "Discount Variety-Limited Support," are 50 percent of the loan rates listed plus fifty cents (\$0.50) per hundred pounds. Any grade to which the special factor "sand" or "dirt" is added (denoting a moderate amount of sand or dirt in excess of normal) may be accepted at 90 percent, rounded to the nearest dollar, of the loan rate listed. Tobacco graded "W" (doubtful keeping order), "U" (unsound), "N2", "No-G", "No-G-F", "No G-F-sand", "No G-F-dirt", or "scrap" will not be accepted. Tobacco is eligible for advance only if consigned by the original producer. The cooperative association through which advances are made available is authorized to deduct 1 cent per pound to apply against overhead costs.

Grade	Loan rate	Grade	Loan rate
X4KR.....	124	H2F.....	145
H3F.....	142	C4KL.....	126
H4F.....	139	C4KR.....	127
H5F.....	134	C4KR.....	131
H6F.....	129	C4G.....	119
H4FR.....	136	C4GK.....	118
H5FR.....	131	M4KM.....	114
H6FR.....	126	M5KM.....	109
H4K.....	134	M4GK.....	108
H5K.....	129	M5GK.....	102
H6K.....	124	N1L.....	85
C1L.....	145	N1XL.....	90
C2L.....	142	N1K.....	97
C3L.....	139	N1R.....	88
C4L.....	136	N1GL.....	79
C5L.....	132		89
C1F.....	145	N1GF.....	89
C2F.....	142	N1GR.....	84
C3F.....	139	N1KV.....	88
C4F.....	136	N1GG.....	81
C5F.....	132	N1BO.....	80
C4V.....	127	N1XO.....	78
C4S.....	125	N1PO.....	74

Prior to making any determination, the Department will give consideration to comments, views, and recommendations submitted in writing to the Director, Price Support and Loan Division.

All written submission will be made available for public inspection from 8:15 a.m. to 4:45 p.m. Monday through Friday in Room 3741, South Building, USDA, 14th and Independence Avenue SW., Washington, D.C. 20013.

NOTE.—Commodity Credit Corporation has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821, as extended by 11949, and OMB Circular A-107.

NOTE.—Based on an assessment of the environmental impacts of the proposed action, it has also been determined that an environmental impact statement need not be prepared since the proposals will have no significant effect on the quality of the human environment.

Signed at Washington, D.C., on May 19, 1978.

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

[FR Doc. 78-19595 Filed 5-25-78; 8:45 am]

[4110-03]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 136]

[Docket No. 75P-0361]

BAKERY PRODUCTS

Amendment of Standards of Identity

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the standard of identity for

bread, rolls, and buns by removing the limit on the use of mono- and diglycerides of fat-forming fatty acids, diacetyl tartaric acid esters of mono- and diglycerides of fat-forming fatty acids, propylene glycol mono- and diesters of fat-forming fatty acids, and other ingredients that perform a similar function. The Commissioner of Food and Drugs has determined that it is appropriate to remove these limitations from the standard because technical considerations make it unlikely that excessive amounts of these ingredients would be used.

DATES: Comments by July 25, 1978. It is proposed that the regulation based on this proposal become effective 31 days after publication of the final order in the FEDERAL REGISTER.

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

FOR FURTHER INFORMATION CONTACT:

Harold Salwin, Bureau of Foods (HFF-416), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202-245-8531.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of February 12, 1976 (41 FR 6242), the Commissioner of Food and Drugs revised the standards of identity for bakery products in Part 136 (21 CFR Part 136, formerly 21 CFR Part 17 prior to the recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302). In response to written objections and requests for a hearing, a notice identifying certain provisions that were stayed pending consideration whether a hearing is necessary was published in the FEDERAL REGISTER of October 15, 1976 (41 FR 45540). As indicated elsewhere in this issue of the FEDERAL REGISTER, the Commissioner has now determined that it is necessary to conduct a hearing to resolve four issues. The Commissioner has determined that the fifth issue, relating to the optional use of mono- and diglycerides of fat-forming fatty acids and of certain other ingredients that perform a similar function, can be resolved without a hearing by amending the regulation.

The standards of identity for bakery products provide for the optional use in bread of mono- and diglycerides and of fat-forming fatty acids, diacetyl tartaric acid esters of mono- and diglycerides of fat-forming fatty acids, and propylene glycol mono- and diesters of fat-forming fatty acids. These ingredients are frequently used in breadmaking as antistaling agents, their function being generally regarded as delaying the firming of bread.

The current standard limits the total weight of these ingredients to not more than 20 percent of the combined weight of the ingredients and the shortening. The standard also limits the amount of monoglycerides, diacetyl tartaric acid ester of monoglyceride, and propylene glycol monoester that may be used in bread.

Section 136.110(c)(5)(ii) (21 CFR 136.110(c)(5)(ii)) of the final regulation, now stayed, limited the total quantity of these ingredients, whether used alone or in combination, to not more than 0.5 part for each 100 parts by weight of flour used. This 0.5 percent limit is more liberal than the current limit when the shortening content is less than 2 percent and is more restrictive when the shortening content exceeds 2 percent.

Objections to § 136.110(c)(5)(ii) were confined to the 0.5 percent limit as applied to mono- and diglycerides of fat-forming fatty acids. Grounds for the objections were that the limit unnecessarily restricts the flexibility of the baker, that the limit is lower than the amount permitted under the current standard, and that the limit is lower than the amounts actually being used by many manufacturers of bakery products. (The Commissioner notes that the comparison with the current standard is correct only for bakery products which contain more than 2 parts of shortening for each 100 parts by weight of flour used.) One objection to the 0.5 percent limit suggested that either the limit should be one part for each 100 parts of flour, or that it should be determined on the basis of the alpha-monoglyceride present rather than on the basis of the total mono- and diglycerides, in which case it would be 0.5 part, or possibly 0.56 part, per 100 parts of flour. A second objection stated that the limit should be removed completely or that, if any limitation is to be imposed, it should be based on flour weight and tied to alpha-monoglyceride level only. One comment recommended that the limit be no more than necessary to accomplish the intended effect. Other comments recommended that the limit be 0.75 part for each 100 parts by weight of flour.

The Food and Drug Administration received a letter, dated March 31, 1977, from the American Bakers Association and ICI United States, Inc., supplementing their previously expressed views concerning the level of mono- and diglycerides permitted in standardized bakery foods. The letter (on file with the Hearing Clerk, Food and Drug Administration), which in effect constitutes a request for reconsideration, recommended changes in the limits on the diacetyl tartaric acid esters and propylene glycol esters as well as the limits on mono- and diglycerides of fat-forming fatty acids. The

first recommendation, identified as the preferred approach, was that limits on all such ingredients be removed. As an alternative, the letter recommended that the present § 136.110(c)(5)(ii) be amended to read as follows:

Mono- and diglycerides of fat-forming fatty acids, diacetyl tartaric acid esters of mono- and diglycerides of fat-forming fatty acids, propylene glycol mono- and diesters of fat-forming fatty acids complying with the provisions of Part 172 of this chapter (formerly Part 121), or a combination of two or more of these. The total quantity of these ingredients, whether used alone or in combination, does not exceed the greater of: (a) 0.75 part for each 100 parts by weight of flour used, with the weight of the mono- and diglycerides used computed on the basis of alpha mono-glyceride content only; or (b) 20 percent by weight of the combination of such ingredients and the shortening, and the total amount of monoglyceride, diacetyl tartaric acid ester of monoglyceride, and propylene glycol monoester does not exceed 8 percent by weight of the combination; but if purified or concentrated monoglyceride alone is used, amount does not exceed 10 percent by weight of the combination.

(Underscoring indicates changes from stayed § 136.110(c)(5)(ii); (b) reproduces, without change, the language of the currently effective limit.)

If the alternative recommendation were adopted, its only effect would be to permit the use of greater amounts of the ingredients in low-shortening breads than current regulations permit.

Section 136.110(b) currently requires that all ingredients used in bread be safe and suitable. A safe and suitable ingredient is defined in § 130.3(d) (21 CFR 130.3(d)), as (1) one that performs an appropriate function in the food in which it is used; (2) one that is used at a level no higher than necessary to achieve its intended purpose; and (3) in the case of a food additive, one that is used in conformity with regulations established under section 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348). The applicable regulations for the ingredients identified in the foregoing paragraphs are §§ 172.856, 182.4101, and 182.4505 (21 CFR 172.856, 182.4101, and 182.4505). Use levels for these ingredients and others which have a similar function will be established in the food additive regulations as part of the cyclic review of food additives now in progress, and their use in bread will be subject to the limits that are adopted.

The Commissioner previously believed that the 0.5 percent limit would be adequate because of the trend in commercial breadmaking to reduce the shortening content. Information now available, however, demonstrates that: (1) The average amount of shortening being used, based on weight of flour, is 3 percent in bread and 5 percent in buns, with levels sometimes as

high as 8 percent in rolls; (2) the levels of mono- and diglyceride mixtures being used frequently exceed 0.5 part per 100 parts of flour; and (3) excessive use in bread of mono- and diglycerides is unlikely, because excessive quantities adversely affect the shape and texture of bread loaves.

After reconsidering the issue, the Commissioner agrees that it is appropriate to remove the limits from the standard of identity and proposes to do so by amending § 136.110(c)(5)(ii) as set out below. The Commissioner also proposes to make minor editorial changes in § 136.110(c)(15) and (18).

The Commissioner has considered the environmental effects of the issuance or amendment of food standards and has concluded in § 25.1(d)(4) (21 CFR 25.1(d)(4)) that food standards are not major agency actions significantly affecting the quality of the human environment. Therefore, an environmental impact statement is not required for this proposal.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes that Part 136 be amended in § 136.110 by revising paragraphs (c)(5)(ii) and (c) (15) and (18), to read as follows:

PART 136—BAKERY PRODUCTS

§ 136.110 Bread, rolls, and buns.

* * * * *

(c) * * *

(5) * * *

(ii) Mono- and diglycerides of fat-forming fatty acids, diacetyl tartaric acid esters of mono- and diglycerides of fat-forming fatty acids, propylene glycol mono- and diesters of fat-forming fatty acids, and other ingredients that perform a similar function.

* * * * *

(15) Dough strengtheners and other dough conditioners not listed or referred to in this paragraph, if the total quantities of such ingredients or combination is not more than 0.5 part for each 100 parts by weight of flour used.

* * * * *

(18) Other ingredients that do not change the basic identity or adversely affect the physical and nutritional characteristics of the food.

* * * * *

Interested persons may, on or before July 25, 1978, submit to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written comments regarding this proposal.

Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

NOTE.—The Food Drug Administration has determined that this proposal will not have a major economic impact as defined by Executive Order 11821 (amended by Executive Order 11949) and OMB Circular A-107. A copy of the economic impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Dated: May 22, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Regulatory Affairs.

[FR Doc. 78-14729 Filed 5-25-78; 8:45 am]

[1505-01]

[21 CFR Part 101]

[Docket No. 77P-04131]

FOOD LABELING

Ingredient Labeling Exemption

Correction

In FR Doc. 78-10035, appearing at page 16347 in the issue of Tuesday, April 18, 1978, the third line of the "Summary" paragraph should read, "agents in food (e.g., calcium salts in", and the date in the first line of the "Date" paragraph and the second line of the last complete paragraph on page 16348 should read, "June 19, 1978".

[4110-03]

[21 CFR PARTS 436, 449]

[Docket No. 77N-00691]

GRISEOFULVIN GAS LIQUID CHROMATOGRAPHY

Method for Griseofulvin Content

AGENCY: Food and Drug Administration.

ACTION: Proposal.

SUMMARY: This proposal would amend the antibiotic drug regulations to provide for an improved method for determining the griseofulvin content of antibiotic drug products containing griseofulvin. The new method, gas liquid chromatography, replaces two existing methods—the spectrophotometric assay and the microbiological agar diffusion assay. This proposal is issued in response to a request by a manufacturer to adopt the new method.

DATE: Comments by July 25, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Joan Eckert, Bureau of Drugs (HFD-140), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION:

The Commissioner of Food and Drugs has evaluated a request submitted in accordance with the antibiotic drug regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357) as amended, that a newly developed gas liquid chromatography method be adopted as the method specified in the regulations for content determination of the antibiotic drug griseofulvin.

As reported in the Journal of Pharmaceutical Sciences, 64(6):1020-1022, June 1975, a collaborative study involving 19 laboratories was conducted to validate this new method. The overall recovery from three samples tested was 99.52±2.33 percent.

The Commissioner finds that the gas liquid chromatography method is more accurate and reliable than the microbiological agar diffusion assay and the spectrophotometric assay methods currently in the regulation. Therefore, he proposes that the gas liquid chromatography method replace the other two methods in the regulation. He also proposes to add an upper potency limit of 1,050 micrograms of griseofulvin per milligram to the monograph for griseofulvin bulk drug. This is consistent with the agency's practice in recent years of establishing upper potency limits for all antibiotic bulk drugs as an added measure of quality assurance.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357)) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs proposes to amend Parts 436 and 449 as follows:

1. Part 436 is amended by adding new § 436.321 to read as follows:

§ 436.321 Griseofulvin gas liquid chromatography.

(a) *Equipment.* Gas chromatograph equipped with an electronic integrator and with a flame ionization detector: Hewlett Packard 7600 or equivalent.

(b) *Reagents.* (1) Chloroform, reagent grade.

(2) Internal standard solution: Prepare a solution containing 1.0 milligram of tetraphenylcyclopentadienone per milliliter in chloroform.

(c) *Typical conditions.*—(1) *Column.* 1.2 meters by 4 millimeters ID, glass, packed with 1 percent OV-17 on Gas Chrom Q (100/120 mesh), or equivalent.

(2) *Temperatures.* Column 245° C; detector 260° C; injection port 260° C.

(3) *Carrier gas.* Helium approximately 60 millimeters per minute and 40 pounds per square inch (1.7 kilograms per square centimeter).

(4) *Detector.* Hydrogen flame ionization-hydrogen at 12 pounds per square inch (0.5 kilogram per square centimeter), air at 34 pounds per square inch (1.43 kilograms per square centimeter).

(5) *Sensitivity.* Adjusted to obtain peak heights greater than 50 percent full scale deflection.

(d) *Preparation of griseofulvin sample and working standard solutions.* Accurately weigh approximately 40 milligrams of both the sample and the working standard into separate 25-milliliter volumetric flasks. Add sufficient internal standard solution to dissolve the contents of each flask with vigorous mixing and then dilute to volume with internal standard solution and mix. Proceed as directed in paragraph (e) of this section.

(e) *Procedure.* Inject 1.0 microliter of this solution into the gas chromatograph. Use the typical conditions and materials listed in paragraphs (a), (b), and (c) of this section. The resolution of the peaks should be complete. The griseofulvin peak will elute before the internal standard peak. Calculate the griseofulvin content as directed in paragraph (f) of this section.

(f) *Calculations.* Calculate the griseofulvin content of the sample as follows:

$$\text{Micrograms of griseofulvin} = \frac{\left(\frac{R_u}{R_s}\right) \left(\frac{W_s}{W_u}\right) (f)}{\left(\frac{R_u}{R_s}\right) \left(\frac{W_u}{W_s}\right)}$$

where:

$$\frac{R_u}{R_s} = \frac{\text{Area of the griseofulvin sample peak (at a retention time equal to that observed for the griseofulvin standard)}}{\text{Area of the internal standard peak}}$$

$$\frac{R_s}{-s} = \frac{\text{Area of the griseofulvin working standard peak}}{\text{Area of the internal standard peak}}$$

$\frac{W}{-s}$ = Weight of the griseofulvin working standard in milligrams;

$\frac{W}{-u}$ = Weight of the sample in milligrams;

$\frac{f}{-}$ = Potency of the griseofulvin working standard in micrograms per milligram.

2. Part 449 is amended as follows:

a. In § 449.20, paragraphs (a)(1)(i), (a)(3)(i), (b)(1), and (b)(6) are revised to read as follows:

§ 449.20 Griseofulvin.

(a) * * *

(1) * * *

(i) Its griseofulvin content is not less than 900 micrograms and not more than 1,050 micrograms of griseofulvin per milligram.

(3) * * *

(i) Results of tests and assays on the batch for griseofulvin content, safety, loss on drying, melting point, specific rotation, identity, residue on ignition, heavy metals, specific surface area, and crystallinity.

(b) *Tests and methods of assay*—(1) *Griseofulvin content (gas liquid chromatography)*. Proceed as directed in § 436.321 of this chapter.

(6) *Identity*. Dissolve an accurately weighed portion of the sample and of the griseofulvin working standard and dissolve each in sufficient methyl alcohol to obtain a concentration of 10 micrograms of griseofulvin per milliliter and mix well. (The standard solution can be kept under refrigeration and used for up to 1 month.) Record the ultraviolet absorption spectrum of solutions of the sample and standard from 240 to 320 nanometers. The spectral curves shall be similar, and each shall have a maximum at 292 ± 2 nanometers and a minimum at 269 ± 2 nanometers.

b. In § 449.120a, paragraphs (a)(1), (a)(3)(i)(a) and (b), and (b)(1) are revised to read as follows:

§ 449.120a Griseofulvin tablets.

(a) *requirements for certification*—(1) *Standards of identity, strength, quality, and purity*. Griseofulvin tablets are tablets composed of griseofulvin, with or without one or more suitable fillers, colorings, lubricants, and binders. Each tablet contains 125, 250,

or 500 milligrams of griseofulvin. The griseofulvin content is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of griseofulvin that it is represented to contain. The loss on drying is not more than 5.0 percent. The tablets shall disintegrate within 1 hour. The griseofulvin used conforms to the standards prescribed by § 449.20(a)(1).

(3) * * *

(i) * * *

(a) The griseofulvin used in making the batch for griseofulvin content, safety, loss on drying, melting point, specific rotation, identity, residue on

$$\text{Milligrams of griseofulvin} = \frac{\left(\frac{R_u}{-u} \right) \left(\frac{W}{-s} \right) \left(\frac{f}{-} \right) \left(\frac{W}{-a} \right) \left(\frac{V}{-u} \right)}{\left(\frac{R_s}{-s} \right) \left(\frac{W}{-u} \right) (1,000) (50)}$$

where:

$$\frac{R_u}{-u} = \frac{\text{Area of the griseofulvin sample peak (at a retention time equal to that observed for the griseofulvin standard)}}{\text{Area of the internal standard peak}}$$

$$\frac{R_s}{-s} = \frac{\text{Area of the griseofulvin working standard peak}}{\text{Area of the internal standard peak}}$$

$\frac{f}{-}$ = Potency of the griseofulvin working standard in micrograms per milligram;

$\frac{W}{-a}$ = Average tablet weight in milligrams;

c. In § 449.120b, paragraphs (a)(1), (a)(3)(i)(a) and (b), and (b)(1) are revised to read as follows:

§ 449.120b Griseofulvin capsules.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity*. Griseofulvin capsules are gelatin capsules containing griseofulvin with a suitable filler and binder, with or without a suitable lubricant. Each capsule contains 125 or 250 milligrams of griseofulvin. The griseofulvin content is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of griseofulvin that it is

represented to contain. The loss on drying is not more than 1.0 percent. The griseofulvin used conforms to the standards prescribed by § 449.20(a)(1).

represented to contain. The loss on drying is not more than 1.0 percent. The griseofulvin used conforms to the standards prescribed by § 449.20(a)(1).

(b) *Tests and methods of assay*—(1) *Griseofulvin content (gas liquid chromatography)*. Proceed as directed in § 436.321 of this chapter, except:

(i) Prepare the sample solution as follows: Accurately weigh 20 tablets and determine the average tablet weight. Grind the tablets to a fine powder in a mortar and transfer an accurately weighed sample to a volumetric flask of such size that for each 50 milliliters of volume there 40 milligrams of griseofulvin (estimated). Add chloroform to about one-fourth volume of the flask. Swirl the flask and apply gentle heat to aid in dissolution of the griseofulvin. Allow the mixture to cool and then dilute to volume with chloroform and mix. Allow to settle and transfer 2.0 milliliters of the supernate to a conical centrifuge tube and evaporate to dryness under a current of dry air. Add 1.0 milliliter of the internal standard solution to the centrifuge tube and mix vigorously to obtain a uniform solution; and,

(ii) Calculate the milligrams of griseofulvin per tablet as follows:

$$\left(\frac{R_u}{-u} \right) \left(\frac{W}{-s} \right) \left(\frac{f}{-} \right) \left(\frac{W}{-a} \right) \left(\frac{V}{-u} \right)$$

$$\left(\frac{R_s}{-s} \right) \left(\frac{W}{-u} \right) (1,000) (50)$$

represented to contain. The loss on drying is not more than 1.0 percent. The griseofulvin used conforms to the standards prescribed by § 449.20(a)(1).

(3) * * *

(i) * * *

(a) The griseofulvin used in making the batch for griseofulvin content, safety, loss on drying, melting point, specific rotation, identity, residue on ignition, heavy metals, specific surface area, and crystallinity.

(b) The batch for griseofulvin content and loss on drying.

$\frac{W_s}{s}$ = Weight of the griseofulvin working standard in milligrams;

$\frac{W_u}{u}$ = Weight of the ground tablet powder sample in milligrams;

$\frac{V}{u}$ = Volume of the dissolved ground tablet powder sample in milliliters.

(b) *Tests and methods of assay*—(1) *Griseofulvin content (gas liquid chromatography)*. Proceed as directed in § 436.321 of this chapter, except:

(i) Prepare the sample solution as follows: Empty the contents of 20 capsules into a tared weighing bottle. Weigh the powder and calculate the average capsule weight. Mix the powder and transfer an accurately weighed sample to a volumetric flask of such size that for each 50 milliliters of volume there are 40 milligrams of griseofulvin (estimated). Add chloro-

form to about one-fourth volume of the flask. Swirl the flask and apply gentle heat to aid in dissolution of the griseofulvin. Allow the mixture to cool and then dilute to volume with chloroform and mix. Allow to settle and transfer 2.0 milliliters of the supernate to a conical centrifuge tube and evaporate to dryness under a current of dry air. Add 1.0 milliliter of the internal standard solution to the centrifuge tube and mix vigorously to obtain a uniform solution; and,

(ii) Calculate the milligrams of griseofulvin per capsule as follows:

$$\text{Milligrams of griseofulvin per capsule} = \frac{(\frac{R_u}{s}) (\frac{W_s}{s}) (f) (\frac{W_a}{a}) (\frac{V}{u})}{(\frac{R_s}{s}) (\frac{W_u}{u}) (1,000) (50)}$$

where:

$\frac{R_u}{u}$ = $\frac{\text{Area of the griseofulvin sample peak (at a retention time equal to that observed for the griseofulvin standard)}}{\text{Area of the internal standard peak}}$;

$\frac{R_s}{s}$ = $\frac{\text{Area of the griseofulvin working standard peak}}{\text{Area of the internal standard peak}}$;

$\frac{W_s}{s}$ = Weight of the griseofulvin working standard in milligrams;

f = Potency of the griseofulvin working standard in micrograms per milligram;

$\frac{W_a}{a}$ = Average capsule fill weight in milligrams;

$\frac{W_u}{u}$ = Weight of the capsule powder sample in milligrams;

$\frac{V}{u}$ = Volume of the dissolved capsule powder sample in milliliters.

d. In § 449.120c, paragraphs (a)(1), (a)(3)(i) (a) and (b), and (b)(1) are revised to read as follows:

§ 449.120c Griseofulvin oral suspension.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity*. Griseofulvin oral suspension is griseofulvin oral suspension with one or more suitable flavorings, colorings, wetting agents, preservatives, and diluents in an aqueous vehicle. Each milliliter contains 25 milligrams of griseofulvin. Its griseofulvin content is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of griseofulvin that it is represented to contain. Its pH is not less than 6.5 and not more than 7.5. The griseofulvin used conforms to the standards prescribed by § 449.20(a)(1).

(3) * * *

(i) * * *

(a) The griseofulvin used in making the batch for griseofulvin content, safety, loss on drying, melting point, specific rotation, identity, residue on ignition, heavy metals, specific surface area, and crystallinity.

(b) The batch for griseofulvin content and pH.

(b) *Tests and methods of assay*—(1) *Griseofulvin content (gas liquid chromatography)*. Proceed as directed in § 436.321 of this chapter, except:

(i) Prepare the sample solution as follows: Transfer an accurately measured portion of the oral suspension equivalent to 100 milligrams of griseofulvin into a 50-milliliter round-bottomed glass-stoppered centrifuge tube. Add 5 milliliters of water and 20 milliliters of a solvent mixture of ethyl acetate and chloroform (85:15). Shake the tube for 1 minute and centrifuge it briefly to separate the layers. Transfer most of the upper layer to a 100-milliliter volumetric flask being careful not to remove any of the lower aqueous layer. Repeat the extraction step with two additional 20-milliliter portions of the solvent mixture combining the extracts in the volumetric flask with the first 20-milliliter extract. Dilute to volume with the solvent mixture and

mix. Place 2.0 milliliters of this solution in a conical centrifuge tube and evaporate the contents to dryness on a steam bath under a current of dry air. Add 1.0 milliliter of the internal stand-

ard solution to the centrifuge tube and mix vigorously to obtain a uniform solution; and,

(ii) Calculate the milligrams of griseofulvin per milliliter as follows:

$$\text{Milligrams of griseofulvin per milliliter} = \frac{\left(\frac{R_u}{R_s}\right) \left(\frac{W_s}{f}\right) (2)}{\left(\frac{R_s}{f}\right) (1,000) \left(\frac{V_o}{V_u}\right)}$$

where:

$\frac{R_u}{R_s}$ = $\frac{\text{Area of the griseofulvin sample peak (at a retention time equal to that observed for the griseofulvin standard)}}{\text{Area of the internal standard peak}}$;

$\frac{R_s}{f}$ = $\frac{\text{Area of the griseofulvin working standard peak}}{\text{Area of the internal standard peak}}$;

$\frac{W_s}{f}$ = Weight of the griseofulvin working standard in milligrams;

f = Potency of the griseofulvin working standard in micrograms per milligram;

$\frac{V_o}{V_u}$ = Volume of oral suspension taken in milliliters.

e. In § 449.120d, paragraphs (a)(1), (a)(3)(i)(a) and (b), and (b)(1) are revised to read as follows:

§ 449.120d Griseofulvin (ultramicrosize) tablets.

(a) *Requirements for certification—*
(1) *Standards of identity, strength, quality and purity.* Griseofulvin (ultramicrosize) tablets are composed of ultramicrosize crystals of griseofulvin dispersed in polyethylene glycol 6,000. Each tablet contains 125 milligrams of griseofulvin. The griseofulvin content is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of griseofulvin that it is represented to contain. The loss on drying is not more than 5.0 percent. It passes the solubility characteristic test. The griseofulvin used conforms to the standards prescribed by § 449.20(a)(1).

(3) * * *

(i) * * *

(a) The griseofulvin used in making the batch for griseofulvin content, safety, loss on drying, melting point, specific rotation, identity, residue on ignition, heavy metals, specific surface area, and crystallinity.

(b) The batch for griseofulvin content, loss on drying, and solubility characteristic.

(b) *Tests and methods of assay—*(1) *Griseofulvin content (gas liquid chromatography).* Proceed as directed in § 436.321 of this chapter, except:

(i) Prepare the same solution as follows: Accurately weight 20 tablets and determine the average tablet weight. Grind the tablets to a fine powder in a mortar and transfer an accurately weighed sample to a volumetric flask of such size that for each 50 milliliters of volume there are 40 milligrams of griseofulvin (estimated). Add chloroform to about one-fourth volume of the flask. Swirl the flask and apply gentle heat to aid in dissolution of the griseofulvin. Allow the mixture to cool and then dilute to volume with chloroform. Mix and allow to settle. Using gentle vacuum, remove and discard the waxy substance that forms on the top of the chloroform. Transfer 2.0 milliliters of the chloroform solution to a conical centrifuge tube and evaporate to dryness under a current of dry air. Add 1.0 milliliter of the internal standard solution to the centrifuge tube and mix vigorously to obtain a uniform solution; and,

(ii) Calculate the milligrams of griseofulvin per tablet as follows:

$$\text{Milligrams of griseofulvin per tablet} = \frac{\left(\frac{R_u}{R_s}\right) \left(\frac{W_s}{f}\right) \left(\frac{W_a}{V_u}\right) (50)}{\left(\frac{R_s}{f}\right) \left(\frac{W_u}{1,000}\right) (50)}$$

where:

$\frac{R_u}{R_s}$ = $\frac{\text{Area of the griseofulvin sample peak (at a retention time equal to that observed for the griseofulvin standard)}}{\text{Area of the internal standard peak}}$;

$\frac{R_s}{f}$ = $\frac{\text{Area of the griseofulvin working standard peak}}{\text{Area of the internal standard peak}}$;

$\frac{W_s}{f}$ = Weight of the griseofulvin working standard in milligrams;

f = Potency of the griseofulvin working standard in micrograms per milligram;

$\frac{W_a}{V_u}$ = Average tablet weight in milligrams;

$\frac{W_u}{1,000}$ = Weight of the ground tablet powder sample in milligrams;

$\frac{V_u}{50}$ = Volume of the dissolved ground tablet powder sample in milliliters.

Interested persons may, on or before July 25, 1978, submit to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written comments (preferably four copies identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the Hearing Clerk's office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

NOTE.—The Food and Drug Administration has determined that this proposal will not have a major economic impact as defined by Executive Order 11821 (amended by Executive Order 11949) and OMB Circular A-107. A copy of the economic impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Dated: May 16, 1978.

MARY A. McENIRY,
Assistant Director for
Regulatory Affairs, Bureau of Drugs.
[FR Doc. 78-14452 Filed 5-25-78; 8:45 am]

[4830-01]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

[LR-185-74]

DEFINED BENEFIT PLANS FOR SELF-EMPLOYED INDIVIDUALS AND SHAREHOLDER-EMPLOYEES

Notice of Proposed Rulemaking

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to defined benefit plans for self-employed individuals and shareholder-employees. Changes in the applicable tax law were made by the Employee Retirement Income Security Act of 1974. The regulations would provide the public with the guidance needed to comply with that Act and would affect sole proprietorships, partnerships, and "Subchapter S" corporations which adopt or amend tax-qualified defined benefit plans.

DATES: Written comments and requests for a public hearing must be delivered or mailed by July 25, 1978. The amendments are proposed to be effective for taxable years beginning after December 31, 1975.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR-185-74), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

Richard J. Wickersham of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3289) (not a toll-free number).

SUPPLEMENTARY INFORMATION:

BACKGROUND

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under sections 401(a)(18) and 401(j) of the Internal Revenue Code of 1954. Conforming amendments are also proposed under Code sections 404(e) and 1379. These amendments are proposed to conform the regulations to section 2001(d) of the Employee Retirement Income Security Act of 1974 (88 Stat. 953) and are to be issued under the authority contained in sections 401(j) and 7805 of the Internal Revenue Code of 1954 (88 Stat. 953, 68A Stat. 917; 26 U.S.C. 401(j) and 7805).

APPLICABILITY

Section 401(j) of the Code applies to defined benefit plans which benefit self-employed individuals, often referred to as "H.R. 10 plans" or "Keogh plans". The section is also applicable to defined benefit plans which benefit shareholder-employees of electing small business corporations ("Subchapter S corporations"). Section 401(j) of the Code prescribes limitations on the benefits which these plans may provide for such individuals. These limitations are qualification requirements which must be satisfied by plans to maintain their tax-qualified status.

EFFECTIVE DATES

Proposed § 1.401(j)-6 provides the effective dates for the proposed regulations under section 401(j) of the Code. These rules apply to employers' taxable years beginning after December 31, 1975, and to any plan year beginning with or within these years. A transitional rule is provided so that plans can be amended after the final regulations are adopted to adjust benefits to conform to their requirements.

DETERMINATION LETTERS

The Internal Revenue Service has not been issuing any determination letters for newly established defined benefit plans and has been issuing determination letters, but without regard to Code section 401(j) aspects,

for old defined benefit plans of Subchapter S corporations. The Service has not been issuing any opinion or determination letters for defined benefit H.R. 10 plans (see IRS News Release IR-1714, dated December 14, 1976, and IRS Announcement 77-7, 1977-2 I.R.B. 25).

Taxpayers, pending the issuance of final regulations, may now rely on these proposed regulations to establish defined benefit plans subject to the requirements of section 401(j). Further, the Service will now issue opinion and determination letters, both for new plans and old Subchapter S corporation plans, on the basis of these proposed regulations. Taxpayers are cautioned however, that once the final regulations are issued under section 401(j), plans may be required to be retroactively amended to conform to the final regulations.

PLAN TYPES

This notice of proposed rulemaking provides rules for "career average pay" plans and for "final average pay" plans. Most of the proposed rules are equally applicable to both types of plans. Other proposed rules apply in a different manner, depending upon the type of defined benefit plan.

MAXIMUM BENEFIT FOR CAREER AVERAGE PLANS

Under a career average pay plan the benefit accruing for each plan year of an employee's participation cannot exceed a maximum basic benefit. Proposed § 1.401(j)-1(d) sets forth a rule for computing this maximum benefit. In general, the rule is based on two factors: (1) An employee's compensation, and (2) an applicable percentage determined for the year in which plan participation began. The rule is designed to allow a career average pay plan to provide a level of retirement benefits which is comparable to the level that could be provided under a qualified defined contribution plan.

MAXIMUM BENEFIT FOR FINAL AVERAGE PAY PLANS

Under a final average pay plan (defined in proposed § 1.401(j)-1(e)(5)) the benefit accruing for the years of an employee's participation cannot exceed a maximum basic amount. Proposed § 1.401(j)-5 sets forth rules for computing this maximum basic amount. In general, the rule is designed to allow a final average pay plan to provide, over a period of time, a level of retirement benefits which is comparable to the level which could be provided under a qualified career average plan.

PLAN AMENDMENTS

Proposed § 1.401(j)-3 provides detailed rules for a plan which is amended to change the rate of benefit accrual or compensation base. In general, a plan providing less than the maximum benefit may provide a higher aggregate benefit for an employee over a period of time if the plan, at establishment, provides a high rate of accrual and a low compensation base (rather than a low rate of accrual and a high compensation base) and is subsequently amended.

OTHER RULES

Proposed § 1.401(j)-1(g) provides rules to allow plans to take into account other benefits which are not basic benefits. In general, a basic benefit is a straight life annuity provided for solely by employer contributions which commences at age 65 under a plan providing no other form of benefit. Special rules are provided for employees who are covered by two or more qualified plans and for other circumstances.

FULLY INSURED PLANS

Proposed § 1.401(j)-2(e) provides a special rule for certain plans funded by insurance contracts. Such plans generally utilize actuarial assumptions for their guaranteed benefits which are more conservative than the assumptions used to compute the applicable percentages under the proposed regulations. Also the benefits actually payable under the contracts generally exceed the guaranteed benefits. Accordingly, the applicable percentages for these plans must be adjusted to reflect the assumptions used in the insurance contracts. This rule is proposed to insure that these plans will not provide benefits which are in excess of those provided by other types of qualified plans.

COMMENTS AND REQUESTS FOR A PUBLIC HEARING

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably eight copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the FEDERAL REGISTER.

DRAFTING INFORMATION

The principal author of these proposed regulations was Richard J. Wickersham of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other of-

fices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

PROPOSED AMENDMENTS TO THE REGULATIONS

1. Paragraph (e) of § 1.404(e)-1A as set forth in paragraph 13 of the appendix to the notice of proposed rule-making published in the FEDERAL REGISTER for April 15, 1975 (40 FR 17586) is withdrawn.

2. The proposed amendments to 26 CFR Part 1 are as follows:

PARAGRAPH 1. The following new section is added immediately before § 1.401(a)-19:

§ 1.401(a)-18 Special requirements for defined benefit plans providing benefits for self-employed individuals or shareholder-employees.

For special requirements which apply to a defined benefit plan which provides benefits for an employee who is either an employee within the meaning of section 401(c)(1) or a shareholder-employee within the meaning of section 1379(d), see §§ 1.401(j)-1 through 1.401(j)-6.

PAR. 2. The following new sections are added immediately after § 1.401(b)-1:

§ 1.401(j)-1 Certain defined benefit plans; general rules.

(a) *Application of section 401(a)(18) and (j).* Section 401(a)(18) and (j) and the regulations thereunder apply to a defined benefit plan which provides benefits for an employee who is either an employee within the meaning of section 401(c)(1) or a shareholder-employee of an electing small business (subchapter S) corporation within the meaning of section 1379(d). In the regulations under section 401(j), such an employee is referred to, respectively, as a "self-employed individual" or a "shareholder-employee". See § 1.401(j)-2(g) for a special deduction rule applicable to these plans.

(b) *Requirements; organization of regulations—(1) Requirements.* A defined benefit plan to which section 401(j) applies is not a qualified plan (and a trust forming part of such plan is not a qualified trust) unless the plan satisfies the applicable requirements of section 401(j) and the regulations thereunder (that is, §§ 1.401(j)-1 through 1.401(j)-6, inclusive).

2. *General rules; definitions, etc.* This section prescribes general rules under section 401(j) for plans other than final average pay plans. These plans are commonly referred to as "career average plans". This section also provides the definitions used in applying section 401(j) and §§ 1.401(j)-1 through 1.401(j)-6, including the definitions set forth in section

401(j)(5). In addition, this section provides the rules under section 401(j)(2) (relating to maximum basic benefit), section 401(j)(3)(A) (relating to applicable percentages), and under 401(j)(3)(B) (i), (ii), and (iv) (relating to certain adjustments to applicable percentages).

(3) *Other requirements and special rules.* Section 1.401(j)-2 provides rules under section 401(j)(1) (relating to certain plan aggregations) and under section 401(j)(4) (relating to a requirement that a plan covering owner-employees may not be integrated with social security, etc.). Section 1.401(j)-2 also provides rules relating to fully insured plans and to the nondiscrimination requirements.

(4) *Certain changes.* Section 1.401(j)-3 provides rules under section 401(j)(3)(B)(iii) relating to changes in the rate of benefit accrual and compensation base under a plan.

(5) *Subchapter S corporation.* Section 1.401(j)-4 provides a special rule for plans of an electing small business corporation.

(6) *Final average pay plan.* Section 1.401(j)-5 provides rules for applying the requirements of section 401(j) and § 1.401(j)-1 through 1.401(j)-4 to a final average pay plan.

(7) *Effective dates.* Section 1.401(j)-6 provides the effective dates for the application of section 401(j) to a plan and a special transitional rule.

(c) *General rule.* Section 401(j) imposes a limitation on the amount of the basic benefit, as defined in paragraph (e)(1) of this section, which may be accrued under a defined benefit plan for any plan year of participation, as defined in paragraph (e)(7) of this section, by any employee who is either a self-employed individual or a shareholder-employee. Thus, a plan to which this section applies is not a qualified plan (and a trust forming a part of such a plan is not a qualified trust) if the benefit accruing under the plan for any plan year of participation by such an employee exceeds the maximum basic benefit. Further, the plan is not qualified unless the plan contains provisions that preclude any such benefit accrual proscribed in the preceding sentence, irrespective of whether or not there is, in fact, an excess accrual for such an employee. For special benefit accrual rules which apply to a final average pay plan, see § 1.401(j)-5. Section 401(j) and this section do not, however, limit the benefit which may be accrued under a plan for any plan year of participation by an employee who, during that year is neither a self-employed individual nor a shareholder-employee, nor do they require a plan to provide accrued benefits in the form of a basic benefit. For other rules and requirements which must be satisfied, see paragraph (g) of this section, and § 1.401(j)-2 (f), (h), (i), and (j).

(d) *Maximum basic benefit.* For purposes of section 401(j), in the case of a plan other than a final average pay plan, the maximum basic benefit of a self-employed individual or a shareholder employee for a plan year equals—

(1) The employee's annual compensation not in excess of the compensation base for such year, as defined in paragraph (e)(6) of this section, multiplied by

(2) The statutory percentage as adjusted in this section for such year (the applicable percentage).

In no event may the maximum basic benefit of such an employee for a plan year exceed 6.5 percent of \$50,000, or \$3,250. For adjustments to the maximum basic benefit where the compensation base is in excess of \$50,000, see § 1.401(j)-3(b)(2). For special rules applicable to final average pay plans, see § 1.401(j)-5.

(e) *Definitions.* For purposes of section 401(j) and the regulations thereunder, the definitions in this paragraph apply.

(1) *Basic benefit.* The term "basic benefit" with respect to an employee means a benefit under a plan under the following conditions—

(i) The benefit is in the form of a straight life annuity,

(ii) The benefit commences at the later of age 65, or the day 5 years after the day the participant's current period of participation began,

(iii) The plan provides no ancillary benefits, and

(iv) The employee does not contribute to the plan.

(2) *Compensation.* The term "compensation" means—

(i) In the case of a self-employed individual, the earned income of the individual,

(ii) In the case of a shareholder-employee, the compensation received (or accrued in the case of an individual who computes income under the accrual method) by the individual from the electing small business corporation, or

(iii) In the case of any employee not included in subdivision (i) or (ii) for any relevant year, the compensation includible in the individual's gross income derived from the partnership or the electing small business corporation (see the change in status rules in paragraph (g)(6) of this section for application of this provision).

(3) *Defined benefit plan.* See section 414(j) for the definition of a defined benefit plan.

(4) *Defined contribution plan.* See section 414(i) for the definition of a defined contribution plan.

(5) *Final average pay plan.* A final average pay plan is a defined benefit plan accruing benefits based on the employee's compensation over a period less than the total period of the em-

ployee's participation in the plan. Thus, for example, a plan which provides that an employee's accrued benefit is based on compensation earned over the last five years would be a final average pay plan.

(6) *Compensation base.* The term "compensation base" means the highest level of annual compensation of the employee which may be taken into account for a plan year under the plan for determining benefits.

(7) *Plan year of participation.* The term "plan year of participation" means a plan year for which a participant accrues a benefit under the terms of the plan (determined only with respect to benefits provided by the plan and without regard to any plan provision not in effect in that plan year). Thus, for example, benefits provided under the Social Security Act or past service benefits for prior years are not included.

(8) *When plan participation begins.* An employee begins his plan participation at the beginning of the first plan year in which he participates under the plan. If the plan has a past service benefit, service for which such benefits are given is not considered as participation under the plan for purposes of this subparagraph.

(9) *Current period of participation.* The term "current period of participation" means any period of consecutive plan years of participation beginning with the first day of the first plan year of participation in the period and ending with the last day of the last consecutive plan year of participation in the period. The applicable current period of participation at any relevant date is determined by the applicable period of consecutive plan years within which the relevant date falls.

(f) *Rules relating to applicable percentages—(1) Statutory percentage; applicable percentage.* For purposes of section 401(j) and the regulations thereunder, the statutory percentage for an employee for any plan year shall be the percentage shown on the following table opposite the age of the employee determined at the time the current period of participation in the plan by the employee began:

Age	Statutory percentage
30 or less	6.5
31	6.3
32	6.0
33	5.8
34	5.6
35	5.4
36	5.1
37	4.9
38	4.8
39	4.6
40	4.4
41	4.2
42	4.1
43	3.9
44	3.8
45	3.6
46	3.5

Age	Statutory percentage
47	3.4
48	3.2
49	3.1
50	3.0
51	2.9
52	2.8
53	2.7
54	2.6
55	2.5
56	2.4
57	2.3
58	2.2
59	2.1
60 or over	2.0

The statutory percentage shall be adjusted as further provided in the regulations under section 401(j). As used hereafter, the term "applicable percentage" means the statutory percentage as so adjusted. For purposes of this subparagraph, the status of an employee at the time his current period of participation in the plan began (i.e., as a common-law employee, self-employed individual, or shareholder-employee) is not relevant.

(2) *Changes in statutory percentages.* In the case of periods beginning after December 31, 1977, the statutory percentages under paragraph (f) of this section may be adjusted by the Commissioner from time to time to take into account changes in prevailing interest and mortality rates occurring after December 31, 1973.

(3) *Determination of ages.* For purposes of section 401(j), the age of an employee at a relevant date (e.g., when participation began) is the employee's age on his last birthday on or before that date.

(4) *Examples.* The provisions of this section can be illustrated by the following examples, in which, except where otherwise specified, it is assumed that the participant is not married and has continuous service and plan years of participation:

Example 1. (i) A, a self-employed individual, enters a defined benefit plan at age 30. The plan provides benefits on compensation up to \$50,000 in the form of a single life annuity commencing at age 65 with no ancillary benefits. If A's compensation for the first year equals \$20,000, the maximum basic benefit accruing which could be provided by the plan for A under paragraph (f) of this section equals \$1,300 (6.5 percent of \$20,000). The applicable percentage for such year is determined under paragraph (f) of this section for the age at which A's participation begins, age 30.

(ii) Assume that for the next four years, A's compensation remains at \$20,000. Under this section, A's maximum benefit accruing for each of these years is still \$1,300 (6.5 percent of \$20,000). The applicable percentage is still measured by the 6.5 percent applicable to age 30, when his current period of plan participation began, even though he is older.

(iii) Assume that, after five years of participation, A leaves the plan and recommences participation at age 50. In the first year after his return, A earns \$30,000. Under this section, A's maximum benefit for the year cannot exceed \$900 (3 percent of

\$30,000). The applicable percentage is determined for age 50, when his next current period of plan participation began, and not at age 30. If A's compensation remains at \$30,000 for four more years, A's maximum benefit for each of these four years remains at \$900 (3 percent of \$30,000).

(iv) Assume that, at age 55, A's compensation is \$40,000. Under this section, A's maximum benefit for the year cannot exceed \$1,200 (3 percent of \$40,000). The percentage limit of paragraph (f)(1) of this section remains at 3 percent because the determination is made by reference to age 50, when A's current period of plan participation began. If A's compensation remains at \$40,000 for four more years, A's maximum

benefit for each of these four years remains at \$1,200 (3 percent of \$40,000).

(v) Assume that, at age 60, A's compensation is \$50,000. Under this section, A's maximum benefit for the year cannot exceed \$1,500 (3 percent of \$50,000). The percentage limit of paragraph (f)(1) of this section remains at 3 percent. If A's compensation remains at or above \$50,000 for four more years, A's maximum benefit for each of these four years remains at \$1,500 (3 percent of \$50,000).

(vi) Accordingly, the maximum basic benefit accruing which could be paid to A under the plan would be \$24,500 per year, computed as follows:

Age	Compensation per year	Rate	Benefit earned per year	Total benefit
30 to 34.....	\$20,000	6.5	\$1,300	\$8,500
35 to 39.....	30,000	3.0	900	4,500
40 to 44.....	40,000	3.0	1,200	6,000
45 to 49.....	50,000	3.0	1,500	7,500
Total.....				24,500

Example (2). A defined benefit plan covers employee F who is a self-employed individual. In 1980, F's total accrued annual benefits equal \$13,000. The maximum basic benefit for F at this time equals \$13,500. The plan, however, for plan year 1980 accrued an annual benefit for F equal to \$1,800 when the maximum basic benefit equalled \$1,625. The plan fails to satisfy the requirements of this section in 1980. Under § 1.401(j)-1(c), the limitation on an employee's benefits must be satisfied in each plan year, even though his aggregate benefits may satisfy the limitations.

(g) *Certain adjustments and additional requirements—(1) Compensation base.* In order for a plan to satisfy the requirements of section 401(j), the plan must specify the compensation base under the plan. For rules applicable to plans which change compensation bases, see § 1.401(j)-3(b)(2).

(2) *Nonbasic benefits.* (i) In the case of a plan which provides a benefit which is not a basic benefit, as defined in paragraph (e)(1) of this section, any nonbasic benefit shall not exceed the actuarial equivalent, as determined by the Commissioner, of the maximum basic benefit.

(ii) A defined benefit plan shall not satisfy the requirements of this section, if—

(A) Any benefit under the plan is adjusted under a cost of living formula, or

(B) The plan is funded by the purchase of variable annuity contracts.

(iii) The benefits, other than basic benefits, which a plan may provide, and for which the commissioner shall adjust the applicable percentage, include, but are not limited to, pre-retirement death and disability benefits and benefits payable in the form of either a joint and survivor annuity or

an annuity certain for a specified period.

(3) *Employee contributions.* (i) This subdivision applies to voluntary employee contributions within the meaning of section 411. The maximum basic benefit shall not be adjusted for these voluntary contributions. In such a case the plan can provide a benefit equal to the sum of the maximum basic benefit and the benefit accounted for separately. See section 411(b)(2), (c)(2)(A), and (d)(5), and § 1.411(c)-1(a) for rules which require separate accounting in the case of voluntary-employee contributions.

(ii) This subdivision applies to mandatory employee contributions within the meaning of section 411(c)(2)(C). Under section 411(c) and § 1.411(c)-1, the employee's total accrued benefit (determined without regard to any accrued benefit attributable to voluntary employee contributions) must be allocated between the part attributable to mandatory employee contributions and the part attributable to employer contributions according to specified rules. For purposes of determining the participant's maximum basic benefit under section 401(j) the following rules apply with respect to each plan year.

For each plan year, the total benefit accruing derived from all contributions and the benefit accruing from mandatory employee contributions must be computed in accordance with the rules in section 411(c)(2)(B). Then the participant's total benefit accruing for the year must be reduced by the benefit accruing derived from his mandatory contributions for the year and the remaining difference must be com-

pared with the maximum basic benefit. The total benefit accruing for the year is determined by ascertaining the increase from the total accrued benefit (for all prior years) as of the close of the immediately preceding plan year and the benefit accruing from mandatory employee contributions is determined only with respect to those contributions made for the year.

(4) *Contributions allocable to insurance protection.* For purposes of determining the maximum basic benefit in the case of any plan which provides a benefit in the form of life, accident, health, or other insurance protection, no adjustment is required for any such plan benefit attributable to amounts considered to be contributed by the employee under the rules of section 72(f) and paragraph (b) of § 1.72-16 and includible in the employee's gross income.

(5) *Change in status.* (i) In the case of a participant who is neither a self-employed individual nor a shareholder-employee and who becomes a self-employed individual or shareholder-employee during the plan year, the applicable percentage for such year is not less than the applicable percentage determined under this section for the age of the participant when he becomes a self-employed individual or shareholder-employee. A higher applicable percentage will be allowed limited to the accrual rate established by the lesser of (A) the past accrual rate for the participant or (B) the applicable percentage determined under this section for the age when the participant's current period of participation commenced, and for the compensation base in effect when the participant becomes a self-employed individual or shareholder-employee.

(ii) (A) For purposes of this subparagraph, the past accrual rate equals the ratio determined by dividing (1) the employer-derived accrued benefit of the participant as of the close of the plan year immediately preceding the year in which the participant becomes a self-employed individual or a shareholder-employee, by (2) the sum of the compensation earned by the participant in each year (limited to the compensation covered by the plan for each year) for all periods of plan participation ending with the close of such immediately preceding plan year. The accrued benefit of the participant as of the close of the immediately preceding plan year shall be determined by disregarding any increase in the benefit not in effect at such time. Thus, for example, a subsequent past service benefit provided retroactively for the plan year would be disregarded.

(B) If records are unavailable to compute the sum of the compensation earned by the participant, the compensation of the participant, referred to in subdivision (ii)(A), shall be deter-

mined by assuming that the participant earned compensation in each year of plan participation equal to the compensation earned in the plan year immediately preceding the plan year in which the participant becomes a self-employed individual or shareholder-employee. This assumption shall not apply to any plan years of participation ending after December 31, 1975.

§ 1.401(j)—2 Other requirements and special rules.

(a) *In general.* Paragraphs (b), (c), and (d) of this section set forth additional requirements under section 401(j)(1) applicable to an employer, and certain related employers, maintaining a plan subject to the requirements of section 401(j) and other plans. Paragraph (e) of this section sets forth a requirement for fully insured defined benefit plans. Paragraphs (f), (g), (h), (i), and (j) set forth special rules under section 401(j) (4) and (6) and under sections 401(a)(4), 415, and 401(a), relating, respectively, to integration, deductions, nondiscrimination, other benefit limitations and definitely determinable benefits.

(b) *Multiple plans.* All plans of an employer must be taken into account in determining whether or not the requirements of section 401(j) are satisfied. In addition, in the case of a self-employed individual, all plans of all trades or businesses in which the employee is a self-employed individual must be taken into account.

(c) *Two or more defined benefit plans.* (1) If two or more defined benefit plans are required to be aggregated under paragraph (b) of this section, then the accrued benefit under all such plans for any employee subject to the limitations of this section must be aggregated in determining whether or not the limitation on benefit accruals is exceeded.

(2) In order to insure reasonable comparability of retirement benefits between qualified defined benefit plans and qualified defined contribution plans, or combinations thereof, as required by section 401(j)(1), this subparagraph sets forth certain conditions which must be satisfied in order for a defined benefit plan to be qualified. If one defined benefit plan ("first plan") is established and another defined benefit plan ("second plan") is established by the same employer subsequent to the establishment of the first plan, and if the second plan is required to be aggregated with the first plan under paragraph (b) of this section, the second plan shall be deemed not to satisfy the requirements of section 401(j) unless both plans have the same plan year. Notwithstanding the preceding sentence, in the case where two or more such plans have been adopted prior to July 25, 1978, with different plan years, the second plan

shall not fail to satisfy the requirements of this section solely by reason of having a different plan year if the plans are amended to adopt, for years beginning after that date, the same plan year and to adjust plan benefits as determined by the Commissioner. Irrespective of any limitation on time of amendment, the amendment required by the preceding sentence may be adopted within the 1 year period beginning [with the date of publication of this section in the FEDERAL REGISTER as a Treasury decision].

(d) *Defined benefit and defined contribution plans.* (1) If a defined benefit plan and a defined contribution plan are required to be aggregated under paragraph (b) of this section, the maximum basic benefit with respect to the defined benefit plan on behalf of an employee subject to the limitations of section 401(j) shall be determined by multiplying the maximum basic benefit otherwise determined under section 401(j) for the defined benefit plan (determined without regard to this subparagraph) by 1 minus the fraction determined under subparagraph (2) of this paragraph.

(2) The fraction for any taxable year in which an employee is a participant in a defined contribution plan is a fraction—

(i) The numerator of which is the amount deductible for the participant under the defined contribution plan, and

(ii) The denominator of which is the maximum amount deductible (and not includible in gross income under section 1379(b)) under the defined contribution plan if the plan provided for the maximum deduction allowable for the participant under section 404 and the regulations thereunder.

For purposes of this paragraph, if the plan year and taxable year do not coincide, the relevant plan year is the year ending with or within such taxable year.

(e) *Special rule for certain fully insured plans.* (1) In the case of a plan which is funded exclusively by the purchase of insurance or annuity contracts, prior to any adjustments otherwise required by section 401(j), the statutory percentages determined under § 1.401(j)-1 (f)(1) shall be adjusted by multiplying such percentages by the ratio of the normal rate to the guaranteed rate.

(2) If the insurance or annuity contracts are based on different interest and mortality assumptions determined by the sex of the participant, the plan shall use Table A, Sex Based Table, for determining the normal rate. If the insurance or annuity contracts are not based on such different assumptions by sex, the plan shall use Table B, Unisex Table. For Table A, the normal rate is the amount shown in that table according to the sex of the

participant and the age at which the basic benefit is to commence. For Table B, the normal rate is the amount shown on that table applicable to the age at which the basic benefit is to commence.

TABLE A.—Sex based table

Age when basic benefit commences	Normal rate	
	Male	Female
65.....	\$1,112	\$1,305
66.....	1,079	1,272
67.....	1,046	1,238
68.....	1,013	1,203
69.....	980	1,168
70.....	948	1,131

TABLE B.—Unisex table

Age when basic benefit commences	Normal rate
65.....	\$1,151
66.....	1,118
67.....	1,084
68.....	1,051
69.....	1,018
70.....	985

(3) The guaranteed rate is the cash value which must be accumulated under a typical policy used by the plan to provide a guaranteed basic benefit of \$10 a month commencing at the same age for a participant of the same sex (if Table A is applicable) or for a participant without regard to sex (if Table B is applicable).

(4) If a plan subject to this paragraph (e) changes either its compensation base or rate of accrual, the applicable percentages, normal rates and guaranteed rates shall all be subject to adjustment in a manner determined by the Commissioner.

(5) Nothing in section 401 (j) and this paragraph precludes a plan subject to this paragraph from providing a benefit in excess of the benefit specified in the plan.

(f) *No integration for plan benefiting owner-employees.* A defined benefit plan which provides contributions or benefits for owner-employees does not satisfy the requirements of section 401 (j) and this section unless such plan meets the requirements of section 401 (a) (4) without taking into account contributions or benefits under chapter 2 of the Code (relating to tax on self-employment income), chapter 21 of the Code (relating to Federal Insurance Contributions Act), title II of the Social Security Act, or under any other Federal or State law. Thus, such a plan will not qualify if the plan offsets its benefits by benefits provided under Social Security or under similar laws.

(g) *Special rule for deductions and inclusions.* A defined benefit plan to

which section 401 (j) applies is not subject to the special limitations on deductions for self-employed individuals set forth in section 404 (e) or the special deduction computations, for common-law employees and self-employed individuals, set forth in section 404 (a) (9). (See § 1.404(e)-1 (A)). Section 404 (a)(1) sets forth the rules with respect to deductions for defined benefit plans.

(h) *Other limitations.* A plan to which this section applies is also subject to the limitations on benefits set forth in section 415. Consequently, even though a plan provides benefits which are not in excess of the maximum basic benefit set forth in this section, the plan will not be qualified under section 401 (a) if the plan benefits are in excess of the section 415 limitations.

(i) *Application of nondiscrimination requirements.* Section 401(a)(4) requires that a defined benefit plan not discriminate in favor of employees who are members of the prohibited group. The term "prohibited group employees" means those employees in whose favor the benefits provided under a defined benefit plan may not discriminate under section 401(a)(4). For purposes of testing discrimination under a plan which provides for full and immediate vesting, the plan will not be considered to be discriminatory merely because the accrued benefit determined under the plan for any employee is limited to the maximum basic benefit as determined under section 401(j). Thus, for example, a plan providing for full and immediate vesting and which bases benefits on percentages of compensation determined at the age when an employee's participation in the plan commences will not be considered to be discriminatory merely because the prohibited group employees are younger than other employees at such time and consequently have benefits determined at higher percentages.

(j) *Definitely determinable benefits.* A defined benefit plan to which this section applies is also subject to the requirements under section 401(a) to provide definitely determinable benefits. Thus, for example, for a final average pay plan to satisfy both the requirements of section 401(j) and the definitely determinable requirements, the plan would have to provide for a plan benefit formula under which a self-employed individual's or shareholder-employee's accrued benefit does not exceed the lesser of the final average pay formula, determined without regard to § 1.401(j)-5 but with regard to other applicable requirements (such as those set forth in section 415), or the limitation in that section.

(k) *Examples.* The provisions of this section may be illustrated by the ex-

amples set forth below. In each example the defined benefit plan is not a final average pay plan.

Example (1). Employee D is a self-employed individual in a partnership which has a defined benefit plan. D also has an unrelated sole proprietorship which has a defined benefit plan. The two plans both have the same plan years. Under paragraph (c)(1) of this section, both plans are required to be taken into account in determining whether or not the requirements of this section are satisfied.

Example (2). Employee E is covered by both a defined benefit and a defined contribution plan required to be aggregated under paragraph (b) of this section. If, for 1980, the defined contribution plan is subject to the limitation of section 404(e) and E had \$50,000 of earned income in 1980, the maximum amount deductible with respect to E equals \$7,500 (15 percent of \$50,000). If, for 1980, there is a deductible contribution for E under the defined contribution plan of \$1,875, the fraction referred to in paragraph (d)(2) of this section equals $\frac{\$1,875}{\$7,500}$ or $\frac{1}{4}$. If, for 1980, E's maximum basic benefit under the defined benefit plan, determined without regard to paragraph (d)(1) of this section, equals \$2,200, E's maximum basic benefit is determined by multiplying \$2,200 times $\frac{3}{4}$ (that is, 1 minus $\frac{1}{4}$) which equals \$1,650. Consequently, if E accrues a benefit in 1980 in excess of \$1,650 under the defined benefit plan, the plan fails to satisfy the requirements of section 401(j).

§ 1.401(j)-3 Change in compensation base or rate of accrual.

(a) *In general.* (1) Section 401(j)(1) authorizes the Secretary to prescribe regulations to insure reasonable comparability of retirement benefits between qualified defined benefit plans and qualified defined contribution plans, or combinations thereof. Further, among several provisions under which the Secretary is required to prescribe regulations is a provision stating that an increase in a plan's rate of benefit accrual or compensation base must begin a new period of participation with respect to such increase (section 401(j)(3)(B)(iii)). In order to insure such comparability and to prescribe such regulations, this section sets forth requirements applicable to a plan which changes either the compensation base or the rate of benefit accrual, or both, applicable to a participant who is either a self-employed individual or a shareholder-employee. The limitations in this section referring to a participant are applicable only to a participant who is either a self-employed individual or a shareholder-employee. If a plan never amends its compensation base or rate of benefit accrual (or amends, but makes the changes applicable only to participants who are neither self-employed individuals nor shareholder-employees), the requirements of this section will not apply. See § 1.401(j)-5 for the requirements dealing with changes in compensation base and rate of benefit accrual in the case of a final average pay plan.

(2) For purposes of section 401(j) and the regulations thereunder, amendments to the compensation base or rate of accrual include both adopted plan amendments and scheduled amendments (that is, amendments which are effective at a later time). Whether a particular amendment results in a change in base or rate shall be determined by the effect of the amendment upon plan benefit accruals and not by either the particular form of the amendment or the specific plan provision amended. For example, any plan amendment which changes the definition of compensation from less than total compensation to increase that amount upon which benefit accruals are based (for example, to add overtime hours to the compensation taken into account) would constitute a change in compensation base. Additionally, an increase in a survivor annuity from 50 percent to 75 percent of the employee benefit without any actuarial reduction would constitute a change in rate of benefit accrual.

(3) If the rate of benefit accrual for any level of compensation exceeds the applicable percentage for that level determined under this section, the plan does not satisfy section 401(j). Also, the general rule set forth in § 1.401(j)-1(c) that a plan is not qualified unless the plan contains provisions that preclude benefit accruals in excess of permissible section 401(j) amounts is equally applicable to changes in a plan's rate of accrual or compensation base. Thus, even though there is not in fact an excess accrual for a self-employed individual or shareholder-employee by reason of such an amendment, the plan is not qualified if there could be such an excess under the plan amendment.

(4) All plan amendments which effect a change in the plan's rate of benefit accrual or compensation base, and which are effective at the same time, shall be deemed to be a single amendment for purposes of applying the rules of this section.

(b) *Definitions, etc.* (1) A Plan which changes its compensation base applicable to a participant shall have its applicable percentage determined by reference to the different compensation bases. These different compensation bases result in different levels of compensation. For this purpose, the term "level of compensation" means: (i) the initial compensation base, and (ii) the difference between each prior compensation base (beginning with the initial base) and the next succeeding compensation base.

(2) (i) In the case of a plan which initially specifies a compensation base in excess of \$50,000, the statutory percentage determined under § 1.401(j)-1(f)(1) shall be adjusted by multiplying such percentage by the ratio of \$50,000 to the initial compensation base of the plan.

(ii) In the case of a plan which amends its compensation base to increase such base in excess of \$50,000, the statutory percentage applicable to the compensation between the prior compensation base and the new compensation base shall be adjusted by multiplying that percentage by a fraction, the numerator of which equals the excess of \$50,000, if any, over the prior compensation base, and the denominator of which equals the new compensation base minus the prior compensation base. However, no adjustment is required to the statutory percentage applicable to a participant's compensation up to the prior compensation base.

(iii) In the case of a plan which has a compensation base in excess of \$50,000 and which subsequently amends its compensation base to decrease such base to another base in excess of \$50,000, either the adjustment specified in subdivision (ii) or (i) of this subparagraph shall be made, depending on whether there is, or is not, respectively, a prior compensation base less than \$50,000.

(iv) For purposes of section 401(j) and the regulations thereunder, the adjustments in this subparagraph are referred to as the "adjustments for excess compensation base."

(3) For purposes of this section, the term "attained-age applicable percentage" means the otherwise determined applicable percentage for the age of the participant when the plan amendment to either the compensation base or the rate of accrual is effective. The attained-age applicable percentage is determined for each different level of compensation by using the compensation base in effect after the plan amendment, including any adjustment for excess compensation base referred to in paragraph (b)(2) of this section.

(4) For purposes of this section, the term "prior-benefit accrual rate" means the benefit accrual rate, if any, determined under the plan for each level of compensation under the plan prior to any change in the plan's compensation base or the benefit accrual rate. If a plan decreases its benefit accrual rate, the decreased benefit accrual rate (not the rate prior to the decrease) shall, on and after the effective date of the decrease, be deemed to be the plan's prior-benefit accrual rate.

(5) For purposes of this section, the term "entry-age applicable percentage" means, with respect to a level of compensation, the otherwise applicable percentage determined under section 401(j) for the age of the participant at which a benefit could first accrue under the plan for that level of compensation or, if later, at which that participant's current period of participation began. The entry-age applicable percentage is determined for

each different level of compensation by using the compensation base in effect prior to any change in the plan's compensation base and by including any adjustment (in effect prior to such change) for excess compensation base referred to in paragraph (b)(2) of this section.

(c) *Requirements for changes in rate of benefit accrual or changes in compensation base.* If a plan changes either the rate of benefit accrual or the compensation base (or both) with respect to a participant, the applicable percentage for any level of compensation is the greater of: (1) the prior-benefit accrual rate with respect to that level of compensation, or (2) the attained-age applicable percentage with respect to that level of compensation. In no event shall the prior-benefit accrual rate exceed the entry-age applicable percentage.

(d) *Other changes.* If a plan's rate of benefit accrual or compensation base is changed in a manner not dealt with in this section, the applicable percentages for the plan shall be adjusted, as determined by the Commissioner, in a manner consistent with the regulations under section 401(j).

(e) *Fresh start.* If with respect to any participant subject to the requirements of section 401(j) a plan is amended so that the participant is treated under the plan as commencing a new period of plan participation and his applicable percentage is determined on the basis of his attained age at that time, then the plan shall be deemed to be a new plan with respect to that participant. Thus, such a plan amendment would not be subject to the requirements of this section.

(f) *Examples.* The provisions of this section can be illustrated by the examples set forth below. In each of the examples (except where otherwise specified) the following assumptions have been made: (1) Each participant is an unmarried self-employed individual or shareholder-employee in a career average defined benefit plan; (2) each plan is established on the first day of a coinciding plan year and employer taxable year when the entering participant is age 30 ("Time 1"); (3) each plan is amended and the amendment is effective 10 years later on the first day of the coinciding plan year and taxable year when the relevant participant is age 40 ("Time 2"); (4) each participant has continuous service and one current period of participation beginning at Time 1 and not ending before Time 2; (5) each plan provides a basic benefit for each participant; (6) at all relevant times the participant's actual compensation exceeds each plan's applicable compensation base; and (7) each plan is not a fully insured plan subject to § 1.401(j)-2(e).

Example (1). Participant A begins participation at Time 1 in Plan X, which provides

an accrued benefit (in the form of a basic benefit) accruing at the annual rate of 3.25 percent. At Time 1, Plan X's compensation base is \$50,000. The applicable percentage for A at Time 1 is 6.5 percent. At Time 2, Plan X is amended to increase its rate of benefit accrual to the maximum applicable percentage, and to provide the maximum basic benefit. The applicable percentage and maximum benefit at Time 2 are determined as follows:

(i) Under paragraph (c), the applicable percentage at Time 2 is the greater of (1) 3.25 percent (Plan X's prior-benefit accrual rate for A) or (2) 4.4 percent (Plan X's attained-age applicable percentage for A). Accordingly, the rate of benefit accrual for A in Plan X at Time 2 cannot exceed 4.4 percent.

(ii) Under § 1.401(j)-1(d), the maximum basic benefit at Time 2 which could accrue annually for A under Plan X equals the product of \$50,000 (the compensation base) times 4.4 percent (the applicable percentage). Accordingly, A's maximum basic benefit equals \$2,200.

Example (2). Participant B begins participation at Time 1 in Plan Y, which provides an accrued benefit (in the form of a basic benefit) accruing at the annual rate of 5.0 percent. At Time 1, Plan Y's specified compensation base is \$20,000. The applicable percentage for B at Time 1 is 6.5 percent. At Time 2, Plan Y is amended to increase the specified compensation base to \$50,000 and to provide the maximum basic benefit. The applicable percentages for each level of compensation and maximum benefit at Time 2 are determined as follows:

(i) Under paragraph (c), the applicable percentage at Time 2 cannot exceed the limitation applicable to each level of compensation. For the initial compensation base of \$20,000, the applicable percentage is the greater of (1) 5.0 percent (Plan Y's prior-benefit accrual rate for B) or (2) 4.4 percent (Plan Y's attained-age applicable percentage for B), or 5.0 percent.

(ii) The applicable percentage at Time 2 for the next level of compensation in excess of \$20,000 up to the new \$50,000 compensation base, or the next \$30,000 of compensation, is 4.4 percent (Plan Y's attained-age applicable percentage for B). There is no prior-benefit accrual rate for the level of compensation.

(iii) Under § 1.401(j)-1(d), the maximum basic benefit at Time 2 which could accrue annually for B under Plan Y equals the sum of \$1,000 (the initial compensation base of \$20,000 times the 5.0 percent applicable percentage) and \$1,320 (the \$30,000 next level of compensation times the 4.4 percent applicable percentage). Accordingly, B's maximum basic benefit equals \$2,320.

Example (3). Assume the same facts as in example (2) for Time 1 for participant C in Plan Y except that the annual rate is 6.5 percent. At Time 2, Plan Y is amended to increase the specified compensation base to \$75,000 and to provide the maximum basic benefit. The applicable percentages for each level of compensation and maximum benefit at Time 2 are determined as follows:

(i) Under paragraph (c), the applicable percentage at Time 2 cannot exceed a limitation applicable to each level of compensation. For the initial compensation base of \$20,000, the applicable percentage is the greater of (1) 6.5 percent (Plan Y's prior-benefit accrual rate for C) or (2) 4.4 percent (Plan Y's attained-age applicable percentage for C), or 6.5 percent.

(ii) The applicable percentage at Time 2 for the next level of compensation in excess of \$20,000 up to the new \$75,000 compensation base, or the next \$55,000 of compensation, is the attained-age applicable percentage (there is no prior-benefit accrual rate for this level of compensation). Under paragraph (b)(3), the attained-age applicable percentage for C is determined by making the adjustment for the excess compensation base specified in paragraph (b)(2). Accordingly, the applicable percentage is 2.4 percent (4.4 percent times (\$50,000 - \$20,000)/(\$75,000 - \$20,000)).

(iii) Under § 1.401(j)-1(d), the maximum basic benefit at Time 2 which could accrue annually for C under Plan Y equals the sum of \$1,300 (the initial compensation base of \$20,000 times the 6.5 percent applicable percentage) and \$1,320 (\$55,000, the next level of compensation, times the 2.4 percent applicable percentage). Accordingly, C's maximum basic benefit equals \$2,620.

Example (4). Participant D begins participation at Time 1 in Plan Z, which provides an accrued benefit (in the form of a basic benefit) accruing at the annual rate of 3.25 percent. At Time 1, Plan Z's specified compensation base is \$100,000. In order to determine the applicable percentage, the statutory percentage of 6.5 percent must be adjusted for the excess compensation base, as specified in paragraph (b)(2), to obtain a modified statutory percentage of 3.25 percent (6.5 percent times \$50,000/\$100,000). At Time 2, Plan Z is amended to decrease its specified compensation base to \$50,000 and to provide the maximum basic benefit. The applicable percentage for the new compensation base and the maximum benefit at Time 2 are determined as follows:

(i) Under paragraph (c), the applicable percentage for the new \$50,000 compensation base is the greater of 3.25 percent (Plan Z's prior-benefit accrual rate for D) or 4.4 percent (Plan Z's attained-age applicable percentage for D), or 4.4 percent.

(ii) Under § 1.401(j)-1(d), the maximum basic benefit at Time 2 which could accrue annually for C under Plan Z equals the product of \$50,000 (the new compensation base) times 4.4 percent (the applicable percentage). Accordingly, D's maximum basic benefit equals \$2,200.

Example (5). Participant E begins participation at Time 1 in Plan W, which provides an accrued benefit (in the form of a basic benefit) accruing at the annual rate of 3 percent. At Time 1, Plan W's specified compensation base is \$30,000. The applicable percentage for E at Time 1 is 6.5 percent. At Time 2, Plan W is amended to increase the specified compensation base to \$50,000, to increase the rate of benefit accrual and to provide the maximum basic benefit. The applicable percentages for each level of compensation, the accrual rates and maximum benefit at Time 2 are determined as follows:

(i) Under paragraph (c), the applicable percentages at Time 2 cannot exceed a limitation applicable to each level of compensation. For the initial compensation base of \$30,000, the limitation determined under paragraph (c) is 4.4 percent (the greater of (A) 3 percent, Plan W's prior-benefit accrual rate for E, or (B) 4.4 percent, Plan W's attained-age applicable percentage for E). In this instance, Plan W can raise its benefit accrual rate to 4.4 percent applicable to the initial compensation base of \$30,000.

(ii) The limitation on the applicable percentage at Time 2 for the next level of compensation in excess of \$30,000 up to the new

\$50,000 compensation base (the next \$20,000 of compensation) is 4.4 percent, the attained-age applicable percentage (there is no prior-benefit accrual rate for this level of compensation). In this instance, Plan W can raise its benefit accrual rate to 4.4 percent applicable to this next \$20,000 level of compensation.

(iii) Under § 1.401(j)-1(d), the maximum basic benefit at Time 2 which could accrue annually for E under Plan W equals the sum of \$1,320 (the initial compensation base of \$30,000 times the 4.4 percent applicable percentage) and \$880 (the \$20,000 next level of compensation times the 4.4 percent applicable percentage). Accordingly, E's maximum basic benefit equals \$2,200.

§ 1.401(j)-4 Special rules for electing small business corporation.

(a) *In general; definitions.* This section sets forth special rules applicable to defined benefit plans of an electing small business corporation, as defined in section 1371(a). For purposes of this section the following definitions shall apply.

(1) *Old Sub-S plan.* The terms "old Sub-S plan" means a defined benefit plan (and trust) to which section 401(j) applies and which is established prior to the first plan year to which section 401(j) applies.

(2) *New Sub-S plan.* The term "new Sub-S plan" means a defined benefit plan (and trust) to which section 401(j) applies and which is not established prior to the first plan year to which section 401(j) applies.

(3) *Pre-401(j) part.* The term "pre-401(j) part" of an old Sub-S plan (and trust) means that part attributable to benefits accrued for plan years beginning prior to the first plan year to which section 401(j) applies to the plan.

(4) *Post-401(j) part.* The term "post-401(j) part" of an old Sub-S plan (and trust) means that part attributable to benefits accrued for plan years beginning with the first plan year to which section 401(j) applies to the plan.

(b) *New Sub-S plan.* A new Sub-S plan to which section 401(j) applies is not subject to the rules on taxability of shareholder-employee beneficiaries, etc. set forth in section 1379(b) and the regulations thereunder. The other rules prescribed under section 401(j) in §§ 1.401(j)-1 through 1.401(j)-3, 1.401(j)-5, and 1.401(j)-6 apply to a new Sub-S plan.

(c) *Old Sub-S plan—(1) General rule.* An old Sub-S plan to which section 401(j) applies is subject to the special rules set forth in subparagraph (2).

(2) *Special rules.* (i) The pre-401(j) part of an old Sub-S plan is subject to the rules on taxability of shareholder-employees, etc. set forth in section 1379(b) and the regulations thereunder.

(ii) An old Sub-S plan may provide benefits for years to which section 401(j) and the regulations thereunder apply. In that instance, with respect to

the post-401(j) part of the plan, the rules prescribed under section 401(j) in §§ 1.401(j)-1 through 1.401(j)-3, 1.401(j)-5 and 1.401(j)-6 apply, except as modified by the rules set forth in subdivisions (iii) and (iv).

(iii) The applicable percentage shall be determined in the same manner as is provided for a change in status under § 1.401(j)-1(g)(6) and as if the time section 401(j) applies to the plan is the time of such a change in status. Thus, for example, if a plan provided for a 7.5 percent past accrual rate on \$50,000 of compensation for Participant A, who commenced participation at age 30 in 1966, and the plan is amended for 1976 to meet the requirements of section 401(j), the applicable percentage for 1976 is determined under § 1.401(j)-1(g)(6)(i) and equals 6.5 percent (the lesser of 7.5 percent (past accrual rate) or 6.5 percent (applicable percentage in 1966); but not less than 4.4 percent (the applicable percentage at age 40)). Further, the past accrual rate is determined under § 1.401(j)-1(g)(6)(ii)(A) by dividing the shareholder-employee's total employer-derived benefit within the employer's last taxable year (beginning before January 1, 1976) by the sum of the shareholder-employee's total compensation up to the close of that period.

(iv) A plan amendment required (with respect to the first plan year) to satisfy the requirements of section 401(a)(18) and (j) shall not be treated as a change in the plan's compensation base or rate of accrual for purposes of applying the rules of 1.401(j)-3. Thus, for example, a plan which provided a benefit accrual of 7.5 percent on a compensation base of \$100,000 in 1975 would not be subject to the special rules of § 1.401(j)-3 when the plan is amended for 1976 to provide, for example, a basic benefit accrual of 6.5 percent of \$50,000.

§ 1.401(j)-5 Special rules applicable to final average pay plans.

(a) *General rule.* Except as provided in this section, the provisions of § 1.401(j)-1 through 1.401(j)-4, inclusive, and § 1.401(j)-6 apply to a final average pay plan, as defined in § 1.401(j)-1(e)(5). If such a plan in any plan year provides for an accrual of benefits by any designated employee in excess of the limitation on amount of the basic benefit, the plan (and trust, if any) does not satisfy section 401(j) in that plan year. As indicated in § 1.401(j)-1(c), the plan is also not qualified unless the plan precludes the potential of accruals in excess of the limitation on amount of basic benefit. The designated employees are self-employed individuals and shareholder-employees, and the limitation on amount is the limitation on amount determined under this section.

(b) *General limitation on amount; no amendment*—(1) *Application*. This paragraph (b) applies to a plan which never is amended to change the plan's compensation base or rate of benefit accrual (or is amended, but makes the changes applicable only to participants who are neither self-employed individuals nor shareholder-employees). If a participant is always subject to section 401(j) and the plan is never amended, see paragraph (b)(4). This paragraph also applies to a plan which is amended effective as of the date section 401(j) first applies to the plan to conform the plan to the requirements of section 401(j) provided that the plan is not subsequently amended. In other cases, the rules in paragraph (c) apply. In lieu of the limitation in § 1.401(j)-1 (c) and (d) (relating to the maximum basic benefit which can accrue for a plan year of participation under plans, other than final average pay plans) the general limitation for final average pay plans ("General Limitation"), applicable to the participant, applies.

(2) *General Limitation*. The General Limitation, with respect to a participant, is equal to the sum of (i) the limitation for the plan's pre-401(j) benefit and (ii) the limitation for the plan's post-401(j) benefit.

(3) *Limitation on pre-401(j) benefit*. The limitation with respect to a participant for the plan's pre-401(j) benefit (that is, the limitation applicable to plan years before section 401(j) becomes applicable to the participant) equals the greater of—

(i) The accrued benefit of the participant under the plan as of the close of the plan year immediately preceding the later of (a) the plan year in which the participant becomes a self-employed individual or a shareholder-employee or (B) the first plan year for which section 401(j) applies to the plan (determined as if the participant separates at such time); or

(ii) The accrued benefit of the participant obtained by multiplying (A) the applicable percentage rate, determined under § 1.401(j)-1, for the time the participant's current period of plan participation commenced by (B) the sum of the compensation earned by the participant for each year for the period of plan participation beginning with his first such year and ending with the close of the immediately preceding plan year referred to in subdivision (i) of this subparagraph. The accrued benefit of the participant determined under subdivisions (i) and (ii) of this subparagraph shall be determined in a manner consistent with the determination of the accrued benefit under § 1.401(j)-1(g)(5)(ii) (relating to pass accrual rates in the case of an employee's change in status). Notwithstanding § 1.401(j)-1(g)(5)(ii), any plan amendment affecting the

compensation base or rate of accrual occurring prior to or within the immediately preceding plan year referred to in subdivision (i) of this subparagraph shall be disregarded for purposes of determining the accrued benefit under subdivision (ii) of this subparagraph. Further, the applicable percentage in subdivision (ii)(A) and the compensation for each year described in subdivision (ii)(B) shall be determined with respect to the plan's compensation base in effect for the plan year beginning immediately after the close of the plan year referred to in subdivision (i).

(4) *Limitation on post-401(j) benefit*. The limitation with respect to a participant for the plan's post-401(j) benefit for any relevant plan year (that is, the limitation applicable to the first plan year for which section 401(j) applies to the participant and any subsequent plan year) equals the product of—

(i) The applicable percentage rate, determined under § 1.401(j)-1, for the time when the participant's current period of plan participation commenced, multiplied by

(ii) The sum of the participant's compensation covered under the plan for each post-401(j) plan year within the participant's current period of plan participation including the relevant plan year (that is, the plan year for which the limitation is being determined).

(c) *General limitation on amount; amended plan*—(1) *Application*. This paragraph (c) applies to a plan to which paragraph (b) does not apply. In lieu of the limitation in §§ 1.401(j)-1 (c) and (d), and 1.401(j)-3 (relating, respectively, to the maximum basic benefit, etc., and change in compensation base or rate of accrual for plans other than final average pay plans), the general limitation for amended final average pay plans ("Amended Limitation"), applicable to the participant, applies. As specified in paragraph (a) of this section, the plan does not satisfy section 401(j) in any plan year for which the plan provides for (or permits) an accrual of benefits for any designated employee which exceeds the Amended Limitation.

(2) *General limitation for amended plan*. The Amended Limitation, with respect to a participant, for any level of compensation (see § 1.401(j)-3(b)(1)), equals the sum of (i) the accrued basic benefit of the participant with respect to that level of compensation under the plan as established and (ii) the accrued basic benefit of the participant under the plan on account of each subsequent amendment with respect to that level of compensation. For purposes of this subparagraph and the succeeding rules in this section, the term "under the plan as established" means, with respect to a par-

ticipant's level of compensation, under the plan at the time the participant first accrues a benefit for a particular level of compensation (or could have so accrued but for his compensation being less than such level). Thus, for example, if a plan is established in year 1 and a designated employee commences participation in year 10, then the plan as established means the plan in year 10.

(3) *Accrued basic benefit under plan as established*. The accrued basic benefit of the participant under the plan as established equals the lesser of (i) the accrued benefit of the participant determined for each level of compensation based on the plan in effect on the date that the participant is first subject to section 401(j) and based on that participant's service and compensation taken into account under the plan for the participant's period of plan participation, or (ii) the participant's General Limitation determined under paragraph (b)(2) for each level of compensation.

(4) *Limitation on increases*. If the accrued benefit of the participant on account of the plan as established with respect to a level of compensation equals the participant's General Limitation (determined under subparagraph (3)(ii) above), then the accrued benefit of the participant on account of each subsequent amendment with respect to such level of compensation is zero.

(5) *Permitted increases*. If the accrued benefit of the participant on account of the plan as established with respect to a level of compensation is less than the participant's General Limitation (determined under subparagraph (3)(ii) above), then the accrued benefit of the participant on account of each subsequent amendment with respect to such level of compensation at any relevant time affected by such amendment equals the lesser of—

(i) The increase in the accrued benefit of the participant under the plan formula as a result of such amendment, or

(ii) The future limitation for the plan's future service benefit with respect to that participant ("Averaged Cap").

(6) *Increase under plan formula; Averaged Cap*. (i) The increase in the participant's accrued benefit under the plan formula described in subparagraph (5)(i) above equals the difference between (A) the participant's accrued benefit determined under the plan in effect prior to the plan amendment and (B) the participant's accrued benefit determined under the plan in effect after the plan amendment. Both such accrued benefits are determined with respect to the participant's service and compensation taken into account under the plan and as of the relevant date (that is, the plan year for

which the limitation is being determined).

(ii) The Averaged Cap described in subparagraph (5)(ii) above with respect to the participant equals the product of (A) the difference, if any, between (1) the applicable percentage rate of the participant after the amendment and (2) the prior-benefit accrual rate of the participant before the amendment, as defined in § 1.401(j)-3(b)(4), and (B) the sum of the compensation earned by the participant after the amendment (and taken into account under the plan's level of compensation) for each plan year within the participant's current period of plan participation including the relevant plan year (that is, the plan year for which the limitation is being determined). The percentage rates of the participant referred to in (A) (1) and (2) of this subdivision are the otherwise determined percentages under section 401(j), including the required adjustments under § 1.401(j)-3, relating to changes in compensation base rate of accrual. Thus, for example, the participant's applicable percentage rate before the amendment for a particular level of compensation must be determined in a manner consistent with the rules in § 1.401(j)-3(d), relating to requirements for changes in compensation bases.

(7) *Averaged Cap; limitation on increases.* If the accrued benefit of the participant on account of the plan as first amended with respect to a level of compensation equals the participant's Averaged Cap (determined under subparagraph (6)(ii) above), then the accrued benefit of the participant on account of each succeeding amendment, after the first such amendment, with respect to such level of compensation is zero.

(8) *Averaged Cap; permitted increases.* (i) If the accrued benefit of the participant on account of the plan's first amendment with respect to a level of compensation is less than the participant's Averaged Cap (determined under subparagraph (6)(ii) above), then the participant's accrued benefit on account of each succeeding amendment, after the first such amendment, is determined under the following procedure.

(ii) The participant's accrued benefit is determined under subparagraph (6) above by applying the rules of that subparagraph to each succeeding amendment as if the plan as established and first amended with respect to a level of compensation constituted the established plan. In that application of the rules under subparagraph (6), above, the participant's General Limitation (determined under subparagraph (3)(ii) of this paragraph) shall be deemed to be the participant's Averaged Cap (determined under subparagraph (6)(ii) above).

(d) *Other adjustments.* The Commissioner shall, in the case of a final average pay plan, determine if any other adjustments to plan accruals are required to be made in a manner consistent with section 401(j) including this section and § 1.401(j)-3.

(e) *Examples.* The provisions of this section can be illustrated by the examples set forth below. In each of the examples (except where otherwise specified) the following assumptions have been made: (1) each participant is a single self-employed individual or shareholder-employee in a final average pay plan; (2) each plan is established and effective on the first day of a coinciding plan year and employer taxable year when the entering participant is age 50 ("Time 1"); (3) each plan that is amended is effectively amended on the first day of a coinciding plan year and taxable year ("Time 2"); and (4) each plan provides a basic benefit for each participant.

Example (1). Participant A begins participation in Plan M at Time 1 (age 50). Plan M provides for an annual benefit accrual of 1 percent of last year's compensation, not to exceed \$50,000, for each year of participation (A plan would not be qualified if benefits were based on only the last year, but for illustrative purposes assume that such a formula is permissible). Plan M also limits benefit accruals to satisfy the limitations of this section. A's compensation for each of the first 10 years equals \$10,000 per year. At Time 2 (age 60), A's compensation is increased and equals \$40,000. A's General Limitation and benefit accrual for the 11th year is determined as follows:

(A) Because there is no pre-401(j) benefit under Plan M for A, A's General Limitation is determined under paragraph (b)(4) and equals the product of 3 percent (the applicable percentage at age 50) times \$140,000 (10 years times \$10,000, or \$100,000) plus (1 year times \$40,000, or \$40,000), or \$4,200.

(B) Under Plan M's benefit formula, without regard to the plan provision required to satisfy the General Limitation, A's accrued benefit would equal 1 percent times \$40,000 times 11 years, or \$4,400.

(C) Accordingly, Plan M could satisfy section 401(j) and could provide a deferred normal retirement benefit for A of 4,200, if A left the plan at the end of his 11th year of participation.

(D) If Plan M is never amended and A continues his plan participation (instead of ending his plan participation as in (C), above) for 4 more years at the same compensation of \$40,000, then A's accrued normal retirement benefit under the plan equals \$6,000 (1 percent times \$40,000 times 15 years). A's General Limitation, in this instance, equals \$9,000 (3 percent times \$300,000 (\$140,000 for 11 years plus \$160,000 for 4 years)). Plan M would satisfy section 401(j) by providing A with a \$5,000 normal retirement benefit.

Example (2). Participant B begins participation in Plan N at Time 1 (age 50). Plan N provides for an annual benefit accrual of 1 percent of last year's compensation, not to exceed \$50,000 for each year of participation. Plan N is amended to provide for an annual benefit accrual of 2 percent of last year's compensation, not to exceed \$50,000

when B is age 55 (6th year of B's plan participation). Plan N also limits benefit accruals to satisfy the limitation of this section. B's compensation for each of the first 10 years (age 50 to 59) equals \$25,000 per year. When B is age 60, B's compensation is increased and equals \$40,000 for each of the next 5 years (age 60 to age 64). Assume the Plan N's benefit formula has satisfied this section prior to the plan amendment. B's Amended Limitation and benefit accrual are determined as follows:

(A) B's Amended Limitation under Plan N is determined under paragraph (c). B's Amended Limitation for the plan's \$50,000 level of compensation equals the sum of (1) B's accrued benefit under Plan N as established and (2) B's accrued benefit on account of the amendment to Plan N.

(B) B's accrued benefit under Plan N as established equals the lesser of (1) B's accrued benefit under Plan N as in effect when section 401(j) applies to B or (2) B's General Limitation. In this case these amounts, respectively, equal \$6,000 (1 percent times \$40,000 times 15 years) and \$13,500 (3 percent, age 50, times \$450,000 (10 years times \$25,000, or \$250,000) plus (5 years times \$40,000, or \$200,000)). Accordingly, B's accrued benefit under Plan N, as established, equals \$6,000. Because B's General Limitation exceeds his accrued benefit under the plan as established, Plan N can amend its plan benefit accrual formula to provide B a greater accrued benefit.

(C) B's accrued benefit on account of the amendment to Plan N equals the lesser of (1) B's increased accrued benefit as a result of the amendment or (2) B's Averaged Cap. B's accrued benefit under the new plan benefit formula equals \$12,000 (2 percent times \$40,000 times 15 years). Therefore, B's increased accrued benefit equals \$6,000 (\$12,000 new minus \$6,000 old). B's Averaged Cap equals (under paragraph (c)(6)(ii)) the product of a percentage and a career compensation dollar amount. B's compensation for his 10 years of plan participation since the plan amendment equals \$325,000 (5 times \$25,000 plus 5 times \$40,000). The percentage equals the difference between the post-amendment applicable percentage and the prior-benefit accrual rate, both determined consistently with the plan amendment rules in § 1.401(j)-3. In this case, B's post-amendment percentage equals the attained-age applicable percentage of 2.5 percent for age 55. B's prior-benefit accrual rate is determined by dividing B's accrued benefit of \$6,000 under the original plan by B's \$450,000 compensation for his 15 years of plan participation and equals 1.33 percent. The difference between the two percentages equals 1.17 percent. Accordingly, B's Averaged Cap under Plan N, as amended, equals \$3,803 (\$325,000 times 1.17 percent). B's accrued benefit on account of the amendment equals \$3,803 (the lesser of \$6,000 or \$3,803).

(d) B's Amended Limitation under Plan N equals \$9,803 (\$6,000 plus \$3,803). Because B's accrued benefit on account of the plan amendment is determined by reference to B's Averaged Cap, Plan N could not provide for additional benefit accruals for B, assuming B leaves the plan after his 15 years of participation.

Example (3). Using the facts of example (2), B's Amended Limitation and benefit accrual can be computed under the following worksheet:

PROPOSED RULES

FINAL AVERAGE PAY WORKSHEET
(For one level of compensation and
only one period of current participation)

STEP	OPERATION	ANSWER
1.	Determine accrued benefit under plan as established, using plan formula and final average pay	\$6,000 <u>(1% x 15 x \$40,000)</u>
2.	Determine General Limitation by following steps:	
	(a) Limitation on pre-401 (j) benefit	
	(i) accrued benefit of participant as of close of last pre-401 (j) plan year determined as of that time	<u>0</u>
	(ii) applicable percentage based on age as of beginning of current participation	<u>3%</u>
	(iii) sum of compensations within this level for years prior to 401 (j)	<u>0</u>
	(iv) product of (ii) and (iii)	<u>0</u>
	(v) greater of (i) or (iv)	<u>0</u>
	(b) Limitation on post-401 (j) benefit	
	(i) applicable percentage in (a) (ii)	<u>3%</u>
	(ii) sum of compensations within this level for years since 401 (j)	<u>\$450,000 (10 x \$25,000 + 5 x \$40,000)</u>

(iii) product of (i) and
(ii)

\$13,500

(c) General Limitation equals
the sum of (a) (v) plus
(b) (iii)

\$13,500

If Step 1 is not less than Step 2 (c), or if there are no further plan amendments, enter zero in Step 6 and proceed to Step 7. Otherwise proceed to Step 3.

Amendment 1 2 3

3. Determine the accrued benefit on account of each subsequent amendment, using plan formula, and final average pay as follows:

(a) Accrued benefit based on plan in effect after the amendment	\$ 12,000 (2% x 15 x \$40,000)	<u> </u>	<u> </u>
(b) Accrued benefit based on plan in effect prior to the amendment	\$ 6,000	<u> </u>	<u> </u>
(c) Increase [(a) - (b)]	\$ 6,000	<u> </u>	<u> </u>

4. Determine Averaged Cap steps:

(a) Prior benefit accrual rate			
(i) accrual rate for plan as established [Step 1 ÷ (Step 2(a)(iii) + Step 2(b)(ii))]	1.33% \$6,000 0 + \$450,000	<u> </u>	<u> </u>
(ii) greater of Step 4(a)(i) in this column or Step 4(a)(iv) in prior column	1.33%	<u> </u>	<u> </u>
(iii) from prior column [Step 5 ÷ Step 4 (d)]	0	<u> </u>	<u> </u>

PROPOSED RULES

(iv) sum of Step 4 (a) (iii) and Step 4 (a) (ii)		1.33%	_____	_____
(b) Attained age applicable percentage at time of amendment		2.5%	_____	_____
(c) Excess, if any [(b) - (a) (iv)]		1.17%	_____	_____
(d) Sum of compensations within this level for years since amendment		\$325,000 (5 x \$40,000 + 5 x \$25,000)	_____	_____
(e) Product of (c) and (d)		\$ 3,803	_____	_____
5. Maximum accrued benefit attributable to this amendment (Lesser of Step 3 (c) or Step 4 (e))		\$ 3,803	_____	_____
If, for this amendment, Step 3 (c) is not less than Step 4 (e) or, if there are no subsequent amendments, proceed to Step 6. Otherwise, do Steps 3 - 5 for the next amendment.				
6. Maximum accrued benefit due to all amendments (sum columns of Step 5)		\$3,803	_____	_____
7. Maximum accrued benefit under plan as established (lesser of Steps 1 or 2 (c))		\$6,000	_____	_____
8. Maximum accrued benefit - Total (Sum of Step 6 and Step 7)		\$9,803	_____	_____

§ 1.401(j)-6 Effective dates and transitional rules.

(a) *Effective dates.* Section 401 (j) and the regulations thereunder apply to taxable years of an employer beginning after December 31, 1975, and to any plan year beginning with or within such taxable years.

(b) *Transitional rule.* A plan will be treated as satisfying the requirements of section 401(j) for plan years beginning prior to July 25, 1978, if, for such years, any excess of the benefit accruing under the plan over the maximum benefit permitted for a participant under section 401(j) for such year is used, to the extent reasonably possible, to reduce the maximum benefit permitted under section 401(j) for plan years beginning on or after such date. This paragraph will apply to a plan only if it is amended to satisfy the requirements of this paragraph. Irrespective of any other limitation on time of amendment, the amendment may be adopted within the 1 year period beginning [with the date of publication of this section in the FEDERAL REGISTER as a Treasury decision].

Par. 3. Section 1.404 (e)-1A is amended by adding paragraph (e), to read as follows:

§ 1.404(e)-1A Contributions on behalf of a self-employed individual to or under a qualified pension, annuity, or profit-sharing plan.

* * *

(e) *Combination of plans.* For special rules, if a self-employed individual in any taxable year is a participant in both a defined benefit plan and a defined contribution plan, see § 1.401(j)-2(d).

* * *

Par. 4. Section 1.1379-1(a) is amended by adding a new sentence at the end thereof to read as follows:

§ 1.1379-1 Additional requirement for qualification of profit-sharing plans of electing small business corporations.

(a) *Introduction.* * * * For special requirements which apply to a defined benefit plan for taxable years beginning after December 31, 1975, see section 401(j) and the regulations thereunder.

* * *

JEROME KURTZ,
Commissioner of
Internal Revenue.

[FR Doc. 78-14545 Filed 5-25-78; 8:45 am]

[4410-01]

DEPARTMENT OF JUSTICE

Parole Commission

[28 CFR Part 2]

PAROLE, RELEASE, SUPERVISION AND RECOMMITMENT OF PRISONERS, YOUTH OFFENDERS AND JUVENILE DELINQUENTS

Forfeiture of statutory "good time" as precluding parole

AGENCY: United States Parole Commission.

ACTION: Proposed rule.

SUMMARY: This proposal will clarify that the Commission does not simply accept a forfeiture of statutory "good time" as precluding the possibility of parole. Instead, the Commission would, under this proposal, make an assessment of the severity of the underlying violation before making a decision not to release a prisoner on the basis of misconduct. The reason for the proposed change is that disciplinary actions may vary from institution to institution, and sometimes may not reflect behavior serious enough to warrant parole denial.

DATES: Comments must be received by June 30, 1978.

ADDRESSES: Send comments to the United States Parole Commission, Federal Home Loan Bank Building, 320 First Street NW., Washington, D.C. 20537, Attention: Office of the General Counsel.

FOR FURTHER INFORMATION CONTACT:

Michael A. Stover, Office of the General Counsel, Telephone: 202-724-3092.

SUPPLEMENTARY INFORMATION: The specific proposed rule change would be to eliminate from Title 28, Code of Federal Regulations, § 2.6(b), which states as follows:

(b) Forfeiture of statutory good time not restored shall be deemed, in itself, to indicate that the prisoner has violated the rules of the institution to a serious degree.

The final sentence of § 2.53(a), which contains language to the same effect, would also be eliminated.

Dated: May 22, 1978.

CECIL C. McCALL,
Chairman,
U.S. Parole Commission.

[FR Doc. 78-14765 Filed 5-26-78; 8:45 am]

[4410-01]

[28 CFR Part 2]

PAROLE, RELEASE, SUPERVISION AND RECOMMITMENT OF PRISONERS, YOUTH OFFENDERS, AND JUVENILE DELINQUENTS

Deportation as Consideration in Parole of Prisoner Subject to Immigration Detainer

AGENCY: United States Parole Commission.

ACTION: Proposed rule.

SUMMARY: The proposed rule would reflect a previous determination by the Commission that, when making a parole decision in a case in which the prisoner happens to be subject to an immigration detainer, the possibility of deportation should not enter into the Commission's consideration. Thus, the rule would provide that while a parole grant in such a case would recognize the necessity of first delivering the prisoner to the custody of the detaining authorities, it would also reflect a decision that the prisoner was suitable for release to supervision and residence in the U.S.A., if not deported. This change would avoid the procedural difficulties inherent in paroling prisoners for deportation only, when release to the community is not intended, as well as avoiding the necessity for involving the Commission in a decisional area not within its statutory competence (deportation).

DATES: Comments must be received by June 30, 1978.

ADDRESSES: Send comments to the United States Parole Commission, Federal Home Loan Bank Board Building, 320 First Street NW., Washington, D.C. 20537, Attention: Office of General Counsel.

FOR FURTHER INFORMATION CONTACT:

Michael A. Stover, Office of the General Counsel, Telephone 202-724-3092.

SUPPLEMENTARY INFORMATION: The proposal would amend Title 28, Code of Federal Regulation, § 2.32(b), to provide for only one type of parole order when the Commission wishes to parole a prisoner subject to a detainer filed by Federal immigration officials (instead of the present three). The text of paragraph (b) would be as follows:

§ 2.32 Parole to local or immigration detainers.

* * *

(b) When the Commission wishes to parole a prisoner subject to a detainer filed by Federal immigration officials, the Commission shall order the following:

Parole to the actual physical custody of the immigration authorities or an approved

plan. In this event, release is to be effected regardless of whether or not immigration officials take the prisoner into custody, providing there is an acceptable plan for community supervision.

Date: May 22, 1978.

CECIL C. McCALL,
Chairman,
United States Parole Commission.

[FR Doc. 78-14766 Filed 5-26-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 900-11]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

California Plan Revision: South Coast Air Quality Management District—Air Pollution Emergency Episode Regulations

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: It is the purpose of this notice to propose approval of and invite public comments on revisions to the South Coast Air Quality Management District's (SCAQMD) Regulation VII (Emergencies) that were submitted to EPA by the California Air Resources Board for inclusion in the California State Implementation Plan. These revisions deal with changes to the rules concerning the content of source abatement plans for certain sources and other minor non-substantive changes.

DATES: Comments may be submitted up to June 26, 1978.

ADDRESSES: Comments may be sent to: Regional Administrator, Attn.: Air and Hazardous Materials Division, Air Programs Branch, Technical Assistance Team (A-4), Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, Calif. 94105. Copies of the proposed revisions and EPA's evaluation report are available for public inspection during normal business hours at the EPA Region IX office at the above address and at the following locations: South Coast Air Quality Management District, 9420 Telstar Avenue, El Monte, Calif. 91731. California Air Resources Board, 1102 Q Street, P.O. Box 2815, Sacramento, Calif. 95814. Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Charlotte Hopper, Technical Assistance Team, EPA, Region IX, 415-556-2002.

SUPPLEMENTARY INFORMATION: The October 13, 1977, and November 4, 1977, submittals from the California Air Resources Board contained revisions to the following rules:

RULE 702—DEFINITIONS

Emission source/receptor areas are delineated on an attached map and a definition of "air contaminant" is added.

RULE 708.2—CONTENT OF STATIONARY SOURCE CURTAILMENT PLANS

Rule 708.2 revisions pertain to the content of stationary source curtailment plans for first, second and third-stage sulfur dioxide episode. The rule provides for measures to curtail or postpone electrically-intensive industrial operations and import power from outside the basin. Combustion sources, including electrical utilities, shall have plans to burn natural gas during second and third stage SO₂ episodes. If natural gas is unavailable, low sulfur fuel oil may be used.

RULE 714—SOURCE INSPECTIONS

Rule 714 is modified to require implementation of a source inspection plan upon the declaration of any episode.

The following rules were added:

RULE 715.1—BURNING OF FOSSIL FUEL ON EPISODE DAYS

Rule 715.1 prohibits the burning of liquid or solid fossil fuel in electrical generating facilities on episode days unless natural gas is unavailable.

Under section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations as a SIP revision. The Regional Administrator has evaluated these revisions along side the requirements of 40 CFR 51.16 and the existing Regulation VII. The revisions are equal to or more stringent than the existing regulations. They are consistent with 40 CFR 51.16 and will prevent the significant harm level from being reached and are therefore approvable. No action is being taken, however, on that portion of Regulation 702 which defines "Air contaminants" as odors, as odors are not pollutants for which significant harm levels or National Ambient Air Quality Standards have been established.

The Regional Administrator hereby issues this notice proposing to approve these revisions and advises the public that interested persons may participate by submitting written comments to the Region IX office.

(Sec. 110, 301(a), Clean Air Act as amended (42 U.S.C. 7140, 7601(a)).)

Dated: April 26, 1978.

SHEILA M. PRINDIVILLE,

Acting Regional Administrator.

[FR Doc. 78-14733 Filed 5-25-78; 8:45 am]

[6560-01]

[40 CFR Part 52]

[FRL 901-6]

STATE OF MARYLAND

Proposed Revision of Implementation Plan; Extension of Comment Period

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule—Extension of public comment period.

SUMMARY: This notice is a follow-up to a previous extension notice which appeared in the FEDERAL REGISTER on April 11, 1978 (43 FR 15167). The purpose of this notice is to further extend the public comment period for the notice of proposed rulemaking issued by EPA Region III on March 6, 1978 (43 FR 9162), pertaining to a proposed revision of the Maryland State Implementation Plan (SIP). The proposed plan revision refers to an exception request submitted to EPA by the State of Maryland on behalf of the Westvaco Corp., Luke, Md.

DATE: The public comment period has been extended to June 7, 1978.

ADDRESSES: Copies of the proposed revision, together with supporting documentation and correspondence, are available for public inspection during normal business hours at the offices of:

U.S. Environmental Protection Agency, Region III, Curtis Building, Tenth Floor, Sixth and Walnut Streets, Philadelphia, Pa. 19106.

Maryland Bureau of Air Quality and Noise Control, 201 West Preston Street, Baltimore, Md. 21201, Attn.: Mr. George P. Ferreri.

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Mr. Israel Milner, Manager, Plans Management Group, Air Programs Branch, U.S. Environmental Protection Agency, Region III, Curtis Building, 6th and Walnut Streets, Philadelphia, Pa. 19106, telephone 215-597-8174.

SUPPLEMENTARY INFORMATION: On March 6, 1978 (43 FR 9162), EPA issued a notice of proposed rulemaking pertaining to a proposed revision of the Maryland State Implementation Plan and on April 11, 1978 (43 FR 15167), the public comment period for

this notice was extended to May 8, 1978. The proposed plan revision refers to an exception request submitted to EPA by the State of Maryland on behalf of the Westvaco Corp., Luke, Md. The request would except Westvaco from the applicable State and Federal sulfur content-in-fuel regulations and at the same time, limit sulfur dioxide emissions from all fuel-burning equipment located as this facility to 49 tons per day.

This notice is to advise the public that the comment period on this exception request is extended until June 7, 1978. All comments submitted on or before that date will be considered as a basis for the Administrator's final determination with regard to this proposed SIP revision.

(42 U.S.C. 7401.)

Dated: May 12, 1978.

A. R. MORRIS,
Acting Regional Administrator.

[FR Doc. 78-14820 Filed 5-25-78; 8:45 am]

[6560-01]

[40 CFR Part 65]

[FRL 900-3]

**STATE AND FEDERAL ADMINISTRATIVE
ORDERS PERMITTING A DELAY IN COMPLIANCE
WITH STATE IMPLEMENTATION PLAN
REQUIREMENTS**

**Proposed Approval of an Administrative Order
Issued by the State of Colorado to U.S.
Army Depot Activity, Pueblo, Colo.**

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve an administrative order issued by the State of Colorado, through the Air Pollution Variance Board to the U.S. Army Depot Activity at Pueblo, Colo. The order requires the Army Depot to bring air emissions from its Boiler Plant Building No. 524 into compliance with certain regulations contained in the federally-approved Colorado State Implementation Plan (SIP) by February 28, 1979. Because the order has been issued to a major source and permits a delay in compliance with provisions of the SIP, it must be approved by EPA before it becomes effective as a delayed compliance order under the Clean Air Act (the Act). If approved by EPA, the order will constitute an addition to the SIP. In addition, a source in compliance with an approved order may not be sued under the federal enforcement or citizen suit provisions of the Act for violations of the SIP regulations covered by the Order. The purpose of this notice is to invite public comment on EPA's proposed approval of the order as a delayed compliance order.

DATE: Written comments must be received on or before June 28, 1978.

ADDRESSES: Comments should be submitted to Director, Enforcement Division, EPA, Region VIII, 1860 Lincoln Street, Denver, Colo. 80295. The State order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

**FOR FURTHER INFORMATION
CONTACT:**

Mr. Gary E. Parish, Enforcement Division, EPA, Region VIII, 1860 Lincoln Street, Denver, Colo. 80295, telephone 303-837-2361.

SUPPLEMENTARY INFORMATION: The order under consideration is set forth after the signature line below.

EPA, Region VIII, issued a notice of violation to the U.S. Army Depot Activity on December 2, 1977, for violation of Regulation 1, Sections I.A.1 and II.A. Although the Colorado order only addresses Regulation 1, Section I.A.1, Region VIII believes that the control equipment to be utilized (baghouses) should also provide for compliance with Section II.A. Approval of this order by EPA would be expressly conditioned so that final compliance by February 28, 1979, must occur for Sections I.A.1 and II.A. of Regulation 1. Because this order has been issued to a major source of particulate emissions and permits a delay in compliance with the applicable regulation, it must be approved by EPA before it becomes effective as a delayed compliance order under Section 113(d) of the Act. EPA may approve the order only if it satisfies the appropriate requirements of this subsection. EPA has preliminarily determined that the order complies with those requirements, but specifically requests public comment on those matters.

If the order is approved by EPA, source compliance with its terms would preclude federal enforcement action under Section 113 of the Act against the source for violations of the regulations covered by the order during the period the order is in effect. Enforcement against the source under the citizen suit provision of the Act (Section 304) would be similarly precluded. If approved, the order would also constitute an addition to the [name of State] SIP.

The provisions of 40 CFR Part 65 will be promulgated by EPA soon, and will contain the procedure for EPA's issuance, approval, and disapproval of orders under Section 113(d) of the Act. In addition, Part 65 will contain sections summarizing orders issued, approved and disapproved by EPA. A prior notice proposing regulations for Part 65, published at 40 FR 14876 (April 2, 1975), will be withdrawn, and

replaced by a notice promulgating these new regulations.)

(42 U.S.C. 7413, 7601.)

All interested persons are invited to submit written comments on proposed order. Written comments received by the date specified above will be considered in determining whether EPA may approve the order. Final approval or disapproval will also be published in the FEDERAL REGISTER.

Dated: April 25, 1978.

ALAN MERSON,
Regional Administrator,
Region VIII.

BEFORE AIR POLLUTION VARIANCE BOARD,
STATE OF COLORADO, COLORADO DEPARTMENT OF HEALTH

DIVISION OF ADMINISTRATION

**IN THE MATTER OF U.S. ARMY DEPOT
ACTIVITY, PUEBLO**

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND
DECISION**

This matter was heard by the Colorado Air Pollution Variance Board (hereinafter "the Board") at its scheduled meeting on March 2, 1978 at the City Hall, Pueblo, Colo. The hearing was conducted at the request of the U.S. Army Depot Activity, at Pueblo, Colo. (hereinafter "the petitioner"), for the purpose of determining whether this Board should grant an order authorizing a specific period of variance from the provisions of Regulation No. 1, Section I.A.1. of the Air Pollution Control Commission for the purpose of petitioner's installation of control equipment. Such installation was to be upon an express timetable and schedule, and was to accomplish compliance of petitioner's Boiler Plant Building No. 524 with the above-referenced regulations.

A quorum of the Variance Board was present during the entire hearing and participated in deliberation and voting on this matter. Thomas D. Smart, Jr. presided over the hearing as Vice Chairman.

FINDINGS OF FACT

In accord with the full and complete agreement of the parties and based upon the evidence presented at and during the hearing on March 2, 1978, a record of the proceedings having been duly recorded and compiled by a certified shorthand reporter (which record is available to any party and for review by any member of the public, in accord with C.R.S. 1973, 25-7-116(3), the Board has made the following findings of fact in support of its decision:

1. The petitioner's boiler stacks at Boiler Plant Building No. 524, located near Pueblo, Colo., were in violation of the Commission's Regulation No. 1, Section I.A.1. as alleged in the Cease and Desist Order issued by the Division on November 22, 1977. This finding is supported by petitioner's stipulation as to the validity and propriety of the Division's Cease and Desist Order.

2. The Division Order of November 22, 1977 applies to all five (5) boiler stacks located at Building No. 524. This finding is supported by the language of the Order and by petitioner's stipulation thereto.

3. Petitioner's Boiler Plant Building No. 524 is not capable of compliance with applicable emission control regulations without

installation of the control equipment proposed for installation (baghouse) or comparable equipment. This finding is supported by petitioner's stipulation thereto and by inspections and evaluations conducted by the Division.

4. Petitioner desires the grant of a variance for the purpose of installing sufficient control equipment at its Boiler Plant Building No. 524 to accomplish compliance with all applicable rules and regulations of the Colorado Air Pollution Control Commission and further desires to take such steps as may be necessary to assure that this Order of the Board is sufficient to meet all requirements of Section 113(d) of the Federal Clean Air Act, as amended (42 U.S.C. 7413(d)) ("delayed compliance orders"). This finding is supported by petitioner's stipulation thereto.

CONCLUSIONS OF LAW

In the course of its deliberations and ancillary to its findings and decision in this matter, the Board has made the following conclusions of law:

1. That the Colorado Air Pollution Variance Board has authority to accept, review, and grant or deny requests for hearings regarding requested variances and that it has the power to hold such public hearings, receive pertinent and relevant proof, rule on objections and motions, and do such other things as it deems necessary, proper, or desirable in order to effectively discharge its duties and responsibilities under Article 7 of Title 25, C.R.S. 1973, all in conformity with that statute and with Article 4 of Title 24, C.R.S. 1973. In the course of such a hearing, the board has specific authority to determine whether alleged violations of emission control regulations exist or did exist and to consider the granting of variances. (Section 25-7-113 and 25-7-115, C.R.S. 1973, as amended.)

2. That in the course of performing duties and exercising responsibilities delegated to this Board, a hearing afforded petitioner was conducted in accord with procedural requirements of the Colorado Administrative Procedure Act and all applicable provisions of the Colorado Air Pollution Control Act. The decision of the Board, set forth below, is based upon substantial evidence presented at the hearing.

3. That the provisions of the Commission's Regulation No. 1, Section I.A.1. have been and are now applicable to petitioner's boiler unit stacks at Building No. 524, U.S. Army Depot Activity, Pueblo, pursuant to provisions of Section 116 of the Federal Clean Air Act, as amended (42 U.S.C. 7416).

4. That as concerns violations alleged by the Division, the petitioner's boiler unit stacks at Boiler Plant Building No. 524 are subject to the 20 percent opacity standard set forth in the Commission's Regulation No. 1, Section I.A.1.; petitioner has alleged no facts upon which this Board could find the 40 percent standard, set forth at Section I.A.2.(d) of Regulation No. 1, applicable to the stacks at Boiler Plant Building No. 524.

5. That the Board, having determined violations to exist or have existed and having received a specific request for variance from the petitioner, has authority to grant a variance to the petitioner with express conditions pursuant to authority granted by C.R.S. 1973, Section 25-7-115(4). Petitioner has the burden of proof with regard to the necessity of propriety of any such variance. The determination of this Board is final and effective on the date of the grant or denial

of variance to the petitioner, subject to further action by the Commission pursuant to C.R.S. 1973, 25-7-116(9) or the grant of a rehearing by this Board, either or both of which must occur within thirty (30) days from the date of such grant or denial of variance.

DECISION AND ORDER

Upon formal motion and by unanimous vote, the Air Pollution Variance Board finds the U.S. Army Depot Activity, at Pueblo, Colo., in violation of Air Pollution Control Commission Regulation No. 1, Section I.A.1., relative to all five (5) boiler stacks located at Building No. 524, pursuant to the stipulation of Pueblo Depot Activity, at Pueblo, and based upon the testimony and exhibits presented by the Colorado Department of Health, Air Pollution Control Division.

The Colorado Air Pollution Variance Board hereby grants to the petitioner a variance from the application of Commission Regulation No. 1, Section I.A.1. and from the enforcement of a Cease and Desist Order issued by the Division on November 22, 1977, which Order pertains to the petitioner's Boiler Plant Building No. 524 at Pueblo, Colo. This variance is granted to allow for completion of construction and preliminary testing of four (4) new baghouse units. Petitioner shall employ its best efforts to achieve final compliance by December 29, 1978, but in no event shall petitioner fail to attain compliance by February 28, 1979. This variance shall expire on the date of attainment of compliance, but in any event not later than February 28, 1979, and shall be subject to the following specific terms and conditions:

1. Petitioner will implement a schedule for construction and final compliance as follows:

Completion of design, July 1, 1977 (complete).
Advertise for bids, July 15, 1977 (complete).
Award contract, October 17, 1977 (complete).
Submittal of schedule and bar charts not later than April 15, 1978.
Start construction, April 15, 1978.
Complete construction, December 1, 1978.
Complete testing, December 28, 1978.
Final compliance, no later than February 28, 1979.

Quarterly progress reports shall be submitted to the Division and the Variance Board in a form prescribed by the Division, and the Board shall be given four (4) weeks' prior notice of any anticipated failure to meet schedule dates.

2. During the interim period prior to the final compliance date, the following measures will be undertaken by the petitioner:

(a) The existing opacity monitoring equipment will be transferred to the baghouse stacks when the baghouses now under construction are put in service. Data on emissions collected by these monitoring systems shall be reported to the Division, in a form approved by the Division, on a quarterly basis.

(b) Ultimate and proximate analysis of coal shall be conducted, and results shall be reported to the Division, in a form approved by the Division, on a quarterly basis and at the time of any change of coal supply.

(c) Such operational measures as are considered practical and beneficial with respect to minimization of emissions shall be undertaken on a continuous basis. Such measures

shall include, but not be limited to, the following:

(i) The pressure drop across the multi-clone shall be maintained as close as is practical to optimum design values.

(ii) Operating procedures as prescribed in a letter from Robert Shepherd to John Clouse, dated February 23, 1978 shall be followed by the petitioner to the maximum extent possible.

(iii) Coal burned shall be of best quality obtainable through normal fuel supply channels with respect to heat, ash, and sulfur content, so as to consistently minimize total emissions.

(iv) All boilers will be operated at base load as much as is possible in accordance with steam demand.

(v) Development of a contingency plan regarding operation of the boilers at Building No. 524 during periods of opacity in excess of 20 percent shall be completed by petitioner not later than April 15, 1978. This plan must be approved by the Division and shall be employed whenever opacity in excess of 20 percent is either observed or anticipated from the boiler stacks at Building No. 524.

3. Petitioner will comply to the best of its ability with the requirements of all applicable provisions of State and Federal regulations regarding air pollution, and is fully aware that, if final compliance is not achieved by July 1, 1979, sanctions will be imposed by USEPA (United States Environmental Protection Agency) pursuant to Section 120 of Federal Clean Air Act (42 USC 7420).

4. For purposes of ensuring that this Order of the Colorado Air Pollution Variance Board will be acceptable to the USEPA for approval and issuance pursuant to Section 113(d) of the Federal Clean Air Act, as amended (42 USC 7413(d)), the petitioner has expressed its desire to and does formally:

(a) Waive any and all of its rights provided under Colorado law for appeal of or challenge to the substantive merits of a Cease and Desist Order issued November 22, 1977 by the Air Pollution Control Division, Colorado Department of Health, and to any and all associated rights and claims for administrative or judicial stay of said Order.

(b) Waive any and all of its rights provided under Colorado law for appeal of or challenge to the substantive merits of any order issued by the Colorado Air Pollution Variance Board granting a variance in this matter, and to any and all associated rights for or claims to administrative or judicial stay of such Order.

5. Should the petitioner, U.S. Army Depot Activity, Pueblo fail to meet any of the above terms and conditions of this variance, the variance shall forthwith be rendered null and void in accord with the provisions of C.R.S. 1973, 25-7-115(4).

The following members of the Colorado Air Pollution Variance Board voted in favor of this decision: Thomas D. Smart, Jr., Lewis H. Hoyle, M.D., A. George Setter, E. W. Karger, Michael L. Gilbert, Samuel E. Forbes, and Jerald J. Devitt.

The following Board members voted against this decision: None.

Dated this 21st day of March, 1978, nunc pro tunc to March 2, 1978.

For the Air Pollution Variance Board of the State of Colorado,

THOMAS D. SMART, JR.,
Vice Chairman.

[FR Doc. 78-14779 Filed 5-25-78; 8:45 am]

[6560-01]

[40 CFR Part 180]

[FRL 900-8; PP 6E1670/P70]

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

Proposed Tolerances for the Pesticide Chemical 2,6-Dimethyl-4-Tridecylmorpholine

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

ACTION: Proposed rule.

SUMMARY: This notice proposes that the fungicide 2,6-dimethyl-4-tridecylmorpholine be used on bananas. The proposal was submitted by BASF Wyandotte Corp. This amendment to the regulations would establish a maximum permissible level for residues of 2,6-dimethyl-4-tridecylmorpholine on bananas.

DATE: Comments must be received on or before June 26, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Mr. John Lee, Product Manager (PM) 22, Registration Division (WH-567), Office of Pesticide Programs, EPA, 202-426-2454.

SUPPLEMENTARY INFORMATION: BASF Wyandotte Corp., 100 Cherry Hill Road, P.O. Box 181, Parsippany N.J. 07054, has submitted a pesticide petition (PP 6E1670) to the EPA. This petition proposes that 40 CFR Part 180 be amended by the establishment of a tolerance for residues of the fungicide 2,6-dimethyl-4-tridecylmorpholine in or on the raw agricultural commodity bananas at 0.1 part per million (ppm).

The data submitted in the petition and other relevant material have been evaluated. The toxicology data considered in support of the proposed tolerance included acute oral lethal dose 50 (LD₅₀) studies on rats (1,000 mg/kg body weight); 90-day dog and rat feeding studies with no-observable-effect levels (NOEL) of 800 ppm and 200 ppm, respectively; a two-year rat feeding study (NOEL 30 ppm); a three-generation rat reproduction study (NOEL 20 ppm); and mouse and rat teratogenic studies.

The acceptable daily intake (ADI) of the pesticide is 0.015 mg/kg of body weight based on the two-year rat-feeding study with an NOEL of 30 ppm. The proposed tolerance would contribute 0.2 percent of the ADI to the diet and will not exceed the ADI.

The subject pesticide is a referral chemical undergoing review for possible rebuttable presumption against registration candidacy because one of the pesticide's metabolites is the suspect carcinogen morpholine. Although an oncogenicity study in a second mammalian species is missing, this study is not essential to making a safety determination because: (1) The theoretical maximal residue contribution (TMRC) of 0.002 mg/day is considered toxicologically insignificant, (2) no residues of either the plant metabolite 2,6-dimethylmorpholine or its N-nitroso derivative were found in bananas treated with the subject pesticide, (3) no residues of unsubstituted morpholine are expected to be present in the bananas, (4) the existing oncogenic study in rats conducted at levels which produced toxicological effects did not reveal the presence of increased oncogenic activity among the pesticide-treated animals, and (5) the proposed tolerance was raised from 0.1 ppm in or on bananas and 0.05 ppm in the pulp to 0.1 ppm in or on the bananas due to the lack of an adequately sensitive analytical method and not the presence of residues in excess of 0.05 ppm in the pulp.

No permanent tolerances have previously been established for residues of the pesticide, and an adequate analytical method (colorimetry) is available for enforcement purposes. The metabolism of the pesticide is adequately understood. There is no reasonable expectation of residues in eggs, meat, milk, or poultry as delineated in 40 CFR 180.6(a)(3). The pesticide is considered useful for the purpose for which a tolerance is sought, and it is concluded that the tolerance of 0.1 ppm established by amending 40 CFR Part 180 will protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

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, on or before June 26, 1978, that this rule-making 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. The comments must bear a notation indicating both the subject and the petition/document control number, "PP6E1670/P70". 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.

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

Dated: May 19, 1978.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

It is proposed that Part 180, Subpart C, be amended by adding the new §180.372 containing a tolerance for residues of 2,6-dimethyl-4-tridecylmorpholine on bananas to read as follows:

§ 180.372 2,6-Dimethyl-4-tridecylmorpholine; tolerances for residues.

A tolerance is established for residues of the fungicide 2,6-dimethyl-4-tridecylmorpholine in or on the following raw agricultural commodity:

Commodity:	Parts per million
Bananas	0.1

[FR Doc. 78-14716 Filed 5-25-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1121]

[Ex Parte No. 274 (Sub-No. 2)A]

ABANDONMENT OF RAILROAD LINES AND DISCONTINUANCE OF SERVICE

Identification and Handling of Related Rail Abandonment Applications

AGENCY: Interstate Commerce Commission.

ACTION: Extension of time for filing comments in the above-entitled rule-making proceeding.

SUMMARY: The purpose of this document is to announce an extension of the time for filing comments in the above-entitled rulemaking proceeding.

DATES: Comments must be received on or before June 16, 1978.

ADDRESSES: Send comments to: Section of Finance, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Edward J. Schack, 202-275-7581.

SUPPLEMENTARY INFORMATION: The time for filing comments in the above-entitled proceeding, originally set as May 15, 1978, is now extended to June 16, 1978. No further extensions will be granted.

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

IDENTIFICATION AND HANDLING OF RELATED RAIL ABANDONMENT APPLICATIONS

I have considered the record in this proceeding including (1) the notice of proposed policy statement and proposed revisions of regulations published in the FEDERAL REGISTER on April 14, 1978, volume 43, page 15754,

and (2) the request for an extension of time for filing comments to the notice filed on May 12, 1978, by the Executive Office of Transportation and Construction, designated State agency for rail matters for the State of Massachusetts.

In the request for an extension of time, the Executive Office of Transportation and Construction states that it was not given notice of the proposed policy statement and should be given an opportunity to comment beyond the 30 days set forth in the FEDERAL REGISTER notice.

Subsequent to publication of the notice of April 14, 1978, the Commission received a corrected address listing for many of the designated State agencies entitled to comment in this proceeding.

In view of the fact that many of these State agencies were not served with the FEDERAL REGISTER publication, I find that good cause has been shown for extending the time for filing comments to June 16, 1978.

It is ordered: (1) The time for filing comments to the FEDERAL REGISTER publication of April 14, 1978, is extended to June 16, 1978.

(2) Notice of this decision shall be given to the general public by filing a copy with the Director, Office of the FEDERAL REGISTER.

Decided: May 22, 1978.

By the Commission, Robert J. Brooks, Director, Office of Proceedings.

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

[FR Doc. 78-14812 Filed 5-25-78; 8:45 am]

[4810-22]

DEPARTMENT OF THE TREASURY CUSTOMS SERVICE

[19 CFR Part 101]

GENERAL PROVISIONS

Proposed Changes in the Field Organization of the Customs Service

AGENCY: United States Customs Service, Department of the Treasury.

ACTION: Proposed rule.

SUMMARY: This notice proposes to change the field organization of the Customs Service by changing the status of Point Roberts, Washington, from a Customs station under the supervision of the port of Blaine, Washington, to a new port of entry in the Seattle, Washington, Customs district. This change is needed because of administrative problems resulting from the unique geographical location of Point Roberts.

Also proposed is the revocation of the designation of Hogansburg, Morristown, and Waddington, New York, as Customs stations in the Ogdensburg, New York, Customs district. Due to minimal Customs transactions at these stations, they have not been

staffed for several years. The areas they once served are adequately covered by the ports of entry at Massena and Ogdensburg, New York.

DATES: Comments (preferably in 3 copies) must be received on or before June 26, 1978.

ADDRESS: Comments may be addressed to the Commissioner of Customs, Attention: Regulations and Legal Publications Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.
FOR FURTHER INFORMATION CONTACT:

Robert Schenarts, Inspection and Control Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229, 202-566-8151.

SUPPLEMENTARY INFORMATION:

BACKGROUND

The Customs station of Point Roberts, Washington, is located at the tip of a peninsula just south of the 49th parallel which is part of the boundary between the United States and Canada. It is almost entirely surrounded by the Strait of Georgia and Boundary Bay. Due to its location, Point Roberts is isolated from the port of Blaine, Washington, its supervising Customs port. Custom officers from Blaine must either cross Boundary Bay by vessel or go north into Canada, proceed westerly and then southerly down the peninsula into Whatcom County, Washington, to reach Point Roberts. This isolation causes many administrative problems for the Customs station of Point Roberts and the port of entry at Blaine. Therefore, it is proposed to create a new port of entry at Point Roberts. This would allow Customs to provide better on-site port administration and supervision of the border crossing station and would facilitate the entry and clearance of yachts at Point Roberts.

If this proposal is adopted, the status of Point Roberts would be changed from a Customs station to a port of entry in the Customs district of Seattle, Washington (Region VIII). The port limits would be the same as the present station limits, that is, all the land below the 49th parallel and constituting the peninsula known as Point Roberts, Whatcom County, Washington.

It also is proposed to revoke the designation of Hogansburg, Morristown,

and Waddington, New York, as Customs stations in the Customs district of Ogdensburg, New York (Region II). Due to minimal Customs transactions at these stations, they have not been staffed for several years. The areas they once served are adequately covered by the ports of entry at Massena and Ogdensburg, New York.

These field organization changes are proposed by the Customs Service as part of a continuing program to obtain more efficient use of its personnel, facilities and resources, and to provide better service to carriers, importers, and the public.

If adopted, the list of Customs ports of entry in section 101.3 of the Customs Regulations (19 CFR 101.3) and the list of Customs stations in section 101.4 of the Customs Regulations (19 CFR 101.4) would be amended to reflect the changes.

COMMENTS

Before adopting this proposal, consideration will be given to any written comments that are submitted timely to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with section 103.8(b) of the Customs Regulations (19 CFR 103.8(b)) during regular business hours at the Regulations and Legal Publications Division, Room 2335, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

AUTHORITY

This change is proposed under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR, 1949-1953 Comp., Ch. II), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 14 (43 FR 35239).

DRAFTING INFORMATION

The principal author of this document was Teresa M. Polino, Regulations and Legal Publications Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Dated: May 17, 1978.

BETTE B. ANDERSON,
Under Secretary of the Treasury.

[FR Doc. 78-15040 Filed 5-25-78; 10:59 am]

Bainbridge Auction Market, Bainbridge.
 Bacon County Stockyards, Alma.
 *Barrett Feeder Pigs, Dublin.
 Bartow Livestock Commission Co., Cartersville.
 *Beckley County Feeder Pig Sale, Cochran.
 *Bulloch Stockyards, Statesboro.
 Carroll County Livestock Sale Barn, Carrollton.
 Chatham Livestock Co., Savannah.
 Citizens Stockyard, Arlington.
 Columbus-Muscogee Livestock, Columbus.
 Coosa Valley Livestock Co., Rome.
 Cordele Livestock Commission Co., Cordele.
 *County Stock Barn, Sandersville.
 *CSRA Feeder Pig Association, Warrenton.
 Cutts Livestock Co., Pelham.
 Dawson Livestock Co., Dawson.
 *Dodge County Stock Barn, Eastman.
 *Dublin Livestock & Commission Co., Dublin.
 Effingham County Stockyard, Springfield.
 Farmers Livestock Market, Douglas.
 Farmers Stockyard, Sylvania.
 Farmers Stockyard of McRae, Inc., McRae.
 Fitzgerald Farmers Auction, Inc., Fitzgerald.
 Flint River Livestock Market, Bainbridge.
 *Forshee Livestock Co., Inc., Statesboro.
 Fortner Buying Station, Kite.
 *Four County Farm Bureau Market Association, Inc., Twin City.
 Franklin County Livestock Market, Inc., Carnesville.
 Franklin County Livestock Swine Buying Station, Carnesville.
 Georgia Farm Products Sales Corp., Thomaston.
 Georgia Farmers Livestock, Inc., Cumming.
 Glennville Hog Market, Glennville.
 *Grady County Swine Producers Association, Cairo.
 O. M. Greene Livestock Co., Inc., Bainbridge.
 Hagan Livestock Market, Inc., Hagan.
 B. H. Harrison Livestock Co., Bainbridge.
 Irwin County Livestock Co., Ocilla.
 Jeppeway-Craig Commission Co., Dublin.
 Livestock Marketers, Inc., Douglas.
 *Lolli Sales Pavilion, Macon.
 Metter Livestock Market, Metter.
 Miles Stockyard, Baxley.
 Miller Livestock Co., Colquitt.
 Mitchell County Livestock Market, Camilla.
 John Mosley Livestock & Holman Auction Co., Blakely.
 *Moultrie Livestock Co., Moultrie.
 Mt. Vernon Hog Market, Mt. Vernon.
 *Northeast Georgia Livestock Barn, Gainesville.
 North Georgia Livestock Auction, Inc., Athens.
 Peoples Stockyard, Cuthbert.
 Pierced County Stockyard, Blackshear.
 Pulaski Stockyard, Hawkinsville.
 Radford Collection Point, Sylvester.
 Seminole Livestock, Inc., Donalsonville.
 Sam Simmons Gordon County Livestock Commission Co., Calhoun.
 Seaboard Stockyard, Colquitt.
 Smith Bros. Stockyard, Bartow.
 Soperton Stockyard, Soperton.
 *Sumter Livestock Association, Americus.
 *Sutton Livestock Co., Sylvester.
 Swainsboro Stockyards, Inc., Swainsboro.
 Sylvania Stockyard, Sylvania.
 Tattnell & Long N.F.O. Collection Point, Glennville.
 *Telfair-Wheeler Livestock Market, McRae.
 Thomas County Stockyard, Thomasville.
 Tift County N.F.O., Inc., Tifton.
 Tifton Stockyards, Tifton.
 Toombs County Stockyard, Lyons.

*Tri-County Feeder Pig Sale, Broxton.
 Tri-County Livestock Co., Social Circle.
 Tri-County N.F.O. Collection Point, Inc., Blackshear.
 *Turner County Stockyard, Ashburn.
 Union Stockyards, Albany.
 *Valdosta Livestock Co., Inc., Valdosta.
 Vidalia Livestock Auction, Inc., Vidalia.
 Wayne County Stockyard, Jesup.
 Wheeler Bros. Livestock Market, Inc., Easton.
 White Livestock Co., Quitman.
 Wilkes County Stockyard, Washington.

IDAHO

*Blackfoot Livestock Commission Co., Blackfoot.
 *Bonners Ferry Livestock, Inc., Bonners Ferry.
 Burley Livestock Commission Co., Burley.
 Cache Valley Livestock Auction, Preston.
 *Coeur d' Alene Livestock, Inc., Coeur d' Alene.
 Cottonwood Sales Yard, Cottonwood.
 Gooding Livestock Commission Co., Gooding.
 *Idaho Livestock Auction, Inc., Idaho Falls.
 *Nampa Livestock Markets, Inc., Nampa.
 Producer's Jerome Livestock Marketing Association, Jerome.
 *Rexburg Livestock Auction, Inc., Rexburg.
 Salmon River Livestock Market, Salmon.
 Shoshone Sale Yard, Shoshone.
 *Spencer Livestock Commission Co., Lewiston.
 Stockgrowers Commission Co., Inc., Twin Falls.
 *Treasure Valley Livestock Auction, Caldwell.
 *Twin City Salesyard, Lewiston.
 *Twin Falls Livestock Commission Co., Twin Falls.
 *Valley Livestock Commission Co., Rupert.
 *Weiser Livestock Commission Co., Weiser.

ILLINOIS

Albion Livestock, Albion.
 Armour-Klarer & Co., Marshall.
 *Barnard Livestock Auction, Wayne City.
 *Benton Livestock Association, Benton.
 *Bloomington Livestock Commission Co., Bloomington.
 *Breed's Livestock Sales, Elizabeth.
 Brutlag Livestock Co., Potomac.
 *Carthage Livestock Auction, Carthage.
 Carthage Order Buyers, Carthage.
 *Cherry, Nellis, Shannon.
 Chicago Stockyards—Atkinson Market, Inc., Atkinson.
 Cudahy, Patrick, Orangeville.
 *Dameron Livestock Auction, Vienna.
 *Danville Livestock Commission Co., Danville.
 Deckers Livestock, Charleston.
 *Decker's Livestock Inc., Milford.
 *DeWane's Livestock Exchange, Belvidere.
 Edgar County Marketing Association, Paris.
 Emge Stock Yards, Palestine.
 Farmers Hog Market of Ursa, Ursa.
 *Galesburg Livestock Sale, Galesburg.
 Galesburg Order Buyers, Milledgeville.
 George Thompson & Son, Morrison.
 *Greenville Livestock Auction Co., Greenville.
 Heinold Hog Market, Brookport.
 Heinold Hog Market, Girard.
 Heinold Hog Market, Leland.
 Heinold Hog Market, Marengo.
 Heinold Hog Market, Inc., Atkinson.
 Hesselbacher Bros., Scales Mound.
 Huber Livestock Co., Greenville.
 *Illinois Auction Commission Co., Paris.
 *Interstate Producers Livestock Association, Shelbyville.

Interstate Producers Livestock Association, Apple River.
 *Interstate Producers Livestock Association, Fieldon.
 *Interstate Producers Livestock Association, Danville.
 *Interstate Producers Livestock Association, Dongola.
 Interstate Producers Livestock Association, Elvaston.
 Interstate Producers Livestock Association, Erie.
 *Interstate Producers Livestock Association, Fairfield.
 *Interstate Producers Livestock Association, Golconda.
 *Interstate Producers Livestock Association, Harrisburg.
 *Interstate Producers Livestock Association, Pinckneyville.
 *Interstate Producers Livestock Association, Quincy.
 *Interstate Producers Livestock Association, Salem.
 *Jennings Sales Co., Macomb.
 Joliet Livestock Marketing Center, Inc., Joliet.
 *Kewanee Sale Barn, Kewanee.
 Knowles Stock Yards, Marshall.
 *Knoxville Sale Co., Inc., Knoxville.
 *Kuntz, Clyde, Gridley.
 LaHarpe Order Buyers, LaHarpe.
 Mayer, Oscar & Co., Barry.
 Mayer, Oscar & Co., Davis.
 Mayer, Oscar & Co., Esmond.
 Mayer, Oscar & Co., German Valley.
 Mayer, Oscar & Co., McConnell.
 Mayer, Oscar & Co., Pleasant Hill.
 Mayer, Oscar & Co., Pittsfield.
 Mayer, Oscar & Co., Quincy.
 Mayer, Oscar & Co., Shannon.
 Mayer, Oscar & Co., Warren.
 *Mehler Stock Yards, West York.
 Mendon Order Buyers, Mendon.
 *Mercer County Livestock Co., Viola.
 *Monmouth Livestock Sales Co., Monmouth.
 *Olney Livestock Commission Co., Olney.
 *Paris Livestock Sales Co., Paris.
 Peoria Union Stockyards Co., Peoria.
 *Rock Island Auction Sales, Inc., Rock Island.
 St. Louis National Stockyards, National Stockyards.
 *Savanna Livestock Sales, Savanna.
 *Schrader, Harry, Consignment, Dakota.
 *Southeastern Livestock Association, Inc., Albion.
 Stanton Stock Yard, Lena.
 State Line Reload—NFO, Roscoe.
 *Walnut Auction Co., Walnut.
 *Warren County Livestock Auction, Monmouth.
 Wilson Feeds Corp., Albany.
 *Winslow Marketing Center, Inc., Winslow.
 Winslow Stockyards, Winslow.
 *Wood, Marvin T., Morrison.

INDIANA

D. M. Archer, Princeton.
 Attica Stockyards, Attica.
 Joe Ault, Claypool.
 *Boone County Sale Barn, Lebanon.
 *Boswell Livestock Commission, Boswell.
 *Raymond Boyce Livestock Co., Monon.
 Mike Brady Stockyards, Lagrange.
 Mike Brady Stockyards, Waterloo.
 *Brookville Sale Barn, Brookville.
 Camden Hog Market, Camden.
 *Don Clark Feeder Pig, Brook.
 *Claypool Sale Inc., Silver Lake.
 *Delta Livestock Yards, Fort Wayne.
 Delta Livestock Yards, Fort Wayne.

- I. Duffey & Son, Lagro.
 I. Duffey & Son, Peru.
 *Robert Elliott, Westport.
 Emge Packing Co., Fairmount.
 Emge Packing Co., Inc., Anderson.
 Emge Packing Co., Inc., Fort Branch.
 Emge Packing Co., Montpelier.
 *Evansville Union Stockyards Co., Inc., Evansville.
 *Fountain County Livestock Commission Co., Veederburg.
 *Geneva Berne Livestock Sale, Berne.
 *Goshen Commission Sale, Goshen.
 Greencastle Livestock Center, Greencastle.
 J. L. Hawkins Co., Logansport.
 Heinold Hog Market, Bluffton.
 Heinold Hog Market, Burlington.
 Heinold Hog Market, Cambridge City.
 Heinold Hog Market, Chalmers.
 Heinold Hog Market, Crawfordsville.
 Heinold Hog Market, Goodland.
 Heinold Hog Market, Inc., Jasper.
 Heinold Hog Market, Corunna.
 Heinold Hog Market, Inc., Kouts.
 Heinold Hog Market, Liberty.
 Heinold Market, Milroy.
 Heinold Market, North Manchester.
 Heinold Hog Market, Portland.
 Heinold Hog Market, Rensselaer.
 Heinold Hog Market, Rushville.
 Heinold Hog Market, Tipton.
 Heinold Hog Market, Wheatland.
 *Henry County Livestock Auction, New Castle.
 *Hilltop Auction Sale, Hanover.
 Hoosier Stockyards Inc., Frankfort.
 Hoosier Stockyards Inc., Knightstown.
 Hoosier Stockyards Inc., Ladoga.
 Hoosier Stockyards, Inc., Lebanon.
 Hoosier Stockyards Inc., Roann.
 *Huntington Livestock Co., Huntington.
 Indianapolis Stockyards Corp., Indianapolis.
 *Johnson County Sale Pavilion, Franklin.
 *Knightstown Sale Barn, Knightstown.
 *Gordon Jones, Ridgeville.
 *La Fountain Livestock Sale, La Fountain.
 Logansport Livestock Yards, Inc., Logansport.
 Logansport Livestock, Winamac.
 *Lowell Livestock Auction, Lowell.
 *Loy's Sale Barn, Portland.
 M&R Livestock Market, Culver.
 MFA Hog Market, Burlington Junction.
 M&R Livestock Co., Huntington.
 M&R Livestock Co., Loogootee.
 M&R Livestock Co., Spencer.
 *Bill Manns, Rensselaer.
 Marhoefer Packing Co., Inc., Muncie.
 Mentone Stockyards, Mentone.
 *Mid-States Feeder Pig Co., Inc., Flora.
 *Jack Milihollin, Parker.
 *Montgomery County Sale Pavilion, Crawfordsville.
 *Morton Sale Barn, Morton.
 Muncie Livestock Co., Muncie.
 *Muscatatuck Valley Feeder Pig Association, North Vernon.
 New Castle Stockyards, New Castle.
 Ohio Valley Livestock Corp., Williamsburg.
 *Ohio Valley Producers, Evansville.
 *Owen-Monroe Feeder Association, Spencer.
 *Parke County Sales Pavilion, Rockville.
 Pavy Stockyard, Greensburg.
 Pavy Stockyards, Milroy.
 *Platte Valley Livestock Inc., Gering.
 Portland, Crawfordsville.
 *Producers Livestock Association, Bath.
 *Producers Livestock Association, Vincennes.
 Producers Livestock Association, Vincennes.
 Producers Livestock Association, Winchester.
 Producers Marketing Association, Amboy.
 *Producers Marketing Association, Boonville.
 *Producers Marketing Association, Inc., Centerville.
 Producers Marketing Association, Stockyards, Centerville.
 *Producers Marketing Association, Clayton.
 *Producers Marketing Association, Columbia City.
 Producers Marketing Association, Frankfort.
 Producers Marketing Association, Greensburg.
 *Producers Market Association, Mentone.
 *Producers Marketing Association Inc., Montgomery.
 *Producers Marketing Association Feeder Pig, Montpelier.
 Producers Marketing Association, Rensselaer.
 Producers Marketing Association, Rockville.
 *Producers Marketing Association, Salem.
 *Producers Marketing Association, Seymour.
 *Producers Marketing Association, Inc., Terre Haute.
 Producers Marketing Association, Terre Haute.
 *Producers Marketing Association, Inc., Topeka.
 Producers Marketing Association, Uniondale.
 *Producers Marketing Association, West Lafayette.
 Producers Marketing Association W. Lafayette.
 Producers Marketing Association, Inc., Worthington.
 *Reynolds Sale Barn, Reynolds.
 Reynolds Stockyards, Reynolds.
 *Rochester Sale Barn, Rochester.
 *Royal Center Sale Barn, Royal Center.
 Rushville Community Sale, Rushville.
 *Russellville Feeder Pig Co., Russellville.
 *Scottsburg Salebarn, Scottsburg.
 *Shipshewana Auction Co., Shipshewana.
 *Southeastern Indiana Feeder Pig Auction Association, Osgood.
 *Southern Indiana Livestock Exchange, Scottsburg.
 *Springville Feeder Auction Association, Inc., Springville.
 P. B. Stewart Co., Berne.
 P. B. Stewart Co., Decatur.
 P. B. Stewart Co., Fulton.
 P. B. Stewart Co., Plymouth.
 P. B. Stewart Co., Shipshewana.
 P. B. Stewart Co., South Whitley.
 *Stoney Pike Sale Barn, Logansport.
 Sullivan County Livestock Market, Sullivan.
 *Topeka Livestock Auction Co., Topeka.
 Topeka Livestock Auction, Inc., Wakarusa.
 Valleydale Stockyard, Burlington.
 *Valparaiso Commission Sale Barn, Valparaiso.
 Wabash Valley Stockyard, Wolcott.
 *White River Valley Feeder Auction Association, Worthington.
 Whiting & Decker, Vincennes.
 Wilson & Co., Inc., North Judson.
 Winner Order Buyers, Converse.
 *Ralph Yarling, Elwood.
 *Yeager & Sullivan, Inc., Camden.
 Zechel Stockyards, Knox.
- IOWA
- *Albia Sales Co., Inc., Albia.
 *Aplington Livestock Sales Co., Inc., Aplington.
 Applegate Hog Yard, Leon.
 Armour & Co., Bedford.
 Armour & Co., Mt. Ayr.
 Armour & Co., Shenandoah.
 Audubon County Livestock Exchange, Audubon.
 Audubon County Livestock Exchange, Audubon.
 Bank's Hog Yards, Seymour.
 *Bedford Sale Co., Bedford.
 *B&H Cattle Co., Ida Grove.
 *Bigley Sale Co., Inc., Knoxville.
 *Bleil & Chapman Livestock Auction, Kingsley.
 *Bloomfield Livestock Market, Inc., Bloomfield.
 *Bowman Order Buyers, DeWitt.
 Brighton Stockyards Inc., Brighton.
 *Centerville Hog Market, Centerville.
 *Chariton Sales, Inc., Chariton.
 *Central Iowa Stockyards, Webster City.
 *Clarinda Auction Co., Clarinda.
 Coldfax Livestock Sales Co., Colfax.
 *Colfax Livestock Sales Co., Colfax.
 Decker Livestock, Chariton.
 *Decorah Sales Commission, Decorah.
 *Devries Auction, Buffalo Center.
 *Dunlap Livestock Auction, Dunlap.
 *Edgewood Sale Barn, Inc., Edgewood.
 *Elkader Sale Barn, Elkader.
 J. G. Foecke & Co., West Point.
 *Forest City Cow Palace/Jennings Bros., Inc., Forest City.
 *Gaffney Storm Lake Auction, Storm Lake.
 *Galva Pig Market, Galva.
 *Grassland Co., Odebolt.
 *Harlan G. Habben Feeder Pig Sales, Pocahontas.
 Heinold Hog Market, Birmingham.
 Heinold Hog Markets, Bloomfield.
 Heinold Hog Market, Donnellson.
 Heinold Hog Market, Seymour.
 *Hilltop Feeder Pig Co., Aplington.
 Hormel Hog Market, Centerville.
 *Humeston Livestock Auction, Humeston.
 Hygrade Food Products Corp., Clarinda.
 Hygrade Hog Buying Station, Sheldon.
 *Interstate Producers, Waukon.
 Interstate Producers, Waukon.
 *Kalona Sale Barn, Inc., Kalona.
 *Keoco Auction Co., Sigourney.
 *Keosauqua Sale Co., Inc., Keosauqua.
 *Kimballton Auction Co., Kimballton.
 *Lamoni Livestock Sales Co., Inc., Lamoni.
 *Leon Sale, Leon.
 Mahaska Sale Co., Oskaloosa.
 *Mapleton Livestock Sales Co., Mapleton.
 *Maquoketa Sales Co., Inc., Maquoketa.
 *Middletown Auction Sales, Inc., Middletown.
 *Montezuma Sales Co., Inc., Montezuma.
 *Monticello Sale Barn, Monticello.
 *Moorhead Auction Co., Moorhead.
 *Mt. Ayr Livestock Market, Mt. Ayr.
 Ralph Mullenback, Stacyville.
 *Keith E. Myers, Grundy Center.
 New Albin Stockyard, New Albin.
 *New Liberty Livestock Auction, New Liberty.
 N.E. Iowa Sales Commission, Waukon.
 *N.E. Iowa Sales Commission, Waukon.
 NFO Collection Point, Ossian.
 Noe Livestock, Lime Springs.
 *Northeast Iowa Sales Commission, Waukon.
 *North Iowa Livestock Exchange, Garner.
 *Northside Sales Co., Sibley.
 Osage NFO Collection Point, Osage.
 *Perry Sales Pavilion, Perry.
 Petefish Scale Yard, Bloomfield.
 *Porth & Baxter, DeWitt.
 *Producers Livestock Marketing Agency, Feeder Pig Division, Creston.
 Quale Livestock, Chester.
 Rath Hog Buying Station, Weaver.
 *Riceville Sales Pavilion, Riceville.
 *Norb Roecker Feeder Pigs, Denison.

*Jerry Rolston, Inc., Sheldon.
 *Sales Co. of Hawarden, Hawarden.
 *Sheldon Approved Hog Mart, Sheldon.
 *Sheldon Livestock Sales Co., Sheldon.
 *Shenandoah Livestock Auction, Inc., Shenandoah.
 Simmons Hog Buyer, Farmington.
 *Sioux City Stockyards, Sioux City.
 *Sioux City Stockyards Feeder Pig Auction, Sioux City.
 *Spirit Lake State-Federal Approved Feeder Pig Market, Spirit Lake.
 Steeples Hog Market, Bonaparte.
 *Tama Livestock Auction Co., Tama.
 Thompson Livestock Commission Co., Inc., Davis City.
 Carl S. Thurn Stockyard, Edgewood.
 *Traer Auction Co., Inc., Traer.
 *Tri-State Livestock Auction Co., Inc., Sioux Center.
 Troutman Hog Market, Burlington.
 *Wapello Livestock Sales, Inc., Wapello.
 *Waverly Sales Co., Waverly.
 *Wayland Livestock Auction Market, Wayland.
 Weerheim Livestock, Rock Rapids.
 Wiechman Pig Co., Inc., Des Moines.
 Wilson & Co., Inc., Shenandoah.
 *Wilson & Co., Inc., Shenandoah.
 *Woodbury County Livestock Auction, Lawton.

KANSAS

*Atchison County Auction Co., Atchison.
 *Atwood Sale Barn, Inc., Atwood.
 *Belleville Livestock Commission Co., Belleville.
 *Caldwell Community Sale, Caldwell.
 *Circle "L" Livestock Sale, Liberal.
 *Clay Center Livestock Co., Inc., Clay Center.
 Clougherty Packing Co., Marysville.
 *Coffeyville Livestock Sales Co., Inc., Coffeyville.
 *Colby Livestock Auction, Colby.
 *Dodge City Livestock Commission Co., Dodge City.
 *El Dorado Livestock Auction, Inc., El Dorado.
 Farmland Foods, Seneca.
 Fort Scott Sale Co., Inc., Fort Scott.
 *Goodland Livestock Commission Co., Inc., Goodland.
 *Hansen Livestock Auction, Concordia.
 *Hays Livestock Market Center, Inc., Hays.
 *Hiawatha Auction Co., Hiawatha.
 *Hoxie Livestock Sale, Hoxie.
 *J. J. Livestock Commission Co., Effingham.
 *Junction City Sales, Co., Inc., Junction City.
 Kansas Hog Co., Morland.
 Kuhlman Hog Yards, Smith Center.
 Luckerth Hog Market, Seneca.
 *Mankato Livestock Commission Co., Mankato.
 *Marysville Livestock Commission Co., Marysville.
 Mauer-Neuer Packing Co., Independence.
 *Medicine Lodge Sale Co., Medicine Lodge.
 *Miami County Livestock Co., Inc., Paola.
 *Mid-Kansas Swine Association, Hutchinson.
 *Moline Auction Co., Inc., Moline.
 N.F.O. Buying Station, Marysville.
 *Norton Livestock Auction, Inc., Norton.
 *Oberlin Livestock Commission Co., Oberlin.
 *Parsons Livestock Auction Inc., Parsons.
 *Phillipsburg Sales Co., Phillipsburg.
 *Sabetha Livestock Auction, Sabetha.
 Smith Center Hog Co., Smith Center.
 *South East Kansas Feeder Pig Association, Fredonia.
 *Syracuse Sale Co., Syracuse.

*Washington Livestock Sales, Washington.
 *St. Francis Livestock Sales, St. Francis.
 *Washington Sale Co., Inc., Washington.
 Wilson Certified Foods, Independence.
 *Wichita Union Stockyards, Wichita.
 *Winfield Livestock Auction Inc., Winfield.

KENTUCKY

Adair County Stockyard, Columbia.
 Albany Stockyard, Albany.
 R. B. Berry & Sons, Clinton.
 *Blue Grass Stockyard, Lexington.
 *Bourbon Livestock Center, Bowling Green.
 *Bourbon Stockyard Co., Louisville.
 *Bowling Green Stockyard, Bowling Green.
 *Boyle County Stockyard, Danville.
 Breckinridge Livestock Center, Irvington.
 Brown Livestock Co., Clinton.
 *Bullitt County Stockyards, Shepherdsville.
 Burkesville Stockyard, Burkesville.
 Carnes Livestock Market, Leitchfield.
 *Catlettsburg Livestock Market, Catlettsburg.
 Christian County Livestock Market, Inc., Hopkinsville.
 *Clark County Livestock Market, Winchester.
 *Dinwiddie Feeder Pig, Leitchfield.
 Edmonston Livestock Market, Edmonston.
 Elizabethtown NFO Reload, Elizabethtown.
 Faure Stockyards, Bardwell.
 *Farmers Commission Co., Inc., Tompkinsville.
 *Farmers Livestock Feeder Pig Sale, Mayfield.
 *Farmers Livestock Market, London.
 *Farmers Livestock Marketing Co-op, Russellville.
 *Farmers Stockyards, Flemingsburg.
 Farmers Livestock Market, Mayfield.
 *Farmers Livestock Market of Glasgow, Inc., Glasgow.
 Field Packing Co. Stockyard, Ownesboro.
 *Florence, Peak, & Fryman, Cynthia.
 Franklin-Simpson Livestock Co., Inc., Franklin.
 *Farfield Auction Market, Harned.
 *Garrard County Stockyard, Lancaster.
 *Glasgow Livestock Market, Glasgow.
 *Good Day Stockyards, Princeton.
 Graves County Livestock Co., Inc., Mayfield.
 *Grayson County Stockyards Market, Inc., Leitchfield.
 *Green County Stockyards, Greensburg.
 Hart County Livestock Market, Munfordville.
 Heindol Hog Markets, Inc., Fancy Farm.
 Heindol Hog Markets, Marion.
 Heindol Hog Markets, Inc., Morganfield.
 *Henry County Stockyard, Inc., Sulphur.
 Horse Cave Stockyards, Horse Cave.
 *Interstate Producers Livestock Association, Fancy Farm.
 *Jolly Feeder Pigs, Albany.
 *Kentuckiana Livestock Market, Owensboro.
 *Kentucky-Tennessee Livestock Market, Guthrie.
 *King Livestock Co., Inc., Hopkinsville.
 *Laurel Sales Co., London.
 *Madison Sales Co., Richmond.
 *Mammoth Cave Marketing Corp., Smith Grove.
 Mantle Stockyards, Bardwell.
 *Maysville Stockyard, Maysville.
 Morganfield NFO Collection Point, Morganfield.
 Morganfield Stockyards, Morganfield.
 *N.F.O. Stockyards, Cynthia.
 *N.F.O. Collection Point, Walton.
 Ohio Valley Producers, Corydon.
 *Ohio Valley Producers Livestock Association, Inc., Clinton.

*Owen County Stockyard, Owenton.
 *Owsley County Stockyard, Booneville.
 Paducah Livestock Co., Paducah.
 *Paintsville Livestock Market, Paintsville.
 *Paris Stockyard, Paris.
 Purchase Reload NFO, Fancy Farm.
 *Ratliff Stockyards, Mt. Sterling.
 *Russell County Stockyard, Russell Springs.
 *Schneider & Colston Sale Barn, South Walton.
 *Somerset & Pulaski Livestock Market, Inc., Somerset.
 *Taylor County Stockyards, Campbellsville.
 *Washington County Livestock Center, Inc., Springfield.
 *Wayne County Feeder Pig Auction, Monticello.
 Wayne County Livestock Market, Inc., Monticello.
 *West Kentucky Lane & Cattle Co., Inc., Marion.
 *Wigwam Hog & Feeder Pig Market, Horse Cave.
 *Williamstown Stockyard, Williamstown.

LOUISIANA

Ar-La-Tex Pork Marketing Association, Minden.
 *Avoyelles Swine Association, Marksville.
 *Bastrop Livestock Auction, Bastrop.
 *Central Louisiana Swine Producers Association, Jena.
 *DeQuincy Livestock Commission, Co., DeQuincy.
 *DeRidder Livestock Commission Co., DeRidder.
 *Florida Parisher Feeder Pig Association, Amite.
 *Franklinton Stockyards, Inc., Franklinton.
 *Gullbeau-Kennedy, Inc., Baton Rouge.
 Homer Livestock Commission Co., Homer.
 Bill Lyles Livestock Auction, Grand Cane.
 *Delhi Livestock Auction, Delhi.
 *Macon Ridge Swine Producers Association, Winnsboro.
 *Micelle's Commission Yard, Inc., Lake Charles.
 *Northwest Louisiana Swine Growers Association, Minden.
 *Southwest Louisiana Swine Producers, Basile.
 *West Monroe Livestock Auction, West Monroe.

MAINE

*Ben Tilton & Sons, Corinth.
 *Crosman's Livestock Sales, Corinna.

MARYLAND

*Aberdeen Sales Co., Aberdeen.
 Adkin Livestock, Inc., Parsonburg.
 Baltimore Livestock Exchange, Inc., West Friendship.
 *Caroline Sales Co., Denton.
 *Cumberland Stockyards, Inc., Cumberland.
 *Dukes Bros. Stockyards, Inc., Eden.
 Esskay Buying Station, Baltimore.
 Esskay Buying Station, Salisbury.
 Esskay Buying Station, Wye Mills.
 *Farmers Livestock Exchange, Inc., Boonsboro.
 *Farmers Market & Auction, Mechanicsville.
 *Four State's Livestock Sales, Inc., Hagerstown.
 *Frederick Livestock Auction, Inc., Frederick.
 *Friend's Stock Yard, Inc., Accident.
 *Grantsville Community Sales, Inc., Grantsville.
 *Harry Rudnick & Sons, Inc., Galena.
 *West Nottingham Auction, Rising Sun.
 *Western Maryland Stock Yards, Inc., Westminster.

*Woodsboro Livestock Sales, Inc., Walkersville.

MASSACHUSETTS

- *Stanley Beckwith & Son, Granville.
- *Farmers Live Animal Market Exchange, Inc., Littleton.
- *J. P. Hass & Sons, Rehoboth.
- *Northampton Coop Auction Market, Whately.
- *Soares Livestock & Equipment, West Bridgewater.

MICHIGAN

- Andy Adams Sale Barn, Hillsdale.
- Clare Bordner, Burr Oak.
- Coldwater Livestock Auction, Coldwater.
- Croswell Stockyards, Croswell.
- Dundee Livestock Sales Inc., Dundee.
- Equity Cooperative Livestock Sales Association, Menominee.
- Heinold Hog Markets, Inc., Burlington.
- Heinold Hog Markets, Inc., Jones.
- Linsmeier Livestock Auction, Menominee.
- Lugbill Bros., Inc., Morenci.
- Michigan Live Stock Exchange, Battle Creek.
- Michigan Live Stock Exchange, Cassopolis.
- Michigan Livestock Exchange, Manchester.
- Napoleon Livestock Commission Co., Napoleon.
- Ridley Commission, Inc., Detroit.
- Tecumseh NFO Collection Point, Britton.
- Westfall Stockyards, Hillsdale.

MINNESOTA

- *Anderson Feeder Pig Co., Willmar.
- *Arends Sale Yard, Inc., Blue Earth.
- Armour & Co., Browns Valley.
- Armour & Co., Dawson.
- Armour & Co., Kiester.
- Armour & Co., Winona.
- Armour & Co. Hog Buying, Harmony.
- Armour Hog Buying Station, Ortonville.
- *Bauman's Livestock, Ellsworth.
- *Benson Livestock, Olivia.
- *Benson Livestock Exchange, Inc., Benson.
- Breckenridge Livestock, Breckenridge.
- *Canby Livestock Sales Co., Canby.
- *Cottonwood Veterinary Clinic, Windom.
- *Farmers Feeder Pig Association, Worthington.
- Farmers Livestock Auction Market, Caledonia.
- Farmers Livestock Co., Elmore.
- *Geneva Livestock Exchange, Geneva.
- *Gibbon Feeder Pig Market, Gibbon.
- *Gordon Ness Feeder Pig Co., Hector.
- Gries Livestock Market, Kiester.
- *Hebrink Feeder Pig Market, Renville.
- Hokah Stockyards, Hokah.
- *Hollerich Feeder Pig Market, Good Thunder.
- George Hormel & Co., Mabel.
- Geo. A. Hormel Livestock Buying Station, Canby.
- Hormel Livestock Buying Station, Blue Earth.
- Ivanhoe NFO Collection Point, Ivanhoe.
- *Jackson Livestock Exchange, Inc., Jackson.
- *Kasson Livestock Exchange, Kasson.
- Lakefield N.F.O. Collection Point, Lakefield.
- *Lamberton Feeder Pig Market, Lamberton.
- *L&L Livestock, Dunnell.
- *Lamberton Stockyards, Inc., Lamberton.
- *Lewiston Livestock Market, Lewiston.
- *Long Prairie Livestock Auction Market, Long Prairie.
- *Luverne Livestock Auction, Luverne.
- Meyer Livestock, Granada.
- *Minnesota Feeder Pig Market, Inc., Morris.
- *Minnesota Feeder Pig Markets, Inc., Willmar.

Morrell Hog Buying Station, Madison.

- *Northern States Feeder Pig Inc., Sauk Center.
- Pierson Livestock, Ivanhoe.
- *Pipestone Livestock Auction Market, Pipestone.
- Rath Packing Co., Prosper.
- Rath Packing Co., Rushford.
- *Rice Feeder Pig Center, Rice.
- Rosen Livestock, Fairmont.
- *Rush City Livestock Sales Inc., Rush City.
- *St. Paul Union Stockyards, So. St. Paul.
- *Skelton Feeder Pig Market, Bemidji.
- *Speldrich Feeder Pig Market, Belgrade.
- *Springfield Stockyards, Springfield.
- *Spring Grove Livestock Exchange, Inc., Spring Grove.
- *Spring Valley Sales Co., Inc., Spring Valley.
- *Tenney Feeder Pig Co., St. James.
- *Thornburg Sheep Co., Lakefield.
- *Top Livestock Auction, Edgerton.
- Welcome NFO Livestock Collection Point, Welcome.
- Wilson & Co., Briceyn.
- *Windom Feeder Pig Market, Windom.
- *Windom Sale Co., Inc., Windom.
- *Wisconsin Feeder Pig Marketing Coop, Perham.
- *Wisconsin Feeder Pig Marketing Coop, Sauk Centre.
- *Worthington Livestock Sales Co., Worthington.
- *Zumbrota Livestock Auction Market, Inc., Zumbrota.

MISSISSIPPI

- *Alcon County Stockyards, Corinth.
- Max Alman's Assembly Point, Pelahatchie.
- *Amory Area Feeder Pig Sale, Amory.
- S. K. Askew Assembly Point, Edwards.
- *Booneville Area Feeder Pig Association, Booneville.
- *Booneville Commission Co., Booneville.
- *H. T. Branning Livestock Co., French Camp.
- *Bruce Area Feeder Pig Sale, Bruce.
- *Central Mississippi Livestock Commission Co., Carthage.
- *Chickasaw Livestock Auction, Inc., Houston.
- *Dixie Stockyards, Inc., Meridian.
- Donald & Vines Assembly Point, Morton.
- *East Mississippi Farmer's Livestock Co., Philadelphia.
- George County Stockyards, Inc., Lucedale.
- *Glynn Robinson Stockyard, West Point.
- *Grenada Livestock Exchange, Grenada.
- Laurel Stockyards, Laurel.
- *Lucedale Area Feeder Pig Association, Lucedale.
- *Lum Commission Co., Vicksburg.
- Edward McCaughn Assembly Point, Morton.
- *McComb Area Feeder Pig Sale, McComb.
- Meridian Stockyards, Meridian.
- *Natchez Stockyards, Natchez.
- *New Albany Feeder Pig Sale, New Albany.
- *Peelers Livestock Sales, Kosciusko.
- *Port Gibson Area Feeder Pig Association, Port Gibson.
- Ranchers & Farmers Livestock Commission Co., Macon.
- Smith Brothers Stockyard, Poplarville.
- T. Smith Livestock, Hattiesburg.
- *Southeast Mississippi Feeder Pig Association, Laurel.
- *Southeast Mississippi Livestock Farmers Association, Hattiesburg.
- *Southwest Livestock, Inc., Lorman.
- Spicer Livestock, Inc., Tupelo.
- Stockyard Beef Sale, Inc., Tupelo.
- Stringer Sale Barn, Columbia.

*Tri-State Stockyards, Inc., Greenville.

- *Walnut Sales Co., Walnut.
- *Wayne Area Pork Producers Association, Waynesboro.
- *Waynesboro Livestock Yards, Inc., Waynesboro.

MISSOURI

- *Adair County Livestock Market Center, Kirksville.
- *Alton Sale Co., Alton.
- Armour & Co., Corder.
- *Ava Sales Co., Ava.
- Baring Stockyards, Baring.
- *Beck & McCord Auction Co., Sikeston.
- *Benton County Producers Association, Warsaw.
- *Bob Franklin Sale Barn, Buffalo.
- *Bollinger County Livestock Producers, Marbel Hill.
- *Boonville Livestock Auction, Boonville.
- *Brookfield Livestock Auction, Inc., Brookfield.
- *Browning & Crowe Order Buyers, Monroe.
- Browning and Crowe Order Buyers, Inc., Paris.
- *Bryant and Kirkman, Summersville.
- *Buffalo Sale Barn, Buffalo.
- Burrus & Troutman Livestock, Memphis.
- *Butler Community Sale, Butler.
- *Cabool Livestock Market, Cabool.
- *Callaway Livestock Auction, Fulton.
- *Cantrell & Sons, Archie.
- Callao NFO Collection Point, Callao.
- *Callaway Stock Sales Co., Fulton.
- *Carrollton Livestock Auction, Carrollton.
- *Cassville Livestock Market, Inc., Cassville.
- *Cattlemen Auction Co., Inc., Humansville.
- Central Hog Buyers, Centralia.
- Central Hog Market, Rich Fountain.
- *Central Livestock Market of Poplar Bluff, Poplar Bluff.
- *Central Missouri Livestock Auction, Inc., Mexico.
- *Central Missouri Sales Co., Inc., Sedalia.
- *Central Ozark Auction, West Plains.
- *Charleston Auction Co., Charleston.
- *Chillicothe Livestock Market, Inc., Chillicothe.
- *Circle S Livestock Market, Stanberry.
- *Clark County Sale Co., Kahoka.
- Clinton Hog Market, Clinton.
- *Columbia Livestock Auction Market, Inc., Columbia.
- *Concordia Livestock Auction, Concordia.
- Constable Stockyards, Princeton.
- Day's Hog Buying, Troy.
- *Dent County Livestock Improvement Association, Salem.
- *Downing Stockyards, Downing.
- *Edina Auction Market, Inc., Edina.
- Edina Stockyards-NFO Buying Station, Edina.
- Eldon Hog Market, Olean.
- Esskay Buying Station, Littlestown.
- *Farmers & Traders Commission Co., Inc., Palmyra.
- *Farmington Auction Market, Farmington.
- Ferguson Hog Market, Sedalia.
- Fortuna NFO Collection Point, Sedalia.
- Fortuna NFO Collection Point, Fortuna.
- 4 Corners Collection Point (NFO), Humansville.
- Four Rivers Collection Point, Labadie.
- *Four-Square Markets, Inc., Marshall.
- *Four State Livestock Auction Center, Diamond.
- *Fredericktown Auction Co., Inc., Fredericktown.
- *Fruitland Livestock Auction, Inc., Jackson.
- *Gallatin Livestock Auction, Inc., Gallatin.
- *Grant City Livestock Auction, Grant City.
- Grant City Livestock Auction, Grant City.

- Grant City Sale Barn, Grant City.
 *Green City Auction Market, Inc., Green City.
 Harkins Livestock Market, Trenton.
 Heinold Hog Market, Inc., Monticello.
 Heinold Hog Markets, Inc., Paris.
 Heinold Hog Market, Inc., Bloomfield.
 Heinold Hog Byers, Inc., Bowling Green.
 Heinold Hog Market, Hawkpoint.
 Heinold Hog Market, King City.
 Heinold Hog Market, Labelle.
 Heinold Hog Market, Maryville.
 Heinold Hog Market, Monroe City.
 Heinold Hog Market, Inc., Sedalia.
 Heinold Hog Market, Stet.
 Heinold Hog Market, Inc., Clarence.
 Heinold Hog Market, Inc., Tarkio.
 Heinold Hog Market, Inc., Wellsville.
 Otto Hollon Hog Market, Inc., Browning.
 Howard County NFP Collection Point, Armstrong.
 *Interstate Producers Livestock Association, Brookfield.
 *Ireland & Thorne Livestock Market, Inc., Trenton.
 *Interstate Producers Livestock Association, Caledonia.
 *Interstate Producers Livestock Association, Cuba.
 *Interstate Producers Livestock Association, Feeder Pig Market, Hamilton.
 *Interstate Producers Livestock Association, Jackson.
 *Interstate Producers Livestock Association, Perryville.
 *Jack Sivils Sales Co., Inc., Butler.
 *Johnson County Livestock Market, Warrensburg.
 *Joplin Stockyards, Joplin.
 *Kahoka Sale Co., Inc., Kahoka.
 *Kansas City Stockyards, Kansas City.
 *Kelly Auction Service Livestock Sales, Mountain Grove.
 *Kennett Sales Co., Inc., Kennett.
 Kingsville NFO Collection Point, Kingsville.
 Kirksville Community Sale, Inc., Kirksville.
 Kleen-Leen, Inc., Jackson.
 Kleen-Leen, Inc., Salem.
 Harold Kornbrust Hog Buying Station, Marcelline.
 *The Lamar Cattle Auction, Lamar.
 *Lamar Sales, Lamar.
 *Laclede County Livestock Producers Association, Lebanon.
 LaMonte NFO Collection Point, LaMonte.
 *Lamar Auction Market, Lamar.
 *Lexington Livestock Auction, Lexington.
 *Licking Livestock Sales, Inc., Licking.
 Lamonte Livestock Collection Point (NFO) Lamonte.
 *Lewis County Auction Co., Lewistown.
 Lewis & Son Hog Buyers, Glasgow.
 *Lindsay Livestock Auction, Inc., Lebanon.
 *Linn County Beef Producers, Inc., Brookfield.
 *Lockwood Community Sales, Lockwood.
 *Lolli Sales Pavilion, Macon.
 *Mansfield Livestock Auction, Inc., Mansfield.
 *Marshall Livestock Auction, Marshall.
 Oscar Mayer & Co., Inc., Brookfield.
 Oscar Mayer & Co., Inc., Callao.
 Oscar Mayer & Co., Inc., Shelbyville.
 Maysville NFO Collection Point, Amity.
 *Maysville NFO Collection Point, Amity.
 *McDonald County Sale Co., Jane.
 *Mercer County Sale Co., Princeton.
 *Mercer County Producers Association, Princeton.
 *Meta Collection Point, Inc., Meta.
 *MFA Feeder Pig Assembly Point, Ellington.
 *MFA Feeder Pig Market, Sedalia.
 *MFA Feeder Pig Tele Auction, Doniphan.
 *MFA Feeder Pig Yards, Rolla.
 *MFA Feeder Pig Yards, Stockton.
 *MFA Feeder Pig Market, Taneyville.
 *MFA Feeder Pig Yards, Westphalia.
 *MFA Livestock Association, Alton.
 *MFA Livestock Association, Cabool.
 *MFA Livestock Association, Mansfield.
 *MFA Livestock Association, Inc., Wheaton.
 *Mid-West Livestock Market, Inc., Nevada.
 *Missouri Feeder Pig Auctions, Inc., Middletown.
 *Moberly Auction Co., Inc., Moberly.
 National Hog Buyers, Inc., Columbia.
 *Nevada Livestock Auction, Inc., Nevada.
 *New Cambria Livestock Auction Market, New Cambria.
 NFO Cameron Collection Point, Cameron.
 Nichols Stockyards, Bethany.
 *Odessa Community Sale, Odessa.
 *Olean Livestock Market, Inc., Olean.
 Oligschlaeger Livestock Market, St. Elizabeth.
 Osage Hog Buyers, Inc., Linn.
 *Oregon Livestock Sales Co., Oregon.
 *Osage County Livestock Producers Association, Linn.
 *Palmyra Livestock Auction Market, Palmyra.
 *Pasley Auction Co., Osceola.
 *Patton Jct. N.F.O. Collection Point, Patton.
 *Bob Pierce Sale Barn, Buffalo.
 *Pike County Livestock Market, Bowling Green.
 *Platte County Livestock Co., Platte City.
 *Poplar Bluff Sales Co., Poplar Bluff.
 *Potosi Livestock Market, Potosi.
 *Puxico Stockyards & Auction Co., Puxico.
 Rains Livestock, Inc., Poplar Bluff.
 Reed Livestock, Dexter.
 Reed (Chester) Livestock Market, Mountain Grove.
 *Rich Hill Sale Co., Rich Hill.
 Richland Livestock, Richland.
 *Roberts Livestock Auction, Bolivar.
 *Rockport Sales Pavilion, Inc., Rockport.
 *St. Clair Auction Co., St. Clair.
 *St. James Livestock Auction, St. James.
 *St. Joseph Stockyards, South St. Joseph.
 *St. Joseph Stockyards Market Hog Division, South St. Joseph.
 *Salem Auction Co., Salem.
 *Savannah Sale Co., Savannah.
 *Scotland County Livestock Auction, Memphis.
 *Sedgewickville Auction, Sedgewickville.
 *Shelbina Auction Co., Shelbyville.
 Shell Feed & Supply, Fredericktown.
 Shell Feed & Supply, Perryville.
 Shell Feed & Supply, Lutesville.
 *Sho-Me-Feeder Pig, Inc., Ava.
 *Sho-Me-Feeder Pig, Inc., Thayer.
 *South Central Livestock Market, Inc., Vienna.
 Southeast Missouri Stockyards Co., Oran.
 *Southwest Feeder Pig Market, Inc., Nixa.
 *Southwest Missouri Livestock Association, Inc., Sarcosie.
 *Summersville Livestock Market, Summersville.
 Swift Fresh Meats Co., Eolia.
 *Sullivan County Livestock Auction Market, Milan.
 Thomas Hog Market, Syracuse.
 Thomas & Potter Hog Markets, Eldon.
 Thompson Hog Market, Glasgow.
 *Union Stockyards, Springfield.
 *Unionville Sale Co., Unionville.
 Carroll Warnock Stockyards, Lineville.
 Warnock Stockyard, Trenton.
 *Warsaw Auction Co., Warsaw.
 West Plains City Scales, West Plains.
 *West Plains Livestock Auction, Pomona.
 *Wheaton Livestock Auction, Wheaton.
 Wilson & Co. Hog Market, Chillicothe.
 Wilson & Co. Hog Market, Palmyra.
 Wilson & Co. Hog Market, Unionville.
 Wilson & Co., Inc., Marshall.
 Wilson Hog Buying Station, Greenfield.
 Wilson Hog Market, Albany.
 Wilson Hog Market, Novelty.
 Wilson Hog Market, Salisbury.
 *Windsor Auction, Windsor.

MONTANA

- *Baker Livestock Auction, Inc., Baker.
 *Beaverhead Livestock Market, Inc., Dillon.
 Glendive Livestock Sales Co., Glendive.
 *Kallispell Livestock Auction, Kallispell.
 *Public Auction Yards, Billings.
 *Sidney Livestock Market Center, Sidney.
 Pierce Buying Station No. 1, Baker.

NEBRASKA

- *Ainsworth Livestock Auction, Ainsworth.
 *Alma Livestock Commission Co., Alma.
 *Beatrice Sales Pavilion, Beatrice.
 *Beatrice 77 Livestock Sales Co., Beatrice.
 *Butte Livestock Market, Butte.
 *Chappell Livestock Auction, Chappell.
 *Creighton Livestock Market, Inc., Creighton.
 Daniels Livestock, Whitney.
 *Falls City Auction Co., Falls City.
 *Farmers Livestock Sales Co., Benkelman.
 Farmland Food, Inc., Hardy.
 Gordon NFO Collection Point, Gordon.
 *Hebron Livestock Commission Co., Hebron.
 *Holdrege Livestock Auction Market, Holdrege.
 *Holdrege Livestock Commission Co., Holdrege.
 George Hormel & Co., Falls City.
 *Huss Platte Valley Auction, Inc., Kearney.
 *Imperial Auction Market, Inc., Imperial.
 *Kimball Livestock Auction, Kimball.
 Kleen-Leen, McCook.
 *Midwest Livestock Commission Co., Inc., McCook.
 *Morris Livestock Auction, Plattsmouth.
 National Farmers Organization, Guide Rock.
 National Farmers Organization, Pawnee City.
 *Nebraska City Sale Barn, Inc., Nebraska City.
 *Norfolk Livestock Market, Inc., Norfolk.
 *Nebraska Livestock Market, Inc., Franklin.
 N.F.O. Reload Point, Whitney.
 *Omaha Livestock Market, Inc., Omaha.
 *Ogallala Livestock Market, Ogallala.
 *Oxford Livestock Market, Oxford.
 *Pawnee Livestock Inc., Pawnee City.
 *Platte Valley Livestock Auction, Inc., Gering.
 *Red Cloud Livestock Commission Co., Inc., Red Cloud.
 *Scottsbluff Livestock Auction, Inc., Scottsbluff.
 *Sheridan Livestock Commission Co., Rushville.
 Superior Hog Market, Superior.
 *Superior Livestock Commission Co., Inc., Superior.
 *Syracuse Sales Pavilion, Inc., Syracuse.
 *Tri-State Livestock Commission, Inc., McCook.
 *Valentine Livestock Auction Co., Inc., Valentine.
 *Tecomseh Livestock Market, Tecumseh.
 *Verdigris Livestock Market, Verdigris.
 *The Weichman Pig Co., Inc., Fremont.
 WEW Hog Co., McCook.
 Wilson & Co., Auburn.
 Wilson & Co., Pawnee City.

Wilson & Co., Syracuse.
 *York Livestock Sales Co., York.
 York Pack Buying Station, Superior.

NEW JERSEY

Wallace H. Coates Livestock Co., Monroeville.
 Jaeger's Livestock Market, Sussex.
 *Livestock Cooperative Auction Market Association of North Jersey, Inc., Hackettstown.
 *Vealey Livestock Co., Lafayette.

NEW MEXICO

*Clovis Hog Company, Inc., Clovis.
 *Five States Livestock Auction Co., Clayton.

NEW YORK

Buffalo Stockyards Company, Inc., Buffalo.
 *Empire Livestock Marketing Cooperative, Inc., Caledonia.
 Empire Livestock Marketing Cooperative, Inc., Waterloo.
 Luther's Livestock Commission Market, Wassail.
 Millerton Livestock Auction, Hillsdale.
 *Finger Lakes Livestock Sale, Canandaigua.

NORTH CAROLINA

*Albemarle Cooperative Association, Inc., Edenton.
 Baker Hog Market, Tyner.
 Brite-Tatum Livestock Auction, Elizabeth City.
 *Carolina Stockyards, Siler City.
 *Carolina-Virginia Stockyard, Windsor.
 Cattleman's Livestock Market, Canton.
 *Central Carolina Farmers Livestock Market Quality Feeder Pig Sale, Hillsborough.
 *Chadbourn Graded Feeder Pig Sale, Chadbourne.
 Chadbourne Livestock Market, Chadbourne.
 C & J Livestock, Lumberton.
 D. F. Foust Livestock Auction, Inc., Greensboro.
 Franklin Livestock Market, Franklin.
 *Greensboro Graded Feeder Pig Sale, Greensboro.
 Greenville Stock Yard, Greenville.
 Gwaltney-Hertford Livestock Market, Hertford.
 W. H. Horney, Siler City.
 Robert P. Hollowell Livestock Market, Sunbury.
 *Iredell Livestock Co., Turnersburg.
 *Kinston Stockyard, Kinston.
 George P. Kittrell Livestock Market, Corapeake.
 *Gus Z. Lancaster Quality Feeder Pig Sale, Dunn.
 *Gus Z. Lancaster Quality Feeder Pig Sale, Rocky Mount.
 Gus Z. Lancaster Stockyards, Inc., Rocky Mount.
 Laurinburg Livestock Market, Laurinburg.
 Lumberton Auction Co., Lumberton.
 Bill Martin, Greensboro.
 *MCM Livestock, Inc., Whiteville.
 Miller's Livestock, Inc., Winfall.
 Mountain Livestock Auction, Murphy.
 Murphy Livestock Auction Co., Murphy.
 *Norwood Graded Quality Feeder Pig Sale, Norwood.
 *Oxford Livestock Market, Inc., Oxford.
 *Pates Stockyard, Inc., Pembroke.
 *Powell Livestock Co., of Smithfield, Smithfield.
 Reaves Livestock, Inc., Rowland.
 *Sessoms Packing Co., Ahoskie.
 Smithfield Packing Co., Hog Buying Station, Murfreesboro.

Turner's Livestock Inc., Elizabeth City.
 *Union County Livestock Auction, Inc., Monroe.
 *Wells Livestock Market Graded Feeder Pig Sale, Wallace.
 *Western Carolina Feeder Pig Sale, Asheville.
 Whedbee Livestock Market, Hertford.
 R. G. Whitley & Son, Inc., Como.
 William A. Crofton Livestock Market, Rowland.

NORTH DAKOTA

Armour & Co., Wahpeton.
 *Bowman Livestock Auction Market, Bowman.
 *Carrington Livestock Sales, Inc., Carrington.
 Central Livestock Association, Inc., Dickinson.
 Dakota Meats, Inc., Minot.
 *Edgeley Livestock Inc., Edgeley.
 *Ellendale Livestock Sales Co., Ellendale.
 Hamann Livestock Co., Dickinson.
 *Harvey Livestock Auction, Harvey.
 *Hettinger Auction Market, Inc., Hettinger.
 *Jamestown Livestock Sales Co., Jamestown.
 *Kist Livestock Auction Co., Mandan.
 *Lake Region Auction & Livestock Market, Inc., Devils Lake.
 *Linton Livestock Sales, Inc., Linton.
 *Lorenz Livestock Sale, Hazen.
 *Minot Livestock Auction, Minot.
 *Missouri Slope Livestock Auction, Inc., Bismarck.
 NFO Collection Point, Beach.
 *Park River Livestock Exchange, Park River.
 Pierce Packing Co. Buying Station, Hettinger.
 *Rugby Livestock Auction Inc., Rugby.
 *Stockmen's Livestock Exchange, Inc., Dickinson.
 *Sitting Bull Auction, Williston.
 *Stockmen's Livestock Exchange, Inc., Beulah.
 *Turtle Lake Livestock Inc., Turtle Lake.
 *Union Stockyards Co. of Fargo, West Fargo.
 *Watford City Livestock Auction, Watford City.
 *Western Livestock, Inc., Dickinson.
 *Wikenheiser Livestock, Strasburg.
 *Wisconsin Feeder Pig Marketing Co-op, Litchville.

OHIO

*A. E. Miller Livestock, Delphos.
 Bauman Stockyards, Inc., Napoleon.
 *Bloomfield Livestock Auction, North Bloomfield.
 Merle A. Bussert Livestock, Amanda.
 *Burkettsville N.F.O. Collection Point, Burkettsville.
 Butler County NFO Collection Point, Hamilton.
 *Carrollton Livestock Auction, Carrollton.
 Chickasaw Stockyard, Chickasaw.
 Cisco Stockyard, Inc., St. Marys.
 *Damascus Livestock Auction, Damascus.
 *Delta Livestock Auction, Delta.
 *Dicke Stockyard, New Bremen.
 Wm. Espel Sons, Inc., Cincinnati.
 *Findlay Producers Livestock Association, Findlay.
 French City Meats, Inc., Gallipolis.
 Gamboe Stockyards, Pioneer.
 *Geauga Livestock Commission, Inc., Middlefield.
 Harpster Stockyards, Ashland.
 Harvey Livestock, Inc., Coldwater.
 Heinold Hog Market, Eldorado.

Heinold Hog Markets, Gettysburg.
 Frank D. Helsel Livestock, Washington Court House.
 Interstate Farmers Livestock Co., Oxford.
 Interstate Livestock, Inc., Oxford.
 E. Kahn's Sons Co., Cincinnati.
 Kleinhenz Brothers Stockyard, Fort Recovery.
 Kleinhenz Brothers Stockyard, Celina.
 Kloeppel Livestock, Sidney.
 *Krug's Stockyards, Wren.
 *Virgil Lampert Stockyards, New Bremen.
 Lewisburg NFO Collection Point, Lewisburg.
 *Lugbill Brothers, Archbold.
 Lugbill Brothers, Fayette.
 Lugbill Brothers, Wauseon.
 *Middendorf Stockyards, Botkins.
 *Middendorf Stockyards, Celina.
 *Middendorf Stockyard Co., Fort Loramie.
 Middleton Stockyards, Inc., New Madison.
 A. E. Miller Stockyard, Middle Point.
 *Ohio Valley Livestock Co., Gallipolis.
 Ohio Valley Livestock Corp. d.b.a. Preble County Stockyards, Eaton.
 *Wilson Brothers d.b.a. Peoples Livestock Exchange, Greenville.
 Philothea Stockyard, Coldwater.
 *Producers Livestock Association, Bucyrus.
 *Producers Livestock Association, Cadiz.
 *Producers Livestock Association, Eaton.
 *Producers Livestock Association, Findlay.
 Producers Livestock Association, Greenville.
 *Producers Livestock Association, Hillsboro.
 *Producers Livestock Association, Lancaster.
 Producers Livestock Association, London.
 *Producers Livestock Association, Marysville.
 *Producers Livestock Association, Mt. Vernon.
 *Producers Livestock Association, Orrville.
 *Producers Livestock Association, Springfield.
 *Producers Livestock Association, Wapakoneta.
 *Producers Livestock Association, Woodville.
 Selected Meat Co., Greenfield.
 Don H. Smith Stockyard, Fort Recovery.
 P. B. Stewart, Edon.
 Tuente Stockyards, Saint Sebastian.
 Tuente Stockyards, Yorkshire.
 *The Union Stockyards Co., Hillsboro.
 *Vic Ruhe Livestock, Ottawa.
 Ward Livestock Co., Stryker.
 Waynesfield Stockyard, Waynesfield.
 Werling & Sons, Inc. d.b.a. Burkettsville Stockyard, Burkettsville.
 Jerome Winner Stockyard, New Weston.
 Robert Winner Sons, Inc., Osgood.

OKLAHOMA

*Adair County Livestock Auction, Inc., Stilwell.
 Ag Markets Inc., Woodward.
 *Checotah Livestock Auction, Checotah.
 *Delaware County Livestock Auction, Jay.
 *Durant Stockyards Co., Inc., Durant.
 *Farmers & Ranchers Livestock Auction, Vinita.
 *Ft. Smith Stockyards Co., Inc., West Fort Smith.
 *Hugo Sales Commission, Inc., Hugo.
 *Kay County Farm Center d.b.a. Tonkawa Auction Center, Tonkawa.
 Arthur Kelly Stockyards, Muskogee.
 *LeFlore County Livestock Auction, Wister.
 Maurer & Neuer, Enid.
 *Maxson Sales Co., Inc., Welch.
 *Muskogee Stockyards & Livestock Auction, Inc., Muskogee.
 *Newkirk Sale Co., Newkirk.
 *Northeast Oklahoma Feeder Pig & Livestock Market, Leach.

- *Oklahoma National Stockyards, Oklahoma City.
- Small Hog Co., Alva.
- *South Coffeyville Livestock Market, Inc., South Coffeyville.
- *Tahlequah Sale Barn, Tahlequah.

OREGON

- *Hermiston Livestock Commission Co., Hermiston.
- *Northwestern Livestock Commission Co., Hermiston.
- *Ontario Livestock Commission Co., Ontario.
- *The Portland Livestock Market, Inc., North Portland.
- *The Dalles Auction Yard, The Dalles.
- *Vale Livestock Auction, Vale.

PENNSYLVANIA

- *Belknap Livestock Market, Inc., Dayton.
- *Belleville Livestock Market, Inc., Belleville.
- Edgar K. Black, Skippack.
- K. M. Border Livestock, Dover.
- *Carlisle Livestock Market, Inc., Carlisle.
- Cattle Sales, Inc. d.b.a. Scenery Hill Stockyards, Scenery Hill.
- *Chambersburg Livestock Sales, Inc., Chambersburg.
- *Chesley's Sales, Inc., Northeast.
- *Cowanesque Valley Livestock Auction, Knoxville.
- Wayne F. Craig & Son, Shippensburg.
- *Danville Cattle Co., Inc., Danville.
- *Dewart Livestock Market, Dewart.
- *Eighty Four Auction Sales, Inc., Eighty Four.
- *Enon Valley Community Sale, Enon Valley.
- *Fayette Stockyards Inc., Uniontown.
- *G & M Livestock Market, Inc., Duncansville.
- *Greencastle Livestock Market, Inc., Greencastle.
- *Green Dragon Livestock Sales, Ephrata.
- *Hickory Auction and Sales, Inc., Hickory.
- *Hulshart, C. A., Stewartstown.
- *Indiana Livestock Auction, Inc., Homer City.
- *Jersey Shore Livestock, Inc., Jersey Shore.
- *Keister's Middleburg Auction Sales, Inc., Middleburg.
- *Lancaster Stockyards, Inc., Lancaster.
- *Lebanon Valley Livestock Market, Inc., Fredericksburg.
- *Leesport Market & Auction, Inc., Leesport.
- *Meadville Livestock Auction, Saegertown.
- *Mercer Livestock Auction, Mercer.
- C. Robert Miller, Watsonstown.
- *Morrison Cove Livestock Market, Martinsburg.
- New Holland Sales Stables, Inc., New Holland.
- *New Wilmington Livestock Auction, Inc., New Wilmington.
- *Nicholson Sales Co., Nicholson.
- *Penns Valley Livestock Auction, Inc., Centre Hall.
- *Pennsylvania Livestock Auction, Inc., Waynesburg.
- *Perkiomenville Sales Stables, Inc., Perkiomenville.
- *Quakertown Livestock Sale, Quakertown.
- *Sechrist Sales Co., Inc., Fawn Grove.
- W. R. Sellers Livestock, Greencastle.
- *Tri-County Livestock Auction, Inc., Brockway.
- *Thomasville Livestock Market, Inc., York.
- *Troy Sales Cooperative, Troy.
- *Union City Livestock Auction, Union City.
- *Valley Stockyards, Inc., Athens.
- *Vintage Sales Stables, Inc., Paradise.
- *Wayne County Livestock Exchange, Inc., Honesdale.

- *Wyalusing Livestock Market, Wyalusing.

SOUTH CAROLINA

- P. L. Bruce Stockyard, Greenville.
- Central Carolina Livestock Market, Inc., Lugoff.
- Chesnee Livestock Co., Chesnee.
- Conway Stockyard, Conway.
- Conway Stockyard, Loris.
- *Darlington Auction Market, Darlington.
- Dorchester Marketing Association, St. George.
- *Farmers County Line Stockyards, Andrews.
- *Farmers Market, Estill.
- Farmers Livestock Market, Leesville.
- Florence Union Stockyards, New Street.
- Greenwood Stockyard, Inc., Greenwood.
- *Hemingway Livestock Market, Hemingway.
- *Herndon's Stockyards, Inc., Ehrhardt.
- *Hutto Stockyards, Inc., Holly Hill.
- Kingstree Union Stockyard, Kingstree.
- M & R Livestock, Neeses.
- M & R Livestock Co., Nichols.
- M & R Livestock, Ruffin.
- Neeses Stockyards, Neeses.
- *Orangeburg Stockyard, Inc., Orangeburg.
- Saluda County Stockyards, Saluda.
- South Carolina Farm Bureau d.b.a. Jim's Livestock, Kingstree.
- Spartanburg Livestock Market, Spartanburg.
- *Springfield Stockyard, Inc., Springfield.
- S & S Milling Co., Hemingway.
- John C. Taylor Stockyard, Anderson.
- Walterboro Stockyards Co., Inc., Walterboro.
- York county Stockyards, York.

SOUTH DAKOTA

- *Aberdeen Livestock Sales Co., Inc., Aberdeen.
- Armour & Co. Hog Buying Station, Aberdeen.
- Armour Buying Station, Hudson.
- *Belle Fourche Livestock Exchange, Inc., Belle Fourche.
- *Bowdle Livestock Sales, Inc., Bowdle.
- *Brookings Livestock Auction, Brookings.
- Browns Valley Collection Point, Inc., Browns Valley.
- Burke Livestock Auction, Burke.
- *Canton Livestock Sales Co., Canton.
- *Chamberlain Livestock Sales, Inc., Chamberlain.
- Columbia Collection Point, Columbia.
- *Corsica Livestock Sales Co., Corsica.
- *Edgemont Livestock Commission Co., Edgemont.
- *Eureka Sales Co., Eureka.
- *Faith Livestock Commission Co., Inc., Faith.
- *Fort Pierre Livestock Commission, Fort Pierre.
- *Gregory Livestock Auction Co., Gregory.
- *Herreid Livestock Market, Herreid.
- *Hub City Livestock Sales, Aberdeen.
- *Kramer's Livestock Auction Co., Inc., Sioux Falls.
- *Loken's Watertown Sales Pavilion, Inc., Watertown.
- *Madden's Livestock Auction Market, Inc., St. Onge.
- *Madison Livestock Auction Co., Madison.
- *Magness-Huron Livestock Exchange, Inc., Huron.
- *Marshall Livestock Auction Co., Britton.
- *Martin Auction Company, Inc., Martin.
- *McLaughlin Commission Co., Inc., McLaughlin.
- *Mitchell Livestock Auction Co., Inc., Mitchell.
- *Mordridge Livestock Auction Sales, Inc., Mordridge.

- John Morrell Hog Buying Station, Aberdeen.
- John Morrell & Co., Watertown.
- Morrell Buying Station, Flandreau.
- Ownen Livestock Co., Britton.
- *Philip Livestock Auction, Philip.
- *Rapid City Livestock Commission Co., Rapid City.
- *Sioux Falls Stock Yards Co., Sioux Falls.
- *Sisseton Livestock Auction Inc., Sisseton.
- Sodak Pork, Aberdeen.
- *South Dakota Livestock Sales Co., Watertown.
- *Stockman's Auction Co., Inc. d.b.a. Bales Continental Commission Co., Huron.
- *Stockmen's Livestock Auction Co., Yankton.
- *Sturgis Livestock Exchange, Inc., Sturgis.
- Swift Fresh Meats Co., Watertown.
- *Wall Livestock Auction, Wall.
- *Wessington Springs Livestock Co., Wessington Springs.
- *West River Livestock Market Co., Lemmon.
- *Willow Lake Livestock Auction, Willow.
- *Winner Livestock Auction Co., Winner.
- *Yankton Livestock Auction Market, Yankton.

TENNESSEE

- Algood Stockyard, Algood.
- Athens Livestock Auction Co., Athens.
- *Bedford County Feeder Pig Sale, Unionville.
- *Harry Bogle Feeder Pig Barn, Murfreesboro.
- *Johnny Boyce Feeder Pig Barn, Unionville.
- *Raymond Boyce Feeder Pig Market, Unionville.
- *Brownsville Feeder Sales Association, Brownsville.
- *Carroll County Feeder Pig Association, Huntingdon.
- Chattanooga Union Stockyard, Chattanooga.
- Altscheler & Payne d.b.a./Clarksville Livestock Co., Clarksville.
- Frosty Morn Meats d.b.a./Clarksville Livestock Market, Clarksville.
- Cleveland Livestock Auction Co., Cleveland.
- *Chickasaw Feeder Association, Selmer.
- Clinton Livestock Auction Co., Clinton.
- C & M Livestock Market, Jamestown.
- Coffee County Livestock Market, Manchester.
- Collierville Livestock Auction Co., Collierville.
- Covington Sales Co., Covington.
- Crocket County Sales Co., Maury City.
- Cumberland City Stockyard, Cumberland City.
- *Cumberland Feeder Pig Sales, Cookeville.
- DeKalb County Livestock Co., Alexandria.
- *Joe H. Derryberry d.b.a. Derryberry Pig Barn, Chesterfield.
- *Dickson County Feeder Pig Sale, White Bluff.
- Dickson Livestock Center, Dickson.
- East Tennessee Livestock Center, Sweetwater.
- Farmers Auction Co., Fayetteville.
- Farmers Livestock Exchange, Union City.
- Farmers Livestock Market, Greeneville.
- *Feeder Pig Division of Lawrence County Livestock Association, Lawrenceburg.
- *Feeder Pig Division of Marshall County Livestock Association, Lewisburg.
- Gamaliel Livestock Market, Gamaliel.
- *T. D. Garrett & Sons, College Grove.
- *Giles County Feeder Pig Sales, Pulaski.
- Giles County Stockyard, Pulaski.
- Greeneville Livestock Company, Inc., Greeneville.
- *Hardin County Livestock Association, Savannah.

Hardin County Stockyards, Savannah.
 *J. T. Herren d.b.a./J. T. Herren Feeder Pig Market, Baxter.
 *Hohenwald Livestock Market, Hohenwald.
 *Hughes Feeder Pigs, Guys.
 Jackson County Commission Co., Gainesboro.
 *Johns Bros. Feeder Pigs, Chapel Hill.
 Johnson City Livestock Market, Johnson City.
 *Jolly Bros., Doyle.
 Jonesboro Livestock Yards, Inc., Telford.
 Kingsport Livestock Auction Corp., Kingsport.
 Lawrence County Stockyards, Lawrenceburg.
 Lexington Sales Co., Lexington.
 Logan Livestock Co., Union City.
 *Warren County Livestock Association, McMinnville.
 McNairy County Livestock and Auction Corp., Selmer.
 Macon County Livestock Market, Lafayette.
 Middleton Sales Co., Middleton.
 Mid-South Livestock Commission Co., Columbia.
 *Mid-State Producers Feeder Pig Sale, Woodbury.
 Morristown Stockyards, Inc., Morristown.
 Murfreesboro Livestock Market Co., Murfreesboro.
 David Via-Newbern Sales Company, Inc., Newbern.
 New Tazewell Livestock Market, New Tazewell.
 *Meridith Livestock Auction, Pocahontas.
 North Central Livestock Center, Cross Plains.
 Paris Livestock Commission Co., Paris.
 Peoples Livestock Market, Cookeville.
 Peoples Stockyard, Fayetteville.
 Plateau Livestock Exchange, Crossville.
 Pulaski Stockyard, Pulaski.
 *Robinson, Jimmie & Son, Franklin.
 Rogersville Livestock Market, Rogersville.
 Odell Sampson-Sampson & Maxwell Livestock Auction, Lewisburg.
 Scotts Hill Auction Company, Inc., Scotts Hill.
 *Sells, Lonnie, Winchester.
 *Sevier County Livestock Association, Sevierville.
 Sevier County Livestock Auction, Seymour.
 Shelbyville Livestock Market, Shelbyville.
 Smith County Commission Co., Inc., Carthage.
 *Smith County Feeder Pig Association, Carthage.
 Smithville Livestock Market, Smithville.
 *Smotherman, E. H., Murfreesboro.
 South Memphis Stock Yards Co., Memphis.
 Southern Livestock Auction Co., Columbia.
 Southwestern Sales Company, Inc., Huntington.
 Sparta Livestock Co., Inc., Sparta.
 *Taylor Bros. Feeder Pigs, College Grove.
 Tennessee Livestock Producers Inc., Fayetteville.
 Tennessee Livestock Producers, Inc., Thompson Station.
 Tennessee Livestock Producers, Inc., Woodbury.
 Thompson Livestock Co., Obion.
 Trenton Livestock Sales, Trenton.
 Tri-County Stockyards, McKenzie.
 Trousdale County Livestock Market, Hartsville.
 Union Livestock Yards, Inc., Knoxville.
 Unionville Livestock Market, Unionville.
 United Farmers Marketing Service, Manchester.
 *Volunteer Feeder Pig Association, Lexington.

*Walker, Dallas Livestock, Rutherford.
 Warren County Livestock Co., McMinnville.
 *Weakley County Feeder Pig Sale, Dresden.
 West Tennessee Auction Co., Martin.
 Wilson County Livestock Market, Lebanon.
 Wilson Livestock Market, Newport.
 *Young Livestock, Murfreesboro.

TEXAS

*Dalhart Auction Co., Dalhart.
 Farmers Hog Market, Shamrock.
 *Fort Worth Stockyards, Fort Worth.
 *Gainesville Livestock Auction, Gainesville.
 *J & J Livestock Commission Co., Inc., Texarkana.
 Muenster Livestock Auction, Muenster.
 Robinson Livestock, Booker.
 South Plains Swine Market Association, Lubbock.
 *Texarkana Stockyards Co., Texarkana.
 Texas Agricultural Marketing and Development Association, Amarillo.
 West Texas Hog Company, Inc., Wellington.

UTAH

*Producers Livestock Marketing Association and North Salt Lake Livestock Co., North Salt Lake.
 Uintah Sales Barn, Inc., Roosevelt.
 Vernal Livestock Auction, Vernal.

VIRGINIA

Abingdon Livestock Market, Inc., Abingdon.
 Albermarle Livestock Market, Inc., Charlottesville.
 Amherst County Livestock Market, Inc., Amherst.
 Bedford Livestock Market, Inc., Bedford.
 Blackstone Livestock Market, Blackstone.
 Caret Livestock Market, Caret.
 Christiansburg Livestock Market, Inc., Christiansburg.
 Creech Livestock Market, Inc., South Hill.
 Culpeper Livestock Exchange, Culpeper.
 Eddins Livestock Market, Standardsville.
 Emporia Hog Market, Emporia.
 Esskay Buying Station, Caret.
 Ewing Livestock Market, Ewing.
 Farmers Livestock Market, Gate City.
 Farmers Livestock Market, Inc., Tazewell.
 Farmers Livestock Market, Inc., Ewing.
 *Farmers Livestock Exchange, Inc., Winchester.
 *Farmville Livestock Market, Farmville.
 Fauquier Livestock Exchange, Inc., Marshall.
 Front Royal Livestock Market, Front Royal.
 Galax Livestock Market, Inc., Galax.
 Halifax Livestock Market, Halifax.
 Jonesville Livestock Market, Jonesville.
 Fredericksburg Stockyard, Inc., Fredericksburg.
 Leesburg Livestock Market, Inc., Leesburg.
 Leonard Harrell Livestock, Chesapeake.
 Lottsburg Buying Station, Lottsburg.
 Lynchburg Livestock Market, Lynchburg.
 *Madison Livestock Market, Inc., Madison Mills.
 McComb and Block, Inc./Lawrenceville Hog Market, Lawrenceville.
 Monterey Livestock Sales, Inc., Monterey.
 Narrows Livestock Auction Market, Narrows.
 *Nokesville Livestock Market, Nokesville.
 Orange Livestock Market, Orange.
 Pearce's Livestock Market, Holland.
 *Petersburg Livestock Market, Petersburg.
 Phenix Livestock Market, Phenix.
 Pulaski County Livestock, Dublin.
 Richmond Union Stockyards, Richmond.
 Roanoke-Hollins Stockyard, Hollins.
 Roanoke Livestock Market, Roanoke.
 *Rockingham Livestock Sales, Inc., Harrisonburg.

J. L. Rose Hog Buying Stations, Courtland.
 J. L. Rose Hog Buying Stations, Wakefield.
 Saluda Buying Station, Glennis.
 Scott County Livestock Market, Gates City.
 Shen-Valley Buying Station, Dillwyn.
 Shen-Valley Buying Station, Madison Mills.
 *Shenandoah Valley Livestock Sales, Inc., Harrisonburg.
 Smithfield Livestock Market, Inc., Smithfield.
 Smithfield Packing Co. Buying Station, Courtland.
 *Southampton Livestock Sales, Inc., Courtland.
 South Boston Livestock Market, Inc., South Boston.
 Southampton Peanut Co. Buying Station, Branchville.
 *South Hill Livestock Market, South Hill.
 Southside Stockyards, Inc., Blackstone.
 *Southside Stockyards, Inc., Petersburg.
 Staunton Livestock Market, Inc., Staunton.
 *Staunton Union Stockyards, Staunton.
 *Tappahannock Livestock Market, Inc., Tappahannock.
 Tazewell Livestock Market, Inc., Tazewell.
 *Tidewater Livestock Sales Co., Courtland.
 Tri-State Livestock Market, Abingdon.
 B. C. Umbargers Assembly Yard, Wytheville.
 Victoria Livestock Market, South Hill.
 Virginia-Carolina Livestock and Agriculture Market, Inc., Danville.
 *Walker Bros. Livestock Pavilion, Seven Mile Ford.
 *Woodstock Livestock Market, Inc., Woodstock.
 Wytheville Livestock Market, Inc., Wytheville.

WASHINGTON

*Auburn Livestock, Inc., Auburn.
 *Prosser Commission Co., Inc., Prosser.
 *Stockland Union Stockyards, Spokane.
 *Sunnyside Livestock Market, Sunnyside.
 *Walla Walla Livestock & Feedlot, Walla Walla.

WEST VIRGINIA

*Bluegrass Market, Inc., North Caldwell.
 *Blue Ridge Livestock Sales, Inc., Charles Town.
 *Jackson County Livestock Market, Inc., Ripley.
 *Moundsville Livestock Auction Co., Moundsville.
 *Ohio County Livestock Auction, Mt. Echo.
 *Pt. Pleasant Livestock Co., Point Pleasant.
 *Terra Alta Stockyards, Inc., Terra Alta.
 *United Livestock Sales Co., Parkersburg.

WISCONSIN

*Belmont Livestock Market, Belmont.
 Al Berning, Cuba City.
 Darlington N.F.O. Stockyards, Darlington.
 *Dittner Feeder Pigs, Marshfield.
 Dubuque Stockyards (Kuhl's), Hazel Green.
 *Don Eilers, Marshfield.
 Dunwiddie Livestock, Brodhead.
 Dunwiddie Livestock, Juda.
 Ellsworth N.F.O. Collection Point, Ellsworth.
 *Equity Cooperative Livestock, Bonduel.
 *Equity Co-op Livestock, Johnson Creek.
 *Equity Co-op Livestock Sales, Association, Monroe.
 Grant County Livestock Exchange, Hazel Green.
 *Grassland Feeder Pig, Neillsville.
 *Iowa County Livestock Market, Dodgeville.
 Theodore Lipke, Milton.
 Ted Lipke, Avalon.
 Oscar Mayer & Co., Cuba City.

Oscar Mayer & Co., Shullsburg.
Midwest Livestock Producers Co-op, Marion.
*Midwest Livestock Producers Co-op, Et-trick.

*Midwest Livestock Producers, Shullsburg.
*Midwest Livestock Producers, Monticello.
*Midwest Livestock Producers, Fennimore.
*Midwest Livestock Producers, Francis Creek.

*Midwest Livestock Producers, Lomira.
*Midwest Livestock Producers Co-op, Pesh-tigo.

Milwaukee Stockyards, Milwaukee.
NFO Collection Point, Independence.
*Midwest Livestock Producers, Pesh-tigo.
*Tim Orr Livestock Market, Waupaca.
Pesh-tigo Livestock Sales, Pesh-tigo.

*Gordon Peterson, Waupaca.
*Charles Pufahl Market, Waupaca.
*Lawrence Richter & Son, Rice Lake.

Rock County Reload Market, Hanover.
*Donald Schwebs Market, DeForest.
*Haulis E. Simon, New Richmond.

Emil Treuthardt, Juda.
*Waupaca Feeder Pigs, Scandinavia.
*Wisconsin Feeder Pig Cooperative, Almena.
*Wisconsin Feeder Pig Co-op, Boltonville.
*Wisconsin Feeder Pig Co-op, Francis Creek.
*Wisconsin Feeder Pig Co-op, Galesville.
*Wisconsin Feeder Pig Market Co-op, Lan-caster.
*Wisconsin Feeder Pig Co-op, Waupaca.
*Ray Wolosek, Wisconsin Rapids.

WYOMING

*Douglas Livestock Exchange Co., Douglas.
*Gillette Livestock Exchange, Gillette.
*Greybull Livestock Auction, Greybull.
Pierce Packing Company Buying Station, Powell.

*Powell Auction Market, Powell.
*Sheridan Livestock Exchange, Sheridan.
*Stockgrowers Livestock Auction, Worland.
*Stockman Livestock Auction, Torrington.
*Torrington Livestock Commission Co., Tor-rington.
*Stockman's Livestock Auction, Torrington.

(Sec. 2, 32 Stat. 792, as amended; secs. 4 and 5, 23 Stat. 32, as amended; sec. 1, 75 Stat. 481; sec. 1, 32 Stat. 791, as amended; secs. 3 and 4, 33 Stat. 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111-113, 114g, 120, 125, 126, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141).)

Effective date: The foregoing notice shall become effective on May 26, 1978.

This action imposes certain restrictions necessary to prevent the spread of hog cholera and relieves certain restrictions presently imposed. It should become effective promptly to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this action are impracticable and contrary to the public interest, and good cause is found for making this notice effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 19th day of May 1978.

NOTE.—The Animal and Plant Health In-spection 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.

M. T. GOFF,
Acting Assistant
Administrator, Veterinary Services.
[FR Doc. 78-14594 Filed 5-25-78; 8:45 am]

[3410-05]

Commodity Credit Corporation

[Amdt. 4]

NONFAT DRY MILK, BUTTER, CHEDDAR CHEESE AND PEANUTS

Monthly Sales List (Period June 1, 1977 Through May 31, 1978)

The CCC Monthly Sales List for the period June 1, 1977 through May 31, 1978, published at 42 FR 40945 (Aug. 12, 1977), as amended at 42 FR 54582 (Oct. 7, 1977), 43 FR 4079 (Jan. 31, 1978) and 43 FR 13595 (March 31, 1978) is further amended as follows:

1. Sections 27, entitled "Nonfat Dry Milk-Unrestricted Use Sales" 28, entitled "Butter-Unrestricted Use Sales", and 29, entitled "Cheddar Cheese-Unrestricted Use Sales" are deleted.

2. Section 27 is added which reads as follows:

27. Nonfat Dry Milk—Unrestricted Use Sales (Instore-Carlot Quantities):

1. Market price, but not less than 78 cents per pound for U.S. Extra Grade spray process in 50 pound bags. Sales are made under Announcement PV-DS-2.

2. Competitive offer basis: From time to time an invitation will be issued for competitive offers under Announcement PV-DS-1 to purchase nonfat dry milk which is 20 months old or older and/or has moisture content of 4.2 percent but not more than 5.0 percent.

3. Section 28 is added which reads as follows:

28. Butter—Unrestricted Use Sales (Instore-Carlot Quantities): Market price, but not less than 11 cents per pound over CCC's purchase price at each location for U.S. Grade A or higher in 60 to 68-pound blocks. Sales are made under Announcement PV-DS-2.

4. Section 29 is added which reads as follows:

29. Cheddar Cheese—Unrestricted Use Sales (Instore-Carlot Quantities): Market price, but not less than \$1.14 per pound (standard moisture basis) for U.S. Grade A or higher in 40 pound blocks. Sales are made under Announcement PV-DS-2.

5. Section 31 entitled "Peanuts Farmers Stock—Restricted Use Sales—Crushing or Export" is amended by deleting item 2 entitled "Segregation 2 lots."

(Sec. 4, 62 Stat. 1070, as amended (15 U.S.C. 714b); sec. 407, 63 Stat. 1055, as amended (7 U.S.C. 1427).)

Effective Date: Item 1 8:15 a.m. (EST) March 8, 1978. Items 2, 3, 4 and 5 2:30 p.m. (EST) March 31, 1978.

Signed at Washington, D.C., on May 22, 1978.

RAY FITZGERALD,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc. 78-14784 Filed 5-25-78; 8:45 am]

[3410-11]

Forest Service

COOPERATIVE WESTERN SPRUCE BUDWORM PROGRAM FINAL ENVIRONMENTAL STATEMENT

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for control of the western spruce budworm in Washington, USDA-FS-R6-FES(Adm)-78-6.

The environmental statement sets forth several management alternatives for managing western spruce budworm populations in 1978. Eight alternatives are presented, ranging from no treatment to intensive chemical control on Federal, State, and private lands in Whatcom, Kittitas, Chelan, and Okanogan Counties in Washington during the spring and summer of 1978 with carbaryl.

This final environmental statement was transmitted to EPA on May 17, 1978.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3210, 12th Street and Independence Avenue SW., Washington, D.C. 20013.

USDA, Forest Service, Pacific Northwest Region, 319 Southwest Pine Street, Portland, Ore. 97204.

Okanogan National Forest, 1240 Second Avenue South, Okanogan, Wash. 98840.

Wenatchee National Forest, 301 Yakima Street, Wenatchee, Wash. 98801.

National Park Service, Pacific Northwest Region, 4th and Pike, Seattle, Wash. 98101.

Washington State Department of Natural Resources, Public Lands Building, Room 201, Olympia, Wash. 98504.

A limited number of single copies are available upon request to Regional Forester R. E. Worthington, Pacific Northwest Region, P.O. Box 3623, Portland, Ore. 97208.

Copies of the final environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Dated: May 17, 1978.

ALAN FOX,
Acting Regional Environmental
Coordinator, Planning, Pro-
gramming, and Budgeting

[FR Doc. 78-14712 Filed 5-25-78; 8:45 am]

[3410-15]

Rural Electrification Administration

UNITED POWER ASSOCIATION

Draft Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Draft Environmental Impact Statement in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a request for a loan guarantee commitment from the Rural Electrification Administration from United Power Association of Elk River, Minnesota. This loan guarantee commitment is planned to assist in obtaining financing for the construction of one 60 MW coal-fired supplemental steam generator at the Stanton Generating Station in Mercer County, N. Dak.

Additional information may be secured on request, submitted to Mr. Richard F. Richter, Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. Comments are particularly invited from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved from which comments have not been requested specifically.

Copies of the REA Draft Environmental Impact Statement are being sent to various Federal, State and local agencies, as outlined in the Council on Environmental Quality Guidelines. The Draft Environmental Impact Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C. or at the borrower's address indicated above.

Comments concerning the environmental impact of the construction proposed should be addressed to Mr. Richter at the address given above. Comments must be received on or before July 25, 1978 to be considered in connection with the proposed action.

Final REA action with respect to this matter (including any release of funds) will be taken only after REA has reached satisfactory conclusions with respect to its environmental effects and after requirements set forth

in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 22 day of May 1978.

JOSEPH VELLONE,
Acting Administrator,
Rural Electrification Administration.

[FR Doc. 78-14648 Filed 5-25-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[Docket 31808]

CHICAGO-ALBANY/SYRACUSE-BOSTON
COMPETITIVE SERVICE INVESTIGATION

Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on June 20, 1978, at 9:30 a.m. (local time), in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C., before the undersigned Administrative Law Judge.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the various documents which are in the docket of this case on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., May 22, 1978.

GREER M. MURPHY,
Administrative Law Judge.

[FR Doc. 78-14805 Filed 5-25-78; 8:45 am]

[6320-01]

[Dockets 32396, et al.; Order 78-5-120]

CONNER AIRLINES, ET AL.

Applications; Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of May 1978.

Applications of Conner Airlines, Docket 32396; Capitol International Airways, Docket 32538; Evergreen International Airlines, Docket 32334; Overseas National Airways, Docket 32346; Rich International Airways, Docket 32337; Southern Air Transport, Docket 32342; Trans International Airlines, Docket 32336; World Airways, Docket 32341; Zantop International Airlines, Docket 32335; for grandfather section 418 certificates.

By Pub. L. 95-245, Congress amended section 418 of the Act to include within the group of carriers eligible to receive grandfather all-cargo service certificates those that have a valid certificate under section 401(d)(3) of the

Act and have provided supplemental air transportation carrying only cargo at any time during the period from January 1, 1977, through March 14, 1978.¹ Applications for this authority were filed by Conner Airlines, Capitol International Airways, Evergreen International Airlines, Overseas National Airways, Rich International Airways, Southern Air Transport, Trans International Airlines, World Airways, and Zantop International Airlines.

No answers or further information on these applications have been received.

We have determined that, with the exception of Conner Airlines, the above-referenced carriers are in compliance with section 418(a)(3) and should receive all-cargo service certificates. Conner Airlines, however, admits that it does not have a supplemental certificate under section 401(d)(3). Its allegations that it should have been granted one in 1962 (37 CAB 745 (1962)) are irrelevant. As we have pointed out in previous orders under the grandfather provisions of section 418, we have no discretion in the issuance of these certificates. Congress has stated that the Board shall certificate a carrier that fulfills the requirements of section 418 (a)(1), (a)(2), or (a)(3) and has not given us the authority to waive any of the prerequisites or exempt applicants from them.

Accordingly, it is ordered, That: 1. The following carriers² be issued all-cargo service certificates under section 418, in the form attached: Capitol International Airways, Evergreen International Airlines, Overseas National Airways, Rich International Airways, Southern Air Transport, Trans International Airlines, World Airways, and Zantop International Airlines; and

2. The application of Conner Airlines in Docket 32396 be denied.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.³

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-14806 Filed 5-25-78; 8:45 am]

¹Section 418 was amended by Pub. L. 95-245 to add a new provision, section 418(a)(3), which reads as follows: "(3) Any citizen of the United States who has a valid certificate issued under section 401(d)(3) of this title and who provided supplemental air transportation carrying only cargo at any time during the period from January 1, 1977, through the date of enactment of this section may, during the forty-five day period beginning on April 1, 1978, submit an application to the Board for a certificate under this section to provide all-cargo air service. Such application shall contain such information and be in such form as the Board shall by regulation require."

²Certificates filed as part of the original document.

³All Members concurred.

[6320-01]

[Docket 31185; Order 78-5-122]

HUGHES AIR CORP., D.B.A. HUGHES AIRWEST**Certificate of Public Convenience and Necessity; Order To Show Cause**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of May 1978.

By application dated July 25, 1977, Airwest asked the Board to amend its certificate of public convenience and necessity under Subpart M by removing existing one-stop restrictions and granting it unrestricted nonstop authority in the Reno-Los Angeles/Spokane markets. Requests for summary dismissal and answers opposing the application were filed by United, Western, and Pacific Southwest Airlines (PSA). Supporting answers were filed by the Reno, Spokane, and Canadian parties,¹ and the Washington Utilities and Transportation Commission. Airwest filed a reply to the opposing answers.

In addition to this application, Airwest filed a Subpart A application, Docket 31718, seeking Reno-Los Angeles authority.

PSA filed a motion to consolidate its application in Docket 30659 (asking for nonstop authority between Los Angeles/Burbank and Reno) with this proceeding.² Answers opposing that motion were filed by United, Western and Airwest. Reno answered in support.

Subsequently, both the PSA application and Airwest's Subpart A application were consolidated with the *California-Nevada Low Fare Route Proceeding*, Docket 31574. See Orders 78-1-16 and 77-10-136.

On January 27, 1978, Airwest filed a motion asking that: (1) the Reno-Los Angeles portion of its Subpart M application be dismissed without prejudice, and (2) the Reno-Spokane portion be granted without further procedures. Answers supporting that motion were filed by the Spokane parties, the Canadian parties, and the Washington Utilities and Transportation Commission. Western filed an answer asking that Airwest be prohibited from operating single-plane service between the Los Angeles area, San Diego, Phoenix, and the San Francisco Bay area, on the one hand, and Calgary and Edmonton, on the other hand.

We have decided: (1) To grant Airwest's motion to dismiss without prej-

udice the Reno-Los Angeles portion of its application, and (2) to issue this show-cause order proposing to grant it unrestricted nonstop authority between Reno and Spokane.

The service needs of the Reno-Los Angeles market will be fully explored in the *California-Nevada* proceeding in which Airwest is a party. Since it would be inefficient to consider the needs of that market in two separate proceedings, we will dismiss without prejudice the Reno-Los Angeles portion of Airwest's application.

Turning to Reno-Spokane, we have, on the basis of the tentative findings below, tentatively concluded that Airwest should be granted nonstop authority in the market. Reno-Spokane is a small market of 8,790 O&D plus interline connecting passengers, and it receives single-plane service only from Airwest. Although United holds nonstop authority, it has provided no nonstop service in 10 years and no single-plane service since 1969. Removal of Airwest's one-stop restriction will potentially benefit both the carrier and the public with little harm to any other carrier.

In the original round of answers opposing Airwest's Subpart M application, the objections focused almost entirely on the Reno-Los Angeles market. In response to Airwest's January 27 motion, no answers were filed opposing Airwest's request for Reno-Spokane authority or its request that the authority be granted without further procedures. Interested parties have thus had two opportunities to come forward with reasons why the Board should not grant Airwest nonstop authority in the Reno-Spokane market. Under these circumstances, we feel that nothing would be gained by instituting a formal oral hearing. This order will afford the parties yet another opportunity to be heard.

While Western does not object to the grant of Reno-Spokane nonstop authority, it asks that Airwest be prohibited from operating single-plane service in the San Diego/Phoenix/Los Angeles area/San Francisco area-California/Edmonton markets on nonstop flights between Reno and Spokane until final Board decision in the *California-Alberta* case, Docket 28196. In support of that request, Western argues that at Airwest's request in the Western realignment proceeding, the Board stayed any improvement in Western's California-Alberta authority via Great Falls, pending a decision in the *California-Alberta* case;⁴ and that Reno-Spokane nonstop authority will result in improved California-Alberta authority for Airwest, thereby prejudicing Western's position in the case.

⁴See Order 78-2-8, issued February 1, 1978.

We have tentatively decided to deny Western's request. First, we declined to stay improvement of Western's Phoenix/San Diego-Alberta authority on the ground that those markets were not at issue in the *California-Alberta* case. Order 78-2-8, p. 3, n. 7. Thus, the stay was issued only for the Los Angeles area/San Francisco Bay area-Alberta markets. Moreover, we expressly stated that we did not grant the stay on the ground that improving Western's authority would prejudice Airwest's position in the *California-Alberta* case. Rather, we did so on the basis of administrative convenience. Id., at 3. Thus, Western is wrong about our basis for issuing the order on which it relies.

Most importantly, Western's best authority in the relevant markets was being improved from two-stop to one-stop. Here, removing a one-stop restriction on Airwest's authority between Reno and Spokane will result in an improvement of its California-Alberta authority (via Reno and Spokane) from three-stop to two-stop. Airwest, however, already has one-stop authority in the Los Angeles-Alberta markets (via Las Vegas), and two-stop authority in the San Francisco-Alberta markets (via Spokane). It is thus apparent that awarding Airwest nonstop Reno-Spokane authority will not improve its best authority between California and Alberta. Therefore, Order 78-2-8, staying improvement of Western's California-Alberta authority is not controlling here. Furthermore, in view of the foregoing facts, we do not feel that Western's position in the *California-Alberta* case will be prejudiced by removal of the one-stop restriction on Airwest's Reno-Spokane authority.

We therefore tentatively find that the public convenience and necessity require the amendment of Airwest's certificate to grant it unrestricted nonstop authority in the Reno-Spokane market, and that it is fit, willing and able to perform properly the air transportation proposed in its application, and to conform to the Act, and to the rules, regulations, and requirements of the Board.

Accordingly, it is ordered, That: 1. All interested persons be directed to show cause why the Board should not make final the tentative findings stated here and why Hughes Airwest should not be issued an amended certificate of public convenience and necessity in the form attached, granting it unrestricted nonstop authority between Reno, Nev., and Spokane, Wash.;

2. Any interested person objecting to the issuance of an order making final the tentative findings, or to the issuance of the proposed foreign air carrier permit, shall file a statement of objections, fully supported by evidence,

¹The Reno Parties are the City of Reno and the Greater Reno Chamber of Commerce. The Spokane Parties are the City of Spokane, Spokane County, and the Spokane Area Chamber of Commerce. The Canadian Parties are the Calgary Transportation Authority and the Edmonton Area Air Services Commission.

²In view of our disposition here, PSA's motion will be dismissed.

within 20 days after the service date of this order; answers to objections shall be filed within 10 days thereafter;

3. If timely and properly supported objections are filed, the Board will accord full consideration to all matters and issues raised by the objections before it takes further action;⁵

4. If no objections are filed, all further procedural steps will be considered waived, and the Board may enter an order adopting as final the tentative findings set forth here; and

5. Except to the extent granted here, Airwest's petition in Docket 31185 be dismissed;

6. Pacific Southwest Airline's motion to consolidate with this proceeding its application in Docket 30659 be dismissed; and

7. This order shall be served on Hughes Airwest, United Air Lines, Western Air Lines, Pacific Southwest Airlines, the Reno, Spokane, and Canadian parties and the Washington Utilities and Transportation Commission.

By the Civil Aeronautics Board.⁶

PHYLLIS T. KAYLOR,
Secretary.

[Specimen Certificate]

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR LOCAL SERVICE (AS AMENDED) FOR ROUTE 76

HUGHES AIR CORP. D.B.A. HUGHES AIRWEST

is authorized, subject to the following provisions, the provisions of title IV of the Federal Aviation Act of 1958, and the orders, rules, and regulations issued under it, to engage in air transportation of persons, property, and mail:

Between the terminal point Seattle-Tacoma, Wash. (to be served through Seattle-Tacoma International Airport), the intermediate points Astoria-Seaside, Portland, Albany-Corvallis, Eugene, Bend-Redmond, North Bend-Coos Bay, Medford, and Klamath Falls, Oreg., Crescent City, Eureka-Arcata, Red Bluff-Redding, and Chico, Calif., Reno, Nev., Santa Rosa, Sacramento, Stockton, Oakland, San Francisco, San Jose, Monterey-Salinas, Fresno, Bakersfield, Santa Maria, Santa Barbara, Palmdale-Lancaster, Oxnard-Ventura, Riverside-Ontario, Burbank, Los Angeles-Ontario, Orange County-Santa Ana-Anaheim, San Diego, Indio-Palm Springs, El Centro, and Blythe, Calif., Yuma, Tucson, Phoenix, Prescott, Kingman, and Grand Canyon, Ariz., Las Vegas, Nev., Page, Ariz., Cedar City and Salt Lake City, Utah, Twin Falls, Pocatello, Idaho Falls, Sun Valley-Hailey-Ketchum, and Boise, Idaho, Lewiston, Idaho-Clarkston, Wash., Pullman, Wash.-Moscow, Idaho, Walla Walla, Pasco-Kennewick-Richland, Yakima, Wenatchee, Ephrata-Moses Lake, and Spokane, Wash., and Kallispell, Mont., and the terminal point Great Falls, Mont.

This service is subject to the following terms, conditions, and limitations:

⁵Since the Board has provided for the filing of objections to this order, it will not entertain petitions for reconsideration.

⁶All Members concurred.

(1) The holder shall render service to and from each of the points named, except as temporary suspensions of service may be authorized by the Board; and may begin or terminate, or begin and terminate, trips at points short of terminal points.

(2) The holder may continue to serve regularly any point named here through the airport it last used regularly to serve that point before the effective date of this certificate. Upon compliance with such procedures as may be prescribed by the Board, the holder may, in addition, regularly serve a point named here, other than a point required to be served through a single airport, through any convenient airport.

(3) On each trip operated over all or part of Route 76, the holder shall stop at each point named between the point of origin and point of termination of the trip except at a point or points where (a) the Board, under such procedure as the Board may from time to time prescribe, by order relieves it from this requirement, (b) the holder is authorized to suspend service, (c) the holder is unable to render service on the trip because of adverse weather conditions or other conditions which it could not reasonably foresee or control, or (d) the holder has scheduled at least two daily round trips, in which case it may omit the point or points on any additional trips scheduled over all or part of said route, subject to the conditions set forth in paragraphs (4), (5), and (6) below:

(4) The holder shall schedule service to a minimum of one intermediate point between the following pairs of points:

Bakersfield, Calif., to:

Portland, Oreg.
Salt Lake City, Utah.
Seattle-Tacoma, Wash.
Spokane, Wash.

Boise, Idaho, to:

Burbank, Calif.
Los Angeles-Ontario, Calif.
Reno, Nev.

Riverside-Ontario, Calif.
Sacramento, Calif.
San Francisco, Calif.
San Jose, Calif.

Burbank, Calif., to:

Eugene, Oreg.
Medford, Oreg.
Oakland, Calif.
Reno, Nev.
Sacramento, Calif.
San Francisco, Calif.
Spokane, Wash.

Eugene, Oreg., to:

Las Vegas, Nev.
Los Angeles-Ontario, Calif.
Riverside-Ontario, Calif.
Salt Lake City, Utah
San Diego, Calif.
Seattle-Tacoma, Wash.
Spokane, Wash.

Fresno, Calif., to:

Portland, Oreg.
Salt Lake City, Utah
Seattle-Tacoma, Wash.
Spokane, Wash.

Great Falls, Mont., to:

Idaho Falls, Idaho
Pocatello, Idaho
Spokane, Wash.

Idaho Falls, Idaho, to:

Salt Lake City, Utah
Indio-Palm Springs, Calif., to:

Oakland, Calif.
Orange County-Santa Ana-Anaheim, Calif.
Reno, Nev.

Sacramento, Calif.
Salt Lake City, Utah
San Francisco, Calif.
San Jose, Calif.

Las Vegas, Nev., to:

Medford, Oreg.
Portland, Oreg.
San Francisco, Calif.
Seattle-Tacoma, Wash.

Los Angeles-Ontario, Calif.

Medford, Oreg.

Oakland, Calif.

Reno, Nev.

Sacramento, Calif.

San Diego, Calif.

San Francisco, Calif.

Los Angeles-Ontario, Calif. (when served through the Ontario International Airport), to:

Salt Lake City, Utah

Los Angeles-Ontario, Calif. (when served through the Los Angeles International Airport), to:

Phoenix, Ariz.
Portland, Oreg.

Medford, Oreg., to:

Salt Lake City, Utah
San Diego, Calif.
Seattle-Tacoma, Wash.
Spokane, Wash.

Monterey-Salinas, Calif.

Portland, Oreg.

Salt Lake City, Utah

Seattle-Tacoma, Wash.

Spokane, Wash.

Oakland, Calif.

Orange County-Santa Ana-Anaheim, Calif.

Portland, Oreg.

Reno, Nev.

San Diego, Calif.

Spokane, Wash.

Tucson, Ariz.

Orange County-Santa Ana-Anaheim, Calif.

Sacramento, Calif.

San Francisco, Calif.

San Jose, Calif.

Phoenix, Ariz., to:

Portland, Oreg.
Sacramento, Calif.
San Diego, Calif.
San Francisco, Calif.
Seattle-Tacoma, Wash.

Pocatello, Idaho, to:

Salt Lake City, Utah

Portland, Oreg., to:

Sacramento, Calif.
San Francisco, Calif.
Santa Barbara, Calif.
Stockton, Calif.

Tucson, Ariz.

Reno, Nev., to:

Salt Lake City, Utah
San Diego, Calif.
San Francisco, Calif.

Riverside-Ontario, Calif., to:

Medford, Oreg.
Oakland, Calif.
Reno, Nev.

Sacramento, Calif.

San Diego, Calif.

San Francisco, Calif.

Spokane, Wash.

Riverside-Ontario, Calif. (when served through the Ontario International Airport), to:

Salt Lake City, Utah

Sacramento, Calif., to:

Salt Lake City, Utah

San Diego, Calif.

Spokane, Wash.

Salt Lake City, Utah, to:

San Diego, Calif.

San Jose, Calif.
 Santa Barbara, Calif.
 Stockton, Calif.
 San Diego, Calif., to:
 San Francisco, Calif.
 Spokane, Wash.
 San Francisco, Calif., to:
 Seattle-Tacoma, Wash.
 Spokane, Wash.
 Tucson, Ariz.
 San Jose, Calif., to:
 Spokane, Wash.
 Tucson, Ariz.
 Santa Barbara, Calif., to:
 Seattle-Tacoma, Wash.
 Spokane, Wash.
 Seattle-Tacoma, Wash., to:
 Stockton, Calif.
 Tucson, Ariz.
 Spokane, Wash., to:
 Stockton, Calif.

Provided: That the holder may schedule nonstop service (i) between San Francisco and Los Angeles-Ontario, Calif. (when served through the Los Angeles International Airport), (1) on flights which also serve Chico, Calif., or a point north thereof, *Provided, further:* That if said flights serve Eugene or Medford, Oreg., they shall also serve Portland or a point north thereof, or (2) on flights which also serve a point south of Los Angeles other than Orange County-Santa Ana-Anaheim, Indio-Palm Springs or San Diego, Calif., (ii) between Portland, Oreg., and San Francisco, Calif., on flights which also serve a point south of San Jose, Calif., or a point north of Portland, and (iii) between San Diego and Los Angeles-Ontario, Calif. (when served through the Los Angeles International Airport), on flights which also serve a point north of Burbank, Calif., or east of San Diego.

(5) The holder shall schedule service to a minimum of two intermediate points between the following pairs of points:

Boise, Idaho, to:
 Oakland, Calif.
 San Diego, Calif.
 Burbank, Calif., to:
 Great Falls, Mont.
 Idaho Falls, Idaho
 Pocatello, Idaho
 Portland, Oreg.
 Great Falls, Mont., to:
 Los Angeles-Ontario, Calif.
 Oakland, Calif.
 Portland, Oreg.
 Riverside-Ontario, Calif.
 Salt Lake City, Utah
 San Francisco, Calif.
 San Jose, Calif.
 Seattle-Tacoma, Wash.
 Tucson, Ariz.
 Idaho Falls, Idaho, to:
 Las Vegas, Nev.
 Los Angeles-Ontario, Calif.
 Oakland, Calif.
 Riverside-Ontario, Calif.
 Sacramento, Calif.
 San Diego, Calif.
 San Francisco, Calif.
 San Jose, Calif.
 Indio-Palm Springs, Calif., to:
 Portland, Oreg.
 Seattle-Tacoma, Wash.
 Las Vegas, Nev., to:
 Pocatello, Idaho
 Los Angeles-Ontario, Calif., to:
 Pocatello, Idaho
 Los Angeles-Ontario, Calif. (when served through the Ontario International Airport), to:

Portland, Oreg.
 Los Angeles-Ontario (when served through the Los Angeles International Airport), to:
 Seattle-Tacoma, Wash.
 Oakland, Calif., to:
 Salt Lake City, Utah
 Seattle-Tacoma, Wash.
 Orange County-Santa Ana-Anaheim, Calif., to:
 Portland, Oreg.
 Pocatello, Idaho, to:
 San Diego, Calif.
 Portland, Oreg., to:
 San Diego, Calif.
 San Jose, Calif.
 Spokane, Wash.
 Riverside-Ontario, Calif., to:
 Pocatello, Idaho
 Riverside-Ontario, Calif. (when served through the Ontario International Airport), to:
 Portland, Oreg.
 Sacramento, Calif., to:
 Seattle-Tacoma, Wash.
 San Diego, Calif., to:
 Seattle-Tacoma, Wash.
 San Francisco, Calif., to:
 Salt Lake City, Utah
 San Jose, Calif., to:
 Seattle-Tacoma, Wash.

(6) The holder shall schedule a minimum of three intermediate points between the following pairs of points:

Seattle-Tacoma, Wash., to:
 Burbank, Calif.
 Los Angeles-Ontario, Calif. (when served through the Ontario International Airport)
 Orange County-Santa Ana-Anaheim, Calif.
 Riverside-Ontario, Calif. (when served through the Ontario International Airport)

Provided: That the holder may schedule a minimum of two intermediate points on flights between Seattle-Tacoma and Orange County-Santa Ana-Anaheim if Reno, Nev., is served as one of those intermediate points.

(7) The holder shall serve Spokane, Wash., on all flights serving Great Falls, Mont., on the one hand, and Salt Lake City, Utah, or Tucson, Ariz., on the other hand.

(8) If the holder has scheduled (a) one daily round trip to Sun Valley-Halley-Ketchum, Idaho, Cedar City, Utah, or Blythe, Calif., or to Bend-Redmond, Oreg., on flights serving Portland, Oreg., or (b) two round trips five days a week to Prescott, Kingman, Grand Canyon, or Page, Ariz., the holder may omit such point on any additional trip.

(9) The holder shall not provide turnaround service between Tucson and Phoenix, Ariz.

(10) The holder shall not provide single-plane service through the Ontario International Airport between Los Angeles-Ontario or Riverside-Ontario, Calif., and San Jose, Calif.

(11) The holder is authorized to render flag-stop service by omitting the physical landing of its aircraft at any intermediate point scheduled to be served on a particular flight: *Provided,* That there are no persons, property, or mail on the aircraft destined for that point and no traffic available there for the flight at the scheduled time of departure.

(12) The holder's authority to engage in the transportation of mail in these operations listed in Appendix A, Categories I

and II of Order 78-1-116, as amended by Order —, is limited to carriage on a nonsubsidy basis, i.e., on a service mail rate to be paid entirely by the Postmaster General; the authority listed in these categories shall, for purposes of profit sharing, be treated separately. The authority to operate over the segments listed in Category II is conditioned upon compliance with the interim accounting procedure for profit sharing adopted in Docket 28800.

(13) The holder's authority to serve Ephrata-Mose Lake, Wash., is suspended.

The exercise of the privileges granted by this certificate shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

The services authorized by this certificate were originally established pursuant to a determination of policy by the Civil Aeronautics Board that in the discharge of its obligation to encourage and develop air transportation under the Civil Aeronautics Act, as amended, it is in the public interest to establish certain air carriers who will be primarily engaged in short-haul air transportation as distinguished from the service rendered by trunkline air carriers. In accepting this certificate, the holder acknowledges and agrees that the primary purpose of this certificate is to authorize and require it to offer short-haul local or feeder, air transportation service of the character described above.

The holder acknowledges and agrees that it is entitled to receive only service mail pay for the mail service rendered or to be rendered solely in connection with operations specified in paragraph (12), and that it is not authorized to request or receive any compensation for mail service rendered or to be rendered for such operations in excess of the amount payable by the Postmaster General.

This certificate shall be effective on — *Provided, however,* That the continued authority to operate nonstop between (a) Spokane and Los Angeles/Reno, and (b) Phoenix and Des Moines/Milwaukee shall be conditioned on timely payment by the holder of such license fee as may be appropriate under rules to be prescribed by the Board.

The Civil Aeronautics Board has directed its Secretary to execute this certificate and to affix the seal of the Board on the —.

PHYLLIS T. KAYLOR,
 Secretary.

[FR Doc. 78-14807 Filed 5-25-78; 8:45 am]

[6335-01]

COMMISSION ON CIVIL RIGHTS

INDIANA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a factfinding meeting of the Indiana Advisory Committee (SAC) of the Commission will convene at 7 p.m. and will end at 9 p.m. on June 29, 1978 and will convene again on June 30, 1978 at 9 a.m. to 12 noon, Marriott Inn, I-69 and U.S.—North, Fort Wayne, Ind.

Persons wishing to attend this fact-finding meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Ill. 60604.

The purpose of this meeting is the Fort Wayne School Desegregation follow up: reports will be presented to the Committee from the Fort Wayne Action Committee, NAACP, Ministerial Alliance, Urban League, Fort Wayne Community Schools, and Teachers Association. Will also discuss fiscal year 1979 and 1980 programs.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 23, 1978.

JOHN I. BINKLEY,
Advisory Committee Management
Officer.

[FR Doc. 78-14760 Filed 5-25-78; 8:45 am]

[6335-01]

SOUTH CAROLINA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the South Carolina Advisory Committee (SAC) of the Commission will convene at 12 p.m. and will end at 4 p.m. on June 19, 1978 Holiday Inn Northwest, Junction Interstate 26 and U.S. 1, P.O. Box 258, Columbia, S.C. 29169. (Palmetto Room)

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Southern Regional Office of the Commission, 75 Piedmont Avenue, N.E., Atlanta, Ga. 30303.

The purpose of this meeting is to discuss draft copy of SAC report on Municipal Services in Mullins, make plans for follow up for Report Review proceedings of Regional SAC Conference in April.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 23, 1978.

JOHN I. BINKLEY,
Advisory Committee
Management Officer.

[FR Doc 78-14761 Filed 5-25-78; 8:45 am]

[6325-01]

CIVIL SERVICE COMMISSION

DEPARTMENTS OF COMMERCE; ENERGY; HEALTH, EDUCATION, AND WELFARE; EXECUTIVE OFFICE OF THE PRESIDENT

Grant of Authority To Make Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20) the

Civil Service Commission authorized the following agencies to fill by noncareer executive assignment in the excepted service the positions listed below:

Department of Commerce—Deputy Assistant Secretary for Domestic Business Development, Industry and Trade Administration.

Department of Energy—Executive Assistant to the Deputy Secretary, Office of the Deputy Secretary.

Department of Health, Education, and Welfare—Director, Community College Unit, Bureau of Postsecondary Education, Office of Education.

Executive Office of the President—Assistant Director for Domestic Policy Analysis, Office of Telecommunications Policy.

UNITED STATES CIVIL SERVICE COMMISSION.

JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc. 78-14808 Filed 5-25-78; 8:45 am]

[6325-01]

DEPARTMENTS OF COMMERCE; ENERGY; HEALTH, EDUCATION, AND WELFARE; FEDERAL HOME LOAN BANK BOARD

Grant of Authority To Make Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20) the Civil Service Commission authorizes the following agencies to fill by noncareer executive assignment in the excepted service the positions listed below:

Department of Commerce—Special Assistant for Minority Enterprise, Office of Minority Business Enterprise.

Department of Energy—(1) Chief, Office of Electric Power Regulation, Federal Energy Regulatory Commission; (2) Director, Office of Regulatory Analysis, Federal Energy Regulatory Commission.

Department of Health, Education, and Welfare—Director, Medicaid Bureau, Health Care Financing Administration.

Federal Home Loan Bank Board—Director, Federal Savings and Loan Insurance Corporation, Office of the Director.

UNITED STATES CIVIL SERVICE COMMISSION.

JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc. 78-14809 Filed 5-25-78; 8:45 am]

[6325-01]

DEPARTMENTS OF THE AIR FORCE; HEALTH, EDUCATION, AND WELFARE; LABOR; ENVIRONMENTAL PROTECTION AGENCY

Grant of Authority To Make Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20) the Civil Service Commission authorizes the following agencies to fill by noncareer executive assignment in the excepted service the positions listed below:

Department of the Air Force—Principal Deputy Assistant Secretary for Manpower Resources and Reserve Affairs, Office, Assistant Secretary (Manpower, Reserve Affairs and Installations), Office, Secretary of the Air Force.

Department of Health, Education, and Welfare—Director, Office of Legislative Planning, Office of Policy, Planning and Research, Office of the Administrator, Health Care Financing Administration.

Department of Labor—Deputy Assistant Secretary for Policy, Evaluation, and Research, Office of the Secretary.

Environmental Protection Agency—Executive Assistant (Econometrics) to the Administrator, Office of the Administrator.

UNITED STATES CIVIL SERVICE COMMISSION.

JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc. 78-14810 Filed 5-25-78; 8:45 am]

[6325-01]

DEPARTMENTS OF COMMERCE, ENERGY, ENVIRONMENTAL PROTECTION AGENCY

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Departments below to fill by noncareer executive assignment in the excepted service the following positions:

Department of Commerce—(1) Executive Director, Interagency Council for Minority Business Enterprise, Office of Minority Business Enterprise, and (2) General Counsel, National Oceanic and Atmospheric Administration.

Department of Energy—Associate Assistant Administrator for International Agreements and Regional Affairs, International Energy Affairs.

Environmental Protection Agency—(1) Scientific Assistant to the Administrator, Office of the Administrator, (2) Assistant to the Administrator, Office of the Administrator.

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

[FR Doc. 78-14648 Filed 5-25-78; 8:45 am]

[6325-01]

DEPARTMENTS OF COMMERCE, HEALTH, EDUCATION AND WELFARE, ENVIRONMENTAL PROTECTION AGENCY, INTERSTATE COMMERCE COMMISSION

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20) the Civil

Service Commission authorizes the following agencies to fill by noncareer executive assignment in the excepted service the positions listed below:

Department of Commerce—Special Counsel for Law of the Sea, National Oceanic and Atmospheric Administration.

Department of Health, Education and Welfare—Deputy Assistant Secretary for Education (Policy Development), Office of the Deputy Assistant Secretary for Education, Office of the Assistant Secretary for Education, Education Division.

Environmental Protection Agency—Executive Assistant to the Administrator (Technical), Office of the Administrator.

Interstate Commerce Commission—(1) Deputy Director, Office of Rail Public Counsel, (2) two positions of Associate Rail Public Counsel, Office of Rail Public Counsel.

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

[FR Doc. 78-14649 Filed 5-25-78; 8:45 am]

FEDERAL TRADE COMMISSION

CIGARETTE TESTING RESULTS

Tar and Nicotine Content

The Federal Trade Commission's laboratory has determined the "tar" (dry particulate matter) and total alkaloid (reported as nicotine) content of 167 varieties of domestic cigarettes. The laboratory utilized the Cambridge filter method with the specifications set forth in the Commission's announcement dated July 31, 1967 (32 FR 11178). The varieties are arranged in alphabetical order with tar values rounded to the nearest whole milligram and nicotine values rounded to the nearest tenth of a milligram.

Tar¹ and nicotine² content of 167 varieties of domestic cigarettes, Federal Trade Commission, May 1978

[In milligram per cigarette]

Brand	Type	TPM dry (tar) ¹	Nicotine ²
Alpine.....	King size, filter, menthol.....	14	0.8
American Lights.....	120 mm, filter.....	8	.7
Do.....	120 mm, filter, menthol.....	9	.7
Belair.....	King size, filter, menthol.....	15	.9
Do.....	100 mm, filter, menthol.....	16	1.1
Benson & Hedges.....	Regular size, filter (hard pack).....	1	.1
Do.....	King size, filter (hard pack).....	17	1.2
Benson & Hedges 100's.....	100 mm, filter (hard pack).....	17	1.1
Do.....	100 mm, filter, menthol (hard pack).....	17	1.1
Do.....	100 mm, filter.....	17	1.1
Do.....	100 mm, filter, menthol.....	17	1.0
Bull Durham.....	King size, filter.....	30	2.0
Camel.....	Regular size, nonfilter.....	25	1.6
Do.....	King size, filter.....	19	1.3
Carlton.....	King size, filter (hard pack).....	<0.5	<.05
Do.....	King size, filter.....	1	.1
Do.....	King size, filter, menthol.....	1	.1
Do.....	100 mm, filter.....	4	.4
Chesterfield.....	Regular size, nonfilter.....	23	1.3
Do.....	King size, nonfilter.....	28	1.7
Do.....	King size, filter.....	17	1.1
Do.....	101 mm, filter.....	17	1.1
Decade.....	King size, filter.....	5	.4
Do.....	King size, filter, menthol.....	5	.4
Doral.....	King size, filter.....	12	.9
Do.....	King size, filter, menthol.....	12	.8
DuMaurier.....	King size, filter (hard pack).....	16	1.1
English Ovals.....	Regular size, nonfilter (hard pack).....	23	1.6
Do.....	King size, nonfilter (hard pack).....	30	2.1
Eve.....	100 mm, filter.....	16	1.0
Eve.....	100 mm, filter, menthol.....	16	1.0
Eve 120's.....	120 mm, filter (hard pack).....	14	1.0
Do.....	120 mm, filter, menthol (hard pack).....	15	1.1
Fact.....	King size, filter.....	12	.8
Do.....	King size, filter, menthol.....	13	.9
Fatima.....	King size, nonfilter.....	28	1.7
Galaxy.....	King size, filter.....	16	1.0
Half & Half.....	do.....	24	1.5
Herbert Tareyton.....	King size, nonfilter.....	29	1.8
Hi-Lite.....	100 mm, filter (hard pack).....	10	.7
Home Run.....	Regular size, nonfilter.....	21	1.5
Iceberg 100's.....	100 mm, filter, menthol.....	3	.3

Tar¹ and nicotine² content of 167 varieties of domestic cigarettes, Federal Trade Commission, May 1978—Continued

(In milligram per cigarette)

Brand	Type	TPM dry (tar) ¹	Nicotine ²
Kent	King size, filter (hard pack)	15	1.0
Do	King size, filter	16	1.1
Kent Micronite II	do	12	.9
Kent Golden Lights	do	8	.7
Do	King size, filter, menthol	9	.7
Kent	100 mm, filter	18	1.3
Kent Micronite II	do	14	1.0
Kent Golden Lights	do	9	.8
Kent	100 mm, filter, menthol	17	1.1
Kent Golden Lights	do	9	.8
King Sano	King size, filter	8	.3
Do	King size, filter, menthol	8	.3
Kool	Regular size, nonfilter, menthol	20	1.3
Do	King size, filter, menthol (hard pack)	18	1.4
Do	King size, filter, menthol	17	1.4
Kool Milds	King size, filter, menthol	14	.9
Kool	100 mm, filter, menthol	18	1.3
L&M	King size, filter (hard pack)	17	1.0
L&M	King size, filter	17	1.0
L&M Lights	do	7	.8
L&M	100 mm, filter	17	1.1
L&M Lights	do	8	.6
L&M	100 mm, filter, menthol	18	1.1
L. T. Brown	120 mm, filter	20	1.5
Do	120 mm, filter, menthol	19	1.4
Lark	King size, filter	17	1.1
Do	100 mm, filter	19	1.2
Long Johns	120 mm, filter	17	1.3
Do	120 mm, filter, menthol	16	1.3
Lucky Strike	Regular size, nonfilter	24	1.4
Lucky Ten	King size, filter	9	.7
Lucky 100's	100 mm, filter	3	.3
Mapleton	Regular size, nonfilter	27	1.2
Do	King size, filter	24	1.4
Marlboro	King size, filter (hard pack)	17	1.0
Do	King size, filter, menthol (hard pack)	14	.8
Do	King size, filter	17	1.0
Marlboro Lights	do	12	.8
Marlboro	King size, filter, menthol	14	.8
Do	100 mm, filter (hard pack)	17	1.1
Do	100 mm, filter	18	1.1
Max	120 mm, filter	17	1.3
Max	120 mm, filter, menthol	17	1.3
Merit	King size, filter	8	.6
Do	King size, filter, menthol	8	.6
Merit 100's	100 mm, filter	11	.7
Do	100 mm, filter, menthol	11	.7
Montclair	King size, filter, menthol	17	1.3
More	120 mm, filter	23	1.7
Do	120 mm, filter, menthol	23	1.7
Multifilter	King size, filter	13	.8
Do	King size, filter, menthol	11	.7
Newport	King size, filter, menthol (hard pack)	17	1.2
Do	King size, filter, menthol	18	1.3
Newport Lights	do	10	.8
Newport	100 mm, filter, menthol	19	1.4
Now ³	King size, filter (hard pack)	1	.1
Now ³	King size, filter, menthol (hard pack)	1	.1
Oasis	King size, filter, menthol	18	1.1
Old Gold Straights	Regular size, nonfilter	20	1.2
Do	King size, nonfilter	25	1.5
Old Gold Filters	King size, filter (hard pack)	16	1.1
Do	King size, filter	18	1.2
Old Gold 100's	100 mm, filter	21	1.4
Pall Mall	King size, nonfilter	26	1.6
Do	King size, filter	17	1.2
Pall Mall Extra Mild	do	7	.5
Pall Mall	100 mm, filter	19	1.4
Do	100 mm, filter, menthol	16	1.2
Parliament	King size, filter (hard pack)	9	.6
Do	King size, filter	9	.6
Do	100 mm, filter	12	.8
Philip Morris	Regular size, nonfilter	20	1.1
Philip Morris Commander	King size, nonfilter	25	1.4
Philip Morris International	100 mm, filter (hard pack)	17	1.1
Do	100 mm, filter, menthol (hard pack)	16	1.0
Picayune	Regular size, nonfilter	23	1.6
Piedmont	do	24	1.4
Players	Regular size, nonfilter (hard pack)	35	2.5
Raleigh	King size, nonfilter	24	1.4
Do	King size, filter	16	1.0
Raleigh Lights	do	13	.9
Raleigh	100 mm, filter	17	1.2
Real	King size, filter	9	.7
Do	King size, filter, menthol	8	.8

Tar¹ and nicotine² content of 167 varieties of domestic cigarettes, Federal Trade Commission, May 1978—Continued

(In milligram per cigarette)

Brand	Type	TPM dry (tar) ¹	Nicotine ²
St. Moritz	100 mm, filter	16	1.1
Do	100 mm, filter, menthol	17	1.1
Salem	King size, filter, menthol (hard pack)	18	1.2
Do	King size, filter, menthol	16	1.1
Salem Lights	do	10	.8
Salem	100 mm, filter, menthol	19	1.3
Salem Long Lights	do	10	.8
Sano	Regular size, nonfilter	16	.6
Saratoga	120 mm, filter (hard pack)	15	1.0
Do	120 mm, filter, menthol (hard pack)	16	1.0
Silva Thins	100 mm, filter	16	1.2
Do	100 mm, filter, menthol	16	1.1
Spring 100's	do	20	1.1
Stratford	King size, nonfilter	28	1.1
Do	King size, filter	25	1.4
Tall	120 mm, filter	17	1.4
Do	120 mm, filter, menthol	16	1.3
Tareyton	King size, filter	17	1.2
Tareyton Lights	do	7	.6
Tareyton	100 mm, filter	16	1.2
Tempo	King size, filter	7	.5
True	do	5	.4
Do	King size, filter, menthol	5	.4
True 100's	100 mm, filter	13	.8
Do	100 mm, filter, menthol	13	.8
Twist	100 mm, filter, lemon/menthol	17	1.3
Vantage	King size, filter	11	.8
Do	King size, filter	11	.8
Do	100 mm, filter, menthol	10	.8
Viceroy	King size, filter	16	1.1
Viceroy Extra Mild	do	11	.8
Viceroy	100 mm, filter	18	1.2
Virginia Slims	do	16	.9
Do	100 mm, filter, menthol	16	.9
Winston	King size, filter (hard pack)	19	1.3
Do	King size, filter	20	1.3
Winston Lights	do	13	.9
Winston	100 mm, filter	19	1.3
Winston Lights	do	13	1.0
Winston	100 mm, filter, menthol	19	1.3

¹TPM (tar)—milligrams total particulate matter less nicotine and water.²Milligrams total alkaloids reported as nicotine.³Now cigarettes have been reformulated to produce 2 mg tar and 0.1 mg nicotine in the FTC test method, according to the manufacturer.

By direction of the Commission dated May 5, 1978.

CAROL M. THOMAS,
Secretary.

[FR Doc. 78-14547 Filed 5-25-78; 8:45 am]

[3510-22]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric
AdministrationMID-ATLANTIC FISHERY MANAGEMENT
COUNCIL'S SCIENTIFIC AND STATISTICAL
COMMITTEE

Public Meeting

The Scientific and Statistical Committee of the Mid-Atlantic Fishery Management Council, established under section 302(g) of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), will meet June 12, 1978, at Brandywine Hilton, 195 and Naamans Road, Claymont, Delaware 19703. The meeting starts at 9 a.m. on June 12, 1978, and will end at approximately 3 p.m.

Proposed Agenda: (1) Review of Butterfish and Shark Fishery Management Plans; (2) Develop priority list for fishery management; (3) Review of Surf Clam Situation.

Meeting is open to the public. For more information on seating, changes to the agenda, and/or written comments, contact John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, North and New Streets, Dover, Delaware, telephone 302-674-2331.

Dated: May 22, 1978.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.
[FR Doc. 78-14787 Filed 5-25-78; 8:45 am]

[6820-33]

COMMITTEE FOR PURCHASE FROM
THE BLIND AND OTHER SEVERELY
HANDICAPPED

PROCUREMENT LIST 1978

Additions

AGENCY: Committee for Purchase

from the Blind and Other Severely Handicapped.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to Procurement List 1978 services to be provided by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: May 26, 1978.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street N., Suite 610, Arlington, Va. 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, 703-557-1145.

SUPPLEMENTARY INFORMATION: On February 10 and February 17,

1978, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (43 FR 5861 and 43 FR 6992) of proposed additions to Procurement List 1978, November 14, 1977 (42 FR 59015).

After consideration of the relevant matter presented, the Committee has determined that the services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48(c), 85 Stat. 77.

Accordingly, the following services are hereby added to Procurement List 1978:

SIC 7349

Janitorial/Custodial (SH), Including Light Fixture Cleaning, Veterans Administration Building, 252 Seventh Avenue, New York, N.Y.

SIC 7399

Shrink Wrapping Gift Packages (SH), Item No. 825.
U.S. Postal Service, Item No. 826.
Washington, D.C., Item No. 827.

C. W. FLETCHER,
Executive Director.

[FR Doc. 78-14783 Filed 5-25-78; 8:45 am]

[6820-33]

PROCUREMENT LIST 1978

Proposed Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Addition to Procurement List.

SUMMARY: The Committee has received a proposal to add to Procurement List 1978 military resale items produced by workshops for the blind or other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: June 28, 1978.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street N., Suite 610, Arlington, Va. 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, 703-557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a) (2), 85 Stat. 77.

If the Committee approves the proposed addition, all entities of the Federal Government will be required to procure the military resale items listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following military resale items to Procurement List 1978, November 14, 1977 (42 FR 59015): I73 Military Resale Item No. and Name

No. 555.—Scrubber, Kitchen.
No. 556.—Scrubber, Bathroom.

No. 557.—Scrubber, General Household.
No. 596.—Cutlery Set, H.D., Plastic.
No. 597.—Knives, H.D., Plastic.
No. 598.—Forks, H.D., Plastic.
No. 599.—Spoons, H.D., Plastic.

C. W. FLETCHER,
Executive Director.

[FR Doc 78-14782 Filed 5-25-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

Office of Energy Technology

LIGNITE SUBCOMMITTEE, FOSSIL ENERGY ADVISORY COMMITTEE

Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Lignite Subcommittee of the Fossil Energy Advisory Committee will meet Thursday, June 15, 1978, at 9 a.m. in Room 125 at the Grand Forks Energy Research Center, 15 North 23rd Street, Grand Forks, North Dakota.

The purpose of the Subcommittee is to advise the Secretary of Energy with regard to the Grand Forks Energy Research Center's activities which pertain to developing technology for the use of lignite and other low-rank coal.

The agenda for the meeting is as follows:

9 a.m.—Opening Remarks.

9:15 a.m.—DOE Fossil Energy Organization Program Status and Plans for fiscal year 1978, 1979, 1980.

9:45 a.m.—General Summary of Grand Forks Energy Research Center (GFERC) Program and Facilities Status and Plans.

10:15 a.m.—Details of GFERC Technical Program fiscal year 1978 and Plans for fiscal year 1979-80: Gasification, Liquefaction, Combustion, Emissions Control, Analytical Research and Support.

11:30 a.m.—Lunch Break and Tour of Center.

1 p.m.—Continue Detailed Discussion of GFERC Technical Program.

1:30 p.m.—Activities at Area Universities.

1:45 p.m.—Discussion by the Subcommittee: Plans for 1979 Lignite Symposium; Low-Rank Coal Lead Center Status for GFERC; Reinstatement of Low-Rank Coal Preparation Program at GFERC; Need for Lignite Mining Research North Dakota Lignite Development and Research Needs; Gulf Coast Lignite Development and Research Needs.

4 p.m.—Public Comments (10 Minute Rule), Concluding Remarks.

The meeting is open to the public. The Chairman of the Subcommittee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Subcommittee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform

Georgia Hildreth, Acting Director, Advisory Committee Management, 202-566-9996, at least 5 days prior to the meeting and reasonable provision will be made for their appearance on the agenda.

The transcript of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 2107, DOE, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Any person may purchase a copy of the transcript from the reporter.

Issued at Washington, D.C. on May 23, 1978.

WILLIAM P. DAVIS,
Deputy Director of
Administration.

[FR Doc. 78-14780 Filed 5-25-78; 8:45 am]

[3128-01]

Office of Special Counsel for Compliance

[Case No. 680R00205]

PHILLIPS PETROLEUM CO.

Action Taken on Consent Order

Pursuant to 10 CFR § 205.199J, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE), hereby gives notice of final action taken on a Consent Order. Under the terms of 10 CFR § 205.199J(c), no Consent Order involving sums in excess of \$500,000 shall become effective until DOE publishes notice of its execution and solicits and considers public comments with respect to its terms. On September 15, 1977, DOE published Notice of a Consent Order which was executed between Phillips Petroleum Co. (Phillips) and DOE (42 FR 46393, September 15, 1977). With that notice, and in accordance with 10 CFR § 205.199J(c), DOE invited interested persons to comment on the Consent Order. The only comment received by DOE with respect to the Consent Order concerned the proposed remedy for \$977,890.54 in overcharges which DOE alleged to have occurred in Phillips' sales of No. 2 heating oil and kerosene to Union Petroleum Corp. (Union) during 1974, 1975, and 1976. The comment recommended that the Consent Order contain express provisions to protect Union's customers who may have been overcharged as a result of the alleged excessive prices.

10 CFR § 205.199J(a) empowers the DOE to provide such remedies as it determines are necessary. Accordingly, after giving due consideration to the comment received, DOE is concurrently issuing an Ancillary Order to Union Petroleum Co. requiring Union to:

a. Deposit the total amount of the refund from Phillips into a special segregated account to which interest will be accrued.

b. Maintain in the special account all amounts deposited and all amounts earned and/or accumulated on the deposit until otherwise directed by designated officials of the Department of Energy.

c. Keep the account available for inspection, audit, and other purposes deemed necessary by the Department of Energy.

With the issuance of the Ancillary Order to Union, DOE has concluded that the Consent Order as executed between DOE and Phillips is an appropriate resolution of the compliance proceedings described in the Notice published on September 15, 1977, and hereby gives notice that the Consent Order shall become effective on May 27, 1978.

Issued in Washington, D.C., on the 23rd day of May, 1978.

PAUL L. BLOOM,

Special Counsel for Compliance.

[FR Doc. 78-14864 Filed 5-25-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[EPL 902-1]

ENVIRONMENTAL IMPACT STATEMENTS

Receipt

Pursuant to the President's Reorganization Plan No. 1, the Environmental Protection Agency is the official recipient for environmental impact statements (EIS's) and is required to publish the availability of each EIS received weekly. The following is a list of environmental impact statements received by the Environmental Protection Agency from May 15, through May 19, 1978. The date of receipt for each statement is noted in the statement summary. Under the Guidelines of the Council on Environmental Quality the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days; the date of submission of comments is July 10, 1978. The thirty (30) day period for each final statement begins the day the statement is made available to the Environmental Protection Agency and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies are also available at 10 cents per page from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

Dated: May 23, 1978.

PETER F. SMITH,
Acting Director,
Office of Federal Activities.

DEPARTMENT OF AGRICULTURE

Contact: Mr. Barry Flamm, Coordinator, Environmental Quality Activities, U.S. Department of Agriculture, Room 359A, Washington, D.C. 20250, 202-447-3965.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

The comment period for the following draft EIS has been shortened to June 5, 1978, due to restraints placed upon the agency by the court system.

Draft

Japanese Beetle Regulatory Program, May 17: This statement presents the selection criteria of the Japanese Beetle regulatory program of retarding the artificial movement of the Japanese Beetle by aircraft from infested areas to the following noninfested States: Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, and certain foreign countries. Approximately seven airports in the infested area may be declared hazardous due to high populations of Japanese Beetles in the coming year. Approximately 3,000 aircraft will require some type of chemical treatment (USDA-APHIS, (ADM)-78-1-D). (ELR Order No. 80522.)

FOREST SERVICE

Final

Upper Cispus Unit Plan, Gifford Pinchot National Forest, Lewis, Skamania, and Yakima Counties, Oreg., May 16: Proposed is the implementation of a comprehensive land use plan for the Upper Cispus Planning Unit, Gifford Pinchot National Forest, the unit covers 183,960 acres of land, of which 114,630 acres lie in Lewis County, 64,930 acres lie in Skamania County, and 4,400 acres lie in Yakima County. Primary land allotments are for purposes of timber management, wilderness study, dispersed recreation, and allocation to key wildlife habitat. Adverse effects include those caused by additional people in the area (USDA-FS-R6-FES(ADM)-78-1). Comments made by: USDA, FERC, EPA, DOE, DOI, State and local agencies, and groups and individuals and businesses. (ELR Order No. 80516.)

Lone Tree unit plan, Gifford Pinchot National Forest, Lewis and Skamania Counties, Wash., May 16: The proposed action describes alternative management plans for national forest land in the lone tree planning unit, located in Lewis and Skamania Counties, Wash. Included is 1,480 acres of private land and 113,370 acres of national forest land administered by the Gifford Pinchot National Forest's Randle ranger district. The Lone Tree unit is 1 of 16 such units on the Gifford Pinchot National Forest. The geographic center of the unit is about 65 airline miles northeast of Vancouver, Wash., and Portland, Oregon Metropolitan Area, and 70 miles southeast of the Seattle/Tacoma area (USDA-FS-R6-FES(ADM)-78-5). Comments made by: DOE, HUD, FERC, DOT, EPA, USDA, DOI, State and local agencies, and groups, individuals, and businesses. (ELR Order No. 80515.)

RURAL ELECTRIFICATION ADMINISTRATION

Draft

Black Fox station units 1 and 2, guaranteed loan, Rodgers County, Okla., May 19: This statement concerns the use of REA guaranteed loan funds by Western Farmers Electric Cooperative of Anadarko, Oklahoma and Associated Electric Cooperative, Inc., to finance a 39.19 percent undivided ownership interest in units 1 and 2 of the Black Fox station, Rodgers County, Okla. The station would consist of two boiling water reactors producing up to 3,579 megawatts thermal per unit. Steam turbine generators would use this heat to provide 1,150 megawatts of electrical power capacity per unit (USDA-FEA-EIS(ADM)-78-4-D). (ELR Order No. 80532.)

U.S. ARMY CORPS OF ENGINEERS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Department, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202-693-6795.

Draft

Norfolk Lake highway bridges, U.S. 62 and AR-101, Baxter County, Ark., May 16: The purpose of this proposed project is to connect two segments of U.S. Highway 101, which are presently separated by Norfolk Lake, located in township 19 north, range 12 west Baxter County, Ark. The project consists of the construction of two high level, 2-lane, fixed bridges referred to as U.S. 62 and Arkansas 101 and the necessary bridge approaches. The U.S. 62 bridge would span 3,460 feet long and Arkansas 101 would be 2,880 feet long, eight alternates are considered (Little Rock District). (ELR Order No. 80511.)

Draft

Richard B. Russell Dam and Lake, pumped storage, several counties in Georgia and South Carolina, May 15: The proposed action concerns the installation of pump storage units at the Richard B. Russell Dam and Lake located in the counties of Elbert and Hart, Ga., and Abbeville and Anderson Counties, S.C. The units consist of four 75,000 kW reversible motor generator units driven by four reversible pump turbines. The reversible pump turbines will be in the dam located on the Savannah River. The turbines for the pump units will be a vertical shaft, single unit reversible pump type (Savannah District). (ELR Order No. 80509.)

Madison Parish Port improvement, Madison County, La., May 15: The proposed project concerns improvements to the Madison Parish Port, Madison Parish, La. The actions involved are the creation of a 9 by 150 foot access channel with a 35 by 1,100 foot turning basin in a sand bar west of the main channel of the Mississippi River. Dredged material from construction and maintenance operations will be deposited in confined, upland areas designated for disposal. A total of 610,000 cubic yards of material will be removed from the sand bar during construction. The project will also include a fluting and berthing area that will be constructed by local interests (Vicksburg District). (ELR Order No. 80597.)

Final

Potomac River water supply structures, counties in Maryland and Virginia, May 18: Proposed is the corps' issuance of three

pending permit applications for structures associated with water supply facilities on the Potomac River. Plans call for construction of a diversion weir across the north channel of the Potomac River near Watkins Island, Montgomery County, by the Washington Suburban Sanitary Commission (WSSC); the replacement of the existing intake structure at that location by WSSC; and the construction of an intake facility at Lowes Island, Loudoun County, VA., by the Fairfax County Water Authority (FWA-VA-EIS-77-01-F). Comments made by: EPA, USDA, DOC, DOI, State agencies, and individuals. (ELR Order No. 80523.)

Lutsen and Beaver Harbors of Refuge, Lake Superior, Cook and Lake Counties, Minn., May 18: The statement proposes the construction of two harbors-of-refuge at Lutsen and Beaver Bay, Minn. The project is part of a continuous system of harbors for small craft along the north shore of Lake Superior at 30 to 40 mile intervals. Structures necessary at the Lutsen site would cover one acre of lake bottom, and one acre would be dredged. At the Beaver Bay site, structures would cover 0.05 acre of land and 2 acres would be dredged. In addition, an indetermined amount of lake bottom and land area would be utilized for project-induced secondary developments (St. Paul District). Comments made by: EPA, USDA, DOC, HUD, HEW, DOI, CGD, DOT, AHP, State and local agencies, and groups and individuals. (ELR Order No. 80526.)

Final supplement

GIWW dredge, channel to Rockport (S-2), Texas, May 16: This statement supplements a final EIS filed with CEQ in January 1976. The proposed action is periodic maintenance dredging of the channel to Rockport, Tex., which is a tributary channel to the Gulf intracoastal waterway (GIWW). The project is a shallow-draft channel and turning basin in Aransas Bay adjacent to Rockport. The project includes a channel 9 feet deep by 200 feet wide from the main channel of the GIWW to the city of Rockport. The project also includes a turning basin near Rockport 9 feet deep by 1,255 feet long (Galveston District). Comments made by: EPA, DOC, DOI, DOT, CGD, USDA, AHP, and State and local agencies. (ELR Order No. 80514.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Wallace Stickney, Environmental Protection Agency, Region 1, JFK Federal Building, Boston, Mass. 02203, 617-223-4635.

Final supplement

Scarborough wastewater collection, disposal system, Cumberland County, Maine, May 17: This statement supplements a final EIS filed in May 1977 concerning step II grant funds for the Scarborough sanitary district for the design and construction of a sanitary sewerage system in Scarborough, Cumberland County, Maine. The final EIS recommended a preferred alternative which, due to subsequent studies, has been shown as not feasible. As a result, another alternative has been selected for consideration which involves the construction of a 1.8 MGD wastewater treatment facility at Prout's Neck with an ocean outfall off Prout's Neck for disposal of the treated effluent. (ELR Order No. 80518.)

GREAT LAKES BASIN COMMISSION

Contact: Mrs. Lee Batts, Chairman, GLBC, 3475 Plymouth Road, Post Office

Box 48106, Ann Arbor, Michigan 48106, 313-668-2300.

The following draft EIS has been issued by the Great Lakes Basin Commission to fulfill the requirement of the EIS process and the Resource Study. Therefore the review has been extended to 90 days.

Draft

Maumee River Basin Study, several counties, Michigan, Ohio, and Indiana, May 18: The proposed action involves the Maumee Level B Plan which includes provisions for the conservation, development, and use of water and related land resources consistent with the interests of the local citizens, the States of Michigan, Indiana, and Ohio, and the Nation. The plan preparation process was designed to fulfill the environmental impact analysis requirements of the National Environmental Policy Act. The proposed action proposes future programs to meet resource needs and problems needs and problems in the areas of land resources management, erosion and sedimentation, water quality, wildlife, hunting and flooding in the Maumee Bay. (ELR Order No. 80525.)

DEPARTMENT OF THE INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256, Interior Building, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

BUREAU OF LAND MANAGEMENT

Draft

Hot Desert Grazing Management Plan, Dixie Resource, Washington County, Utah, May 19: This statement concerns livestock grazing management plans in 529,564 acres of public land in the Dixie Resource Area, Washington County, Utah. The plan will involve 42 allotment plans, 14 custodial plans and 3 plans to eliminate grazing. Four basic systems are proposed which consist of: (1) A 1-year rest period on 401,271 acres; (2) delayed grazing on a portion of each allotment during the growing season; (3) delay of grazing until after the growing season; and (4) season long use primarily during the winter period (DES-78-21). (ELR Order No. 80528.)

Draft

Sandy Area Livestock Grazing Management, several counties, Wyoming, May 19: This statement concerns a grazing management program for the Sandy Area located in Sweetwater, Lincoln, Sublette and Fremont Counties, Wyo. The project proposes management of grazing on approximately 1,997,330 acres and no grazing on 970 acres. The plan will involve 16 allotment plans (Amp's) and 13 custodial pastures employing a variety of grazing/rest rotation plans. The action will also provide for, within the Amp's, seasonal use, proper grazing, allowance of animal unit months (AUM), Available boundaries, grazing land treatment, and conversion of livestock qualification in AUM's. (DES-78-22). (ELR Order No. 80529.)

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Contact: Mr. Nathaniel Cohen, Director, Office of Policy Analysis, National Aeronautics and Space Administration, 4400 Maryland Avenue, Washington, D.C. 20546, 202-755-8433.

Final Supplement

Space Shuttle Program (S-2), May 16: The proposed program entails the development

of a reusable space shuttle system for carrying payloads to near-Earth orbit and back to Earth, production of the necessary vehicles, and operations beginning in 1979 and extending for at least a decade. This revisor of a 1972 broad program statement considers systems design changes and other recently derived information in assessing environmental effects. Potential adverse effects include air pollution and noise from rocket exhausts at test and launch sites, sonic boom at launch and landing sites, and a small decrease in stratospheric ozone concentration. Comments made by: AHP, USDA, USAF, HEW, DOI, STAT, and State and local agencies. (ELR Order No. 80513.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410, 202-755-6308.

Draft

Terrestria Planned Unit Development, Stone Bridge, Camden County, N.J., May 16: The proposed action concerns the issuance of land acquisition and development, and subdivision feasibility mortgage insurance for the residential development of Terrestria (Stone Bridge Run), Gloucester Township, Camden County, N.J. The development will consist of mixed residential uses with 2,765 dwelling units of a variety of types including single-family detached, townhouses, duplexes, and high rise apartments, seven acres are to be used for shopping and 81 acres of flood plain will be left undeveloped (HUD-R02). (ELR Order No. 80520.)

Final

Larchmont Natomas Development, Rancho Cordova, Sacramento County, Calif., May 15: Proposed is the development of a residential development incorporating public and commercial land uses, containing 240 acres, 1,295 dwelling units, and an ultimate population estimated at 4,250. The project is located in the community of Rancho Cordova, Sacramento County, Calif. (HUD-R09-EIS-77-6F). Comments made by: AHP, USDA, COE, HEW, DOT, GSA, and State and local agencies. (ELR Order No. 80506.)

Final

I-95/Route 40 Growth Corridor, New Castle Co., New Castle County, Del., May 19: The proposed action is for the Department of HUD to accept the New Castle County 1985 general comprehensive plan and to accept future HUD project applications within the I-95/Route 40 growth corridor for processing without applying the automatic 500-unit EIS threshold if they are in compliance with the plan and this EIS. The 18.5-mile growth corridor would provide living accommodations for approximately 40,000 people by the year 1995. Adverse effects include the loss of approximately 1,500 acres of forested land and 5,000 acres of prime and productive farmland, and increased air and water pollution. (ELR Order No. 80531.)

West Park Hills & Countryside Developments, Hennepin County, Minn., May 19: Proposed is the issuance of mortgage insurance under section 203(B) for 764 dwelling units comprising portions of the countryside and West Park Hills housing developments in the city of Bloomington, Hennepin

County, Minn. The developments cover .86 square mile for which approximately 1,275 housing units are planned. Adverse impacts include the removal of 1 square mile of agricultural land and wildlife habitat from production; increased demand for public services and facilities; increased air and noise pollution; increased pressure for development; and construction-related pollution. (HUD-R05-EIS-78-02-D.) Comments made by: FERC, DOT, GSA, VA, EPA, DOI, HUD, DOC, and State and local agencies. (ELR Order No. 80536).

Robinwood Subdivision, formerly North Forest, Montgomery County, Tex., May 16: The proposed action is for the Department of HUD to accept for HUD/FHA mortgage insurance purposes the 199,186 acre Robinwood subdivision located in Montgomery County, Tex. When completed in approximately 6 years, the subdivision will contain approximately 763 single-family homes, plus some possible proposed multifamily housing, and commercial and recreational facilities to serve the needs of the subdivision. The proposed project has been renamed from North Forest to Robinwood since the draft EIS was filed. (HUD-R06-EIS-78-14P). Comments made by: USDA, EPA, DOI, DOT, AHP. (ELR Order No. 80510.)

The following are community development block grant statements prepared and circulated directly by applicants pursuant to section 104(H) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local executive. Copies are not available from HUD.

SECTION 104(H)

Draft

Rochester Circulation Plan, Central Business District, Monroe County, N.Y., May 19: The proposed action is a request by the city of Rochester for HUD block grant funds for a circulation plan for the city of Rochester's central business district, Monroe County, N.Y. The action involves the conversion of three-tenths of a mile of Main Street into a pedestrian/transit with widened sidewalks, Main Street between St. Paul Street and Chesnut Street will become a two lane curbed roadway section with bus lanes at stops. To accommodate traffic volume, reclassification of key thoroughfares will be made in the core retail area, and new street construction will be considered. (ELR Order No. 80530.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street SW., Washington, D.C. 20590, 202-426-4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft

U.S. 20 and MA-85, Marlborough, Middlesex County, Mass., May 15: The proposed action is the relocation of U.S. 20 and MA-85 in the city of Marlborough, Middlesex County, Mass. The proposed segments include a 700-foot west section and a 650-foot east section of Route 20 south of its present alignment and the 1,250-foot south section of relocated Route 85 west of the present route. These segments will complete the relocation of these roadways as four-lane uncontrolled access arterials. To build alternatives are being considered in addition to a nonbuild alternative (FHWA-MASS-EIS-78-02-D). (ELR Order No. 80508.)

Draft

Kipling to Independence, I-70 to Ralston Road, Jefferson County, Colo., May 17: This project consists of the location and construction of a four-lane arterial through the Kipling/Independence Corridor. The corridor is located in the northwest quadrant of the Denver Metropolitan Area and south central portion of the city of Arvada, Jefferson County, Colo. In addition to a no-build alternative, four others are being considered which are: (1) The existing route along Kipling/Independence; (2) extend Kipling north to Arvada Cemetery and transition into Independence; (3) transition from Kipling to Independence along the public service power lines and extend up Independence; (4) extend Kipling north to Ralston Road. (FHWA-COLO-EIS-78-01-D) (ELR Order No. 80521.)

Dubuque north-west arterial U.S. 20 to U.S. 52 and Iowa-3, Dubuque County, Iowa, May 16: The proposed project pertains to the construction of a divided four-lane highway facility beginning at U.S. 20 in the vicinity of its intersection with Crescent Ridge Road in the west-central portion of Dubuque and proceeding northerly and to intersect with U.S. 52 and Iowa-3 northerly of West Thirty-Second Street, a distance of approximately 5.0 miles. The project is located within the Dubuque Metropolitan Area in Dubuque County, Iowa (FHWA-IOWA-EIS-78-01-D). (ELR Order No. 80517.)

Powell Boulevard, Phase II, Mt. Hood, Highway 26, Multnomah County, Oreg., May 16: The proposed project is to widen and improve a portion of SE. Powell Boulevard from SE. 50th to SE. 92nd Avenue, west of I-205, the city of Portland and Multnomah County, Oreg. In addition to a no-build alternative, three build alternatives are being considered, which would widen the 40-foot roadway to 60 feet with two travel lanes in each direction, left-turn refuges, bus pull-out bays, no on-street parking, and a coordinated signal system. The alternatives differ in the width of right-of-way and other features (FHWA-OR-EIS-78-7-D). (ELR Order No. 80512.)

Taylor Drive CTH TA, Sheboygan County, Wis., May 17: The proposed action concerns the construction of a major arterial roadway in Sheboygan City, Sheboygan County, Wis. The roadway, to be known as CTH "TA" Taylor Drive, will extend northward from CTH PP to North Avenue and then eastward to STH 42. The construction will consist of the initial 1.16-mile segment of new roadway with approximately 250 feet of right-of-way and the upgrading of a 3.0-mile segment of existing roadway, the majority of which will be contained within the existing right-of-way (FHWA-WISC-EIS-77-02-D). (ELR Order No. 80519.)

Draft Supplement

Supplement Freeway 408, Barry to Quincy, Pike and Adams Counties, Ill., May 15: This statement supplements a draft EIS filed in February 1974 concerning a proposed highway project consisting of constructing a section of supplemental freeway FAP 408 between the cities of Barry and Quincy in Pike and Adams Counties, Ill. When completed FAP 408 will establish a freeway across midstate Illinois connecting the major metropolitan termini of west-central Illinois, Springfield and Quincy. The project will involve approximately 1,100 acres and will provide a four-lane, full access control facility for a length of about

26 miles (FHWA-ILL-EIS-74-01-D). (ELR Order No. 80505.)

Final

Route 168—Great Bridge Bypass, Chesapeake County, Va., May 18: Proposed is the construction of Route 168 Great Bridge Bypass located within the city of Chesapeake. The facility will consist of two 24-foot wide lanes separated by a 40-footwide depressed median, beginning just south of Kegman Road and proceeding in a northerly direction for 4.4 miles to the intersection of Oak Grove Road and Battlefield Boulevard. The entire facility will be on new location and will cross the Chesapeake and Albemarle Canals. Adverse effects include the relocation of 29 families and 2 businesses and the destruction of approximately 2.6 acres of wetlands (Region 3). FHWA-VA-EIS-77-01-F. Comments made by: DOI, USDA, EPA, DOC, CGD, and State agencies. (ELR Order No. 80524.)

URBAN MASS TRANSPORTATION ADMINISTRATION

Final

Dade County Metro Rail Transit, Dade County, Fla., May 18: Proposed is the granting of UMTA Federal grant assistance for a fixed rail rapid transit project in Metropolitan Dade County, Fla., beginning in the vicinity of Dadeland and extending 20.5 miles northeasterly to the central business district of Miami. Adverse impacts include the demolition of 100-150 commercial buildings and 575-650 residential units; loss of some vegetation; and construction-related impacts. (UMTA No. FL-03-0036). Comments made by: DOC, DOD, COE, HEW, DOI, DOT, CGD, EPA, State and local agencies, and groups and individuals. (ELR Order No. 80527.)

INFORMATION REPORTS

The EPA has received the following reports which provide supplemental information on proposals which have fulfilled the NEPA process. Copies of the reports are available from the originating agency upon request.

U.S. Army, Corps of Engineers, Dr. C. Grant Ash, Office of Environmental Policy Department, Attention: DAEN-CWR-P, Office of the Chief of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20310, 202-693-6795.

ELR No., Date received, and Title

- 80533—May 19, 1978—Clarification Statement to Mount Morris Operation and Maintenance FEIS dated June 1975, Livingston County, N.Y.
- 80534—May 19, 1978—Clarification Statement Pointe Mouillee Dredged Material Disposal Facility, Monroe County, Mich., FEIS dated April 5, 1974.
- 80535—May 19, 1978—Clarification Statement to Maintenance Dredging of the Federal Navigation Channels in the Saginaw River and Saginaw Bay, Mich.
- 80537—May 19, 1978—Supplement II, Information Supplement to Chief Joseph Dam Additional Units, Environmental Impact Statement, Columbia River, Wash., Relocation of Road and Utilities.

OFFICIAL CORRECTION AND EXTENSION OF TIME

In the FEDERAL REGISTER dated April 21, 1978 EPA incorrectly listed a final

EIS as a Draft. The review period has been officially extended to June 10, 1978. The statement should be listed as:

Contact: Mr. William Geise, Environmental Protection Agency, Region 8, 1860 Lincoln Street, Denver, Colo. 80203, telephone 303-837-4831.

Final

Denver Regional Wastewater Facilities, Colorado, April 12: Proposed is the construction, improvement, and/or expansion of the municipal wastewater collection and treatment systems for the Denver region in Colorado. The region includes the following planning areas: South Adams County, Englewood and Littleton, South Lakewood, Cherry Creek and Goldsmith Gulch, Lower South Platte, Clear Creek and Sand Creek, Westminster and Broomfield, Northglenn and the Metropolitan Denver Sewage Disposal District No. 1. Adverse impacts include construction site erosion, runoff, and stream channelization (Region 8). (EPA-90815-77-001A.) Comments made by: USDA, DOI, FEA, HEW, HUD, State and local agencies, and groups and individuals. (ELR Order No. 80353.)

(FR Doc. 78-14822 Filed 5-25-78; 8:45 am)

[6560-01]

(FRL 901-7; OPP-00073)

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT SCIENTIFIC ADVISORY PANEL

Open Meeting

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

ACTION: Notice of open meeting.

SUMMARY: There will be a two-day meeting of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel from 9:30 a.m. to 4:30 p.m. daily on Wednesday and Thursday, June 14, and 15, 1978. The meeting will be held in Room 1112A, Crystal Mall, Building No. 2, 1921 Jefferson Davis Highway, Arlington, Va., and will be open to the public.

FOR FURTHER INFORMATION CONTACT:

Dr. H. Wade Fowler, Jr., Executive Secretary, FIFRA Scientific Advisory Panel, Office of Pesticide Programs (WH-566), Room 803, Crystal Mall, Building 2, 1921 Jefferson Davis Highway, Arlington, Va., telephone 703-557-7560.

SUPPLEMENTARY INFORMATION: In accordance with section 25(d) of the amended FIFRA, the Scientific Advisory Panel will comment on the impact on health and the environment of regulatory actions under section 6(b) and 25(a) prior to implementation. The purpose of this meeting is to discuss the following topics:

1. Review of the Agency's decision concerning continued registration of chlorobenzilate products;

2. Presentation of the decision options being considered by the Agency to conclude the endrin RPAR (rebuttable presumption against registration); and

3. In addition, the Agency may present status reports on other ongoing programs of the Office of Pesticide Programs.

Any member of the public wishing to attend or submit a paper should contact Dr. H. Wade Fowler, Jr., at the address or phone listed above to be sure that the meeting is still scheduled. Interested persons are permitted to file written statements before or after the meeting, and may upon advance notice to the Executive Secretary, present oral statements to the extent that time permits. Written or oral statements will be taken into consideration by the Panel in formulating comments or in deciding to waive comments. Persons desirous of making oral statements must notify the Executive Secretary and submit copies of a summary no later than June 9, 1978.

Individuals who wish to file written statements are advised to submit ten copies of statements to the Executive Secretary in a timely manner to ensure appropriate consideration by the Panel.

(Section 25(d) of FIFRA, as amended (86 Stat. 973; 89 Stat. 751); (7 U.S.C. 136(a) et seq.) and Sec. 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770).)

Dated: May 22, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

(FR Doc. 78-14821 Filed 5-25-78; 8:45 am)

[6560-01]

(FRL 900-4; PFT-20B)

FOOD ADDITIVE PETITION AMENDMENT

Filing

On December 21, 1976, the Environmental Protection Agency (EPA) announced (41 FR 55570) that Ciba-Geigy Corp., Agricultural Division, P.O. Box 11422, Greensboro, N.C. 27409, had submitted a petition (FAP 7H5156) which proposed to amend 21 CFR Part 561 by establishing a food additive regulation permitting the use of the insecticide O-(4-bromo-2-chlorophenyl) O-ethyl S-propyl phosphorothioate in a proposed experimental program involving application of the insecticide to growing cotton with a tolerance limitation of 9.0 parts per million (ppm) in soapstock hulls and 3.0 ppm in cottonseed hulls for residues of the insecticide and its metabolites converted to 4-bromo-2-chloro-

phenol and calculated as O-(4-bromo-2-chlorophenyl) O-ethyl S-propyl phosphorothioate. The applicant has submitted an amendment to this petition increasing the proposed tolerance to 15 ppm for soapstock hulls and 6 ppm for cottonseed hulls.

Notice of this submission is given pursuant to section 409(b)(5) of the Federal Food, Drug, and Cosmetic Act.

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. Inquiries concerning this petition may be directed to 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. 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: May 19, 1978.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

(FR Doc. 78-14719 Filed 5-25-78; 8:45 am)

[6560-01]

(FRL 900-5; PF-102)

PESTICIDE AND FOOD ADDITIVE PETITIONS

Filing

Pursuant to the provisions of sections 408(d)(1) and 409(b)(5) of the Federal Food, Drug, and Cosmetic Act, the Environmental Protection Agency (EPA) gives notice that the following petitions have been submitted to the Agency for consideration.

PP8F2077. Rhodia Inc., Agricultural Division, P.O. Box 125, Monmouth Junction, N.J. 08852. Proposes that 40 CFR 180.346 be amended by the establishment of a tolerance for residues of the herbicide oxadiazon (2-tert-Butyl-4-(2,4-dichloro-5-isopropoxyphenyl)-Δ²-1,3,4-Oxadiazolin-5-one) and its metabolites in or on almonds, apples, and grapes at 0.05 part per million (ppm) and almond hulls at 1.0 ppm. The proposed analytical method for determining residues is by electron capture gas liquid chromatography. PM24. (202-755-2197).

FAP6H5128. Interregional Research Project No. 4, New Jersey State Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, N.J. 08903, on behalf of the (1) IR-4 Technical Committee; (2) Agricultural Experiment Station of California, California Department of Food and Agriculture, Sacramento, Calif. 95841; (3) Bureau of Sanitary Engineering, California State Department of Public Health; and (4)

Lake County Mosquito Abatement District, Lakeport, Calif. 95453. Propose that 21 CFR 193.315 be amended by the establishment of a regulation permitting the use of the insecticide parathion (0,0-diethyl-0-p-nitrophenyl thiophosphate) or its methyl homolog in potable water derived from the Clear Lake region of California with a tolerance limitation of 0.01 ppm. SRB (202-755-2516).

Interested persons are invited to submit written comments on these petitions 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. Inquiries concerning these petitions may be directed to the designated Product Manager (PM), Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone at the numbers cited. Written comments should bear a notation indicating the petition number to which the comments pertain. Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to these notices 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: May 19, 1978.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc. 78-14718 Filed 5-25-78; 8:45 am]

[6560-01]

[FRL 900-6; OPP-30149]

PESTICIDE PROGRAMS

Receipt of Applications To Register Pesticide Products Containing New Active Ingredient

Applications have been submitted to the Environmental Protection Agency (EPA) to register pesticide products containing an active ingredient which has not been included in any previously registered pesticide products. Applications were made pursuant to the provisions 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.), and the regulations thereunder (40 CFR Part 162). Notice of receipt of these applications does not indicate a decision by the Agency on the applications.

Interested persons are invited to submit written comments on any applications referred to in this notice 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. 2060. The comments must be received on or before June 26, 1978, and should bear a notation indicating the EPA File Symbol number of

the application to which the comments pertain. Comments received within the specified time period will be considered before a final decision is made, comments received after the specified time period will be considered only to the extent possible without delaying processing of the application. Specific questions concerning these applications and the data submitted should be directed to Product Manager (PM) 16, Registration Division (WH-567), Office of Pesticide Programs, at the above address or the telephone number cited. The labels furnished by Ciba-Geigy Corp., as well as 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.

Notice of approval or denial of the applications to register pesticide products listed will be announced in the FEDERAL REGISTER. Except for such material protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the test data and other information submitted in support of registration as well as other scientific information deemed relevant to the registration decision may be made available after approval under the provisions of the Freedom of Information Act. The procedures for requesting such data will be given in the FEDERAL REGISTER if an application is approved.

Dated: May 19, 1978.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

APPLICATIONS RECEIVED

EPA File Symbol 100-LOI. Ciba-Geigy Corp., Agricultural Division, P.O. Box 11422, Greensboro, N.C. 27409. Curacron Technical. Active Ingredient: O-(4-bromo-2-chlorophenyl) O-ethyl S-propyl phosphorothioate 88.0 percent. Application proposes that this product be used as an insecticide for formulating use only. PM16. (202-755-9315)

EPA File Symbol 100-LOO. Ciba-Geigy Corp., Agricultural Division, P.O. Box 11422, Greensboro, N.C. 27409. Curacron 6E Insecticide. Active Ingredient: O-(4-bromo-2-chlorophenyl) O-ethyl S-propyl phosphorothioate 59.8 percent. Application proposes that his product be classified for general use as an insecticide for the control of insects in cotton. PM16.

[FR Doc. 78-14717 Filed 5-25-78; 8:45 am]

[3125-01]

INTERAGENCY TOXIC SUBSTANCES DATA COMMITTEE

Notice of Charter, Membership, and Meetings

The Environmental Protection Agency and the Council on Environ-

mental Quality jointly established and co-chair an Interagency Toxic Substances Data Committee in accordance with their statutory responsibilities under the Toxic Substances Control Act, sections 10(b)(1) and 25(b). These sections of the Act specifically recognize the need for interagency coordination with respect to chemical information collection, dissemination and classification.

At the April 4, 1978, meeting of the Interagency Toxic Substances Data Committee, which was held at the New Executive Office Building, Washington, D.C., an official charter was adopted and a meeting policy was established. This charter, a membership list, and a notice of public meetings follow.

For further information, contact Ms. Barbara Ostrow, Executive Secretary, Interagency Toxic Substances Data Committee, at 202-755-4880 or address correspondence to:

Ms. Barbara Ostrow, Office of Toxic Substances-TS 793, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

A. Charter for the Interagency Toxic Substances Data Committee.

1. *Authority and Purpose:* The Toxic Substances Control Act (TSCA), Pub. L. 94-469, Section 10(b)(1) requires that the Administrator of the Environmental Protection Agency "establish, administer, and be responsible for the continuing activities of an interagency committee which shall design, establish, and coordinate an efficient and effective system within the Environmental Protection Agency, for the collection, dissemination to other Federal departments and agencies, and use of data submitted to the Administrator under this Act."

Section 25(b) of the above Act requires the Council on Environmental Quality, in coordination with the Administrator of EPA, the Secretary of Health, Education, and Welfare, the Secretary of Commerce, and the heads of other appropriate Federal departments or agencies, to "coordinate a study of the feasibility of establishing (1) a standard classification system for chemical substances and related substances, and (2) a standard means for storing and for obtaining rapid access to information respecting such substances." That agency is also assigned broad coordination and policy development responsibilities under the National Environmental Policy Act of 1969 and the Environmental Quality Improvement Act of 1970.

2. *Objectives and Scope:* Pub. L. 94-469 provides the Administrator the authority for the collection and management of specific data relating to the substances in commerce. CEQ is authorized to coordinate a feasibility study of a standard classification system for chemicals and related sub-

stances, as well as a standard means of storing and retrieving information related to such substances. Other Federal agencies and departments have authorities for the collection of data on chemical substances for various purposes and have a need to share in the data collected under TSCA to supplement other existing data bases. This committee will operate to study and coordinate the planning and activities of the major Federal producers and users of chemical data so as to minimize the total burden of reporting which is placed upon the private sector and to facilitate the collection, analysis and exchange of data among Federal agencies and other user groups.

The committee will maintain close liaison with the various TSCA rulemaking work groups that are developing regulations requiring information to be reported to EPA. The committee shall interface directly with the Office of the Deputy Assistant Administrator for Program Integration and Information, Office of Toxic Substances and make recommendations with respect to TSCA data dissemination outside of the agency.

3. *Duration of Activities:* In accordance with the requirements of Pub. L. 94-469, this committee will have a permanent charter.

4. *Reporting:* This committee will report directly to the Administrator of EPA and the Chairman of the CEQ or their designees.

5. *Support:* The Administrator of EPA will designate a full-time employee of the agency to serve as Executive Secretary and provide such additional administrative support as the committee may reasonably require.

6. *Duties:* The duties of the committee shall include, but are not limited to, the following areas:

A. Determining the feasibility of and making recommendations for establishing standard classification and nomenclature systems for information relating to chemicals and related substances.

B. Analysis of the chemical information data bases that function as a result of regulatory or other authority to determine the categories, quantity, quality, and current status of the data contained therein and to recommend steps to coordinate and streamline Federal reporting requirements.

C. Identification of the specific data needs of other Federal departments and agencies and state and local authorities that can be most effectively and efficiently filled using the information authorities of TSCA.

D. Analyze and make recommendations with respect to interagency resource considerations for implementing committee decisions.

E. Study and recommend any changes in current policies and procedures to facilitate the timely sharing of information and data throughout government.

F. Study and recommend data formats which can be universally shared with other government sources.

G. Oversee the development and management of the Chemical Substances Information System.

H. Maintain liaison and coordinate activities with the Interagency Regulatory Liaison Group, Toxic Substances Strategy Committee, the Interagency Testing Committee, state governments, industry and trade associations, the academic community and other interest groups.

7. *Costs:* The operating budget of this committee will be developed as it performs its duties. Costs will include the salary of the Executive Secretary and contract support as required.

8. *Meetings:* The committee shall convene at the call of the chairman. Subcommittees may be established to consider specialized problems as they develop.

9. *Membership:* Proposed for initial membership are representatives of the Environmental Protection Agency, the Council on Environmental Quality, the Department of Health, Education, and Welfare and several of its component agencies, the Departments of Labor, Commerce, Agriculture, Interior, Defense, Transportation, State and Energy as well as the Consumer Product Safety Commission, the International Trade Commission, and the National Science Foundation.

B. The following individuals are committee participants.

Co-Chairman

Marilyn C. Bracken, U.S. Environmental Protection, Agency TS-793, Washington, D.C. 20460, 755-8040.

Carroll Leslie Bastian, Council on Environmental Quality, Washington, D.C. 20006, 633-7107.

Executive Secretary

Barbara Ostrow, U.S. Environmental Protection Agency—TS-793, Washington, D.C. 20460, 755-4880.

Members

Patricia Breslin (Fred Clayton—Alternate Room N 3629), OSHA/DOL N 3700, 200 Constitution Avenue, Washington, D.C. 20210, 523-7115.

Terri Damstra (Ray Shapiro—Alternate), Office of Health Hazard Assessment, NIEHS, P.O. Box 12233 Research Triangle Park, North Carolina 27709, 8-629-3471.

Robert Dixon (Carl Gerber—Alternate), Office of Science and Technology Policy, Washington, D.C. 20500, 456-6272.

Margaret G. Finarelli (Robert Mikulak—Alternate), U.S. Arms Control and Disarmament Agency, Washington, D.C. 20451, 632-0872.

Sidney R. Galler (1) (Bernard Greffer—Alternate) (2), U.S. Department of Commerce, Washington, D.C. 20230, (1) 377-4335, (2) 377-3234.

Richard A. Hartfield (1) (Richard G. Muranka—Alternate) (2), U.S. Nuclear Regula-

tory Commission MNBB 12105, Washington, D.C. 20555, (1) 492-7834, (2) 492-7735. Allen Helm (1) (Robert A. Bell—Alternate) (2), Scientific Coordinator of Toxicology Programs, Room 11-40, FDA, 5600 Fishers Lane, Rockville, Md. 20857, (1) 301-443-3773, (2) 301-443-3290.

Aimison Jonnard (Edmund Cappuccilli—Alternate), U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, (1) 523-0423, (2) 523-0387.

Henry Kissman (Donald Hummel—Alternate), National Library of Medicine, National Institutes of Health, Bethesda, Md. 20014, 496-3147.

Richard J. Lewis, National Institute for Occupational Safety and Health, Cincinnati, Ohio 45226, (1) 513-684-8317 (Verna W. Hudson—Alternate), National Institute for Occupational Safety and Health, 8A-53, Rockville, Md. 20857, (2) 301-443-2100.

Calvin M. Menzie, Fish and Wildlife Service, Room 511, Matomic Building, U.S. Department of the Interior, Washington, D.C. 20241, (1) 632-5316 (Raymond E. Corcoran—Alternate), Bureau of Mines, U.S. Department of the Interior, Washington, D.C. 20241, (2) 634-1313.

Robert S. Murphy (Kurt Maurer—Alternate), National Center for Health Statistics, 3700 East-West Highway, Hyattsville, Md. 20782, 436-7081.

Joseph Nash (Richard Stevenson—Alternate), Department of Energy, E201 20 Massachusetts Avenue, Washington, D.C. 20545, 376-9073.

William Rhode (1) (Leonore Wagner—Alternate) (2), National Institutes of Health, Bethesda, Md. 20014, (1) 496-9285, (2) 496-9291.

Alan I. Roberts (1) (Erskine Haston, Jr.—DMT-10, U.S. Department of Transportation, Washington, D.C. 20590, (1) 426-0656, (2) 426-2311.

James Sontag (Sidney Siegel—Alternate), National Cancer Institute, National Institutes of Health, Bethesda, Md. 20014, 496-5108.

Irvin Weiss (Glenn Simpson—Alternate), U.S. Consumer Product Safety Commission, Washington, D.C. 20207, 492-6470.

Gooloo S. Wunderlich (1) (Selma Goldblatt—Alternate) (2), Office of the Assistant Secretary for Health, Department of Health, Education, and Welfare, Washington, D.C. 20201, (1) 472-7398, (2) 472-5194.

Committee Representatives

Carroll Bastian, Toxic Substances Strategy Committee, Council on Environmental Quality, Washington, D.C. 20006, 633-7107.

Patricia Breslin, Interagency Regulatory Liaison Group (IRLG), OSHA/NOL N3700, 200 Constitution Avenue, Washington, D.C. 20210, 523-7115. Ray Shapiro (Henry Kissman—Alternate), DHEW Committee to Coordinate Toxicology and Related Programs, NIEHS P.O. Box 12233, Research Triangle Park, North Carolina 27709, (1) 443-6274, (2) 496-3147.

C. Meeting Information—Time: The first Tuesday of each month, 9:30 a.m. to 11:30 a.m. Place: New Executive Office Building, Room 2010, 17th and Pennsylvania Avenue, Washington, D.C. 20006.

These meetings will be open to the public unless otherwise specified.

Dated: May 12, 1978.

MARILYN C. BRACKEN,
Co-Chairman, Environmental
Protection Agency.

CARROLL LESLIE BASTIAN,
Co-Chairman, Council on
Environmental Quality.

[FR Doc. 78-14767 Filed 5-26-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. I-469]

INTERNATIONAL AND SATELLITE RADIO

Applications Accepted for Filing

MAY 22, 1978.

By the Chief, Common Carrier Bureau: The Applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's Rules, Regulations and its Policies. Final action will not be taken on any of these applications earlier than 31 days following the date of this notice. Section 309(d)(1). Effective March 6, 1978, all applications accepted for filing will be assigned Call Signs. However these assignments are for administrative purposes only and do not in any way prejudice Commission actions.

FEDERAL COMMUNICATIONS
COMMISSION,

WILLIAM J. TRICARICO,

Secretary.

SATELLITE COMMUNICATIONS SERVICES

00591-DSE-P/L-78 (KH87), Western Satellite Corp. Application for authority to construct and operate new Earth station. Service: Domestic fixed satellite. Class of station: Fixed Earth station. Location: San Ysidro, San Diego, Calif. 32°32'47"N. Lat., 117°21'W. Long. Particulars of operation: 3700.000-4200.000 MHz, 36000F9—DBW. Antennas: 4.5 meters, Andrew model ESA5-4.

000590-DSE-P/L-78 (KH88), Nationwide Cablevision, Inc. Application for authority to construct and operate new Earth station. Service: Domestic fixed satellite. Class of station: Fixed Earth station. Location: Anacortes, Skagit, Wash. 48°29'22"N. Lat., 122°37'22"W. Long. Particulars of operation: 3700.000-4200.000 MHz, 36000F9—DBW. Antennas: 5.0 meters, Scientific Atlanta model 8008A.

000592-DSE-P/L-78 (KH89), Tele-Vu, Inc. Application for authority to construct and operate new Earth station. Service: Domestic fixed satellite. Class of station: Fixed Earth station. Location: Grants, Valencia, N. Mex. 35°9'11"N. Lat., 107°50'58"W. Long. Particulars of operation: 3700.000-4200.000 MHz, 36000F9—DBW. Antennas: 4.5 meters, Prodelin model 137-750.

000593-DSE-P/L-78 (KH90), city of San Bruno. Application for authority to con-

struct and operate new Earth station. Service: Domestic fixed satellite. Class of station: Fixed Earth station. Location: San Bruno, San Mateo, Calif. 37°37'40"N. Lat., 122°36'46"W. Long. Particulars of operation: 3700.000-4200.000 MHz, 36000F9—DBW. Antennas: 4.5 meters, Prodelin model 157-752.

000597-DSE-P/L-78 (KH91), Western TV Cable. Application for authority to construct and operate new Earth station. Service: Domestic fixed satellite. Class of station: Fixed Earth station. Location: South San Francisco, San Mateo, Calif., 37°39'2"N. Lat., 122°24'56"W. Long. Particulars of operation: 3700.000-4200.000 MHz, 36000F9—DBW. Antennas: 4.5 meters, Andrew ESA5-4HP.

000598-DSE-P/L-78 (KH92), Satellite Networks Inc. Application for authority to construct and operate new Earth station. Service: Domestic fixed satellite. Class of station: Fixed earth station. Location: Omaha, Douglas, Nebr. 41°13'1"N. Lat., 96°2'46"W. Long. Particulars of operation: 3700.000-4200.000 MHz, 36000F9—DBW. Antennas: 10.0 meters, Andrew Corp. ESA10-46B. This is a major application within the meaning of section 1.1305 of the rules of environmental processing.

000594-DSE-P/L-78 (WH66), Americable Associate. Application for authority to construct and operate new Earth station. Service: Domestic Fixed satellite. Class of station: Fixed Earth station. Location: Homestead, Dade, Fla. 25°34'18"N. Lat., 80°27'47"W. Long. Particulars of operation: 3700.000-4200.000 MHz, 36000F9—DBW. Antennas: 10.0 meters, Gregorian RF Systems, model 802-6-10M.

000595-DSE-P/L-78 (WH67), Meadville Master Antenna, Inc. Application for authority to construct and operate new Earth station. Service: Domestic fixed satellite. Class of station: Fixed Earth station. Location: Meadville, Crawford, Pa. 41°37'47"N. 80°10'40"W. Long. Particulars of operation: 3700.000-4200.000MHz, 36000F9—DBW. Antennas: 5.0 meters, Scientific model 8008A.

000596-DSE-P/L-78 (WH68), Titusville Cable TV, Inc. Application for authority to construct and operate new Earth station. Service: Domestic fixed satellite. Class of station: Fixed Earth station. Location: Titusville, Crawford, Pa. 41°52'45"N. Lat., 79°36'55"W. Long. Particulars of operation: 3700.000-4200.000 MHz, 36000F9—DBW. Antennas: 5.0 meters Scientific Atlanta model 8008A.

[FR Doc 78-14777 Filed 5-25-78; 8:45 am]

[6712-01]

FM AND TV TRANSLATOR APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Adopted: May 16, 1978.

Released: May 19, 1978.

By the Chief, Broadcast Bureau:

Notice is hereby given pursuant to §§ 1.572(c) and 1.573(d) of the Commission's rules, that on June 29, 1978, the TV and FM translator applications listed in the attached Appendix will be considered as ready and available for processing. Pursuant to § 1.227(b)(1) and § 1.519(b) of the Commission's rules, an application, in order to be considered with any application ap-

pearing on the attached list or with any other application on file by the close of business on June 28, 1978, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and submitted for filing at the offices of the Commission in Washington, D.C., by the close of business on June 28, 1978. The attention of prospective applicants is directed to the fact that some contemplated proposals may not be eligible for consideration with an application appearing in the attached Appendix by reason of conflicts between the listed applications and applications appearing in previous notices published pursuant to § 1.573(d) of the Commission's rules.

The attention of any party in interest desiring to file pleadings concerning any pending TV and FM translator application, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS
COMMISSION,

WILLIAM J. TRICARICO,

Secretary.

BPFT-5 (K237AI), Mesquite, Nev., Mesquite Town Board. Req: Change frequency to 96.7 MHz, channel 244.

BPFT-508 (New), Hot Springs, S. Dak., James E. Taylor. Req: Channel 237, 95.3 MHz, 1 watt. Primary: KGGG-FM, Rapid City, S. Dak.

BPFT-509 (New), Johnstonville and Herling, Calif., Lloyd E. Pochop. Req: Channel 249, 97.7 MHz, 10 watts. Primary: KNIS-FM, Carson City, Nev.

BPFT-510 (New), Bonners Ferry, Idaho, Boundary County TV Translator District. Req: Channel 296, 107.1 MHz, 10 watts. Primary: KXLY-FM, Spokane, Wash.

BPFT-511 (New), Bonners Ferry, Idaho, Boundary County TV Translator District. Req: Channel 272, 102.3 MHz, 10 watts. Primary: KEZE-FM, Spokane, Wash.

BPFT-512 (New), Bonners Ferry, Idaho, Boundary County TV Translator District. Req: Channel 276, 103.1 MHz, 10 watts. Primary: KHQ-FM, Spokane, Wash.

BPFT-513 (New), Licensee's Mining Site and Hite Marina, Utah, Plateau Resources Ltd. Req: Channel 292, 106.3 MHz, 1 watt. Primary: KALL-FM, Salt Lake City, Utah.

BPFT-514 (New), Edgemont, S. Dak., Sturgis Radio, Inc. Req: Channel 249, 97.7 MHz, 1 watt. Primary: KRCS-FM, Sturgis, S. Dak.

BPFT-515 (New), Newcastle, Wyo., Sturgis Radio, Inc. Req: Channel 280, 103.9 MHz, 1 watt. Primary: KRCS-FM, Sturgis, S. Dak.

BPFT-516 (New), Hoyt Lakes, Minn., Stereo Broadcasting, Inc. Req: Channel 280, 103.9 MHz, 10 watts. Primary: WAKX-FM, Duluth, Minn.

BPFT-517 (new), Laytonville and Cummings, Calif., Western Translators, Inc. Req: Channel 296, 107.1 MHz, 1 watt. Primary: KEAR-FM, San Francisco, Calif.

BPFT-518 (new), Garberville and Miranda, Calif., Western Translators, Inc. Req:

Channel 288, 105.5 MHz, 10 watts. Primary: KEAR-FM, San Francisco, Calif.

BPFT-519 (new), Leadville, Colo., Lake County TV-FM, Inc. Req: Channel 228, 93.5 MHz, 10 watts. Primary: KVOB-FM, Denver, Colo.

BPFT-520 (new), Salisbury, Md., Calvary Baptist Tabernacle, Inc. Req: Channel 265, 100.9 MHz, 1 watt. Primary: WRBS-FM, Baltimore, Md.

BPFT-521 (new), New Holstein, Wis., Jerome Schnieder. Req: Channel 276, 103.1 MHz, 1 watt. Primary: WAUN-FM, Kewaunee, Wis.

BPFT-522 (new), Eureka and Fortuna, Calif., Western Translators, Inc. Req: Channel 296, 107.1 MHz, 10 watts. Primary: KEAR-FM, San Francisco, Calif.

BPFT-523 (new), Douglas Creek, Colo., and Cisco, Utah, XYZ Television, Inc. Req: Channel 240, 95.9 MHz, 10 watts. Primary: KREX-FM, Grand Junction, Colo.

BMPFT-61 (K296AX), Moab, Utah, Mesa Broadcasting Co. Req: To add Castle Valley and Arches National Park, Utah, to present principal community.

BPFTB-13 (new), Walnut Creek, Pleasant Hill, and Concord, Calif. Bay Area Broadcasting Co. Req: Channel 243, 96.5 MHz, 10 watts. Primary: KOIT-FM, San Francisco, Calif.

BPFTB-14 (new), Pleasanton, Dublin and San Ramon, Calif., Buckley Broadcasting Corp. of California. Req: Channel 239, 95.7 MHz, 10 watts. Primary: KKHI-FM, San Francisco, Calif.

BPTTV-6081 (new), Animas and Cotton City, N. Mex., Hidalgo County Commissioners. Req: Channel 2, 54-60 MHz, 10 watts. Primary: KGUN-TV, Tucson, Ariz.

BPTTV-6082 (new), Animas and Cotton City, N. Mex., Hidalgo County Commissioners. Req: Channel 7, 174-180 MHz, 10 watts. Primary: KOLD-TV, Tucson, Ariz.

BPTTV-6083 (new), Animas and Cotton City, N. Mex., Hidalgo County Commissioners. Req: Channel 11, 198-204 MHz, 10 watts. Primary: KVOA-TV, Tucson, Ariz.

BPTTV-6084 (new), Angoon, Alaska, Angoon Public Schools, Clatman School District. Req: Channel 2, 54-60 MHz, 10 watts. Primary: KENI-TV, KIMO-TV, KTVA-TV, KAKM-TV, Anchorage, Alaska.

BPTTV-6085 (new), Juntura, Oreg., Juntura Community TV. Req: Channel 9, 186-192 MHz, 1 watt. Primary: KJVJ-TV, Nampa, Idaho.

BPTTV-6091 (new), Black Lake addition, Colfax County, 20 miles south of Eagle Nest, N. Mex. Black Lake TV Association, Inc. Req: Channel 6, 82-88 MHz, 1 watt. Primary: KOB-TV, Albuquerque, N. Mex.

BPTTV-6092 (K08EW), Buford, Colo., Rio Blanco County TV Association. Req: Add Upper White River rural area, Colorado, to present principal community, change primary TV station to KMGH-TV, Channel 7, Denver, Colo.

BPTTV-6095 (new), Afton, Fairview, Auburn, Grover, and Smoot, Wyo., Star Valley TV System. Req: Channel 11, 198-204 MHz, 1 watt. Primary: KID-TV, Idaho Falls, Idaho.

UHF TV TRANSLATOR APPLICATIONS

BPTT-3531 (K70DF), Running Springs, Calif., San Bernardino County Superintendent of Schools. Req: Add Big Bear Lake and Green Valley Lake, Calif., to present principal community.

BPTT-3578 (new), Wendover, Utah, Wendover City. Req: Channel 57, 728-734

MHz, 20 watts. Primary: KUED-TV, Salt Lake City, Utah.

BPTT-3582 (new), White River Area (east-west) and Piceance Creek Area, Colorado, Rio Blanco County TV Association. Req: Channel 54, 710-716 MHz, 100 watts. Primary: KMGH-TV, Denver, Colo.

BPTT-3583 (new), Piceance Creek Rural Area (Central), Colorado, Rio Blanco County TV Association. Req: Channel 61, 752-758 MHz, 20 watts. Primary: KMGH-TV, Denver, Colo.

BPTT-3584 (K71BD), Lakeport and Clear Lake Basin, Calif., The Lake County Television Club. Req: Change frequency to channel 66, 782-788 MHz.

BPTT-3585 (K77BS), Lakeport, Calif., The Lake County Television Club. Req: Change frequency to channel 59, 740-746 MHz.

BPTT-3586 (K80BG), Lakeport, Calif., Lake County Television Club. Req: Change frequency to channel 57, 728-734 MHz.

BPTT-3587 (new), Silt and Rural Areas Upper Four Mile Creek, Colorado, Garfield County. Req: Channel 54, 710-716 MHz, 100 watts. Primary: KOA-TV, Denver, Colo.

BPTT-3588 (new), Wilson Creek and Meeker, including White River Rural Area, Colo., Rio Blanco County TV Association. Req: Channel 50, 686-692 MHz, 100 watts. Primary: KRMA-TV, Denver, Colo.

BMPPT-999 (K64AP), Grand Canyon, Williams and Ash Fork, Ariz., Bill Williams TV Association, Inc. Req: Add Parks to principal community, and delete Williams from present principal community.

[FR Doc. 78-14775 Filed 5-25-78; 8:45 am]

[6712-01]

RADIO ASTRONOMY SERVICE WORKING GROUP FOR 1979 ITU WORLD ADMINISTRATIVE RADIO CONFERENCE

Meeting

MAY 23, 1978.

A meeting of the Radio Astronomy Service Working Group for the 1979 General World Administrative Radio Conference is scheduled to be held on Friday, June 16, 1978, at 9:30 a.m., in room 8210 of the Commission's offices located at 2025 M Street NW., Washington, D.C.

This meeting will be held to examine and discuss the Sixth, Seventh, and Eighth Notices of Inquiry, Docket No. 20271, and formulate a final draft of comments of the Radio Astronomy Service Working Group. Additionally, inputs on lunar quiet zone for consideration as U.S. position will be generated.

The advisory committee meeting is open to the general public and any written comments will be accepted before or after the meeting.

FEDERAL COMMUNICATIONS COMMISSION,

WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-14776 Filed 5-25-78; 8:45 am]

[6730-01]

FEDERAL MARITIME COMMISSION

PETITIONS FILED

The Federal Maritime Commission hereby gives notice that the following petition(s) have been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 813a).

Interested parties may inspect and obtain a copy of the petition(s) and the justification(s) offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street NW., Room 10218; or may inspect the petition(s) at the Field Offices located at New York, N.Y.; New Orleans, La.; San Francisco, Calif.; Chicago, Ill.; and San Juan, P.R. Interested parties may submit comments on the petition(s) including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 19, 1978. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed petition(s). Comments shall discuss with particularity allegations that the petition is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the petition(s) and the statement should indicate that this has been done.

Agreement No. 7680 DR (Second DR Westbound).

Filing Party: John K. Cunningham, Chairman, American West African Freight Conference, 67 Broad Street, New York, N.Y. 10004.

Summary: The American West African Freight Conference has requested, pursuant to section 14b of the Shipping Act, 1916, that the term of its dual rate system and associated second westbound exclusive patronage (dual rate) contract form, denominated as No. 7680 DR (Second DR Westbound), be extended for an indefinite period beyond the July 13, 1978 expiration date thereof. The contract is applicable to metal ingots, latex, logs and lumber, rubber in packages and tapioca flour moving in the trade from West African ports (in the range south of the southerly border of Rio de Oro, Spanish Sahara and north of the northerly border of Southwest Africa) including the Atlantic islands of the Azores, Madeira, Canary, and Cape Verde; also the islands of Fernando Po, Principe and Sao Tome in the Gulf of Guinea to U.S. Atlantic and Gulf ports and Canadian Atlantic and St. Lawrence River ports not west of Montreal.

By order of the Federal Maritime Commission.

Dated: May 23, 1978.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-14771 Filed 5-25-78; 8:45 am]

[6730-01]

[Docket No. 78-151]

**UNITED STATES LINES, INC. V. MARYLAND
PORT ADMINISTRATION**

Filing of Complaint

Notice is hereby given that a complaint filed by United States Lines, Inc. against Maryland Port Administration was served May 12, 1978. The complaint alleges that respondent has issued and seeks to enforce tariff provisions which subject complainant to undue or unreasonable prejudice or disadvantage in violation of Section 16 First of the Shipping Act and constitute unjust or unreasonable regulations or practices in violation of Section 17 of the Act.

Hearing in this matter, if any is held, shall commence on or before November 12, 1978. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statement, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-14708 Filed 5-23-78; 8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM

BOVINA BANCSHARES, INC.

Formation of Bank Holding Company

Bovina Bancshares, Inc., Bovina, Tex., has applied for the Board's approval under 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 First State Bank of Bovina, Bovina, Tex. The factors that are considered in acting on the application are set forth in 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 June 16, 1978.

Board of Governors of the Federal Reserve System, May 18, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-14737 Filed; 5-25-78 8:45 am]

[6210-01]

BROWNWOOD BANCSHARES, INC.

Formation of Bank Holding Company

Brownwood Bancshares, Inc., Brownwood, Tex., 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 National Bank at Brownwood, Brownwood, 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 Reserve Bank, to be received not later than June 13, 1978.

Board of Governors of the Federal Reserve System, May 19, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-14738 Filed 5-25-78; 8:45 am]

[6210-01]

FEDERAL OPEN MARKET COMMITTEE

Domestic Policy Directive of April 18, 1978

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on April 18, 1978.¹

The information reviewed at this meeting suggests that growth in real output of goods and services was small in the first quarter, owing in part to the unusually severe weather and the lengthy strike in coal mining, but that economic activity was rebounding in the latter part of the period. In March industrial production and nonfarm payroll employment increased sharply further. The unemployment rate edged up from 6.1 to 6.2 percent, as the civilian labor force expanded substantially. Retail sales recovered much more in February than had been reported earlier, and sales rose considerably further in March. The pace of the rise in wholesale prices remained rapid, reflecting further large increases in farm products and processed foods. The index of average hourly

¹The Record of Policy Actions of the Committee for the meeting of Apr. 18, 1978, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

earnings accelerated in the first quarter, largely because of the increase in minimum wages at the beginning of the year.

The trade-weighted value of the dollar against major foreign currencies declined sharply after the March 31 announcement of a very large increase in the U.S. foreign trade deficit for February. But over the past week the dollar has recovered to about its level of 4 weeks ago.

M-1, which had declined in February, rose moderately in March. Inflows to banks of time and savings deposits other than negotiable CD's and inflows to nonbank thrift institutions remained slow. Most market interest rates, especially longer-term rates, have increased somewhat on balance in recent weeks.

In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster bank reserve and other financial conditions that will resist inflationary pressures while encouraging continued moderate economic expansion and contributing to a sustainable pattern of international transactions.

Growth of M-1, M-2, and M-3 within ranges of 4 to 6½ percent, 6½ to 9 percent, and 7½ to 10 percent, respectively, from the first quarter of 1978 to the first quarter of 1979 appears to be consistent with these objectives. The associated range for bank credit is 7½ to 10½ percent. These ranges are subject to reconsideration at any time as conditions warrant.

The Committee seeks to encourage near-term rates of growth in M-1 and M-2 on a path believed to be reasonably consistent with the longer-run ranges for monetary aggregates cited in the preceding paragraph. Specifically, at present, it expects the annual growth rates over the April-May period to be within ranges of 4 to 8½ percent for M-1 and 5½ to 9½ percent for M-2. In the judgment of the Committee such growth rates are likely to be associated with a weekly-average Federal funds rate slightly above the current level. If, giving approximately equal weight to M-1 and M-2, it appears that growth rates over the 2-month period will deviate significantly from the midpoints of the indicated ranges, the operational objective for the Federal funds rate shall be modified in an orderly fashion within a range of 6½ to 7½ percent. In the conduct of day-to-day operations, account shall be taken of emerging financial market conditions, including the conditions in foreign exchange markets.

If it appears during the period before the next meeting that the operating constraints specified above are proving to be significantly inconsistent, the Manager is promptly to notify the Chairman who will then decide whether the situation calls for supplementary instructions from the Committee.

By order of the Federal Open Market Committee, May 19, 1978.

ARTHUR L. BROIDA,
Secretary.

[FR Doc. 78-14744 Filed 5-25-78; 8:45 am]

[6210-01]

FIRSTTRUST BANCSHARES CORP.

Formation of Bank Holding Company

Firsttrust Bancshares Corp., Cedar Rapids, Iowa, has applied for the Board's approval under 3(a)(1) of the

Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 90 percent or more of the voting shares of First Trust & Savings Bank, Cedar Rapids, Iowa. The factors that are considered in acting on the application are set forth in 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 not later than June 19, 1978.

Board of Governors of the Federal Reserve System, May 18, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-14739 Filed 5-25-78 8:45 am]

[6210-01]

NATIONAL DETROIT CORP.

Acquisition of Bank

National Detroit Corp., Detroit, Mich., 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 80 percent or more of the voting shares of First State Bank of Saginaw, Saginaw, Mich. 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 not later than June 19, 1978.

Board of Governors of the Federal Reserve System, May 19, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-14740 Filed 5-25-78 8:45 am]

[6210-01]

SOUTHWEST NATIONAL CORP.

Acquisition of Bank

Southwest National Corp., Albuquerque, N. Mex., 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 Southwest National Bank, Hobbs, N. Mex., a proposed new 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 Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than June 15.

Board of Governors of the Federal Reserve System, May 19, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-14741 Filed 5-25-78 8:45 am]

[6210-01]

STRAWN BANCSHARES, INC.

Formation of Bank Holding Company

Strawn Bancshares, Inc., Strawn, Tex., 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 Strawn Security Bank, Strawn, 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 Reserve Bank, to be received not later than June 12, 1978.

Board of Governors of the Federal Reserve System, May 19, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-14742 Filed 5-25-78 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 South Belt Commerce Bank National Association, Houston, Tex., a proposed new 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 June 15, 1978.

Board of Governors of the Federal Reserve System, May 19, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-14743 Filed 5-25-78 8:45 am]

[6210-01]

GRANDVIEW BANCSHARES, INC.

Formation of Bank Holding Company

Grandview Bancshares, Inc., Grandview, Tex., has applied for the Board's approval under §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 First State Bank, Grandview, Tex. The factors that are considered in acting on the application are set forth in §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 June 14, 1978.

Board of Governors of the Federal Reserve System, May 23, 1978.

GRIFFITH L. GARWOOD,
*Deputy Secretary
of the Board.*

[FR Doc. 78-14772 Filed 5-25-78 8:45 am]

[6210-01]

OLD STONE CORP.

Proposed Acquisition of Guild Loan and Investment Co.

Old Stone Corp., Providence, R.I., has applied, pursuant to §4(c)(8) of the Bank Holding Company Act (12 U.S.C. §1843(c)(8)) and §225.4(b)(2) of the Board's Regulation Y (12 CFR §225.4(b)(2)), for permission to acquire voting shares of Guild Loan and Investment Co., Providence, R.I. Notice of the application was published on February 5, 1978, in The Providence Daily Journal, a newspaper circulated in Providence, R.I.

Applicant states that the proposed subsidiary would engage de novo in the following activities: making and servicing consumer installment loans, consumer demand loans and mortgage loans and accepting consumer savings deposits in the manner authorized by Rhode Island law for loan and investment companies. Such activities have been specified by the Board in §225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of §225.4(b).

Interested persons may express their views on the question whether con-

summation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Boston.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than June 22, 1978.

Board of Governors of the Federal Reserve System, May 23, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-14773 Filed 5-25-78; 8:45 am]

[6210-01]

[Docket No. R-01631]

**INTERCORPORATE INCOME TAX ACCOUNTING
TRANSACTIONS OF BANK HOLDING COMPANIES
AND STATE-CHARTERED**

Policy Statement

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed Policy Statement.

SUMMARY: The Board of Governors of the Federal Reserve System believes that a bank holding company should serve as a source of strength for its subsidiary banks and that subsidiary banks should not be disadvantaged by reason of their control by a bank holding company. It has come to the attention of the Board that a few bank holding companies and their subsidiary banks are engaging in certain intercorporate tax accounting transactions that appear to be in conflict with this established policy of the Board. The Board believes that these practices are inappropriate and should cease. Comments on the proposal may be submitted until June 23, 1978. Public comments are being requested so that the Board may fully consider the implications of this policy for intercorporate operations, flow of funds and tax planning.

DATE: Comments must be received by June 23, 1978.

ADDRESS: Secretary, Board of Governors of the Federal Reserve System,

Washington, D.C. 20551. All material submitted should include Docket Number R-01631.

FOR FURTHER INFORMATION CONTACT:

Sandra A. Greene, Senior Staff Assistant 202-452-2742 or Samuel H. Talley, Assistant Director 202-452-3354, of the Division of Banking Supervision and Regulation, or Robert E. Mannion, Associate General Counsel, Legal Division 202-452-3274, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION:

The Board proposes to issue the following statement of policy pursuant to the Financial Institutions Supervisory Act (12 U.S.C. §1818) and section 23A of the Federal Reserve Act (12 U.S.C. §371(c)).

POLICY STATEMENT REGARDING INTERCORPORATE INCOME TAX ACCOUNTING TRANSACTIONS OF BANK HOLDING COMPANIES AND STATE-CHARTERED BANKS THAT ARE MEMBERS OF THE FEDERAL RESERVE SYSTEM

It has come to the attention of the Board of Governors of the Federal Reserve System that a few bank holding companies and certain of their bank subsidiaries are engaging in intercorporate income tax accounting transactions that have the effect of transferring assets and income from the subsidiary banks to the parent company without offsetting benefits to the bank.

These practices include: (1) The bank paying taxes to the parent under an arrangement that may leave the bank less well off than if the bank filed a return on a separate entity basis; (2) the bank paying taxes to the parent prior to the time that the parent's actual or estimated current tax liability is due and payable; and (3) the bank transferring its deferred tax account to the parent, in most cases along with an equivalent amount of cash or earning assets. While these practices are not now widespread, the Board believes that they are inappropriate and should cease. Accordingly, the Board will apply appropriate supervisory remedies to these practices including, under certain circumstances, its cease and desist powers under the Financial Institutions Supervisory Act (12 U.S.C. §1818).

One of the advantages of a bank holding company organization is to derive tax savings by offsetting the profits and losses of the various entities that participate in the filing of the consolidated tax return. Typically, bank subsidiaries having a profit pay current taxes to their parent either on a separate equity basis or on one of a variety of allocation methods that often results in some lesser amount of

taxes being remitted to the parent. In those cases where a bank incurs a loss, the bank may or may not receive an equitable refund from its parent.

The Board does not wish to prescribe the tax accounting methods to be used by bank holding companies. However, the Board does require that those methods employed give bank subsidiaries equitable treatment. Such equitable treatment would not result if: (1) The bank's tax payments to the parent during a profitable period exceed what the bank would pay if it filed on a separate entity basis; (2) the bank does not receive an appropriate refund from the parent when the bank incurs a loss; or (3) the bank's tax payments to the parent significantly precede the time that the parent's actual or estimated current tax liability is due and payable to the tax authorities.

Many bank holding companies now have written tax agreements with their bank subsidiaries that specify intercorporate tax settlement policies. The Board believes that having such agreements is desirable and wishes to encourage all holding companies to have such agreements.

In the last several years, an increasing number of banks have been transferring their deferred tax account to their parent. Typically, these transfers have been accompanied by the bank transferring an equivalent dollar amount of cash or earning assets. The Board believes that a bank's deferred tax account does not constitute a current liability of the bank. Consequently, when a bank transfers its deferred tax account to its parent, usually along with an equivalent amount of cash or earning assets, the bank is engaging in a transaction that has an adverse effect on its financial condition. Such a transaction is tantamount to a prepayment or excessive payment of taxes. Moreover, the Board believes that the transfer of a bank's deferred tax account would result in the bank subsequently filing inaccurate reports for supervisory purposes.

In those few instances where deferred tax accounts of state member banks have already been transferred to the parent, the Board believes that such transfers should be reversed in the most expeditious way that is practical, given attendant circumstances and supervisory objectives. In most cases, this would involve an immediate reinstatement of the deferred tax on the books of the bank, along with the transfer by the parent of an equivalent amount of cash or appropriate earning assets. In those cases where the parent cannot immediately remit cash or appropriate earning assets, the holding company and the bank should work out an appropriate alternative arrangement with their Federal Reserve Bank. In most situations, the

most appropriate alternative would involve the bank recording a loan to the parent.

By Order of the Board of Governors,
May 23, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-14774 Filed 5-25-78; 8:45 am]

[6210-01]

HALECO BANCSHARES, INC.

Formation of Bank Holding Company

HaleCo BancShares, Inc., Plainview, Tex., has applied for the Board's approval under § 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 (less director's qualifying shares) of the voting shares of Hale County State Bank, Plainview, Tex. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the office 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 no later than June 14, 1978.

Board of Governors of the Federal Reserve System, May 22, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-14785 Filed 5-25-78; 8:45 am]

[6210-01]

HARROGATE CORP.

Formation of Bank Holding Company

Harrogate Corp., Harrogate, Tenn., has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 52 percent of the voting shares of Commercial Bank of Claiborne County, Harrogate, Tenn. The factors that are considered in acting on the application are set forth in § 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 Atlanta. 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 June 19, 1978.

Board of Governors of the Federal Reserve System, May 19, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-14786 Filed 5-25-78; 8:45 am]

[1505-01]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEES

Meetings

Correction

In FR Doc. 78-13288 appearing at page 21052 in the issue for Tuesday, May 16, 1978, make the following correction: On page 21054, in the text which appears below the table for committee number 7., "Panel on Review of Antimicrobial Agents", the last sentence which reads, "To date, the following presentations have been scheduled for this time period" should be completed with the following information:

"Topic and Presenter

Clinical Forms and Morphology, Dr. Samuel Frank.

Etiologic Role of Hormones, Dr. John Strauss

Etiologic Role of Bacteria, Dr. Sirje Puhvel

Host Immune Response, Dr. Sirje Puhvel

Sebum and Other Etiologic Factors, Dr. Peter Pochi

Topical and Systemic Antibiotics, Dr. Alan Shalita

Benzoyl Peroxide, Resorcinol, Sulfur, Dr. Richard Dobson

Consumer Needs in Acne, Dr. Zenona Mally

Salicylic Acid, Dr. Albert Kligman

Scrubs, Cleansers, and Topical Antibacterials, Dr. John Strauss

Clinical Methods of Evaluating Topical Treatment, Dr. Alan Shalita

Microbiological Considerations, Dr. Charles Evans.

"After all presentations have been given there will be a panel discussion.

"Open committee discussion. The Panel will review data submitted in response to the over-the-counter (OTC) review's call for data for this Panel (see also § 330.10(a)(2) (21 CFR 330.10(a)(2))).

"The Panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims."

This material was printed in the first column of page 21056 and should be deleted from that page.

[4110-03]

[Docket No. 77P-0401]

BORDO CITRUS PRODUCTS COOPERATIVE

Canned Grapefruit Deviating From Identity and Quality Standards: Temporary Permit for Market Testing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document announces that a temporary permit has been issued to the Bordo Citrus Products Cooperative to market test a new style of canned grapefruit designated as "grapefruit slices." The finished product deviates from the standards of identity and quality for canned grapefruit. The purpose of the market test is to measure consumer acceptance of the product so as to collect data to support a petition to amend the standards of identity and quality for canned grapefruit.

EFFECTIVE DATE: This permit is effective for a period of 15 months, beginning no later than August 24, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

In accordance with § 130.17 (21 CFR 130.17) concerning temporary permits to facilitate market testing of food deviating from the requirements of the standards of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), notice is given that a temporary permit has been issued to Bordo Citrus Products Cooperative, P.O. Box 1152, Winter Haven, Fla. This permit covers interstate marketing tests of canned grapefruit that deviates from the standard of identity prescribed in § 145.145 (a)(2) (21 CFR 145.145(a)(2)) and the standard of quality prescribed in § 145.145(b)(1)(ii)(a). The permit provides for the temporary marketing of grapefruit called "slices" that is sliced without regard to the location of the naturally occurring membranes that divide the grapefruit segments. This is an optional style not provided for in the standard of identity, nor permitted by the standard of quality because of the presence of an amount of membrane normally not found in canned grapefruit segments.

The applicant states that the new style of canned grapefruit will have the following advantages: (1) The segments of fruit hold their shape and firmness; (2) the processing is less expensive, and the savings can be passed

on to the consumer; and (3) the flavor of the product is enhanced in that the product appears and tastes more like fresh grapefruit.

This permit provides for the market testing of 100,000 cases of twenty-four 16-ounce cans of the test product. The product will be manufactured by Bordo Citrus Products Cooperative in Winter Haven, Fla., and will be distributed in the State of Florida and at selected locations throughout the Nation.

In addition to the name "grapefruit slices," the principal display panel of the label will contain the words "in light sirup." The label will also contain the statement "Slices Contain Grapefruit Segment Membrane." The ingredients will be declared on the label in accordance with 21 CFR Part 101.

This permit is effective for a period of 15 months, beginning on the day the test food is introduced or caused to be introduced into interstate commerce, but no later than August 24, 1978.

Dated: May 18, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Regulatory Affairs.

[FR Doc. 78-14575 Filed 5-25-78; 8:45 am]

[4110-03]

DERMATOLOGY SUBCOMMITTEE OF THE ANTIINFECTIVE AND TOPICAL DRUGS ADVISORY COMMITTEE

Meeting Cancellation

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Dermatology Subcommittee of the Antiinfective and Topical Drugs Advisory Committee meeting announced by a notice in the FEDERAL REGISTER of May 16, 1978 (43 FR 21054) for June 8, 1978, has been canceled.

FOR FURTHER INFORMATION CONTACT:

Mary K. Bruch, Bureau of Drugs (HFD-140), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4310.

Dated: May 22, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Regulatory Affairs.

[FR Doc. 78-14722 Filed 5-25-78; 8:45 am]

[4110-03]

[Docket No. 75N-0232]

FOOD FLAVORING

Additional Flavoring Substances in GRAS Review; Extension of Effective Date for Compliance With Bulk Flavor Ingredient Declaration Requirements

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document announces the addition of 71 flavoring substances to the agency's safety review of substances that are generally recognized as safe (GRAS) and extension of the effective date for compliance with a bulk flavor labeling regulation for these ingredients. The flavors are listed in the Flavor and Extract Manufacturers' Association (FEMA) GRAS List No. 11 (published in Food Technology, February 1978).

DATE: Compliance with bulk labeling requirements by July 1, 1979.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: In notices published in the FEDERAL REGISTER of July 26, 1973 (38 FR 20051) and March 28, 1978 (43 FR 12941), the Food and Drug Administration (FDA) announced that, as part of its GRAS review program, Scientific Literature Reviews (SLR's) were being prepared on several chemical classes of flavoring ingredients. The July 26, 1973, notice also announced that these reviews would include all flavoring ingredients listed in §§ 182.10, 182.20, 182.30, 182.40, 182.50, 182.60, and part 172 (subpart F) (21 CFR 182.10, 182.20, 182.30, 182.40, 182.50, 182.60, and part 172, subpart F) or flavoring ingredients otherwise submitted to the agency.

In the FEDERAL REGISTER of February 3, 1976 (41 FR 4954), FDA also extended until July 1, 1979, the effective date for compliance with bulk labeling requirements of § 101.22(g)(2) (21 CFR 101.22(g)(2)) for those flavor ingredients that are listed as GRAS in a reliable industry association list and are included by FDA in its review of GRAS food ingredients. The notice also announced a procedure under which FDA would accept additional substances for incorporation into its safety review. The procedure provided for the inclusion of additional flavoring ingredients if the SLR for each chemical class of flavors is appropriately amended before the safety evaluation begins. In this way, all available data for each chemical class of flavors will be included and evaluated at the same time. If individual flavor ingredients cannot be added to the SLR's by these provisions, extension of the effective date for compliance with bulk labeling requirements and exemptions from specific ingredient listing as specified in § 101.22(g)(2) will not be granted except by FDA approval of food additive or GRAS affirmation petitions for the ingredients.

In accordance with this procedure, FEMA published its GRAS List No. 10 in January 1977, comprising 50 flavoring substances. The Commissioner announced in the FEDERAL REGISTER of October 18, 1977 (42 FR 55643) that the substances in FEMA GRAS List No. 10 had been properly added to the safety review and, therefore, the effective date of their compliance with § 101.22(g)(2) was extended to July 1, 1979.

FEMA has recently published its GRAS List No. 11 (Food Technology, Vol. 32, No. 2, February 1978), comprising an additional 71 flavoring substances. FEMA has included 6 of these ingredients in already completed SLR's. The Commissioner has received a written commitment from FEMA stating that the remaining 65 flavoring substances will be appended to SLR's currently being drafted by them. The 71 flavoring ingredients that constitute the FEMA GRAS List No. 11 are the following:

2-Acetoxy-3-butanone.
3-Acetyl-2, 5-dimethylthiophene.
1, 2-Butanedithiol.
1, 3-Butanedithiol.
m-Cresol.
Cyclohexanecarboxylic acid.
3-Decen-2-one.
Diallyl polysulfides.
1, 1-Di[(1'-ethoxy)-ethoxy] propane.
2, 3-Dimethylbenzofuran.
Dimethyl disulfide.
2, 6-Dimethyl-4-heptanone.
2, 6-Dimethyl-3-[(2-methyl-3-furyl)thio]4-heptanone.
3, 7-Dimethyl-1, 3, 6-octatriene.
2, 6-Dimethylpyridine.
3, 5-Dimethyl-1, 2, 4-trithiolane.
6, 10-Dimethyl-5, 9-undecadien-2-one.
Ethylene brassylate.
Ethyl cyclohexanecarboxylate.
Ethyl 3-hydroxyhexanoate.
5-Ethyl-2-methylpyridine.
3-Heptanol.
2-Hydroxyacetophenone.
6-Hydroxydihydrotheaspirane.
3-Hydroxy-2-pentanone.
Isoamyl acetoacetate.
Isojasmane.
Isophorone.
5-Isopropyl-2-methylpyrazine.
2-Isopropyl-4-methylthiazole.
Isopropyl myristate.
p-Mentha-1, 8-dien-7-al.
p-Mentha-1, 3-diene.
p-Mentha-1, 4-diene.
p-Mentha-1, 4(8)-dien-3-one.
p-Mentha-1, 8-dien-7-yl acetate.
p-Menthan-2-ol.
p-Menth-3-en-1-ol.

p-Menth-8-en-1-ol
 p-Menth-8-en-2-one.
 1-p-Menth-9-yl acetate.
 p-Methoxycinnamaldehyde.
 Methyl cyclohexanecarboxylate.
 2-Methyl-3, 5 or 6-ethoxypyrazine.
 3-[(2-Methyl-3-furyl)-thio]-4-heptanone.
 4-[(2-Methyl-3-furyl)-thio]-5-nonanone.
 5-Methylhexanoic acid.
 Methyl 2-methyl-3-furyl disulfide.
 4-Methynonanoic acid.
 4-Methyloctanoic acid.
 Methyl 1-propenyl disulfide.
 3-Methyl-5-propyl-2-cyclohexen-1-one.
 2-Methyl-4-propyl-1, 3-oxathiane.
 1, 4-nonanediol diacetate.
 cis-6-Nonenal.
 3-Octanol.
 1-Octen-3-yl acetate.
 3-Octyl acetate.
 1-Penten-3-ol.
 L-Phenylalanine.
 2-Phenyl-3-(2-furyl)-prop-2-enal.
 2(10)-Pinen-3-ol.
 1, 3-Propanedithiol.
 Resorcinol.
 Δ-Tetradecalactone.
 Theobromine.
 2, 2, 3-Trimethylcyclopent-3-en-1-ylacetaldehyde.
 1, 2, 3-Tris[(1'-ethoxy) ethoxyl]-propane.
 Verbenol.
 2, 5-Xylenol.
 3, 4-Xylenol.

The Commissioner has determined that the 6 ingredients included in completed SLR's have been properly added to the safety review, and he accepts the FEMA commitment to add the 65 remaining ingredients to the SLR's now in draft. The effective date of compliance with § 101.22(g)(2) will, therefore, be extended to July 1, 1979.

The Commissioner has determined that inclusion of any additional flavoring ingredients must be accomplished in the aforesaid manner if exemption to specific ingredient listing is desired. Additional FEDERAL REGISTER notices will be issued for subsequent industry GRAS flavor lists that are to be included in the FDA GRAS review.

Dated: May 22, 1978.

WILLIAM F. RANDOLPH,
 Acting Associate Commissioner
 for Regulatory Affairs.

[FR Doc. 78-14723 Filed; 5-25-78 8:45 am]

[4110-03]

[Docket No. 75P-0361]

STANDARDS OF IDENTITY FOR BAKERY PRODUCTS

Hearing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces a formal evidentiary public rulemaking hearing and a prehearing conference for the purpose of resolving factual issues raised by objections that stayed certain provisions of the standards of identity for bakery products.

DATES: Prehearing conference June 28, 1978, beginning at 10 a.m. Written notices of participation must be received by June 26, 1978.

ADDRESSES: The prehearing conference will be held in the Food and Drug Administration (FDA) Hearing Room, 4A-27, 5600 Fishers Lane, Rockville, Md. 20857. Written notices of participation should be submitted to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Richard Hunt, Compliance Regulations Policy Staff (HFC-10), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3480.

SUPPLEMENTARY INFORMATION:

In the FEDERAL REGISTER of February 12, 1976 (41 FR 6242), the Commissioner of Food and Drugs revised the standards of identity for bakery products in Part 136 (21 CFR Part 136, formerly 21 CFR Part 17 prior to the recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)). In response to written objections and requests for a hearing, a notice identifying certain provisions that were stayed pending consideration whether a hearing is necessary was published in the FEDERAL REGISTER of October 15, 1976 (41 FR 45540). The Commissioner has now determined that it is necessary to conduct a hearing to resolve four issues. A proposal to amend § 136.110(c)(5)(ii) (21 CFR 136.110(c)(5)(ii)), relating to the optional use of mono- and diglycerides of fat-forming fatty acid and of certain other ingredients that perform a similar function, is being published elsewhere in this issue of the FEDERAL REGISTER in order to resolve the fifth issue.

A hearing is being granted on the following stated objections:

1. The State of New York, Department of Agriculture and Markets, and the State of Tennessee, Department of Agriculture, objected to § 136.110(c)(5)(i) (21 CFR 136.110(c)(5)(i)), formerly § 17.10(c)(5)(i)), which permits the use of lecithin, hydroxylated lecithin, and related phosphatides in egg bread, egg rolls, and egg buns, on the grounds that the egg content of egg bread supplies sufficient emulsification to make the use of lecithin unnecessary and that if lecithin and related phosphatides were not present, it would be possible to test in the laboratory for the presence of egg yolk in the finished bread, thus eliminating the need for continual plant inspection.

2. Basic Foods, Division of Mallinckrodt, Inc., objected to § 136.110(c)(16) (21 CFR 136.110(c)(16)), formerly

§ 17.10(c)(16)), which limits the use of spices, spice oil, and spice extract in such a way that a color simulating that of egg is not imparted to the finished food, the objection was based on the argument that spice ingredients which impart a color to the finished food have other functional utility and benefit consumers when used in standardized bakery products not purporting to contain egg.

3. The American Bakers Association (ABA) objected to § 136.110(c)(17) (21 CFR 136.110(c)(17)), formerly § 17.10(c)(17)), which, it argues, permits the use in bread of butter with added color while prohibiting the use in bread of natural or artificial colors as such. The ABA claims that there is no basis for discriminating between butter and margarine with respect to the use of artificial coloring in breads and recommends that artificial color be allowed in like amounts in both margarine and butter when either is used in bread. The permission to use butter with added color, therefore, was stayed. The use of colored margarine has never been approved. Consequently, the use of artificially colored margarine as well as artificially colored butter was prohibited during the period of the stay.

4. Sections 136.110(e), 136.115(b), 136.160(b), and 136.165(b) (21 CFR 136.110(e), 136.115(b), 136.160(b), and 136.165(b)), formerly §§ 17.10(e), 17.20(b), 17.40(b), 17.60(b)), which require bread to contain a minimum of 2.56 percent by weight of whole egg solids in order to be named "egg bread," "enriched egg bread," "raisin and egg bread," or "enriched raisin and egg bread," as applicable, were stayed by objections filed by the State of New York, Department of Agriculture and Markets, and the State of Tennessee, Department of Agriculture. These State agencies asserted that the specified minimum percentage is too low to justify use of the name "egg bread."

The fact that the Commissioner has granted a hearing on the issues raised by the objections does not indicate that he agrees with those objections. The stays will remain in effect until all issues are resolved. Therefore, it is ordered that a public hearing be held on the following factual issues:

1. Whether it is in the best interests of the consumer to prohibit the use of lecithin, hydroxylated lecithin, and related phosphatides in egg bread, egg rolls, and egg buns.

2. Whether it is in the best interests of the consumer that spices, spice oil, and spice extract that impart to a standardized bakery product a color simulating that of egg be permitted in a standardized bakery product which is not represented on its label as containing egg or egg product and which does not purport to contain egg or egg product.

3. Whether, and on what terms, the use of butter and/or margarine containing added color within specified limits should be permitted in standardized bakery products.

4. Whether a minimum content of 2.56 percent by weight of whole egg solids in a standardized bakery product is high enough to justify use of the names "egg bread," "egg rolls," "egg buns," "enriched egg bread," "enriched egg rolls," "enriched egg buns," "raisin and egg bread," "raisin and egg rolls," "raisin and egg buns," "enriched raisin and egg bread," "enriched raisin and egg rolls," "enriched raisin and egg buns," as applicable.

Because this matter is a rulemaking proceeding pursuant to 5 U.S.C. 553, 556(d), and 557, the hearing will consist of the submission of evidence in written form only, unless otherwise ordered by the Administrative Law Judge. If the hearing consists of any oral testimony, such testimony will be taken at the FDA Hearing Room (address above). The presiding Administrative Law Judge will be Daniel J. Davidson. Written notices of participation must be filed with the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, not later than June 26, 1978. The written notices of participation should be identified by the Hearing Clerk docket number found in brackets in the heading of this document; also, to aid in identification, the envelope containing the notice should be clearly labeled "Egg Bread Hearing."

Parties to the hearing shall be the Bureau of Foods of the Food and Drug Administration, the New York State Department of Agriculture and Markets, the Tennessee State Department of Agriculture, the Basic Foods Division of Mallinckrodt, Inc., and the American Bakers Association.

Pursuant to § 12.85 (21 CFR 12.85), the Bureau of Foods has filed with the Hearing Clerk a narrative statement of its position on the hearing issues and a summary of the evidence it intends to introduce at the hearing in support of its position. The Bureau has also filed with the Hearing Clerk copies of the original Great Atlantic and Pacific Tea Co. petition and all other data in its possession bearing on the issues raised herein. Additional copies need not be submitted by other parties or participants.

Interested persons may obtain a copy of the narrative statement filed by the Bureau of Foods from the office of the Hearing Clerk, at the address given above. Interested persons may also examine the administrative record at the office of the Hearing Clerk, from 9 a.m. to 4 p.m., Monday through Friday.

The portions of the administrative record that the Bureau of Foods

deems relevant at this time include the following:

1. Petition by the Great Atlantic & Pacific Tea Co., Inc.

2. Data from published recipes regarding egg content of egg bread.

3. The Munsell Butter Comparator and directions for its use.

4. Other relevant data in the possession of the Bureau of Foods.

5. Excerpts from the scientific and technical literature bearing on the issues in the hearing.

The hearing will be open to the public. Any participant may appear in person, or by or with counsel or other qualified representatives and may make known his or her views on matters relevant to the issues under consideration. Participants other than the Bureau of Foods shall disclose data and information under § 12.85 by July 25, 1978.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e)) and under authority delegated to him (21 CFR 5.1), the Commissioner orders that a public hearing be held on the issues set out in this notice.

Dated: May 22, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Regulatory Affairs.

[FR Doc. 78-14724 Filed 5-25-78; 8:45 am]

[4110-83]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration

ADVISORY COMMITTEE

Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of June 1978:

Name: Graduate Medical Education National Advisory Committee.

Date and Time: June 22-23, 1978, 9 a.m.

Place: Rooms 403A/405A, Hubert H. Humphrey Building, 200 Independence Avenue, Washington, D.C. 20201.

Open for entire meeting.

Purpose: The Graduate Medical Education National Advisory Committee is responsible for advising and making recommendations with respect to: (1) present and future supply and requirements of physicians by specialty and geographic location; (2) ranges and types of numbers of graduate training opportunities needed to approach a more desirable distribution of physician services; and (3) the impact of various activities which influence specialty distribution and the availability of training opportunities including systems of reimbursement and the financing of graduate medical education.

Agenda: Issues associated with the financing of graduate medical education, physician extenders, and the development of a manpower model will be discussed. Brief presentations by selected specialty or private sector organizations will be scheduled on the second day of the meeting.

A portion of the meeting will be available for comments and participation by the public. Due to limited seating, attendance by the public will be provided on a first-come, first-serve basis.

Anyone wishing to obtain a roster of members, minutes of meeting, or other relevant information should contact Dr. Frederick V. Featherstone, Bureau of Health Manpower, Room 4-44, Center Building, 3700 East-West Highway, Hyattsville, Md. 20782, telephone 301-436-6430.

Agenda items are subject to change as priorities dictate.

Dated: May 18, 1978.

JAMES A. WALSH,
Associate Administrator for
Operations and Management.

[FR Doc. 78-14635 Filed 5-25-78; 8:45 am]

[4110-83]

Health Resources Administration

GRADUATE MEDICAL EDUCATION NATIONAL ADVISORY COMMITTEE

Reestablishment

Pursuant to the Federal Advisory Committee Act, Pub. L. 92-463 (5 U.S.C. Appendix I), the Health Resources Administration announces the reestablishment by the Secretary, HEW, with concurrence by the General Services Administration, of the following advisory committee:

Designation: Graduate Medical Education National Advisory Committee.

Purpose: The Committee shall advise, consult with and make recommendations to the Secretary on overall strategies on the present and future supply and requirements of physicians by specialty and geographic locations; translation of physician requirements into a range of types and numbers of graduate training opportunities needed to approach a more desirable distribution of physician services, taking into account National Health Planning goals, guidelines, standards, and, as appropriate, the health system plans developed by health system agencies; factors which affect physician career choice; the impact of various activities which influence specialty distribution and the availability of training opportunities, including systems of reimbursement of services and financing of graduate medical education; and the relationship of graduate medical education to the provision of services in training institutions, including alternatives for the provision of these services. The Committee shall advise on data requirements and systems needed to conduct the activities of the Committee; propose national goals for the distribution of physicians in graduate training; and recommend Feder-

al policies, strategies, and plans to achieve the established goals in concert with the private sector and non-Federal agencies.

Authority for this Committee will expire on April 20, 1980, unless the Secretary, HEW, with the concurrence of the General Services Administration, formally determines that continuance is in the public interest.

Dated: May 24, 1978.

JAMES A. WALSH,
Associate Administrator for
Operations and Management.

[FR Doc. 78-14888 Filed; 5-25-78 8:45 am]

[4110-08]

National Institutes of Health AGING REVIEW COMMITTEE Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Aging Review Committee, National Institute on Aging, on June 30, 1978, in Building 31C, Conference Room 8, National Institutes of Health, Bethesda, Md.

The meeting will be open to the public from 9 to 10 a.m. for introductory remarks. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public 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.

Mrs. Suzanna H. Porter, Committee Management Officer, NIA Building 31, Room 5C07, National Institutes of Health, Bethesda, Md., area code 301-496-5345, will provide summaries of meetings and rosters of Committee members as well as substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.866, National Institutes of Health.)

Dated: May 12, 1978.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 78-14756 Filed 5-25-78; 8:45 am]

[4110-08]

GENERAL RESEARCH SUPPORT PROGRAM ADVISORY COMMITTEE Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the

General Research Support Program Advisory Committee, Division of Research Resources, June 22-23, 1978, from 9 a.m. to 5 p.m. in the Maryland Room of the Holiday Inn, 8130 Wisconsin Avenue, Bethesda, Md. 20014.

This meeting will be open to the public from 9 a.m. to 1:30 p.m. on June 22, 1978, to discuss administrative matters relating to the programs. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on June 22, 1978, from 1:30 p.m. to 5 p.m., and on June 23, 1978, from 9 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications submitted to the Minority Biomedical Support Program. These applications and discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mr. James Augustine, Information Officer, Division of Research Resources, National Institutes of Health, Building 31, Room 5B13, Bethesda, Md. 20014, telephone area code 301-496-5545, will provide summaries of meetings and rosters of committee members. Dr. Sidney A. McNairy, Jr., Executive Secretary of the General Research Support Program Advisory Committee, Building 31, Room 5B33, Bethesda, Md. 20014, telephone area code 301-496-6743 will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs No. 13.375, National Institutes of Health.)

Dated: May 12, 1978.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 78-14748 Filed 5-25-78; 8:45 am]

[4110-08]

CLEARINGHOUSE ON ENVIRONMENTAL CARCINOGENS Renewal

The Director, National Institutes of Health, announces the renewal on May 5, 1978, of the Clearinghouse on Environmental Carcinogens, under the authority of Section 410(a)(3) of the Public Health Service Act (42 U.S.C. 286d). Such advisory committees shall be governed by the provisions of the Federal Advisory Committee Act, as amended (Pub. L. 92-463) setting forth standards governing the establishment and use of advisory committees.

This committee provides to the Director, NCI, and the Director, Division

of Cancer Cause and Prevention, advice concerning matters relating to the identification and evaluation of environmental carcinogens. The committee will terminate May 5, 1980, unless renewed by appropriate action as authorized by law.

Dated: May 12, 1978.

DONALD S. FREDRICKSON,
Director, National
Institutes of Health.

[FR Doc. 78-14749 Filed 5-25-78; 8:45 am]

[4110-08]

CLINICAL APPLICATIONS AND PREVENTION ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Clinical Applications and Prevention Advisory Committee, Division of Heart and Vascular Diseases, National Heart, Lung, and Blood Institute, July 13-14, 1978, Federal Building, Room 6C01, Bethesda, Md.

This meeting will be open to the public on July 13, from 9 a.m. to 12 noon, to discuss the current progress of the Aspirin Myocardial Infarction Study and the Epidemiology program. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on July 13, from noon to adjournment and on July 14, from 8:30 a.m. to adjournment, for the review, discussion, and evaluation of individual contract renewal proposals. The proposals and the discussions could reveal confidential trade secrets and personal information such as privileged unblinded medical data about individuals associated with the proposals.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 5A03, National Institutes of Health, Bethesda, Md. 20014, phone 301-496-4236, will provide summaries of meetings and rosters of committee members. Dr. William J. Zukel, Executive Secretary of the Committee, Federal building, Room 4C10, Bethesda, Md., 20014, phone 301-496-2533, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, National Institutes of Health.)

Dated: May 15, 1978.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 78-14754 Filed 5-25-78; 8:45 am]

[4110-08]

CLINICAL TRIALS REVIEW COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Clinical Trials Review Committee, National Heart, Lung, and Blood Institute, June 22, 1978, at the National Institutes of Health, Building 31A, Conference Room 4.

The entire meeting will be open to the public from 8:30 a.m. to adjournment on June 22, 1978, to hear a report by the Deputy Director, NHLBI, concerning the current status of the National Heart, Lung, and Blood Institute. Also, there will be an orientation of new members and discussion of National Heart, Lung and Blood Institute Clinical Trials programs, and other committee business. Attendance by the public will be limited to space available.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, National Institutes of Health, Building 31, Room 5A-03, phone 301-496-4236, will provide summaries of the meeting and rosters of the committee members. Dr. Fred P. Heydrick, Chief, Research Contracts Review Section, Division of Extramural Affairs, NHLBI, Westwood Building, Room 548B, phone 301-496-7363, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, 13.838 and 13.839, National Institutes of Health.)

Dated: May 15, 1978.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 78-14755 Filed 5-25-78; 8:45 am]

[4110-08]

CLINICAL CANCER EDUCATION COMMITTEE

Amended Notice of Meeting

Notice is hereby given of a change in meeting date of the Clinical Cancer Education Committee, National Cancer Institute, National Institutes of Health, June 1 and 2, 1978, which was published in the FEDERAL REGISTER on May 5, 1978 (43 FR 19463).

The meeting will now be held one day only on June 2, 1978 in Building 31C, Conference Room 10, National Institutes of Health. The meeting will be open to the public from 8:30 a.m. to 9:30 a.m. to review administrative details. Attendance by the public will be limited to space available.

Dated: May 15, 1978.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 78-14750 Filed 5-25-78; 8:45 am]

[4110-08]

ADVISORY COMMITTEES; NATIONAL CANCER INSTITUTE

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: Cancer Control and Rehabilitation Advisory Committee.

Dates: July 12-13, 1978, 9 a.m. to adjournment.

Place: Building 31C, Conference Room 6, National Institutes of Health.

Times: Open for the entire meeting.

Agenda: To discuss current and projected programs of the Division of Cancer Control and Rehabilitation.

Executive Secretary: Dr. Veronica L. Conley, Blair Building, Room 7A07, National Institutes of Health, phone 301-427-7941.

Name of Committee: Executive Subgroup of the Clearinghouse on Environmental Carcinogens.

Dates: July 19, 1978, 8:30 a.m. to adjournment.

Place: Building 31C, Conference Room 6, National Institutes of Health.

Times: Open for the entire meeting.

Agenda: To review the activities of the Clearinghouse bioassay program and other relevant matters.

Executive Secretary: Dr. James M. Sontag, Building 31, Room 3A16, National Institutes of Health, phone 301-496-5108.

Name of Committee: President's Cancer Panel.

Dates: July 25, 1978, 9:30 a.m. to adjournment.

Place: Building 31C, Conference Room 7, National Institutes of Health.

Times: Open for the entire meeting.

Agenda: To hear reports on the President's Cancer Panel and the National Cancer Program.

Executive Secretary: Dr. Richard A. Tjalma, Building 31, Room 11A46, National Institutes of Health, phone 301-496-5854.

Dated: May 18, 1978.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 78-14751 Filed 5-25-78; 8:45 am]

[4110-08]

HEART, LUNG, AND BLOOD RESEARCH REVIEW COMMITTEE A

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Heart, Lung, and Blood Research Review Committee A, National Heart, Lung, and Blood Institute, June 30, July 1, 1978, National Institutes of Health, Building 31, Wing C, Conference Room 7, Bethesda, Md.

The meeting will be open to the public on June 30, 1978 from 8:30 a.m. to approximately 9:30 a.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, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on June 30, 1978 from 9:30 a.m. until the adjournment on July 1, 1978, 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. Arthur W. Merrick, Executive Secretary, NHLBI, NIH, Room 552, Westwood Building, Bethesda, Md. 20014, phone 301-496-7917, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, 13.838, National Institutes of Health.)

Dated: May 12, 1978.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 78-14752 Filed 5-25-78; 8:45 am]

[4110-08]

HEART, LUNG, AND BLOOD RESEARCH REVIEW COMMITTEE B

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Heart, Lung, and Blood Research Review Committee B, National Heart, Lung, and Blood Institute, June 30, and July 1, 1978, Conference Room 9, Building 31, National Institutes of Health, Bethesda, Md.

This meeting will be open to the public on June 30, 1978 from 8:30 a.m. to approximately 9:30 a.m. to discuss administrative details and to hear re-

ports 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, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on June 30, 1978 from 9:30 a.m. until adjournment on July 1, 1978 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. Henry G. Roscoe, Executive Secretary, NHLBI, NIH, Room 554, Westwood Building, Bethesda, Md. 20014, phone 301-496-7915, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, 13.838, 13.839, National Institutes of Health.)

Dated: May 12, 1978.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 78-14753 Filed 5-25-78; 8:45 am]

[4110-08]

MINORITY ACCESS TO RESEARCH CAREERS REVIEW COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Minority Access to Research Careers Review Committee, National Institute of General Medical Sciences, on June 27 to 30, 1978, 9 a.m., National Institutes of Health, Building 31C, Conference Room 9.

This meeting will be open to the public on June 27, 9 a.m. to 12 noon. The meeting will consist of opening remarks and discussion of procedural matters. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Title 5, U.S. Code 552b(c)(6), the meeting will be closed to the public on June 27 from 1:30 p.m. to 5 p.m. and on June 28-29 from 9 a.m. until 5 p.m. and on June 30 from 9 a.m. until adjournment, for the review, discussion, and evaluation of individual and institutional grant applications. These applications could reveal personal information concerning individuals associated with the applications.

Mr. Paul Deming, Research Reports Officer, NIGMS, Westwood Building, 5333 Westbard Avenue, Room 9A-05,

Bethesda, Md. 20014, telephone 301-496-7301, will furnish summary minutes of the meeting and a roster of committee members.

Substantive program information may be obtained from Dr. Prince Rivers, Executive Secretary, Westwood Building, Room 9A-17, Bethesda, Md. 20014, telephone 301-496-7357.

(Catalog of Federal Domestic Assistance Programs 13-859, 13-860, 13-861, 13-862, General Medical Sciences.)

Dated: May 12, 1978.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 78-14757 Filed 5-25-78; 8:45 am]

[4110-08]

NATIONAL CANCER ADVISORY BOARD

Amended Notice of Meeting

Notice is hereby given of a change in the presentation of an agenda item of the National Cancer Advisory Board meeting, National Cancer Institute, National Institutes of Health, May 30-31, 1978, which was published in the FEDERAL REGISTER on April 21, 1978 (43 FR 17059).

The presentation on May 31 on NIH trends in grants and contracts and NCI trends in grants, originally scheduled for 4:20 p.m., has been rescheduled for presentation at 8:30 a.m., May 31. Attendance by the public will be limited to space available.

Dated: May 18, 1978.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 78-14747 Filed 5-25-78; 8:45 am]

[4310-02]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

ROBINSON RANCHERIA

Procedures to Return Land to Trust Status

MAY 17, 1978.

The notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 230 DM 1 and 2.

Pursuant to the Final Declaratory Judgment and Decree issued in *Mable Duncan, et al., v Andrus, et al.*, Nos. C-71-1572 and C-71-1713 by the United States District Court for the Northern District of California, each Indian of the Robinson Rancheria who has or retains any interest in or to the lands or assets thereof (however acquired) shall be entitled to elect to convey his or her interest to the United States to

be held in trust. Unless otherwise specified in the instrument of conveyance, title to the lands or assets described therein shall be held by the United States in trust for the individual Indian or Indians executing the conveyance. Conveyance of title to the United States may, at the election of the grantor, provide that the United States will hold title in trust for the Indians of the Robinson Rancheria, subject to such conditions or restrictions as are set forth in the instrument of conveyance. Each Indian of the Robinson Rancheria has until July 1, 1978 to exercise his option to convey his or her interest to the United States to be held in trust as specified in the instrument of conveyance. An acceptable form of Grant Deed—Individual is available at the Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, Calif. 95825, and will be furnished upon request.

Similarly, trust status shall be restored to the community properties of the Rancheria upon the election of the Indians of the Robinson Rancheria. An acceptable form of Grant Deed—Community is available and will be furnished upon request. Completed instruments of conveyance are to be filed with the Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, Calif. 95825, who will be responsible for recording said instruments with the County Recorder of Lake County.

In the event that lands are subsequently acquired within the boundaries of the Rancheria by one or more Indians thereof, they may be similarly restored to trust status in accordance with the procedures outlined above.

These procedures will be published by the Department in the FEDERAL REGISTER, will be posted in two conspicuous places on the Rancheria and in a newspaper of general circulation within Lake County, and will be sent to each individual named in this notice.

NAME AND ADDRESS

Elmer Moore, 1824 Bruce Street, Chico, Calif. 95926.

Milton Gorbett, 2526 Shawnee Street, Santa Rosa, Calif. 95401.

Evelyn Peake, 2546 34th Avenue, Oakland, Calif. 94601.

Marcus Anderson, Box 3765, Chico, Calif. 95926.

Rosita Anderson, Box 3765, Chico, Calif. 95926.

Charlotte Anderson, Box 3765, Chico, Calif. 95926.

Herbert Anderson, P.O. Box 1271, Lakeport, Calif. 95453.

Earl Duncan, 5526 Cranbrook Way, Fair Oaks, Calif. 95628.

Mildred Duncan, 5526 Cranbrook Way, Fair Oaks, Calif. 95628.

Alfretta Boggs Mix, 1304 Hemlock Street, Chico, Calif. 95926.

Mabel Knight, P.O. Box 274, Upper Lake, Calif. 95485.

Coleen Tripp Poe, 2526 Shawnee Street, Santa Rosa, Calif. 95401.

Freda Duncan, 3815 East 14th Street, Oakland, Calif. 94601.

Pearl Wilson, P.O. Box 415, Upper Lake, Calif. 95485.

Alice Peters, 286 Humboldt Avenue, Apt. 2, Chico, Calif. 95926.

Ivan Anderson, Box 371, Upper Lake, Calif. 95485.

Alvin Anderson, Box 371, Upper Lake, Calif. 95485.

Barbara White, 731 4th Street, Woodland, Calif. 95695.

Elsie Wilson, P.O. Box 415, Upper Lake, Calif. 95485.

Nathan Boggs, 1372 East 10th Street, Chico, Calif. 95926.

Bernadine Connor, 5526 Cranbrook Way, Fair Oaks, Calif. 95628.

Maude Boggs, 1372 East 10th Street, Chico, Calif. 95926.

Wilbur Augustine, P.O. Box 142, Arcata, Calif. 95521.

Carston Duncan, General Delivery, Upper Lake, Calif. 95485.

RICK LAVIS,
Deputy Assistant Secretary,
Indian Affairs.

[FR Doc. 78-14769 Filed 5-25-78; 8:45 am]

[7020-02]

INTERNATIONAL TRADE COMMISSION

[337-TA-39]

CERTAIN LUGGAGE PRODUCTS

Order Permitting Inspection of In Camera Record and Extending Time for Written Sub- missions

Notice is hereby given that a request was received from the Federal Trade Commission on May 9, 1978, that the United States International Trade Commission exercise its discretion pursuant to Rule 210.44(a) of the Commission's Rules of Practice and Procedure (19 C.F.R. 210.44(a)) to permit inspection by two designated FTC attorneys of the *in camera* record and confidential findings contained in the recommended determination filed by the presiding officer on March 24, 1978, in the certain luggage products investigation No. 337-TA-39.

The presiding officer issued a recommendation and order concerning the Federal Trade Commission's request on May 12, 1978. He recommended that:

1. The requested disclosure to the FTC be made so as to permit inspection by attorneys Carl Hevener, Esq. and John F. McDermid, Esq. of the Federal Trade Commission;

2. That the date of disclosure be set for May 19, 1978 in the Office of the Secretary of this Commission; and

3. The extension of the briefing date be granted until May 26, 1978.

Counsel for complainant, Airway Industries, Inc., consented to the Federal Trade Commission's request for inspection of the *in camera* record on May 16, 1978.

Having considered the Federal Trade Commission's request of May 9,

1978; the presiding officer's recommendation concerning disclosure, and the consent of the complainant, the United States International Trade Commission, on May 22, 1978, *Ordered*—

(1) That Carl Hevener, Esq. and John F. McDermid, Esq., of the Federal Trade Commission will be permitted to inspect the *in camera* record and confidential findings contained in the recommended determination of the presiding officer filed on March 24, 1978, in the certain luggage products investigation No. 337-TA-39 on May 23, 1978, in the Office of the Secretary of this Commission; and

(2) The date for filing written submissions from the parties, other interested persons, Government agencies and departments, Governments or the public with respect to the recommended determination, the appropriate standard for granting temporary relief in section 337 proceedings, and the subject matter of subsections (a)(1), and (a)(2), and (a)(3) of section 210.14 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.14 (a)(1), (2), and (3)) (i.e., with respect to remedy, bonding, and the public interest) is extended until May 26, 1978.

Notice of the Commission's institution of the investigation was published in the FEDERAL REGISTER of November 30, 1977 (42 F.R. 60962).

By order of the Commission.

Issued May 23, 1978.

KENNETH R. MASON,
Secretary.

[FR Doc. 78-14813 Filed 5-25-78; 8:45 am]

[4410-01]

DEPARTMENT OF JUSTICE

Antitrust Division

UNITED STATES v. LEGGETT & PLATT, INC.

Written Comments Upon Consent Judgment and Department of Justice Response Thereto

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16, the following written comments on the proposed judgment filed with the United States District Court in the Southern Division of Ohio, Western Division in Civil Action No. 7976, *United States of America v. Leggett & Platt, Inc.* were received by the Department of Justice and are published herewith, together with Justice's response to the comments.

Dated: May 15, 1975.

CHARLES F. B. McALEER,
Special Assistant for Judgment
Negotiations, Office of Oper-
ations, Antitrust Division.

SMITH AND KIRCHER
Cincinnati, Ohio, March 17, 1978.
Mr. JOHN A. WEEDON,

Chief, Great Lakes Field Office, Antitrust
Division, U.S. Department of Justice,
Cleveland, Ohio.

Re: *United States of America v. Leggett & Platt, Incorporated*, Civil Action No. 7976.

DEAR MR. WEEDON: Enclosed, pursuant to 15 U.S.C. 16 (d) and (e), are written comments of Local 156, Upholsterers International Union of North America, AFL-CIO relating to the proposal for the consent judgment in the above-captioned matter.

Very truly yours,

THOMAS J. KIRCHER.

BEFORE THE ANTI-TRUST DIVISION, U.S. DEPARTMENT OF JUSTICE

COMMENTS OF LOCAL 156, UPHOLSTERERS INTERNATIONAL UNION OF NORTH AMERICA, AFL-CIO, RELATING TO THE PROPOSED FINAL JUDGMENT IN UNITED STATES OF AMERICA v. LEGGETT & PLATT, INC., CIVIL ACTION NO. 7976

Local 156, Upholsterers International Union of North America, AFL-CIO ("Local 156") submits the following comments (including the attached Affidavit), pursuant to U.S.C. 16 (d) and (e), with respect to the proposed Final Judgment in *United States of America v. Leggett & Platt, Inc.*, CA No. 7976, presently pending in the Western Division of the United States District Court for the Southern District of Ohio.

1. Local 156 is, as shown by the attached Affidavit, the bargaining representative of the production and maintenance employees at the facility which is to be affected by the proposed Final Judgment. Local 156 urges modification of the proposed decree, as more fully explained and set forth below.

2. The collective bargaining agreement between Local 156 and Defendant purports to be binding upon the "successors or assigns" of Defendant (Exhibit A, p. 1). Defendant thus has an obligation to see that any assignee of its operation assume such agreement, with the job security and other protections provided for employees under that agreement. As a matter of both practicality and Federal law, the successorship clause of the agreement will be unenforceable against any assignee unless assumption of the agreement is made a condition of sale.

The proposed Final Judgment, however, does not require either Defendant or the Trustee to make retention of employees or assumption of the agreement a condition of sale; indeed, it is arguable that neither Defendant nor the Trustee could insist upon such action by the buyer as a condition of sale. Failure by the buyer to take such action would result in the following consequences detrimental to the public interest:

A. Loss of employment by a large number of older workers with many years of service, with the attendant individual hardship and governmental burden of their unemployment; and

B. Loss to Defendant's competitor of workers with valuable skills and experience in the industry.

Therefore, Local 156 would urge that Section IV(D) of the proposed Final Judgment be modified to read as follows:

(D) Leggett & Platt and thereafter the Trustee shall use their best efforts to sell Greeno to a person (i) which intends to operate Greeno as a going business for the manufacture of innersprings and boxsprings and for the sale of such products to parties independent of such person and (ii) which is deemed suited to increase competition in the sale of such products and (iii) which un-

dertakes to retain the production and maintenance employees and assume the existing collective bargaining agreement.

3. The proposed decree would require that the assets of the facility be sold if the facility cannot be sold as a going business. Local 156 respectfully suggests that the decree's requirements for sale of the business by Defendant and the Trustee will effectuate virtually all of the goals of the settlement. If competitors did not purchase the business within the 24 months provided, it is fairly obvious that the marginal impact upon competition of continued operation of the facility by Defendant would be almost nil. The competitive impact statement filed by the parties does not indicate otherwise.

Certainly such impact is small when compared to the harm to the public interest entailed in throwing all of the workers out of jobs, especially when (see Affidavit) large numbers of them are older workers with skills which are not transferrable to other industries.

Local 156 would therefore urge that Section IV(A) of the proposed decree be modified to read:

(A) Leggett & Platt is ordered and directed to sell Greeno. Such sale shall be made, if possible, within thirty (30) months as provided in Section IV;

and that Section IV(E) of the proposed decree be modified to read:

(E) If such a purchaser for Greeno is not found within thirty (30) months from entry of this Final Judgment, the Trustee shall return its interest in Greeno to Leggett & Platt.

Respectfully submitted,

THOMAS J. KIRCHER,
Smith & Kircher, Attorneys for Local
156, Upholsterers International
Union of North America, AFL-CIO,
2402 Kroger Building, Cincinnati,
Ohio 45202, 513-381-3525.

AFFIDAVIT

STATE OF OHIO,
County of Hamilton, ss:

My name is Joe Harold Sampson. I reside at 5337 Charloe Street, Cincinnati, Ohio 45227. I am steward of Local 156, Upholsterers International Union, at the Leggett & Platt Greeno facility (also known as Ellis Street). I have held this position for approximately 16 years.

Attached hereto as Exhibit A is a copy of the current collective bargaining agreement covering the Greeno facility between Local 156 and Leggett & Platt. At present there are 53 employees working in the bargaining unit. At one point in the early 1970's, there were 265 employees, and there has been a gradual decline since that time. Attached hereto as Exhibit B is a copy of a seniority list from January, 1975. Attached hereto as Exhibit C is a copy of a seniority list from December, 1977. Substantially all of the persons shown on the 1975 list were working at that time. Of the people shown on the 1977 list only the 53 I mentioned above are working now.

The net result of all this is that the people who are working there now are, to a large extent, older workers with many years in the trade. They are skilled in spring manufacture, but their skills would not be readily transferrable to other industries. Many would be unemployed for long periods of time if production at the Greeno facility were terminated.

JOE HAROLD SAMPSON.

Sworn to before me and subscribed in my presence this 16th day of March, 1978.

THERESA ANN SPARER,
Notary Public.

UNITED STATES DISTRICT COURT, SOUTHERN
DIVISION OF OHIO, WESTERN DIVISION

United States of America, Plaintiff, v. Leggett & Platt, Inc., Defendant.

Civil No. 7976.

Judge Carl B. Rubin.

GOVERNMENT'S RESPONSE TO COMMENTS OF
LOCAL 156, UPHOLSTERERS INTERNATIONAL
UNION OF NORTH AMERICA, AFL-CIO

The United States submits this response to the comments of Local 156, Upholsterers International Union of North America, AFL-CIO, upon the proposed Final Judgment in "United States v. Leggett & Platt, Inc.", Civil Action No. 7976.

In its comments, Local 156 states that, without their suggested modifications, the proposed Final Judgment could result in the loss of employment by the present production and maintenance employees at Leggett & Platt's Greeno facility on Ellis Street in Cincinnati, Ohio. The Government shares the concern of Local 156 for the employees at Greeno, but believes that the modifications suggested by Local 156 would lessen the likelihood of achieving the primary objective of divesting Greeno from Leggett & Platt. The Government, in formulating the proposed Final Judgment, has sought to protect competition in the innerspring and boxspring industry and to serve the interests of the public, who, as consumers, will purchase the finished product. Thus, the Judgment requires Leggett & Platt to sell its interest in Greeno to someone who intends to operate Greeno as a going business and who is deemed suited to increase competition in the innerspring and boxspring industry.

The first modification suggested by Local 156 would limit the number of prospective purchasers to those who are willing to be bound by Greeno's present collective bargaining agreement, thereby possibly reducing the chances that Greeno will be sold as a going business. The second modification suggested by Local 156, would eliminate the requirement that Leggett & Platt sell Greeno piecemeal if it cannot be sold as a going business. If the proposed Final Judgment were to allow the return of Greeno to Leggett & Platt after thirty (30) months, an incentive encouraging Leggett & Platt to sell would be eliminated. The probability that Greeno would be divested would thus be reduced. Matters relating to the employment of the production and maintenance employees of Greeno are properly left to Local 156, Leggett & Platt, and the purchaser of Greeno to negotiate. Such matters should not be fixed in the Judgment so as to interfere with the primary objective, to accomplish divestiture and restore competition.

The proposed Final Judgment is structured so that the most likely result is the sale of Greeno as a going business. The modifications recommended are either unnecessary or inappropriate and, therefore, would not further the public interest in this matter.

Dated: May 12, 1978.

JOHN A. WEEDON,
Chief, Great Lakes Field Office.
DAVID F. HILLS,
Attorney, Department of Justice.
DIANE RUBIN WILLIAMS,
SAUNDRA B. WALLACK,
DONALD S. SCHERZER,
Attorneys, Department of Justice,
Antitrust Division, 995 Celebrezze
Federal Building, Cleveland, Ohio
44199, Telephone: 216-522-4080.

[FR Doc. 78-14714 Filed 5-25-78; 8:45 am]

[4410-01]

Office of the Attorney General

[Order No. 785-78]

JOHN M. HARMON, ASSISTANT ATTORNEY
GENERAL, OFFICE OF LEGAL COUNSEL

Delegation of Authority Respecting the Application for Approval of a Joint Operating Arrangement Between the Cincinnati Post and Cincinnati Enquirer

Pursuant to the Newspaper Preservation Act, 15 U.S.C. 1801 et seq., the Attorney General must approve, by prior written consent, an application for a joint newspaper operating arrangement if the arrangement is to qualify for the limited antitrust exemption afforded by the Act.

The regulations implementing the Newspaper Preservation Act are set forth in 28 CFR Part 48. The term "Attorney General" is defined by § 48.2(a) of the Part to mean the Attorney General "or his delegate." I hereby delegate to John M. Harmon, Assistant Attorney General, Office of Legal Counsel, the authority to decide all questions arising under the Act in the matter of the September 28, 1977, application filed by the Cincinnati Post and the Cincinnati Enquirer for approval to enter into a joint newspaper operating arrangement, except that the Attorney General retains the authority to make the final decision in accordance with 28 CFR 48.14.

Dated: May 16, 1978.

GRIFFIN B. BELL,
Attorney General.

[FR Doc. 78-14713 Filed 5-25-78; 8:45 am]

[4510-30]

DEPARTMENT OF LABOR

Employment and Training Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations

listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 USC 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.
2. Employment trends in the same industry in the local area.
3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.
4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).
5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Employment and Training, 601 D Street NW., Washington, D.C. 20213.

Signed at Washington, D.C., this 22nd day of May 1978.

ERNEST G. GREEN,
Assistant Secretary for
Employment and Training.

APPLICATIONS RECEIVED DURING THE WEEK
ENDING MAY 19, 1978

Name of applicant, location of enterprise,
and principal product or activity

Rodco Vermont, Inc., Randolph, Vt., customizing automotive-type vans.
Woodwork Interiors Corp., Lewiston, Maine, manufacture of wood fixtures.
Vermont Castings, Inc., Barre, Vt., manufacture of gray iron castings.
Kors, Inc., Springfield, Vt., manufacture of bags, shuts, and film.
Owl Wire & Cable, Inc., Canastota, N.Y., drawing and stranding of nonferrous metals.
Inter American University, Arecibo, P.R., post secondary educational services.
Guterl Special Steel Corp., Lockport, N.Y., manufacture of special alloy steels.
George-Port of Canaan, Inc., Canaan, N.Y., restaurant, auto/truck fueling and repair services, motel and general store.
Canoe Manufacturing Co., Pine Grove, Pa., manufacture of children's jeans.
Rippon Candy Co., Mount Union, Pa., retail sales of candy.
Marshall Manufacturing, New Castle, Pa., manufacture of plastic bottles and parts.
T & T Coals, Inc., Bruceton Mills, W. Va., coal production.
Edgewood Racquet Club, Inc., Butler Twp., Pa., gymnastics facility.
Wakefield Homes, Inc., Spring Hope, N.C., manufacture of houses.
Hytec Corp., Niota and Smyrna, Tenn. and Cherryville, N.C., manufacture of rugs and fiberglass tub and shower units.
Farmers Marketing Association, Pontotoc, Miss., grain handling.
North Florida Concrete, Inc., Macclenny, Mayo, and Perry, Fla., manufacture of concrete products and sales of building materials.
Rhea Stone and Materials, Inc., Dayton, Tenn., stone quarry.
Cooke Manufacturing Co., Inc., Cleveland, Tenn., manufacture of furniture.
Aqua Glass Corp., Adamsville, Tenn., manufacture of fiberglass reinforced bath units.
Lane & Anderson Inc., Rural Lexington County, S.C., a lumber plant.
Roberts Enterprises, Lowell, N.C., steak restaurant.
Industrial Heat Exchanger Manufacturing Co., Henderson, Tenn., manufacture of radiators for diesel engines.
Milan Crop Spray, Inc., Milan, Tenn., wholesaling agribusiness products.
Buffaloe Lanes, Raleigh, N.C., bowling alley.
St. Stephen Knitwear, Inc., St. Stephen, S.C., manufacture of children's knitwear.
RefreshMark, Inc., Anderson County, S.C., soft drink bottling.
Franklin Signal Corp., Clear Lake, Wis., manufacture of digital telephone communicator.
Life Lines, Inc., Jeffersonville, Ind., manufacture of cassettes.
Jackson Tube Service, Inc., Piqua, Ohio, manufacturing of welded steel tubing.
Birch's Heating and Air Conditioning, Inc., Charleston, Ill., appliance sales and service.
Leland Eugene McNeill, M.D., Charleston, Ill., general medical practice.

Proprietors Corp., Delaware, Ohio, fire, casualty, and life insurance.
Greensburg Motor Lodge Inc., Greensburg, Ind., motel and restaurant.
Gallatin Oil Co., Inc., Gallatin, Tenn., markets, truck stop and shopping center.
Green Country Livestock Co., Rogers County, Okla., cattle sales.
Service Machine & Shipbuilding Corp., Amelia, La., pipe rolling mill.
Temtex Products, Inc., Terrell, Tex., manufacture of metal fireplaces for homes.
Anderson Grain Corp., Levelland, Tex., wholesaling agribusiness products.
Holiday Inn, Las Cruces, N. Mex., motel.
Silver King Mines, Inc., Ely, Nev., silver mining and processing.
Lamar Utilities Board, Lamar, Colo., natural gas.
Nephi Cement, Inc., Nephi, Utah, cement plant.
Clipperton, Inc., Bellevue, Wash., processing frozen seafood.
Piara S. Johl, Yuba City, Calif., prune dryer.

[FR Doc. 78-14614 Filed 5-25-78; 8:45 am]

[4510-43]

Mine Safety and Health Administration

[Docket No. M-78-28-M]

NATIONAL GYPSUM CO.

Petition for Modification of Application of
Mandatory Safety Standard

Notice is hereby given that Gold Bond Building Products, a division of National Gypsum Co., P.O. Box, Drawer B, Medicine Lodge, Kans. 67104, has filed a petition to modify the application of 30 CFR 55.9-88 (roll-over protective structures), to its Sun City Mine and Mill and Sun City Pit, located in Barber County, Kans., in accordance with section 101(c) of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164.

The substance of Petitioner's statement is as follows:

- (1) The installation of a roll-over protective structure (ROPS) on Petitioner's 1974 model Cline side dump truck, 25 ton capacity, would prevent the truck from clearing in the mine.
- (2) It is not feasible to install a ROPS each time it comes to the surface as the truck makes 15 to 20 trips per day.
- (3) The haul roads are very good with no embankments, so that there is no danger of roll-over.

REQUEST FOR COMMENTS

Persons interested in this petition may furnish written comments on or before June 26, 1978.

Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Va. 22203. Copies of the petition are available for inspection at that address.

Dated: May 17, 1978.

ROBERT B. LAGATHER,
Assistant Secretary for
Mine Safety and Health.

[FR Doc. 78-14815 Filed 5-25-78; 8:45 am]

[4510-43]

[Docket No. M-78-62-C]

PEABODY COAL CO.

**Petition for Modification of Application of
Mandatory Safety Standard**

Notice is hereby given that Peabody Coal Co., Graham, Ky. 42344, has filed a petition to modify the application of 30 CFR 75.1710-1 (cabs and canopies), to its Graham Hill Mine, located in Muhlenberg County, Ky., in accordance with section 101(c) of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164.

The substance of Petitioner's statement is as follows:

(1) The top at the above mine varies from 42 to 60 inches and is restricted because of the need to leave some bottom coal in place due to water accumulations and the need to install cross bars (rail bars) on the mine roof.

(2) The use of canopies in such conditions reduces the equipment operator's field of vision, increasing the risk of injury to miners in the area and to the operator, who must lean out from the canopy to see more clearly.

(3) Reduced compartment space increases operator fatigue and restricts arm and leg movement, hampering the safe operation of controls.

(4) The increased equipment height and restricted vision create the danger of destruction of line curtains, other similar ventilation devices, roof supports, and trailing cables.

(5) Restricted space impairs the operator's ability to escape from the equipment in an emergency.

(6) The installation of a cab or canopy on roof bolters leaves insuffi-

cient clearance between the roof bolters and the rib such that the roof support plan cannot be complied with.

(7) As an alternative to cabs or canopies, Petitioner proposes to comply with its roof control plan, continue its regular program of safety instruction, with emphasis on problems relating to top and roof falls, make frequent tests of the roof, continue its job safety analysis program and intensify its training and retraining program involving roof control and examinations.

REQUEST FOR COMMENTS

Persons interested in this petition may furnish written comments on or before June 26, 1978.

Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Va. 22203. Copies of the petition are available for inspection at that address.

Dated: May 17, 1978.

ROBERT B. LAGATHER,
Assistant Secretary for
Mine Safety and Health.

[FR Doc. 78-14814 Filed 5-25-78; 8:45 am]

[4510-28]

Office of the Secretary

**INVESTIGATIONS REGARDING CERTIFICA-
TIONS OF ELIGIBILITY TO APPLY FOR
WORKER ADJUSTMENT ASSISTANCE**

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the worker's firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under title II, chapter 2, of the Act in accordance with the provisions of subpart B of 29 CFR part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 5, 1978.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 5, 1978.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 8th day of May 1978.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
All Seasons, Inc. (ILGWU).....	Paterson, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,579.....	Ladies' coats.
All Star, Inc. (ILGWU).....	Paterson, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,580.....	Ladies' coats and raincoats.
Alps Coats, Inc. (ILGWU).....	Paterson, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,581.....	Ladies' coats, outerwear.
Alvin Coat, Inc. (ILGWU).....	Paterson, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,582.....	Ladies' coats and some raincoats.
B & B Coat (ILGWU).....	Paterson, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,583.....	Ladies' winter coats.
Baron Fashions, Inc. (ILGWU).....	Paterson, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,584.....	Ladies' woolen full length coats.
Brutin & Co., Inc. (ILGWU).....	Paterson, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,585.....	Ladies' coats and suits.
Dee Jay (ILGWU).....	Paterson, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,586.....	Ladies' wool coats and raincoats.
E & M Coat, Inc. (ILGWU).....	Paterson, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,587.....	Ladies' coats and rainwear.
Fashion Clothing, Inc. (ILGWU).....	Paterson, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,588.....	Ladies' coats.
Glamour Fashion (ILGWU).....	Paterson, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,589.....	Ladies' coats and raincoats.
H & D Sportswear (ILGWU).....	Paterson, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,590.....	Ladies' coats and jackets.
High Fashion, Inc. (ILGWU).....	Paterson, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,591.....	Ladies' coats, raincoats, and blazers.
International Coat (ILGWU).....	Paterson, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,592.....	Ladies' coats and raincoats.
J & R Fashions, Inc. (ILGWU).....	Paterson, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,593.....	Ladies' winter coats.

APPENDIX—Continued

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Jo-Dan Apparel (ILGWU).....	Paterson, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,594.....	Ladies' blazers.
Lady Jersey (ILGWU).....	Paterson, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,595.....	Ladies' blazers, vests, and some separates.
Lamar Coat (ILGWU).....	Paterson, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,596.....	Ladies' coats and children's coats.
Lido Fashion (ILGWU).....	Paterson, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,597.....	Ladies' coats.
N & R Fashions, Inc. (ILGWU).....	Paterson, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,598.....	Ladies' coats and raincoats.
Nu Look Fashions, Inc. (ILGWU).....	Paterson, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,599.....	Ladies' coats.
Paterson Cloak & Suit, Inc. (ILGWU).....	Paterson, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,600.....	Ladies' coats and suits.
Patmore (ILGWU).....	Paterson, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,601.....	Ladies' topcoats.
Pennsy Coat Co., Inc. (ILGWU).....	Paterson, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,602.....	Ladies' raincoats.
Q & T (ILGWU).....	Paterson, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,603.....	Ladies' coats.
Regal Fashions Co. (ILGWU).....	Paterson, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,604.....	Ladies' jackets and some spring coats.
Riverpark Manufacturing Company (ILGWU).....	Paterson, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,605.....	Ladies' coats.
Riverside Manufacturing (ILGWU).....	Paterson, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,606.....	Ladies' coats.
Rose Marie Coat (ILGWU).....	Paterson, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,607.....	Ladies' coats.
S & B Coat (ILGWU).....	Paterson, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,608.....	Ladies' coats.
Star Fashion Coat Company (ILGWU).....	Paterson, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,609.....	Ladies' coats, overcoats, and blazers.
Style Sportswear (ILGWU).....	Paterson, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,610.....	Ladies' coats and raincoats.
Alpo Coat, Inc. (ILGWU).....	Hoboken, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,611.....	Ladies' overcoats and some raincoats.
Avante Fashions (ILGWU).....	Hoboken, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,612.....	Ladies' coats.
Cerro Coat, Inc. (ILGWU).....	Hoboken, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,613.....	Ladies' coats.
Dante Fashions (ILGWU).....	Hoboken, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,614.....	Ladies' coats.
Delba Coat, Inc. (ILGWU).....	Hoboken, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,615.....	Ladies' coats and suits.
Delcor Fashion (ILGWU).....	Jersey City, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,616.....	Ladies' coats.
Elizabeth Fashion (ILGWU).....	Hoboken, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,617.....	Ladies' fake fur coats.
G & S Coat (ILGWU).....	Hoboken, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,618.....	Ladies' coats.
Grace Coat (ILGWU).....	Hoboken, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,619.....	Ladies' winter coats.
Italcraft, Inc. (ILGWU).....	Hoboken, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,620.....	Ladies' coats.
Jay Cee Coats (ILGWU).....	Hoboken, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,621.....	Ladies' coats and jackets.
Jersey Made Fashion (ILGWU).....	Hoboken, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,622.....	Ladies' winter garments.
Mona Lisa Coat Co. (ILGWU).....	Hoboken, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,623.....	Ladies' winter coats.
Novelle Fashion (ILGWU).....	Hoboken, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,624.....	Ladies' coats.
Rain Rose (ILGWU).....	Hoboken, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,625.....	Ladies' raincoats.
Randy Coat (ILGWU).....	Hoboken, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,626.....	Ladies' coats.
Rosalba Coat (ILGWU).....	Hoboken, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,627.....	Ladies' coats.
Rosemary Fashion Coat Co. (ILGWU).....	Hoboken, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,628.....	Ladies' coats and raincoats.
Star Coat Co. (ILGWU).....	Hoboken, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,629.....	Ladies' coats and raincoats.
Tel-Aviv Fashions, Inc. (ILGWU).....	Hoboken, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,630.....	Ladies' winter coats.
Verdi Fashions (ILGWU).....	Hoboken, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,631.....	Ladies' and men's coats.
Winter Scene (ILGWU).....	Hoboken, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,632.....	Ladies' coats.
Carole Lynn Coats (ILGWU).....	Passaic, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,633.....	Children's winter coats.
D & P Clothing Co., Inc. (ILGWU).....	Passaic, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,634.....	Ladies' winter coats and raincoats.
David Sportswear, Inc. (ILGWU).....	Passaic, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,635.....	Ladies' sportswear.
Dayton Industries, Inc. (ILGWU).....	Passaic, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,636.....	Ladies' blazers, pants, skirts, and blouses.
Gaylor Fashions, Inc. (ILGWU).....	Passaic, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,637.....	Ladies' blazers and jackets.
Jolee Fashions (ILGWU).....	Passaic, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,638.....	Ladies' garments.
Kay Coat, Inc. (ILGWU).....	Passaic, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,639.....	Junior and children's coats and raincoats.
Marie Coats & Suits, Inc. (ILGWU).....	Passaic, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,640.....	Ladies' coats and suits.
Pam Coat, Inc. (ILGWU).....	Passaic, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,641.....	Children's and ladies' coats.
President Sportswear, Inc. (ILGWU).....	Passaic, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,642.....	Children's coats.
R & S Garments (ILGWU).....	Passaic, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,643.....	Ladies' coats.
RCR Sportswear (ILGWU).....	Passaic, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,644.....	Ladies' coats and raincoats.
Val Jon Corp. (ILGWU).....	Passaic, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,645.....	Ladies' winter coats.
Adriana Coat (ILGWU).....	Jersey City, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,646.....	Ladies' coats.
Bernardi Fashion (ILGWU).....	Jersey City, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,647.....	Ladies' fake fur coats and some cloth coats.
Clara Fashions (ILGWU).....	Jersey City, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,648.....	Ladies' coats.
J. Z. Coat Co. (ILGWU).....	Jersey City, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,649.....	Ladies' coats.
M & T Fashions, Inc. (ILGWU).....	Jersey City, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,650.....	Fake fur lining.
Remm Fashions (ILGWU).....	Jersey City, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,651.....	Children's and ladies' coats.
Roma Fashions (ILGWU).....	Jersey City, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,652.....	Ladies' coats.
Snob Fashions (ILGWU).....	Jersey City, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,653.....	Ladies' coats and raincoats.
Venus Coat Co. (ILGWU).....	Jersey City, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,654.....	Ladies' coats.
Vinco Fashions (ILGWU).....	Jersey City, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,655.....	Ladies' coats and raincoats.
Lyndhurst Coat, Inc. (ILGWU).....	Hackensack, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,656.....	Ladies' outerwear and rainwear.
Regal Sporthogs, Inc. (ILGWU).....	Hackensack, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,657.....	Ladies' coats and children's coats.
F & A Fashions (ILGWU).....	Long Branch, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,658.....	Children's coats.
J & J Fashions (ILGWU).....	Long Branch, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,659.....	Children's coats.
Paul Terri Sportswear (ILGWU).....	Long Branch, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,660.....	Ladies' coats and suits.
Arvin Outerwear (ILGWU).....	Union City, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,661.....	Ladies' winter coats.
C & M Coat (ILGWU).....	Union City, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,662.....	Ladies' coats.
CEL Fashions (ILGWU).....	Union City, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,663.....	Children's winter coats.
J & M Coat (ILGWU).....	Union City, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,664.....	Ladies' winter coats.
Manhattan Fashions, Inc. (ILGWU).....	Union City, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,665.....	Ladies' coats and raincoats.
Natalie Ann Fashions (ILGWU).....	Union City, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,666.....	Ladies' winter coats.
Tiara Coat (ILGWU).....	West New York, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,667.....	Ladies' coats and raincoats.
West New York Sportswear.....	West New York, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,668.....	Ladies' sportswear.
Midland Garments, Inc. (ILGWU).....	Garfield, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,669.....	Ladies' coats, suits, jackets, pants, skirts, and blouses.

APPENDIX—Continued

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Supercraft Coats (ILGWU).....	Garfield, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,670.....	Ladies' coats.
Target Togs (ILGWU).....	Garfield, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,671.....	Ladies' sportswear and raincoats.
American Girl (ILGWU).....	New Brunswick, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,672.....	Ladies' coats and children's coats.
Rutgers Cloak (ILGWU).....	East Brunswick, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,673.....	Children's coats.
C & C Styles (ILGWU).....	Weehawken, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,674.....	Ladies' coats and raincoats.
Tonia Fashions (ILGWU).....	Weehawken, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,675.....	Ladies' coats and suits.
Snappy Garments, Inc. (ILGWU).....	East Newark, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,676.....	Ladies' raincoats.
J & R Manufacturing (ILGWU).....	Newark, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,677.....	Ladies' raincoats.
Sharlyn Fashions, Inc. (ILGWU).....	East Newark, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,678.....	Children's dresses.
Antonello Fashions, Inc. (ILGWU).....	Prospect Park, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,679.....	Ladies' blazers.
Arjan, Inc. (ILGWU).....	Sussex, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,680.....	Ladies' raincoats and winter coats.
Biflex International (ILGWU).....	Carlstadt, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,681.....	Ladies' brassiers and girdles.
Brade Sportswear (ILGWU).....	Perth Amboy, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,682.....	Ladies' coats.
Colleen Fashions, Inc. (ILGWU).....	Lidi, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,683.....	Ladies' spring blazers.
Country Girls Fashions (ILGWU).....	Lyndhurst, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,684.....	Ladies' skirts and vests.
Flora Fashion, Inc. (ILGWU).....	Stanhope, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,685.....	Ladies' coats and raincoats.
Formflex Foundations, Inc. (ILGWU).....	Saddle Brooke, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,686.....	Ladies' and girls' brassiers and ladies' girdles.
F & P Coat Co. (ILGWU).....	Neptune, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,687.....	Children's coats.
Gloria Coat, Inc. (ILGWU).....	Morristown, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,688.....	Ladies' raincoats and coats.
Loyal Cloak (ILGWU).....	Lakewood, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,689.....	Ladies' coats and suits.
M & D (ILGWU).....	Summit, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,690.....	Ladies' toppers, coats, and raincoats.
Michelle Rena Fashions (ILGWU).....	Red Bank, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,691.....	Ladies' coats and raincoats.
New Brunswick Children's Coats (ILGWU).....	Highland Park, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,692.....	Children's coats.

[FR Doc. 78-14365 Filed 5-22-78; 8:45 am]

[7510-01]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (78-18)]

LIFE SCIENCES ADVISORY COMMITTEE

Meeting

The NAC Life Sciences Advisory Committee will meet on June 19-21, 1978, Kennedy Space Center, Kennedy Space Center, Fla. 32899. The meeting will be held in the first floor conference room of the O&C Building, Building M7355. Members of the public will be admitted on a first-come first-served basis, up to the capacity of the room, which is about 50 persons.

The NAC Life Sciences Advisory Committee serves in an advisory capacity only. In this capacity, it is concerned with man in relation to space travel, with exobiology, and with other life forms. Its academic interest include: physiology, behavior, clinical aerospace medicine, microbiology, radiology, biochemistry, plant biology nutrition and food technology, exobiology, biology of gravity and rhythms, ecology, and biotechnology. The current Chairman is Dr. G. Donald Whedon. There are 17 members.

The following list sets forth the approved agenda. For further information, please contact Dr. S. P. Vinograd:

Area Code 202-755-3723, NASA Headquarters, Washington, D.C. 20546.

TIME AND TOPIC

Monday, June 19, 1978

- 0800-0815 Welcome by Center Director.
- 0815-0845 Administrative. Call to order. Chairman's views and comments on intervening events, actions and anticipated requirements. Approval of minutes. Task team reports and Committee business.
- 0845-0930 NASA Life Sciences Overview. Briefing by the NASA Director of Life Sciences on recent and future events, progress and status of the Life Sciences Program.
- 0930-1700 Committee Work. Preparation of Committee document containing its review and recommendations to NASA on future directions for the Life Sciences.

Tuesday, June 20, 1978

- 0800-1300 Committee Work (continued).
- 1300-1430 KSC Life Sciences Program. To brief the Committee on the activities and future plans of the Life Sciences organization at the Kennedy Space Center.
- 1430-1730 Tour of the Facilities.

Wednesday, June 21, 1978

- 0830-1430 Committee Work (continued).

Dated: May 22, 1978.

KENNETH R. CHAPMAN,
Associate Administrator
for External Relations.

[FR Doc. 78-14781 Filed 5-25-78; 8:45 am]

[7537-01]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

MEDIA ARTS ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Media Arts Advisory Panel (Major Media Centers) to the National Council on the Arts will be held June 14, 1978, from 9 a.m. to 6 p.m.; and June 15, 1978, from 9 a.m. to 1 p.m., in Room 1340 of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of March 17, 1977, these sessions will be

closed to the public pursuant to sub-section (c)(4), (6), and 9(B) of section 552 of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202-634-6070.

MAY 22, 1978.

JOHN H. CLARK,
*Director, Office of Council and
Panel Operations, National
Endowment for the Arts.*

[FR Doc. 78-14725 Filed 5-25-78; 8:45 am]

[7537-01]

MUSEUM ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Museum Advisory Panel to the National Council on the Arts will be held June 13, 1978, from 9:30 a.m. to 5:30 p.m.; and June 14, 1978, from 9:30 a.m. to 5:30 p.m., in Room 1422, of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

A portion of this meeting will be open to the public on June 13, 1978, from 9:30 to 10:30 a.m. The topic of discussion will be guidelines.

The remaining sessions of this meeting on June 13, 1978, from 10:30 a.m. to 5:30 p.m.; and June 14, 1978, from 9:30 a.m. to 5:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER March 17, 1977, these sessions will be closed to the public pursuant to sub-sections (c)(4), (6), and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202-634-6070.

MAY 22, 1978.

JOHN H. CLARK,
*Director, Office of Council and
Panel Operations, National
Endowment for the Arts.*

[FR Doc. 78-14726 Filed 5-25-78; 8:45 am]

[7555-01]

NATIONAL SCIENCE FOUNDATION

DOE/NSF NUCLEAR SCIENCE ADVISORY COMMITTEE (NUSAC)

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting

Name: DOE/NSF Nuclear Science Advisory Committee (NUSAC).

Date and Time: June 11, 1978, 9 a.m.-5 p.m., June 12, 1978, 9 a.m.-5 p.m.

Place: Duane Hall, F-1117, University of Colorado, Boulder, Colo.

Type of Meeting: June 11, 1978, open: 9 a.m.-5 p.m., June 12, 1978, closed: 9 a.m.-10 a.m., June 12, 1978, open: 10 a.m.-5 p.m. Contact Person: Dr. Howel G. Pugh, Head, Nuclear Science Section, Room 341, National Science Foundation, Washington, D.C. 20550. Telephone: 202-632-4318.

Summary Minutes: May be obtained from the Committee Management Coordinator, Division of Financial & Administrative Management, Room 248, National Science Foundation, Washington, D.C. 20550.

Purpose of Committee: To provide advice on a continuing basis to both DOE and NSF on support for basic nuclear science in the United States.

Agenda:

JUNE 11, 1978

Open Session (9 a.m.-5 p.m.)

Introductory remarks and discussion.
Discussion of a general policy on facilities.
Discussion of opportunities and needs in research into solar neutrinos.
Discussion of activities of the 1978 NUSAC Manpower Subcommittee.

JUNE 12, 1978

Closed Session (9-10 a.m.)

Discussion of projects under consideration for funding.

Open Session (10 a.m.-5 p.m.)

Discussion of activities of the 1978 NUSAC Instrumentation Subcommittee.
Discussion of activities of the 1978 Working Group on Budget Impacts upon Ongoing Research Programs.
Discussion of issues raised by the user-group mode of research.

Discussion of issues raised from the floor.

Reason for Closing: The projects being reviewed include information of a proprietary or confidential nature, including technical information, financial data such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer, pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determina-

tions by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
*Committee Management
Coordinator.*

MAY 23, 1978.

[FR Doc. 78-14762 Filed 5-25-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

[Docket No. 40-81021]

EXXON MINERALS CO., U.S.A.

Availability of Draft Environmental Statement for Highland Uranium Solution Mining Project

Notice is hereby given that a Draft Environmental Statement prepared by the Commission's Office of Nuclear Material Safety and Safeguards related to the proposed Highland uranium solution mining project located in Converse County, Wyo., is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. 20555. The Draft Statement is also being made available at the State Clearinghouse, State Planning Coordinator, Office of the Governor, Capitol Building, Cheyenne, Wyo. 82001. Requests for copies of the Draft Environmental Statement (identified as NUREG-0407) should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Division of Technical Information and Document Control.

The Applicant's Environmental Report submitted by Exxon Minerals Co., U.S.A., is also available for public inspection at the above-designated locations. Notice of availability of the Applicant's Environmental Report was published in the FEDERAL REGISTER on October 3, 1977 (42 FR 53691).

Interested persons may submit comments on the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the draft Environmental Statement (local agencies may obtain these documents upon request). Comments by Federal, State, and local officials, or other persons received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. Comments are due by July 10, 1978. Upon consideration of comments submitted with respect to the Draft Environmental Statement, the Commission's staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Comments on the Draft Environmental Statement from interested persons of the public should be addressed to the U.S. Nuclear Regulatory Com-

mission, Washington, D.C. 20555, Attention: Director, Division of Fuel Cycle and Material Safety.

Dated at Silver Spring, Md., this 15th day of May 1978.

For the Nuclear Regulatory Commission.

LELAND C. ROUSE,
Chief Fuel Processing and Fabrication Branch, Division of Fuel Cycle and Material Safety.

[FR Doc 78-14816 Filed 5-25-78; 8:45 am]

[4710-02]

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority No. 130]

EXECUTIVE SECRETARY

Delegation of Authority To Classify, Downgrade and Declassify

MAY 15, 1978.

Pursuant to the authority vested in me by Executive Order 11652, I hereby delegate to the Executive Secretary, or in his absence, the Deputy Executive Secretary, authority to classify, downgrade and declassify Secret and Confidential information material.

JOHN J. GILLIGAN,
Administrator, A.I.D.

[FR Doc. 78-14715 Filed 5-25-78; 8:45 am]

[4910-22]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

NATIONAL ADVISORY COMMITTEE ON UNIFORM TRAFFIC CONTROL DEVICES

Open Meeting

Pursuant to Executive Order 11671, the Federal Highway Administration (FHWA) announces the meeting dates and relevant information for the mid-year meeting of the National Advisory Committee on Uniform Traffic Control Devices. The meeting will be held June 14-16, 1978, at the Doubletree Inn, Scottsdale, Ariz., with a schedule as follows:

Wednesday, June 14:

Registration 8-12

General Session 1-3

Subcommittee Sessions 3-5

Thursday, June 15:

Subcommittee Sessions 8:30-5 p.m.

Executive Committee 2-5 p.m.

Friday, June 16:

General Session 8-3 p.m.

Attendance by the public will be limited to space available. For further information contact the Office of Traffic Operations, Federal Highway Administration, Washington, D.C. 20590, code 202-426-0411.

Purpose. This Committee reviews currently approved standards, guides and warrants for traffic control devices including signs, signals and pavement markings contained in the Manual on Uniform Traffic Control Devices. They recommend revisions of such standards, propose new ones to meet new developments and improvements and provide advice to the Federal Highway Administrator to the end that the Manual shall be at all times and as far as practicable, a complete and up-to-date presentation of best practices.

Agenda. Technical items for review and discussion at sessions of the respective subcommittees include the following:

SUBCOMMITTEE ON SIGNS

- (a) Experimentation with "Star of Life" symbol, Sn-233.
- (b) Use of Turn Signs, Sn-234.
- (c) Placement of Warning Signs, Sn-217.
- (d) Bicycle Parking Sign, By-8.
- (e) International Youth Hostel Sign, By-9.
- (f) Specific Service Information Signs, Sn-198.
- (g) Recreational and Cultural Interest Signs, Sn-219.
- (h) One-Way Sign at Signalized Intersections, Sn-235.
- (i) On-Ramp Symbol Signs, Sn-236.
- (j) Task Force Reports.
 1. Symbols.
 2. Signing for Public Median Crossovers.
 3. Signing for Rest Area Facilities.
 4. Ramp Terminal Direction Signs.
 5. Need for DIESEL Fuel Service Signs.
 6. Display of County Route Markers.
 7. Recreational Vehicle Traffic Control Signs.
 8. Signing for Medical Facilities.

SUBCOMMITTEE ON SIGNALS

- (a) Flashing WALK Provision, Sg-88.
- (b) Red Arrow for NTOR, Sg-98.
- (c) Signal Shielding Requirements, Sg-105.
- (d) "Blinking" Signal, Sg-106.
- (e) Combination Flashing Beacons and Steady Burn Right Turn, Sg-108.
- (f) Sightless Pedestrian Signal, Sg-109.
- (g) Steady Green-vs-Flashing Yellow for Emergency Signals.
- (h) Traffic Control Devices Handbook, Part IV.
 - (i) Task Force Reports.
 1. Signal Indications, Sequences and Phasing.
 2. Pedestrian Indications.
 3. Flashing Beacons.
 4. Signal Location and Intensity.
 5. Signal Warrants.

SUBCOMMITTEE ON MARKINGS

- (a) Use of Raised Pavement Markers, M-57.
- (b) Use of Delineators, M-35.
- (c) Standardization of Colors of Type 3 Object Markers, M-54.
- (d) Lane Drop Markings, M-58.

SUBCOMMITTEE ON CONSTRUCTION AND MAINTENANCE

- (a) Temporary Markings for C&M Areas, Cn-41.
- (b) Remarks by Associate Administrator for Safety.

- (c) MUTCD Illustrations.
- (d) Comments of Center for Auto Safety.
- (e) Traffic Control Devices Handbook—Part VI.
- (f) Review of Cn-30.
- (g) APWA Report Evaluation.

SUBCOMMITTEE ON GRADE CROSSINGS

- (a) Traffic Control Devices Handbook, Part VIII.
- (b) Lateral Clearance for Flashing Light Signals and Gates, RR-5.
- (c) Warning Signs on Parallel Roadways, RR-6.
- (d) Reflectorized Crossbuck Border, RR-7.

SUBCOMMITTEE ON RESEARCH

- (a) Reorganization of Subcommittee.
 - (b) Status of FHWA Research Studies.
 - (c) Progress Report on NAC Research Projects.
 - (d) Requests for Research and Experimentation.
 - (e) Subcommittee recommendations.
 - (f) Other.
- The agenda for the general session is as follows:
- (a) Call to Order—Executive Director.
 - (b) Opening Remarks—FHWA Sponsor.
 - (c) Introduction of Guests—Chairman.
 - (d) Report of Officers.
 - (e) Reports and Recommendations of Subcommittees.
 - (f) Other Reports and Comments.
 - (g) Other Business.
 - (h) Adjournment.

Additional items may be added to the items noted with the approval of the Subcommittee Chairmen and within the allotted time.

J. J. CROWLEY,
Director,

Office of Traffic Operations.

[FR Doc. 78-14770 Filed 5-25-78; 8:45 am]

[4810-40]

DEPARTMENT OF THE TREASURY

Office of the Secretary

TREASURY NOTES OF JUNE 30, 1982; SERIES H-1982

Public Debt Series—No. 13-78

MAY 23, 1978.

1. INVITATION FOR TENDERS

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately \$2,250,000,000 of United States securities, designated Treasury Notes of June 30, 1982, Series H-1982 (CUSIP No. 912827 HU 9). The securities will be sold at auction with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued for cash to Federal Reserve Banks as agents of

foreign and international monetary authorities.

2. DESCRIPTION OF SECURITIES

2.1. The securities will be dated June 7, 1978, and will bear interest from that date, payable on a semiannual basis on December 31, 1978, and each subsequent 6 months on June 30 and December 31, until the principal becomes payable. They will mature June 30, 1982, and will not be subject to call for redemption prior to maturity.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000, and \$1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. SALE PROCEDURES

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Wednesday, May 31, 1978. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, May 30, 1978.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is \$1,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11 percent. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed \$1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by a deposit of 5 percent of the face amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectible checks), or by a guarantee of such deposit by a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of one-eighth of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.000. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allot-

ted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. RESERVATIONS

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. PAYMENT AND DELIVERY

5.1. Settlement for allotted securities must be made or completed on or before Wednesday, June 7, 1978, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received at such institution no later than:

- (a) Monday, June 5, 1978, if the check is drawn on a bank in the Federal Reserve District of the institution to which the check is submitted (the Fifth Federal Reserve District in case of the Bureau of the Public Debt), or
- (b) Friday, June 2, 1978, if the check is drawn on a bank in another Federal Reserve District.

Checks received after the dates set forth in the preceding sentence will not be accepted unless they are pay-

able at the applicable Federal Reserve Bank. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment is not completed on time, the deposit submitted with the tender, up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered as deposits and in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. GENERAL PROVISIONS

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

PAUL H. TAYLOR,
*Acting Fiscal
Assistant Secretary.*

[FR Doc 78-14788 Filed 5-24-78; 8:45 am]

IRS[4830-01]
DOL[4510-29]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

DEPARTMENT OF LABOR

Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 78-5]

F. W. HARRIS, INC. EMPLOYEES PROFIT SHARING TRUST

Exemption from the Prohibitions Respecting a Transaction

AGENCIES: Department of the Treasury/Internal Revenue Service, Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption enables the F. W. Harris, Inc. Employees Profit Sharing Trust (the Plan) to sell certain plan assets to F. W. Harris, Inc. (the Employer).

FOR FURTHER INFORMATION CONTACT:

Charles Humphrey of the Prohibited Transactions Staff of the Employee Plans Division, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 (attention: E:EP:PT:2), 202-566-3089 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: On January 13, 1978, notice was published in the FEDERAL REGISTER (43 FR 2029) of the pendency before the Internal Revenue Service and the Department of Labor (the Agencies) of an exemption from the taxes imposed by section 4975 (a) and (b) of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code and from the provisions of section 406(a)(1), 406(b)(1), and 406(b)(2) of the Em-

ployee Retirement Income Security Act of 1974 (the Act), for a transaction described in an application submitted by the Employer and the trustees of the Plan. The notice set forth a summary of the facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Agencies in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Internal Revenue Service (the Service). In addition, the notice stated that any interested person might submit a written request that a hearing be held relating to this exemption. No public comments and no requests for a hearing were received by the Service.

GENERAL INFORMATION

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 4975(c)(2) of the Code and section 408(a) of the Act does not relieve a fiduciary or party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Code and the Act. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interests of the participants and beneficiaries of the plan and in a prudent fashion in accordance with subsection (a)(1)(B) of section 404 of the Act, nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 4975(c)(1)(F) of the Code and section 406(b)(3) of the Act.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Code and the Act, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is in fact a prohibited transaction.

EXEMPTION

In accordance with section 4975(c)(2) of the Code and section 408(a) of the Act and the procedures set forth in Rev. Proc. 75-26, 1975-1 C.B. 722, and

ERISA Proc. 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Agencies make the following determinations: (a) The exemption is administratively feasible; (b) It is in the interests of the Plan and of the participants and beneficiaries; and (c) It is protective of the rights of participants and beneficiaries of the Plan.

Accordingly, the following exemption is hereby granted under the authority of section 4975(c)(2) of the Code and section 408(a) of the Act and in accordance with the procedures set forth in Rev. Proc. 75-26 and ERISA Proc. 75-1.

The taxes imposed by section 4975(a) and (b) of the Code by reason or section 4975(c)(1) (A) through (E) of the Code and the restrictions of section 406(a)(1), 406(b)(1), and 406(b)(2) of the Act shall not apply to a transaction involving the sale of a 1.13 acre parcel of property located on State Route No. 636 and State Route No. 28 in Loudoun County, Va., by the Plan to the Employer for \$60,000, provided that this amount is not less than the fair market value of the property.

The availability of this exemption is subject to the express conditions that the material facts and representations contained in the application are true and complete and that the application accurately describes all material terms of the transaction consummated pursuant to the exemption.

Signed at Washington, D.C., this 19th day of May 1978.

IAN D. LANOFF,
Administrator for Pension and
Welfare Benefit Programs,
Labor-Management Services
Administration, U.S. Department
of Labor.

FRED J. OCHS,
Director, Employee Plans Division,
Internal Revenue Service.

[FR Doc. 78-14560 Filed 5-22-78; 8:45 am]

[4830-01]
[4510-29]

Internal Revenue Service

Pension and Welfare Benefit Programs

[Application Nos. D-391 and D-461]

EMPLOYEE BENEFIT PLANS

Proposed Class Exemption to Permit Certain
Transactions Involving Employee Benefit
Plans and Insurance Companies that are Af-
filiated Through Stock Ownership with the
Employers Maintaining the Plans

AGENCIES: Department of the Treas-
ury/Internal Revenue Service, Depart-
ment of Labor.

ACTION: Notice of proposed class ex-
emption.

SUMMARY: This document contains a notice of pendency before the Internal Revenue Service and the Department of Labor (the Agencies) of a proposed class exemption from certain restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and from certain taxes imposed by section 4975 of the Internal Revenue Code of 1954 (the Code). The proposed class exemption, if granted, would enable insurance companies which are affiliated through stock ownership with employers establishing or maintaining employee benefit plans to sell life insurance, health insurance or annuity contracts to such plans. The proposed exemption, if granted, would affect participants and beneficiaries of plans to which such insurance products are furnished, employers maintaining these plans, affiliated insurance companies that are covered by the exemption, and other persons participating in the transactions.

DATES: Written comments and requests for a public hearing must be received by the Internal Revenue Service on or before July 25, 1978.

ADDRESS: All written comments and requests for a hearing (at least six copies) should be addressed to the Commissioner of Internal Revenue, 1111 Constitution Avenue NW., Washington, D.C. 20224. Attention: E:EP:PT, "Captive Insurance". All the applications for exemption which form the basis of this class exemption and all comments relating to this proposed exemption will be available for public inspection at the Internal Revenue Service National Office Reading Room, 1111 Constitution Avenue NW., Washington, D.C. 20224, and at the Public Documents Room of the Pension and Welfare Benefit Programs, Room N-4467, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT:

Gary H. Lefkowitz of the Prohibited Transactions Staff of the Employee Plans Division, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 (Attention: E:EP:PT), 202-566-3045, or Charles Edelstein, Office of Regulatory Standards and Exceptions, Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20216, 202-523-8444. These are not toll free numbers.

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Agencies of a class exemption from the restrictions of sections 406(a), 406(b) (1) and (2) and section 407(a) of the Act and from the taxes imposed by section 4975 (a) and (b) of the Code by reason of section 4975 (c)(1) (A) through (E) of the code. The

Agencies received two applications requesting a class exemption for the subject transaction. One was filed jointly by the National Association of Independent Insurers (NAII) and the American Mutual Insurance Alliance (Alliance) (D-461). The other application was filed by the American Council of Life Insurance (ACLI) (D-391).

The applications for class exemption were filed pursuant to section 4975(c)(2) of the Code and section 408(a) of the Act and in accordance with the procedures set forth in Rev. Proc. 75-26, 1975-1 C.B. 722 and ERISA Procedure 75-1 (40 FR 18471, April 28, 1975).

Numerous applications have also been received for individual exemptions covering transactions of the type described in this proposed class exemption. All such transactions will be exempted if they satisfy the terms and conditions of the proposed class exemption. As stated in section 3.04 of Rev. Proc. 75-26 and ERISA Proc. 75-1, an application for an individual exemption will not ordinarily be considered separately if a class exemption which may encompass the transaction described in the application for an individual exemption is under consideration by the Agencies. Accordingly, the Agencies are notifying directly each applicant for an individual exemption of the fact that such applicant's application is not being considered separately from this proposed class exemption, that such application will ordinarily be closed, and, therefore, that such applicant's comments with respect to this pending class exemption are sought by the Agencies.¹

SUMMARY OF FACTS AND REPRESENTATIONS

Section 4975(d)(5) of the Code and section 408(b)(5) of the Act contain a statutory exemption from the prohibited transactions provisions of the Code and Act for some of the transactions addressed in this proposal. The applicants, however, make many representations with respect to the unsuitability of the statutory exemption and the conditions contained therein to the subject transactions. These representations are summarized below. Interested persons are referred to the applications on file with the Agencies for the complete representations of the applicants.

¹The Agencies have received exemption applications which involve transactions whereby one insurance company which has sold an insurance contract to a plan reinsures all or a portion of the risk with another insurance company, under circumstances where either of the companies is a disqualified person or party in interest. This proposed class exemption is not intended to cover such reinsurance arrangements to the extent they are prohibited transactions.

I—ACLI

The application submitted by the ACLI (the successor to the American Life Insurance Association) requests a class exemption which would allow a life insurance company to sell insurance or annuity contracts to an employee benefit plan maintained by a corporation that is a subsidiary of the life insurance company. The ACLI makes the following representations in connection with the requested exemption.

(a) The ACLI is an association of 441 life insurance companies. As of November 23, 1977, these companies were the insurers of 92 percent of the life insurance in force in the United States and held 99 percent of the assets of insured pension plans.

(b) Where a stock-affiliated controlled group of corporations includes a life insurance company, it has been the customary and normal practice for employee plans maintained by members of the group to be funded by the purchase of insurance policies from the life insurance company.

(c) The sale or provision of insurance policies to an affiliated company's plan by a life insurance company which, within the meaning of section 4975(e)(2) of the Code and section 3(14) of the Act, is a disqualified person or party in interest with respect to that plan, may be a prohibited transaction under section 4975(c)(1) of the Code and section 406 of the Act. Sections 4975(d)(5)(B) of the Code and 408(b)(5)(B) of the Act do, however, specifically exempt such transactions if, among other conditions, the life insurance company is (directly or indirectly) a wholly owned subsidiary of the company maintaining the plan. But there is no express statutory exemption for the reverse situation where the life insurance company is the parent corporation and sells policies to fund the plan of a subsidiary. An administrative exemption is thus requested for this reverse situation.

(d) It would be contrary to normal business practices, and unnecessarily restrictive, to require an employee benefit plan to go outside the corporate group to purchase insurance where it is available from the parent corporation. The mere fact that the life insurance company is the parent corporation, instead of a subsidiary that could be covered by the statutory exemption, should not require different practices.

(e) Transactions described in the application for class exemption have occurred continually since the effective date of the prohibited transaction restrictions of the Code and Act. Since it is not clear whether the transitional rules of sections 414(c) and 2003(c)(2) of the Act of the provisions of any administrative exemption previously granted by the Agencies apply to these

transactions, the ACLI requests that the proposed class exemption be effective as of January 1, 1975.

II—NAII AND ALLIANCE

The application submitted jointly by the NAII and the Alliance requests a class exemption so that an insurance company may furnish contracts used to provide benefits to employee benefit plans maintained by its parent or other stock-affiliated company. As requested, the class exemption would also cover those transactions which might otherwise fail to qualify for the specific exemption of the Code and the Act because the insurance company making the sale is not a wholly owned subsidiary of the employer maintaining the plan or because more than 5 percent of the selling company's total annual premiums and annuity considerations are derived from sales to plans of stock-affiliated companies. The NAII and the Alliance make the following representations in connection with the requested exemption.

(a) The NAII is a voluntary trade association of over 600 stock and non-stock property-liability insurers. Its member and subscriber companies wrote insurance resulting in approximately \$23 billion of property-liability premium income in 1975 and are doing business in all states and the District of Columbia. The Alliance is a voluntary trade association of approximately 100 mutual property-liability insurers and subscribers. Its member and subscriber companies wrote insurance resulting in approximately \$15 billion of property-liability premium income in 1975 and are also doing business in all states and the District of Columbia. A substantial number of these companies have life insurance company affiliates which enable these companies to fully serve all insurance needs of their policyholders.

(b) A significant number of insurance companies have, under an industry custom, ordinarily furnished insurance and annuity contracts to fund employee benefit plans maintained by parents and other stock-affiliated insurance companies that are members and subscribers of the NAII and the Alliance. However, many well-run, adequately financed and state regulated companies do not satisfy the exemption under section 4975(d)(5)(B) of the Code and section 408(b)(5)(B) of the Act for the provision of insurance to a plan maintained by a parent because they are not wholly owned subsidiaries or because the resulting premium and annuity considerations exceed 5 percent of their premium income. Accordingly, the applicants request a class exemption, with retroactive application to January 1, 1975, to remedy what is represented to be the statutory discrimination which places affil-

ated insurance companies which satisfy the conditions of the above-referenced provisions by virtue of their sales structure and ownership alone at an unjustified competitive advantage over certain affiliated companies which do not satisfy the ownership and premium tests.

(c) The insurance sales which are the subject of the requested class exemption are generally arranged directly between the affiliated insurer and the plan (or its employer) without the intervention of a broker or other agent whose services would entitle it to a commission. In this regard, the NAII and the Alliance are aware of no state law that would require commissions to be paid upon the sale of either a group or individual policy by a disqualified person or party in interest for the purpose of funding benefits under a plan maintained by an affiliate. Consequently, the selling company can furnish the insurance at a lower rate, and the plan (or its employer), by purchasing the insurance from the affiliated company, can secure (or afford to provide) better coverage than if the insurance were to be purchased from an unaffiliated insurance company. Conversely, if the requested exemption is not granted, plans or their employers which are forced to purchase insurance from an outside company will generally be subjected to increased insurance premiums due to the acquisition cost and allowance for profits without obtaining additional financial security.

(d) If an employer is forced to fund its employee benefit plans with insurance purchased from a third party rather than from an affiliated insurance company, premium income will inevitably be lost to the affiliate. These premium payments represent revenue for affiliates and thus indirectly enhance the financial position of the employer. The applicants aver that the loss of premium payments to the affiliated insurance companies covered by the proposed exemption resulting from requiring purchases of funding products from a third party would not be balanced by any increased protection for participants in the plans.

(e) An affiliated insurance company is frequently in a better position to administer efficiently the insurance for its parent's or other stock-affiliated company's plans, since the employees of the affiliate are both familiar with the needs and interested in the success of such related employee benefit plans.

(f) The exemption is requested only for transactions involving an affiliated insurance company whose financial position is such that the benefits payable under an affiliated employer's plan will be subject to no greater risk than if the insurance were provided by

an unaffiliated company. In this connection, the applicants stress that all insurance entities are licensed by at least one state insurance regulatory authority, are required to file annual financial statements with each state insurance department granting such licenses, are subject to financial audit on a periodic basis, and are subject to capital and/or surplus requirements of each state in which they are licensed. Examinations of insurance companies by the insurance commissioners of the states in which they transact business generally take place once every 3 years, but at least once every 5 years. In all states, such an examination entails a comprehensive review of the company's operations and the manner in which it conducts its business. Typically, the minutes of the meeting of the stockholders, directors, and major committees are reviewed, underwriting practices and reinsurance facilities are surveyed, and methods of handling claims and paying benefits are examined. These state regulatory bodies require verification and evaluation of assets and creation of sufficient reserves for liabilities. Between financial examinations, a company in good standing with the state insurance commission will be issued a Certificate of Compliance, generally on an annual basis. The continued provision of insurance to employee benefit plans maintained by affiliates is protective of the rights of the participants in and beneficiaries of such plans because the audited companies would have satisfied the insurance commissioners of the states where they are licensed to do business that they have sufficient assets to pay claims under their outstanding policies—including those that pertain to the plans.²

(g) The NAI and the Alliance make the following additional representations with respect to those requirements of the statutory exemption, noted in representation (b) above,

²Based on these representations, the proposed exemption contains a condition that the insurance company has undergone a financial examination by the insurance commissioner of its domiciliary state within 5 years prior to the sales transaction. One individual applicant has represented that one state—Illinois—does not necessarily examine all insurance companies domiciled in that state within a 5-year period but requires that each such insurance company undergo an annual audit by an independent certified public accountant. In response to this individual application the exemption provides an alternative to the state audit requirement—that the insurance company have undergone an examination by an independent certified public accountant for each of the 5 years preceding the sale. Because this condition is based on the representations of an individual applicant, the Agencies specifically solicit comments concerning the feasibility of this alternative requirement in a class exemption.

which are commonly not met by their member and subscriber companies:

1. As a result of industry tradition, reinforced by state regulations, different lines of insurance are commonly written by separate corporate entities. Thus, a related fire insurance company and auto insurance company may, for example, jointly own a life insurance company which provides insurance for plans maintained by such fire and auto insurers for their employees. In other situations, a life company may be the parent and two or more casualty companies subsidiaries, or two affiliated life companies may together own a single casualty company. Notwithstanding the condition of Code section 4975(d)(5)(B) and Act section 408(b)(5)(B) that the company selling the insurance be a wholly owned subsidiary of the employer maintaining the plan, the applicants request that the availability of the class exemption not be determined by the technical type of organization of the insurance companies within the affiliated group.

2. Moreover, although the afore-referenced Code and Act sections condition the availability of the exemptive relief contained therein upon the sale being made by an insurance company which is wholly owned by the employer maintaining the plan, the applicants assert that a conflict of interest is less likely to arise if, e.g., a subsidiary is 60 percent or 90 percent owned than if 100 percent owned. Accordingly, it is requested that the class exemption extend to all funding sales that are made by companies which are disqualified persons or parties in interest with respect to plans maintained by affiliated employers by reason of section 4975(e)(2) (E) or (G) of the Code and 3(14) (E) or (G) of the Act.

3. The applicants posit that the existence of the 5 percent of premiums test as a condition for the statutory exemption does not prevent the Agencies from applying a different percentage, or no percentage at all, as a condition for the requested administrative exemption. The legislative history does not articulate the reasons or intent behind the imposition of the percentage test in Code section 4975(d)(5)(B) and Act section 408(b)(5)(B). The applicants note, however, that it has been suggested that the legislative drafters contemplated that a percentage limitation would ensure the presence of other major insurance customers and thereby provide an objective rate comparison for plan purchases, that such a limitation prevents the establishment of insurance companies solely for the purposes of funding and servicing plans of affiliated companies, and that a percentage test enhances the financial soundness of the selling company because of the involvement of independent party purchasers.

Based on the representations outlined above, the Agencies have determined to propose a 50 percent of premiums requirement which, they believe, would provide safeguards to plans and their participants without unduly restricting the traditional sales practices within the affiliated groups.³

³The Agencies have received several exemption requests for the sale of insurance where the premiums received by the insurance company from plans with respect to which it is a disqualified persons or party in interest represent more than 50 percent of

The Agencies note that the class exemption, if granted, would be applicable to any contract for the sale of life insurance, health insurance or annuities. The Agencies specifically solicit public comments as to whether the exemption should be broadened to cover any other type of insurance currently being marketed to employee benefit plans. Public commentators should discuss each type of insurance that the commentator believes should be covered by the exemption and the reasons for including such type of insurance.

GENERAL INFORMATION

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 4975(c)(2) of the Code and section 408(a) of the Act does not relieve a fiduciary or disqualified person or other party in interest with respect to a plan to which the exemption is applicable from certain other provisions of the Code and the Act, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the plan's participants and beneficiaries and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The pending exemption, if granted, will not extend to transactions prohibited under section 4975(c)(1)(F) of the Code and section 406(b)(3) of the Act;

(3) Before an exemption may be granted under section 4975(c)(2) of the Code and section 408(a) of the Act, the Agencies must find that the exemption is administratively feasible, in the interest of the plan or plans and of their participants and beneficiaries, and protective of the rights of such participants and beneficiaries of such plan or plans;

(4) The class exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Code and the act, including statutory exemptions and transitional rules. Furthermore, the fact that a

the total premiums or annuity considerations received by that company. To provide time for these insurance companies to reduce the premiums received from such plans to 50 percent of total premiums received—one of the conditions of the proposed exemption—the effective date for this condition will be delayed to 1 year from the date of the grant of the exemption.

transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is in fact a prohibited transaction;

(5) If granted, the pending class exemption will be applicable to a particular transaction only if the transaction satisfies the conditions specified in the class exemption; and

(6) All interested persons are invited to submit written comments on this proposed class exemption to the address and within the time period set forth above. In addition, any interested person may submit to the address and within the time period set forth above, a written request that a hearing be held relating to the pending class exemption. Such written request should state the reasons for such person's interest in the proposed class exemption.

A list of individual applications which involve the subject transactions as well as the individual and class applications for exemption, all written comments and all requests for a hearing (preferably six copies) will be made part of the record and will be available for public inspection at the addresses set forth above.

Proposed Exemption

Based on the applications hereinabove described, the Agencies have under construction the granting of the following class exemption under the authority of section 4975(c)(2) of the Code and section 408(a) of the Act and in accordance with the procedures set forth in Rev. Proc. 75-26 and ERISA Procedure 75-1. Effective January 1, 1975, the restrictions of sections 406(a), 406(b) (1) and (2), and 407(a) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the sale, in any taxable year, by an insurance company which is a disqualified person or party in interest with respect to an employee benefit plan, of life insurance, health insurance or annuity contracts if the following conditions are met:

(a) The insurance company making the sale—is a disqualified person or party in interest with respect to the plan by reason of a stock affiliation with the employer establishing or maintaining the plan that is described in section 4975 (e)(2) (E) or (G) of the Code and section 3(14) (E) or (G) of the Act.

(2) Is licensed to sell insurance in at least one state.

(3) (i) Has undergone a financial examination by the insurance commissioner of its domiciliary state within the 5 years prior to the sales transaction, or

(ii) Has undergone an examination by an independent certified public accountant for each of the 5 years prior to the sales transaction; and

(4) Has obtained a Certificate of Compliance from the insurance commissioner of its domiciliary state within the 18 months prior

to the transaction or when such certificates were last made available by the domiciliary state, if earlier;

(b) The plan pays no more than adequate consideration for the insurance contracts or annuities;

(c) Effective (date of granting of this exemption), no commissions are paid with respect to the sale of such insurance or annuity contracts; and

(d) Effective (1 year from date of granting of this exemption), the total premiums and annuity considerations received in that taxable year by the insurance company making the sale for such insurance or annuity contracts for all employee benefit plans (and their employers) with respect to which such insurance company is a disqualified person or party in interest by reason of section 4975(e)(2) (E) or (G) of the Code and section 3(14) (E) or (G) of the Act does not exceed 50 percent of the total premiums and annuity considerations received for all lines of insurance in that taxable year by such insurance company. In determining whether this requirement is met, all premiums and annuity considerations written by the insurance company making the sale for plans which it maintains are to be excluded from both the numerator and the denominator of the fraction.

Signed at Washington, D.C., this 22nd day of May 1978.

TED R. KERN,

*Deputy Assistant Commissioner,
(Employee Plans and Exempt
Organizations), Internal Revenue
Service.*

IAN D. LANOFF,

*Administrator for Pension and
Welfare Benefit Programs,
Labor-Management Services
Administration, U.S. Department
of Labor.*

[FR Doc. 78-14711 Filed 5-23-78; 9:08 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Notice No. 668]

ASSIGNMENT OF HEARINGS

MAY 23, 1978.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

No. MC 139761 (Sub-No. 3), George Hand & J. R. Rutherford d.b.a. H & R Trucking, now being assigned for hearing on July 19, 1978 (3 days), at Oklahoma City, OK, in a hearing room to be later designated.

No. MC 111545 (Sub-No. 238), Home Transportation Co., Inc., now being assigned for hearing on July 24, 1978 (1 week), at Dallas, Tex., in a hearing room to be later designated.

MC-FC-77226, Burmen Co., Inc., Pittsburgh, PA, Transferee and Sullivan Lines, Inc., (The Union National Bank of Pittsburgh—successor in interest) Pittsburgh, PA, transferor, is now assigned for hearing July 17, 1978 (2 weeks) at Pittsburgh, PA, at a location to be later designated.

MC-F-13355, B & L Motor Freight, Inc., merge—Prunty Motor Express, Inc. and MC 123255 Sub 124, B & L Motor Freight, Inc., now assigned July 19, 1978 at Columbus, OH, is canceled and both transferred to modified procedure.

MC 119789 Sub 380, Caravan Refrigerated Cargo, Inc., now assigned June 6, 1978 at Columbus, OH, will be held in Room 235, Federal Building, 85 Marconi Boulevard.

MC 124947 Sub 71, Machinery Transports, Inc., now assigned June 7, 1978 at Columbus, OH, will be held in Room 235, Federal Building, 85 Marconi Boulevard.

MC 95084 Sub 118, Hove Truck Line; MC 119641 Sub 141, Ringle Express, Inc. and MC 114211 Sub 344F, Warren Transport, Inc., now assigned June 8, 1978 at Columbus, OH, will be held in Room 235, Federal Building, 85 Marconi Boulevard.

No. 36768, B & P Motor Express, Inc., and Shenango Steel Co., a corporation—Investigation of practices, now assigned June 12, 1978 at Pittsburgh, Pennsylvania, will be held in Room 1112 (Tax Court facilities), Federal Building, 1000 Liberty Avenue.

MC 126516 Sub 7, Skyline Motors Air Cargo, Inc., now assigned June 14, 1978 at Pittsburgh, PA, will be held in Room 1112 (Tax Court facilities), Federal Building, 1000 Liberty Avenue.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc. 78-14799 Filed 5-25-78; 8:45 am]

[7035-01]

[Notice No. 52]

MAY 26, 1978.

MOTOR CARRIER TRANSFER PROCEEDINGS

Application filed for temporary authority under section 210a(b) in connection with transfer application under Section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC 77678. By application filed May 17, 1978, MARY ELIZABETH HUBERS, JOHN EDWARD HUBERS, AND WILLIAM JOSEPH HUBERS, a partnership, 103 Wells Avenue, Ferndale, Glen Burnie, MD 21061, seeks temporary authority to transfer the operating rights of Robert Lee Zimmerman and Barbara Ann Zimmerman, a partnership, d.b.a. B. & B. Bus Line, Linthicum, MD 21090, under section 210a(b). The transfer to Mary Elizabeth Hubers, John Edward Hubers, and William Joseph Hubers, a partnership, of the operating rights of Robert Lee Zimmerman and Barbara Ann Zimmerman, a partnership, d.b.a. B. & B. Bus Line, is presently pending.

By the Commission.

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

[FR Doc. 78-14800 Filed 5-25-78; 8:45 am]

[7035-01]

[Notice No. 51]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 26, 1978.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and transfer rules, 49 CFR Part 1132:

No. MC-F-C 77677. By application filed May 17, 1978, QUALITY MOVERS, INC., 601 North Fourth Street, Jeanette, PA 15644, seeks temporary authority to transfer the operating rights of William F. Maroadi, an individual, d.b.a. Maroadi Transfer & Storage, 101 Parkway, McKeesport, PA 15131, under section 210a(b). The transfer to Quality Movers, Inc., of the operating rights of William F. Maroadi, an individual, d.b.a. Maroadi Transfer & Storage, is presently pending.

By the Commission.

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

[FR Doc. 78-14801 Filed 5-25-78; 8:45 am]

[7035-01]

[Decision No. 36886]

TEXAS INTRASTATE FREIGHT RATES AND CHARGES

Establishment of TOFC Plan II½ Between
Dallas and Houston

By petition filed March 27, 1978, petitioner, William M. Gibbons, Trustee of the property of the Chicago, Rock Island & Pacific Railroad Co., Debtor,

requests that this Commission institute an investigation of Texas intrastate freight rates and charges, under section 13 of the Act. Petitioner seeks an order authorizing the establishment of intrastate rates between Dallas and Houston, Tex., on the same mileage-scale level as rates in effect and charged on freight-all-kinds loaded in trailers for transportation on flat cars moving in interstate or foreign commerce in Plan II½ ramp-to-ramp service. Petitioner has stated grounds sufficient to warrant instituting an investigation.

It is ordered, The petition is granted. An investigation, under section 13 of the Act, is instituted to determine whether the Texas intrastate rail freight rates and charges in any respect cause any unjust discrimination against or any undue burden on interstate or foreign commerce, or cause undue or unreasonable advantage, preference, or prejudice as between persons or localities in intrastate commerce and persons or localities in interstate or foreign commerce, or are otherwise unlawful, by reason of the failure of such rates and charges to establish intrastate rates between Dallas and Houston, Tex., on the same mileage-scale level as rates in effect and charged on freight-all-kinds loaded in trailer or trailers for transportation on flat cars moving in interstate or foreign commerce in Plan II½ ramp-to-ramp service. The investigation shall also determine if any rates or charges, or maximum or minimum charges, or both, shall be prescribed to remove any unlawful advantage, preference, discrimination, undue burden, or other violation of law, found to exist.

The petitioner, William M. Gibbons, Trustee of the property of the Chicago Rock Island & Pacific Railroad Co., Debtor, is made a respondent to this proceeding.

All persons who wish to participate in this proceeding and to file and receive copies of pleadings shall make

known that fact by notifying the Office of Proceedings, Room 5342, Interstate Commerce Commission, Washington, D.C. 20432, on or before 15 days from the FEDERAL REGISTER publication date. Although individual participation is not precluded, to conserve time and to avoid unnecessary expense, persons having common interests should endeavor to consolidate their presentations to the greatest extent possible. This Commission desires participation of only those who intend to take an active part in this proceeding.

As soon as practicable after the last day for indicating a desire to participate in the proceeding, this Commission will serve a list of names and addresses on all persons upon whom service of all pleadings must be made. Thereafter, this proceeding will be assigned for oral hearing or handling under modified procedure.

A copy of this order shall be served upon the respondent. Texas shall be notified of the proceeding by sending copies of this order by certified mail to the Governor of Texas and the Railroad Commission of Texas. Further notice of this proceeding shall be given to the public by depositing a copy of this order in the Office of the Secretary of the Interstate Commerce Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

Dated at Washington, D.C., this 17th day of May 1978.

By the Commission, Robert J. Brooks, Director, Office of Proceedings.

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

[FR Doc. 78-14802 Filed 5-25-78; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 91-409), 5 U.S.C. 552b(e)(3).

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[6320-01]

1

[M-132; Amdt. 2, May 23, 1978]

CIVIL AERONAUTICS BOARD.

Notice of addition of item to the May 25, 1978 meeting agenda.

TIME AND DATE: 10 a.m., May 25, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 8a. Docket 32343-Dallas-Fort Worth, Philadelphia Service Investigation, (Memo No. 7846-A).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: Expedition is required because it involves the expansion of a proceeding already under way. At the prehearing conference on May 15 the Judge and the parties sought an early resolution of the issue. Accordingly, the following Members have voted that agency business requires the addition of Item 8a and that no earlier announcement of the addition was possible:

Chairman, Alfred E. Kahn
Vice Chairman, G. Joseph Minetti
Member, Lee R. West
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey

[S-1105-78 Filed 5-24-78; 3:47 pm]

[6351-01]

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., May 31, 1978.

PLACE: 2033 K Street NW., Washington, D.C., 5th floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Denial procedure when the Division of Trading and Markets believes an applicant is unfit for registration pursuant to section 8a(2)(B) of the Act.

Principal Management Objectives for fiscal year 1980-82.

Proposed Plan for Phase-out of Daily Trading Limits.

Petition for general exemption from the provisions of Regulation section 32.11 from Rosenthal & Co. and Dowdex Corp. *Smith, et al. v. Groover, et al.*/possible amicus brief.

CONTACT PERSON FOR INFORMATION:

Jane Stuckey, 254-6314.

[S-1100-78 Filed 5-24-78; 11:45 am]

[6715-01]

3

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Thursday, June 1, 1978 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: Portions of this meeting will be open to the public and portions will be closed.

MATTERS TO BE CONSIDERED:

Portions open to the public:

Setting of future meeting dates.
Correction and approval of minutes.
Advisory opinions: 1978-9, 1978-13, 1978-25(B), 1978-29.
Rules of procedures of the FEC pursuant to 2 U.S.C. 437c(e).
Allocation of candidate travel.
Reports from division heads.
Pending legislation.
Pending litigation.
Liaison with other Federal agencies.
Classification actions.
Routine administrative matters.
Nonfiler procedures.

Portions closed to the public (executive session):

Audit Reports.
Compliance.
Personnel.

PERSON TO CONTACT FOR INFORMATION:

Mr. David Fiske, Press Officer, telephone 202-523-4065.

MARJORIE W. EMMONS,
Secretary to the Commission.

[S-1103-78 Filed 5-24-78; 3:38 pm]

[6210-01]

4

FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10 a.m., Wednesday, May 31, 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. Proposed discontinuance of reports FR U-4A (Annual Report of Outstanding Loans to Purchase or Carry Securities) and FR U-4M (Monthly Report of Outstanding Loans to Purchase or Carry Securities).

2. Proposed extension of the Survey of Interest Rates Charged on Selected Types of Consumer Installments Loans (FR 835b).

3. Proposed policy statement on Inter-agency EDP Examinations.

DISCUSSION AGENDA

1. Proposed statement to be presented to the Subcommittee on Federal Spending Practices and Open Government of the Senate Committee on Governmental Affairs regarding the impact of the Government in the Sunshine Act.

2. Proposed amendments to Regulations D (Reserves of Member Banks), Q (Interest on Deposits), and Y (Bank Holding Companies) to establish a procedure for regulating the issuance of small denomination debt obligations by bank holding companies and their non-bank subsidiaries.

3. Proposed revisions to the Planning Guidelines for Federal Reserve Bank Facilities related to Site Feasibility Studies.

4. Federal Reserve Bank and Branch director matters relating to: (a) political activity, (b) size of Class C directorate and (c) conflicts-of-interest. (Item (c) was proposed earlier for public comment; docket No. R-0144).

5. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3204.

Dated: May 23, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[S-1099-78 Filed; 5-24-78 11:45 am]

SUNSHINE ACT MEETINGS

[6750-01]

5

FEDERAL TRADE COMMISSION.

TIME AND DATE: 2 p.m., Wednesday, May 31, 1978.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Nonadjudicative matters:

(1) Approval of minutes on nonadjudicative matters considered meetings of April 27, and May 15, 1978.

(2) Consideration of request for formal investigation and resolution directing the use of compulsory process, and authorization to take action under section 205 of the Magnuson-Moss Warranty—FTC Improvement Act, in a nonpublic investigation.

(3) Consideration of issuance of an investigational resolution and authorization of compulsory process in a nonpublic Part II matter.

(4) Consideration of acceptance of proposed consent agreements in File No. 761 0074, with Lockheed Corp. and two other respondents in this matter, and consideration of acceptance of proposed consent agreement in a nonpublic Part II matter.

(5) Consideration of whether to file a trademark cancellation petition before the

U.S. Patent Office with respect to a (non-public) Part II matter.

Adjudicative matters under Part 3 of the Rules of Practice:

Approval of minutes on adjudicative matters considered at meeting of May 15, 1978.

CONTACT PERSON FOR MORE INFORMATION:

Wilbur T. Weaver, Office of Public Information, 202-523-3830. Recorded Message: 202-523-3806.

[S-1101-78 Filed 5-24-78; 11:45 am]

[6750-01]

6

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Thursday, June 1, 1978.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED: Consideration of proposed amendments to Part 5 of the Commission's Rules of Practice concerning standards of conduct for Commission employees.

CONTACT PERSON FOR MORE INFORMATION:

Wilbur T. Weaver, Office of Public Information, 202-523-3830. Recorded Message, 202-523-3806.

[S-1102-78 Filed 5-24-78; 11:45 am]

[7020-02]

7

INTERNATIONAL TRADE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 21106, May 16, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2 p.m., e.d.t., Thursday, May 25, 1978.

CHANGES IN THE MEETING: Agenda item No. 7 [Molded golf balls (Inv. 337-TA-35)—consideration of procedural matters], previously scheduled for the meeting of Thursday, May 25, 1978, has been cancelled.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-0161.

[S-1104-78 Filed 5-24-78; 3:38 pm]

FRIDAY, MAY 26, 1978

PART II



**DEPARTMENT OF
HEALTH,
EDUCATION,
AND WELFARE**

**Health Resources
Administration**



**GOVERNING BODY
REQUIREMENTS FOR
HEALTH SYSTEMS
AGENCIES**

Notice of Proposed Rulemaking

**Registered
Professional**

[4110-83]

**DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE**

Health Resources Administration

[42 CFR Part 122]

**GOVERNING BODY REQUIREMENTS FOR
HEALTH SYSTEMS AGENCIES****Notice of Proposed Rulemaking**

AGENCY: Health Resources Administration, HEW.

ACTION: Notice of proposed rulemaking.

SUMMARY: This Notice proposes to make more explicit the regulations regarding the composition of governing bodies and executive and other committees of health systems agencies and methods of selection of members of those bodies. The proposed rules are designed to implement more effectively section 1512(b)(3)(C) of the Public Health Service Act as amended by the National Health Planning and Resources Development Act of 1974, which requires a "broadly representative" consumer majority.

DATE: Comments must be received July 10, 1978.

ADDRESS: Written comments and recommendations should be submitted, preferably in duplicate, to: Director, Office of Policy Coordination, Bureau of Health Planning and Resources Development, Center Building, Room 6-22, 3700 East-West Highway, Hyattsville, Md. 20782. All materials received in response to this Notice will be available for public inspection and copying at the above location on weekdays (Federal holidays excepted) between the hours of 9 a.m. and 5 p.m.

**FOR FURTHER INFORMATION
CONTACT:**

Colin C. Rorrie, Ph.D. Acting Director, Bureau of Health Planning and Resources Development, Center Building, Room 6-22, 3700 East-West Highway, Hyattsville, Md. 20782, 301-436-6850.

SUPPLEMENTARY INFORMATION: Title XV of the Public Health Service Act, which was added by the National Health Planning and Resources Development Act of 1974 (P.L. 93-641, January 4, 1975), authorizes the establishment of health systems agencies (HSA's) for the conduct of health planning activities in health service areas. Section 1512(b)(3)(C) sets forth requirements for the membership of HSA governing bodies and executive committees as follows:

The membership of the governing body and the executive committee (if any) of an agency shall meet the following requirements:

(i) A majority (but not more than 60 percent of the members) shall be residents

of the health service area served by the entity who are consumers of health care and who are not (nor within the twelve months preceding appointment been) providers of health care and who are broadly representative of the social, economic, linguistic and racial populations, geographic areas of the health service area, and major purchasers of health care.

(ii) The remainder of the members shall be residents of the health service area served by the agency who are providers of health care and who represent (I) physicians (particularly practicing physicians), dentists, nurses, optometrists, and other health professionals, (II) health care institutions (particularly hospitals, long-term care facilities, substance abuse treatment facilities, and health maintenance organizations, (III) health care insurers, (IV) health professional schools, and (V) the allied health professions. Not less than one-third of the providers of health care who are members of the governing body or executive committee of a health systems agency shall be direct providers of health care (as described in section 1531(3)).

(iii) The membership shall—

(I) include (either through consumer or provider members) public elected officials and other representatives of governmental authorities in the agency's health service area and representatives of public and private agencies in the area concerned with health,

(II) include a percentage of individuals who reside in nonmetropolitan areas within the health service area which percentage is equal to the percentage of residents of the area who reside in nonmetropolitan areas, and

(III) if the health systems agency serves an area in which there is located one or more hospitals or other health care facilities of the Veterans' Administration, include as an ex officio member, an individual whom the Chief Medical Director of the Veterans Administration shall have designated for such purpose, and if the agency serves an area in which there is located one or more qualified health maintenance organizations (within the meaning of section 1310), include at least one member who is representative of such organizations.

Regulations governing the designation and funding of HSA's by the Secretary (42 CFR Part 122) were published in the FEDERAL REGISTER of March 26, 1976 (41 FR 12812). With respect to the composition and method of selection of the consumer majorities of HSA governing bodies, the regulations essentially restate the statute without further elaboration.

The Preamble to the regulations, however, stated that while the term "broadly representative" as it is used in section 1512(b)(3)(C)(i) does not necessitate an equal proportion, it does indicate that the consumer majority should "roughly approximate, in its representational aspects, the whole population of the health service area." 41 FR 12820. The Preamble further noted that the Department would "be reviewing the performance" of HSA's "to see if, in the future, more specific regulation is warranted". Ibid.

Experience has shown that HSA's have interpreted the representation

requirements in differing ways, producing considerable uncertainty. A number of lawsuits have been filed, challenging the legality of the composition of certain governing bodies on the grounds that various population groups (including low income persons, women, and the handicapped) are underrepresented. In view of the evident uncertainty as to the standard to be used to measure compliance with the "broadly representative" requirement, the Secretary has concluded that clarification of the regulations is needed.

In proposing the amendments to the existing regulations as set out below, the Secretary has been mindful of the following statement which appeared on page 22 of the Conference Report on the Health Planning and Health Services Research and Statistics Act of 1977 (Pub. L. 95-83):

The conferees also wish to clarify the original intent of the Health Planning and Resources Development Act with respect to the composition of governing bodies of health systems agencies. Under the law (section 1512(b)(3)(C) of the Public Health Service Act) consumer representatives of governing bodies are to be "broadly representative of the social, economic, linguistic and racial populations" residing within the health service area. The conferees emphasize that, as the law states, the populations are to be broadly represented. Therefore, several different approaches to insuring meaningful involvement in HSA decisions by all segments of society are permissible. In particular, it was not the intent of the Congress in enacting this provision to mandate a quota system requiring the selection of representatives of a particular category strictly proportionate to its representation in the population of the area or to require that representatives of a category be members of the class they represent. Instead, the Congress intended that, in implementation of the requirement with respect to consumer representatives, health systems agencies have the flexibility to adopt selection processes most appropriate to local needs. (H.R. Rep. No. 95-500, 95th Cong., 1st Sess. 22 (July 14, 1977).)

This Notice invites all interested parties to participate in the rulemaking procedure by: (1) Submitting written comments on the regulatory language proposed, (2) submitting written recommendations for alternative methods of implementing section 1512(b)(3)(C), including identification of additional issues, or (3) recommending alternative language to be used in the final regulations. After consideration of the material received in response to this Notice, the Secretary of Health, Education, and Welfare will publish final regulations.

Comments are specifically requested in the following areas:

I. *Explanation of "broadly representative."* Is the proposed explanation of the phrase "broadly representative" adequate to encompass the multiple consumer representation requirements included in section 1512(b)(3)(C)? In this connection it should be noted that

the regulations as proposed would not require that each governing body include a representative of the handicapped because of the widely varying numbers of handicapped individuals in various health service areas. However, HSA's are subject in their planning and review activities to the requirements of section 504 of the Rehabilitation Act of 1973 and its implementing regulations (45 CFR Part 84) including the requirement that they consult with handicapped persons or organizations representing handicapped persons in evaluating their policies and practices (see 45 CFR 84.6(c)). Further, the requirement that the board "roughly approximate" a group's population in the community does not require HSA's to adopt strict quotas for membership.

II. Identification of population groups. Should any additional specific population groups be identified within the "social, economic, linguistic and racial populations" of an area as groups of which the governing body should be representative?

Particular attention is directed to proposed § 122.109(b)(1)(i)(B), which speaks of "economic" groups, and identifies "poverty and low-income groups" as illustrative of groups which must be included. Comments and suggestions are specifically invited on whether the economic groups can or should be more explicitly identified by regulation, and if so, what approach should be used. Possible approaches include classification of economic groups into two, three or more income levels, or setting specific uniform ranges of income which rely on living standards published by the Bureau of Labor Statistics, on actual family income data available from the census or other sources, or on official "poverty" guidelines published by the Community Services Administration.

In addition, comments are also invited on whether regional variations in living costs or family income should be accounted for and, if so, whether these variations should be spelled out in the regulation or left to the HSA's to adjust national standards to reflect local conditions.

III. Selection of governing body members. It has been the Department's view that a person who is not a member of a particular population group may be selected as a representative of that group. However, the Department believes that it is important to the success of health systems agencies that, to the maximum extent possible, board members identify with and reflect the interest and concerns of the population groups they purport to represent. In order to prevent the selection of board members who are neither members of the group represented nor accountable to group members in some way, the proposed regula-

tions provide that to be judged representative of any population group, a governing body member must either be a member of that group or have been selected or nominated by an organization composed primarily of members of the group. See § 122.109(b)(1)(ii).

In addition, a new subparagraph (4) would be added to § 122.109(b) which would require (1) that a majority of both consumer and provider members be selected through a method or procedure other than selection by the governing body of the HSA; (2) that any election must be fair and held in a place reasonably accessible to persons eligible to vote in the election; and (3) that where members are selected by the governing body, only consumer members of the body may participate in the selection of consumer members and only provider members in the selection of provider members. These proposed requirements are designed to assure that the HSA governing body not become self-perpetuating and thus insulated from accountability to the various interests which its members represent. They are also intended to prevent selection procedures under which providers select "consumer" members known to be primarily concerned with provider interests, and to assure elections which are free from any pressure or inducement by providers which may inhibit or prevent the free exercise of choice by the voter.

With these limitations the Secretary proposes to continue to afford wide latitude to HSA's to develop their own methods of selection of governing body members and their successors, providing flexibility for the accommodation of local needs and circumstances. The Secretary would then look only at the outcome of the process, to determine whether the governing body in fact meets the "broadly representative" requirement.

In this connection, the Secretary is particularly interested in receiving from HSA's descriptions of selection processes, including elections, that have, in the views of the HSA's which have employed them, proved successful in producing effective governing bodies which are broadly representative of the communities they serve. HSA's are urged to supply the Secretary with such descriptions, so that they may be used to assist other HSA's which have had difficulties in that regard.

IV. Executive and other committees. In order to maximize the accountability of executive committee members to the interests they purport to represent, paragraph (f)(1) would be amended to require that the consumer members of executive committees be selected by consumer members of the governing body, and provider members of such committees by provider members of the governing body.

In addition, the Act provides that if a board or executive committee appoints a subcommittee of its members or an advisory group, "it shall, to the extent practicable, make its appointments to any such subcommittee or group in such manner as to provide the representation on such subcommittee or group described [in the provision on board and executive committee membership]." It is believed that it will always be "practicable" for a subcommittee or advisory group to include a consumer majority, even if that group is too small to include members from each specific population group represented on the governing body. Accordingly, paragraph (f)(2) would be changed to specify that all subcommittees and advisory groups contain a majority (but, where mathematically possible, not more than 60 percent) of consumer members.

V. Data and information. A new paragraph (g) is proposed, requiring that HSAs provide data and information to the Secretary to assist him in determining compliance by the HSAs with the requirements of § 122.109 as revised. It is noted that as proposed, the new paragraph (g) would require the provision of information concerning the members of advisory groups as well as those of HSA governing bodies and committees. Concern has been expressed by individuals familiar with planning agency activities that some persons who might otherwise be willing to serve on such groups will be inhibited in doing so if information on their "income, racial and other pertinent characteristics" is to be provided routinely to the Department. HSAs obviously must obtain such information about advisory group members in order to judge their own compliance with the statutory requirements and must make the information available to the Department in order that it may monitor that compliance. However, comments are solicited on the possible implications of this proposed provision for obtaining wide participation by experts in various technical aspects of health care as well as by interested consumers in the activities of these groups, which are of great importance to the HSAs in carrying out their functions.

VI. Effective date. The Secretary invites comments with respect to the appropriate period of time within which HSAs will be required to conform to the new requirements established in this regulation. It is proposed that, for entities that apply for their initial conditional designation as HSAs after these amendments are published in final form, compliance with the amended regulation would be required as a condition to that designation. It is further proposed that all board and committee member selections which are made after the date of publication

of the final amendments be required to comply with the *process* provisions of the amendments (paragraphs (b)(4) and (f)(1)(ii)). However, the Secretary has tentatively concluded that to avoid unnecessary disruption of planning activities of entities that have applied for conditional designation or HSAs that have been conditionally or finally designated when these amendments are published as final regulations, full compliance with the new provisions for board and committee composition (paragraphs (b)(1)(i) and (f)(2)) will not be required until three years after the date of publication of the final regulation. Thus the HSAs will be able to make steady progress towards the new goals over that three-year period.

If the Secretary adopts this proposal, he also proposes to require each HSA to submit within 180 days, a plan for revised board selection procedures which will assure the Secretary (1) that substantial progress toward compliance with the composition requirements will be made with each selection of new board members during the three-year period and (2) that full compliance will be achieved by the end of the three-year period. Prior to the end of the three-year period, the currently effective provisions of § 122.109 will be used by the Secretary in making non-renewal or termination decisions. Under this proposal, the new data reporting requirements would become effective immediately upon publication of a final regulation.

The Secretary further notes that in order to assure that HSA governing bodies are representative, accountable and effective, the Department will constantly review the operations of HSAs and their board selection processes with a view to making whatever additional incremental changes may be needed to adjust the selection system so as to achieve those objectives.

The Department of Health, Education, and Welfare has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

It is proposed that 42 CFR 122.109(b) be amended as set out below.

Dated: May 8, 1978.

JOYCE C. LASHOF,
Acting Assistant Secretary
for Health.

Approved: May 10, 1978.

HALE CHAMPION,
Acting Secretary.

Section 122.109 of Title 42, CFR, is revised to read as follows:

§ 122.109 Governing body; executive and other committees.

(a) *General.* (1) A health systems agency which is a public regional planning body or single unit of general local government shall have, in addition to any other governing board, a governing body for health planning (hereinafter referred to as the "governing body") which is established in accordance with the requirements in paragraphs (b) and (c) of this action and which has the responsibilities prescribed by paragraph (d) of this section.

(2) A health systems agency which is a nonprofit private corporation (or similar legal mechanism) shall have a governing body to direct all its health planning and development activities which is established in accordance with the requirements in paragraphs (b) and (c) of this section.

(b) *Composition.* The membership of the governing body of an agency shall meet the following requirements:

(1) A majority (but not more than 60 percent) of the members, shall be: residents of the health service area served by the agency, and consumers of health care who have not been providers of health care within the 12 months prior to appointment, and broadly representative of the geographical areas, major purchasers of health care, and the social, economic, linguistic and racial populations of the health service area.

(i) The purpose of the requirements of paragraph (b)(1) of this section is to assure that each health systems agency will be governed by a body with a consumer majority which, looked at as a whole, may reasonably be expected to consider and articulate, in carrying out its health planning functions, the interests of all segments of the population of its health service area. Accordingly, the Secretary must be satisfied that the percentage of members of the consumer majority representing each of the groups described below is roughly approximate to the group's percentage of the entire population of the area. HSAs are not required to adopt rigid quotas for membership of any population group. The groups which must be so represented include:

(A) Identifiable racial or linguistic population groups which constitute a significant proportion of the population of the area;

(B) All economic groups, including poverty and low-income groups;

(C) Women; and

(D) Persons over age 65.

(ii) An individual need not necessarily be a member of a particular population group in order to be considered a representative of that group. However, no individual who is not a member of a population group may be considered a representative of that group

unless the individual has been selected or nominated for that purpose by an organization composed primarily of members of the group.

(iii) For purposes of this paragraph, "major purchaser of health care" means an entity, other than any entity described in paragraph (b)(2) of this section, which either directly or indirectly (such as through the purchase of group health insurance or hospital or medical service benefits) provides health care for its employees, members, or beneficiaries.

(2) The remainder of the members shall be residents of the health service area served by the agency who are providers of health care (of whom not less than 1/3 shall be direct providers of health care) and who represent:

(i) Physicians (particularly practicing physicians), dentists, nurses, and other health professionals;

(ii) Health care institutions (particularly hospitals, long-term care facilities, and health maintenance organizations);

(iii) Health care insurers;

(iv) Health professions schools (which include schools of medicine, dentistry, osteopathy, optometry, podiatry, pharmacy or veterinary medicine as defined in section 724(4) of the Act, and schools of nursing as defined in section 853 of the Act); and

(v) The allied health professions.

(3) The total membership as described in paragraphs (b) (1) and (2) of this section shall:

(i) Include (either through consumer or provider members) public elected officials and other representatives of governmental authorities in the agency's health service area and representatives of public agencies in the area concerned with health;

(ii) Include representatives of private agencies in the area concerned with health;

(iii) Include a percentage of individuals who reside in nonmetropolitan areas within the health service area which is equal to the percentage of residents of the area who reside in nonmetropolitan areas;

(iv) If the health systems agency serves an area in which there is located one or more hospitals or other health care facilities of the Veterans' Administration, include, as an ex officio member, an individual whom the Chief Medical Director of the Veterans' Administration shall have designated for such purpose; and

(v) If the agency serves an area in which there is located one or more qualified health maintenance organizations (within the meaning of section 1310 of the Act), include at least one member who is representative of such organizations.

(4) A majority of the consumer members and a majority of the provider members must be selected for mem-

bership through a method or procedure other than selection by the governing body, executive committee or other committee of the health systems agency. Where such method or procedure involves an election, the election must be fair and must be held in a place reasonably accessible to persons who are eligible to vote. With respect to members who are selected by the governing body, only consumer members of the governing body shall be permitted to participate in the selection of consumer members, and only provider members of the governing body shall be permitted to participate in the selection of provider members.

(c) *Number of members.* The governing body shall be composed of not less than 10 members nor more than 30 members, except that the number of members may exceed 30 where the governing body has, in accordance with its Articles of Incorporation or by-laws (or in the case of a public regional planning body or single unit of general local government, its charter, authorizing statute, ordinance or executive order, or any rules or regulations governing its internal management), established an executive committee which meets the requirements of paragraph (f)(1) of this section.

(d) *Responsibilities and authority.* (1) The governing body of a health systems agency shall:

(i) Be responsible for the internal affairs of the agency, including matters relating to the staff of the agency and the agency's budget;

(ii) Be responsible for the adoption of procedures and criteria developed and published pursuant to section 1532 of the Act and applicable regulations of the Secretary to be utilized in the agency's performance of its functions under section 1513 (e), (f) and (g) of the Act;

(iii) Be responsible for issuing an annual report concerning the activities of the agency in accordance with § 122.115 of this subpart; and

(iv) Have the exclusive authority to perform for the agency the functions described in section 1513 of the Act and the agency's designation agreement entered into pursuant to § 122.106 or § 122.107 of this subpart. For such purposes the term "exclusive" as it applies to the role of the governing body means that the governing body shall have the sole, undivided authority to act for the agency in performing such functions subject to the provision of paragraph (f)(1) of this section relating to the delegation of function to an executive committee; *Provided*, That this does not preclude the public regional planning body or single unit of general local government from establishing procedures not inconsistent with the requirements of this part for the functioning of the agency, including an opportunity to comment on any action proposed by the governing body in the performance of its functions; and *Provided*

further, That the public regional planning body or single unit of general local government must be given the opportunity to comment on the health systems plan and the annual implementation plan prior to their establishment.

(2) The public regional planning body or single unit of general local government may establish rules and regulations for the exercise of the responsibilities described in paragraph (d)(1) of this section by the governing body; *Provided*, That such rules and regulations are not inconsistent with the Act and the regulations of this part.

(e) *Meetings and conduct of business.* The governing body shall:

(1) Meet at least once in each calendar quarter of a year and at least two additional times in a year unless its executive committee, if any, meets at least twice in that year;

(2) Act only by vote of a majority of its members present and voting at a meeting called upon adequate notice to all its members and at which a quorum, which shall be not less than one-half of its members, is in attendance;

(3) Conduct its business meetings in public, give adequate notice to the public of such meetings (as required by the agency's Articles of Incorporation or by-laws or, in the case of a public entity, its charter, authorizing statute, ordinance, or executive order or any rules or regulations for internal management) and make its data and records available to the public in accordance with the requirements of § 122.114 of this subpart; for purposes of this subpart, "business meetings" are meetings at which the governing body formally acts to carry out its responsibilities and functions under the Act, and

(4) Reimburse its members for their reasonable costs incurred in attending meetings of the governing body.

(f) *Executive committee; subcommittees and advisory committees.* (1) *Executive committee.* (i) A governing body whose membership exceeds 30 shall establish an executive committee of its members, which shall consist of not more than 25 members, shall be composed in accordance with the requirements of paragraph (b) (1), (2), and (3) of this section, and shall be delegated the authority to take such action as the governing body is authorized to take (other than authority to take action with respect to the agency's articles of incorporation or bylaws or in the case of an agency which is a public regional planning body or single unit of general local government, its charter, authorizing statute, ordinance, or executive order and any internal rules or regulations which govern its operations) except that the executive committee may not be delegated the responsibility for the establishment and amendment of the

health systems plan and annual implementation plan required by section 1513(b) (2) and (3) of the Act.

(ii) The members of the executive committee shall be selected by the governing body from among its members; *Provided*, that only consumer members of the governing body may participate in the selection of consumer members of the executive committee, and only provider members of the governing body may participate in the selection of provider members of the executive committee.

(iii) The executive committee shall:

(A) Act only by vote of a majority of its members present and voting at a meeting called upon adequate notice to all of its members at which a quorum, which shall be not less than one-half of its members, is in attendance, and

(B) Conduct its business meetings in public, give adequate notice to the public of such meetings (as required by the agency's Articles of Incorporation or by-laws or, in the case of a public regional planning body or single unit of general local government, its charter, authorizing statute, ordinance, or executive order or any rules or regulations for internal management) and make its data and records available to the public in accordance with the requirements of § 122.114 of this subpart.

(2) *Subcommittees and advisory groups.* Where in the exercise of its functions the governing body or executive committee appoints a subcommittee of its members or an advisory group, it shall, to the extent practicable, make its appointments to such subcommittee or group in such a manner as to provide that the representation on such subcommittee or group meets the composition requirements of paragraph (b) of this section; *Provided*, That a majority (but, where mathematically possible, not more than 60 percent) of the membership of each subcommittee or advisory group must be consumers of health care.

(g) *Data and information.* The health systems agency shall provide to the Secretary such data and information as he may require relating to compliance with the requirements of this section, including the following:

(1) Income, racial and other pertinent characteristics of members of the governing body, executive committee, subcommittees and advisory groups.

(2) Information supporting the health systems agency's determination of the numbers and percentages of the total population within its health service area which each population group constitutes.

(3) The process of selection of members of the governing body, executive committee, subcommittees, and advisory groups.

(Sec. 1512, Public Health Service Act, 88 Stat. 2232 (42 U.S.C. 300-1).)

[FR Doc. 78-13716 Filed 5-25-78; 8:45 am]

FRIDAY, MAY 26, 1978
PART III



**DEPARTMENT OF
LABOR**

**Employment Standards
Administration**



**MINIMUM WAGES FOR
FEDERAL AND
FEDERALLY ASSISTED
CONSTRUCTION**

**General Wage Determination
Decisions**

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DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND
FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date

shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modification and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-

making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

Georgia..... GA78-1050
Michigan..... MI78-2061

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Illinois:
IL78-2017; IL78-2024; Mar. 17, 1978
IL78-2038; IL78-2039;
IL78-2040.
New Hampshire:
NH77-2001; NH77-2002..... Jan. 21, 1977
NH77-2004..... Jan. 28, 1977
Ohio:
OH78-2056..... May 12, 1978
Pennsylvania:
PA77-3057..... May 13, 1977
PA77-3100..... July 15, 1977
PA77-3103; PA77-3104..... July 22, 1977
PA77-3121; PA77-3122; Sept. 9, 1977
PA77-3123; PA77-3124;
PA77-3125; PA77-3126.
PA77-3128; PA77-3129..... Sept. 16, 1977
PA78-3012..... Apr. 28, 1978
PA78-3016..... Apr. 14, 1978
Wisconsin:
WI77-2103..... July 15, 1977
WI77-2110..... July 22, 1977

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decision numbers are in parentheses following the numbers of the decisions being superseded.

Alabama:
AL77-1085 (AL78-1047)..... July 22, 1977.
California:
CA78-5002 (CA78-5101); Feb. 24, 1978.
CA78-5003 (CA78-5100).
Florida:
FL77-1119 (FL78-1051); Oct. 28, 1977.
FL77-1119 (FL78-1052).
Minnesota:
MN77-2033 (MN78-2060)..... Mar. 4, 1977.

CANCELLATION OF GENERAL WAGE DETERMINATION DECISIONS

None.

Signed at Washington, D.C., this
19th day of May, 1978.

DOROTHY P. COME,
Acting Assistant Administrator,
Wage and Hour Division.

NEW DECISION

STATE: Michigan
 COUNTY: Lenawee
 DECISION NUMBER: MI78-2061
 DATE: Date of Publication
 DESCRIPTION OF WORK: Residential Construction consisting of Single Family Homes and Garden Type Apartments up to and including 4 Stories.

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vocation	
Bricklayers	.86	.55		.05
Carpenters				
Cement Masons - Finishers				
Heating/Air Conditioning Mechanics				
Laborers				
Painters				
Plumbers				
Sheet Metal Workers				
Truck Drivers	.24.00	.22.00	b	
<u>POWER EQUIPMENT OPERATORS:</u>				
Backhoe Operator	.80	1.00	10%	.05
Bulldozer Operators	.80	1.00	10%	.05
Front-End-Loader Operators	.80	1.00	10%	.05
Roller Operators	.80	1.00	10%	.05

FOOTNOTES:
 a.-Per Week; Per Employee
 b.-2%, 4% or 6% of previous years earnings depending on length of service.

NEW DECISION

STATE: GEORGIA
 COUNTY: DEKALB & FULTON
 DECISION NUMBER: GA78-1050
 DATE: DATE OF PUBLICATION
 DESCRIPTION OF WORK: HEAVY CONSTRUCTION

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vocation	
BRICK MASONS	.55	.50		.05
CARPENTERS	.50	.45		.02
CEMENT MASONS/FINISHERS	.40	.55		1/2 of 1%
ELECTRICIANS	.9%	.11%		.07
IRONWORKERS	.65	.57		
LABORERS:				
Unskilled	.20	.33		.05
Air tool operators (air, electric or gas powered, such as jackhammer, paving breaker, tampers, vibrator, spade, chipping hammer & baroc tamp)				
PAINTERS:	.20	.33		.05
Brush & Roller	.45	.65		.05
Spray	.45	.65		.05
PILERIVEMEN	.50	.45		.02
PLUMBERS & PIPEFITTERS	.65	.50		.11
SEWER METAL WORKERS	.50	.81		.06
TRUCK DRIVERS	.20	.30		
WATERPROOFERS (ROOFERS)				
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.				
<u>POWER EQUIPMENT OPERATORS:</u>				
Backhoe	.50	.75		.07
Bulldozer	.50	.75		.07
Crane	.50	.75		.07
Front end loader	.50	.75		.07
Mechanic	.50	.75		.07
Motor grader	.50	.75		.07
Pump	.50	.75		.07

MODIFICATIONS P. 2

DECISION #1178-2040 - MOD. #1
(43 FR 11432 - March 17, 1978)
Bond, Cahoon, Clinton, Greene,
Jersey, Monroe, Montgomery,
Randolph & Washington Counties
Illinois

CHANGE:

Laborers:

Bond County:

Vicinity of Greenville

Common

Brick & Plaster Mason Tenders
Cutting & burning w/a torch
& working on the bottom of
sewer trenches, etc.

Dynamite Men

Fochontas & Vicinity

Common

Brick & Plaster Mason Tenders

Cutting & burning w/a torch

& working on the bottom of

sewer trenches, etc.

Dynamite Men

Final grading laying or caulking

of section or sanditary

or storm sewer pipe

Sorento & Vicinity

Common

Brick & Plaster Mason Tenders

Workmen cutting & burning

w/a torch and working on the

bottom of sewer trenches, etc.

Dynamite Men

Glen Carbon

Common

Mason & Plasterer Tenders

Dynamite Men

Highlands

Common

Mason & Plasterers Tenders

Workmen cutting & burning

w/a torch

Dynamite Men

Livingston

Common

Working on bottom of sewer

Mason and Plasterer Tender

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$ 9.00		1.00			
DECISION #1178-2024 - MOD. #2 (43 FR 11391 - March 17, 1978) Bureau, LaSalle, Livingston, Marshall, Putnam and Woodford Counties Illinois					
CHANGE: Cement Masons					
11.60	.60	.25			
ADD: Bricklayers & Stonemasons: Bureau and Putnam Counties					
DECISION #1178-2038 - MOD. #2 (43 FR 11423 - March 17, 1978) Alexander, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope, Pulaski, Saline, Union, White & William- son Counties Illinois					
CHANGE: Painters: Alexander, Johnson, Pulaski Counties: Commercial - Repaint Commercial - New Industrial Spray & Sandblasting - Repaint Spray & Sandblasting - New					
7.00					
8.00					
8.70					
7.50					
8.50					

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$10.65				
11.15		.30		.035
		.30		.035
10.90		.30		.035
12.25		.30		.035
10.55		.40		.035
11.05		.40		.035
10.80		.40		.035
12.15		.40		.035
10.80		.40		.035
10.70		.25		.035
11.20		.25		.035
10.95		.25		.035
12.30		.25		.035
10.45		.60		.035
10.95		.60		.035
12.05		.60		.035
10.35		.60		.035
10.85		.60		.035
10.55		.60		.035
11.95		.60		.035
10.65		.30		.035
10.90		.30		.035
11.15		.30		.035

MODIFICATIONS P. 3

MODIFICATIONS P. 4

DECISION NO. NH77-2001- Mod #5
(42 FR 4087- January 21, 1977)
Hillsboro County, New Hampshire

DECISION #1178-2040 - MOD. #1 (Cont'd)

DECISION #1178-2040 -- MOD. #1 (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
CHANGE: Laborers: <u>Marine</u> Common Mason & Plasterer Working on bottom of sewer <u>Troy</u> Common Mason & Plasterer Tender Working on bottom of sewer <u>St. Jacob</u> Common Mason & Plasterer Tenders Working in sewer trenches <u>Freeburg & Vicinity</u> Laborers All Sewer Work Mason & Plaster Tenders Dynamite Men <u>New Athens & Vicinity</u> Laborers All Sewer Work Mason & Plaster Tenders	\$10.75 11.25 11.00 10.35 10.85 10.55 10.35 10.85 10.55 10.00 10.25 10.50 11.60 10.00 11.25 10.50	 <			

DECISION #1178-2039 - MOD. #1
(43 FR 11427 - March 17, 1978)
Boone, Carroll, DeKalb, Jobavies
Lee, Ogle, Stephenson, Whiteside
& Winnebago Counties Illinois

CHANGE:

Painters:
Jodavies County:
Brush & Roller
Spray, Structural Steel, Sand-
blast

\$ 8.40
8.95

.30
.30

NOTICES

22867

DECISION NO. OH78-2056 - Mod. #1 (43 FR 20673 - May 12, 1978) Adams, Brown, Butler, Champaign, Basic Clark, Clermont, Clinton, Darke, Hourly Delaware, Fairfield, Fayette, Franklin, Gallia, Geauga, Greene, Hamilton, Highland, Lawrence, Licking, Madison, Meigs, Miami, Montgomery, Muskingum, Perry, Pickaway, Pike, Preble, Ross, Scioto, Shelby, Union, & Warren Cos., Ohio	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
Change: Electricians: Clinton, Darke, Greene, Miami, Montgomery, Preble, & Warren (Rem. of Co.) Cos. Electrical communications installers within 11 mi. radius of 3rd & Main Street, Dayton	\$11.58	.75	3%+1.00		.5%

MODIFICATIONS P. 6

DECISION #PA77-3100 - Mod. #7
(42 FR 36775 - July 15, 1977)
Columbia, Montour & Snyder
Counties, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Change:					
Bricklayers & Stonemasons:					
Zone 1	\$10.00	.55	.65		.01
Zone 2	9.70	.55	.70		
Cement Masons:					
Zone 1	10.50				
Zone 2	9.05	.55	.70		.01
Glaziers					
Zone II	9.79	.40	.50		.01
Laborers:					
Zone II					
Class I	7.45	.40	.45		
Class II	7.60	.40	.45		
Zone III					
Class I	8.00	.30	.35		
Class II	8.15	.30	.35		
Class III	8.47	.30	.35		
Class IV	7.65	.30	.35		
Plasterers					
Zone I	9.05	.55	.70		.01
Roofers					
Zone II	10.41	.80	.55		
Soft Floor Layers	9.20	.50	.55		.05
Sprinkler Fitters	12.31	.75	1.05		.08
Power Equipment Operators					
Group 1	12.44	7%	10.3%	a	1.8%
Group 2	12.15	7%	10.3%	a	1.8%
Group 3	11.28	7%	10.3%	a	1.8%
Group 4	10.51	7%	10.3%	a	1.8%
Group 5	10.04	7%	10.3%	a	1.8%
Group 6	9.13	7%	10.3%	a	1.8%
Group 7	12.69	7%	10.3%	a	1.8%
Group 7-A	12.94	7%	10.3%	a	1.8%
Group 7-B	13.18	7%	10.3%	a	1.8%
Omit:					
Laborers					
Zone III					
Class IV	8.12	.30	.35		

MODIFICATIONS P. 5

Decision #PA77-3057 - Mod. #7
(42 FR 24700 - May 13, 1977)
Sullivan County, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Change:						
Bricklayers & Stonemasons	\$ 9.70	.55	.70		.01	
Electricians:						
Eastern part of County	11.24	.65	34+.85		.03	
Soft Floor Layers	9.20	.50	.55		.05	
Sprinkler Fitters	12.31	.75	1.05		.08	
Power Equipment Operators						
Group 1	12.44	7%	10.3%	a	1.8%	
Group 2	12.15	7%	10.3%	a	1.8%	
Group 3	11.28	7%	10.3%	a	1.8%	
Group 4	10.51	7%	10.3%	a	1.8%	
Group 5	10.04	7%	10.3%	a	1.8%	
Group 6	9.13	7%	10.3%	a	1.8%	
Group 7	12.69	7%	10.3%	a	1.8%	
Group 7-A	12.94	7%	10.3%	a	1.8%	
Group 7-B	13.18	7%	10.3%	a	1.8%	

MODIFICATIONS P. 7

DECISION #PA77-3103 - Mod. #6
(42 FR 37759 - July 22, 1977)
Bradford, Tioga & Union
Counties, Pennsylvania

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$ 9.90	.75	.60			
9.79	.40	.50			.01
7.45	.40	.45			
7.60	.40	.45			
12.31	.75	1.05			.08
9.20	.50	.55			.05
12.44	7%	10.3%	a		1.8%
12.15	7%	10.3%	a		1.8%
11.28	7%	10.3%	a		1.8%
10.51	7%	10.3%	a		1.8%
10.04	7%	10.3%	a		1.8%
9.13	7%	10.3%	a		1.8%
12.69	7%	10.3%	a		1.8%
12.94	7%	10.3%	a		1.8%
13.18	7%	10.3%	a		1.8%

Change:
Bricklayers & Stonemasons
Glaziers
Zone II
Laborers:
Class I
Class II
Sprinkler Fitters
Soft Floor Layers
Power Equipment Operators
Group 1
Group 2
Group 3
Group 4
Group 5
Group 6
Group 7
Group 7-A
Group 7-B

MODIFICATIONS P. 8

DECISION #PA77-3104 - Mod. #8
(42 FR 37762 - July 22, 1977)
Lancaster County, Pennsylvania

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$10.99	.78	3%+.20			.03
9.05	.29	.27			.02
9.50	.29	.27			.02
9.80	.29	.27			.02
12.44	7%	10.3%	a		1.8%
12.15	7%	10.3%	a		1.8%
11.28	7%	10.3%	a		1.8%
10.51	7%	10.3%	a		1.8%
10.04	7%	10.3%	a		1.8%
9.13	7%	10.3%	a		1.8%
12.69	7%	10.3%	a		1.8%
12.94	7%	10.3%	a		1.8%
13.18	7%	10.3%	a		1.8%
13.39	7.5%	10.5%	a		1.8%

Change:
Electricians: W. Calico, E. Calico,
Brecknock, E. Carl & Caernarvon
townships
Painters:
Elizabethtown, and Dowetal
Township
Brush
Steel
Spray
Power Equipment Operators:
Group 1
Group 2
Group 3
Group 4
Group 5
Group 6
Group 7
Group 7-A
Group 7-B
Sprinkler Fitters

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County, Pennsylvania -	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vocation	
Change:					
Bricklayers & Stonemasons	\$10.07	.60	.57		.02
Cement Masons	10.465	.65	.50		.01
Glaziers	9.79	.40	.50		
Laborers:					
Air, fuel and electric tool operators and all other pneumatic and mechanical tools including blow pipe and vacuum cleaners	8.15	.30	.35		
Pipelayer, power buggy, precast slab placers and signal men	8.15	.30	.35		
Unskilled laborer	8.00	.30	.35		
Plaster and cement mason tenders, machine mixers, plaster pump and scaffold builder (excluding masonry scaffolding) for cason workers, blasters, wagon air track and diamond point drill operators, burning torches, green cutting machine and steam jenny	8.47	.30	.35		
Nursery workers, window washers, floor scrubbers and watchmen	7.65	.30	.35		
Marble Setters	10.85	.60	.57		.01
Plasterers	9.60	.65	.50		
Painters:					
Brush	9.05	.29	.27		.02
Steel	9.50	.29	.27		.02
Spray	9.80	.29	.27		.02
Tank, stack, bridge, sandblast	10.30	.29	.27		.02
Roofers:					
Composition	10.41	.80	.55		.05
Soft Floor Layers	9.20	.50	.55		
Terrazzo Workers	9.03	.60	.57		
Tile Setters	9.03	.60	.57		

Basic Hourly Rates	Fringe Benefits Payments	H & W	Pensions	Vacation	Education and/or Appr. Tr.
\$10.07		.60	.57		.02
6.85		.45	.35		
Change: Bricklayers & Stonemasons General laborers Operator of jackhammer, paving breaking and other pneumatic, electrical and mechanical tools, laying of all clay, terra cotta, ironstone vitrified concrete or non-metallic pipe and the making of joints for same, wagon drill operator, cofferdam (below 10'), tunnel free air, handling and using cutting or burning torches in the wrecking of buildings, blasters, plasterer tenders, mason tenders, scaffold builders and removal of power buggies Plasterers: West of Rte. 501 Painters, (West of Route 72) Brush Steel Spray Roofers: Anneville, Cold Spring, East Hanover, North Annville, North Cornwall, North Londonderry, South Anneville, South Londonderry, Union, West Cornwall Twp., Composition					
6.95		.45	.35		.01
9.60		.65	.50		
9.05		.29	.27		.02
9.50		.29	.27		.02
9.80		.29	.27		.02
10.41		.80	.55		
Power Equipment Operators: Group 1 Group 2 Group 3 Group 4 Group 5 Group 6 Group 7 Group 7-A Group 7-B Soft Floor Layers Truck Drivers: Pick ups, dump, service trucks, flat trucks to ans including Z license plates Transit mix, winch trucks, tractor, all types euclids, ross lumber & trucks over 2 Plates					
12.44		78	10.38	a	1.88
12.15		78	10.38	a	1.88
11.28		78	10.38	a	1.88
10.51		78	10.38	a	1.88
10.04		78	10.38	a	1.88
9.13		78	10.38	a	1.88
12.69		78	10.38	a	1.88
12.94		78	10.38	a	1.88
13.18		78	10.38	a	1.88
\$ 9.20		.50	.55		.05
8.39		d	e		
8.64		d	e		

MODIFICATIONS P. 11

DECISION #PA77-3122 - Mod. #4

Cont'd.	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Power Equipment Operators:						
Group 1	\$12.44	7%	10.3%	a		1.8%
Group 2	12.15	7%	10.3%	a		1.8%
Group 3	11.28	7%	10.3%	a		1.8%
Group 4	10.51	7%	10.3%	a		1.8%
Group 5	10.04	7%	10.3%	a		1.8%
Group 6	9.13	7%	10.3%	a		1.8%
Group 7	12.69	7%	10.3%	a		1.8%
Group 7-A	12.94	7%	10.3%	a		1.8%
Group 7-B	13.18	7%	10.3%	a		1.8%
Truck Drivers:						
Truck Drivers, building						
Pick ups, dump, service trucks,						
flat trucks, to and including						
Z highway license plates	8.39	d	e			
Transit Mix, winch trucks,						
tractor all types euclid, ross	8.64	d	e			
lumber and over Z plates						
Omit:						
Laborers:						
Mason tenders, machine mixers,						
motorized stockers, scaffold						
builder (masonry), mortar pump,						
conveyors, mechanical cleaners						
and sandblasting for masonry and						
masonry equipment	8.12	.30	.35			

MODIFICATIONS P. 12

DECISION #PA77-3123 - Mod. #7
 (42 FR 45616 - September 9, 1977)
 Schuylkill County, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Change:						
Bricklayers & Stonemasons	\$ 9.80	.60	.95			
Cement Masons	9.80	.60	.95			
Laborers:						
Unskilled Laborers & Window						
Cleaners	6.95	.45	.25			
Operator of jackhammer, Paving						
breaking & other pneumatic,						
electric & mechanical tools,						
laying of all clay, terra						
cotta, ironstone, vitrifies con-						
crete or non-metallic pipe &						
the making of joints for same						
wagon drill operators, cofferdam						
(below 10'), tunnel free						
air handling & using cuttin or						
burning torches in the wrecking						
of buildings, blasters, plasterer						
tenders, mason tenders, scaffold						
builders and removal & power						
buggies	7.05	.45	.25			
Plasterers	9.80	.60	.95			
Tile Setters	8.80	.60	.95			
Power Equipment Operators						
Group 1	12.44	7%	10.3%	a		1.8%
Group 2	12.15	7%	10.3%	a		1.8%
Group 3	11.28	7%	10.3%	a		1.8%
Group 4	10.51	7%	10.3%	a		1.8%
Group 5	10.04	7%	10.3%	a		1.8%
Group 6	9.13	7%	10.3%	a		1.8%
Group 7	12.69	7%	10.3%	a		1.8%
Group 7-A	12.94	7%	10.3%	a		1.8%
Group 7-B	13.18	7%	10.3%	a		1.8%

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DECISION #PA77-3124 - Mod #5

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
Power Equipment Operators					
Group 1	\$12.44	7%	10.3%	a	1.8%
Group 2	12.15	7%	10.3%	a	1.8%
Group 3	11.28	7%	10.3%	a	1.8%
Group 4	10.51	7%	10.3%	a	1.8%
Group 5	10.04	7%	10.3%	a	1.8%
Group 6	9.13	7%	10.3%	a	1.8%
Group 7	12.69	7%	10.3%	a	1.8%
Group 7-A	12.94	7%	10.3%	a	1.8%
Group 7-B	13.18	7%	10.3%	a	1.8%
Truck Drivers					
CLASS I	8.97				
CLASS II	9.04				
CLASS III	9.53				

DECISION #PA77-3124 - Mod. #5
(42 FR 45618 - September 9, 1977)
Northampton, County, Pennsylvania

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
Change: Laborers: Operator of jackhammer, paving breakin and other pneumatic and mechanical tools coming under the jurisdiction of laborers, laying of all clay terra cotta, ironstone, vitrifi- ed concrete or non metallic pipe and the making of joints for same and cofferdams (blew 10')	\$ 7.96	.45			
Wagon drills and men handling burning torches in the wreck- ing of buildings plaster and mason tenders, scaffold builders and handling of all material to be used by plasterers and masons, brick and block loaded on pallets, cement finisher tenders, gunni- ting and moldco D and sand blaster helpers, power buggies, all floor hardner and "cure" application shall be work of the mason tender, all pumps such as the concrete, plaster mortar and water, installing refractory materials in connection with the boiler work	8.21	.45			
Barco Tamper Operator Painters"	8.36 8.98	.35 .35	.45 .45		
Remiader of County Brush Structural Steel Spray	9.30 10.05 11.01	1.00 1.00 1.00	.60 .60 .60		

MODIFICATIONS P. 16

DECISION #PA77-3126 - Mod. #2
(42 FR 45622 - September 9, 1977)
Lycoming County, Pennsylvania

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 9.90	.70	.65		.015
7.45	.40	.45		
7.60	.40	.45		.01
10.93		.20		
10.80	.50	.34		3/84
7.59	.50	.34		3/84
7.26	.50	.34		3/84
9.20	.50	.55		.05
12.31	.75	1.05		.08
12.44	74	10.34	a	1.84
12.15	74	10.34	a	1.84
11.28	74	10.34	a	1.84
10.51	74	10.34	a	1.84
10.04	74	10.34	a	1.84
9.13	74	10.34	a	1.84
12.69	74	10.34	a	1.84
12.94	74	10.34	a	1.84
13.18	74	10.34	a	1.84

Decision #PA77-3128-Mod. #7
(42FR 46901-September 16, 1977)
Adams & York Counties, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vocation		
Change:						
Cement masons: Adams County	\$10.465	.65	.50			
Painters: Brush	7.80	.35	.15			
Steel & Spray	8.35	.35	.15			
Plasterers: Adams County	9.60	.65	.50	--		.01
Power Equipment Operators						
Group 1	12.44	7%	10.3%	a		1.8%
Group 2	12.15	7%	10.3%	a		1.8%
Group 3	11.28	7%	10.3%	a		1.8%
Group 4	10.51	7%	10.3%	a		1.8%
Group 5	10.04	7%	10.3%	a		1.8%
Group 6	9.13	7%	10.3%	a		1.8%
Group 7	12.69	7%	10.3%	a		1.8%
Group 7-A	12.94	7%	10.3%	a		1.8%
Group 7-B	13.18	7%	10.3%	a		1.8%

Change:

Cement masons:
Adams County

Painters:

Brush

Steel & Spray

Plasterers:

Adams County

Power Equipment Operators

Group 1

Group 2

Group 3

Group 4

Group 5

Group 6

Group 7

Group 7-A

Group 7-B

DECISION #PA77-3129 - Mod. #3
(42 FR 46903 - September, 16, 1977)
Northumberland County, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vocation		
Change:						
Bricklayers & Stonemasons	\$10.00	.55	.65			.01
Cement Masons	10.50					
Glaziers:						
Remainder of County	9.79	.40	.50			.01
Laborers:						
North of Susquehanna River	7.45	.40	.45			
South of Susquehanna River	8.00	.30	.35			
Power Equipment Operators						
Group 1	12.44	7%	10.3%	a		1.8%
Group 2	12.15	7%	10.3%	a		1.8%
Group 3	11.28	7%	10.3%	a		1.8%
Group 4	10.51	7%	10.3%	a		1.8%
Group 5	10.04	7%	10.3%	a		1.8%
Group 6	9.13	7%	10.3%	a		1.8%
Group 7	12.69	7%	10.3%	a		1.8%
Group 7-A	12.94	7%	10.3%	a		1.8%
Group 7-B	13.18	7%	10.3%	a		1.8%
Sprinkler Fitters	12.31	.75	1.05			.08
Roofers:						
Coal, East Cameron, Jackson, Jordan, Little Mahony, Lower Mahony, Lower Augusta, Upper Mahony, Point Rockfeller, Shamokin, Upper Mahony, Washington, West Cameron, Zerbe Composition	10.41	.80	.55			

MODIFICATIONS P. 19

DECISION #PA78-3012 - Mod. #1
(43 FR 18476 - April 28, 1978)
Clinton, Centre, Huntingdon,
Fulton & Mifflin Counties, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change: Bricklayers & Stonemasons Zone 2 Zone 3 Cement Masons Zone 3	\$10.00 9.90 10.465	.55 .70 .65	.65 .65 .50		
Power Equipment Operators:					
CLASS 1	12.275	.95	.80		.09
CLASS 1-A	12.525	.95	.80		.09
CLASS 1-B	12.775	.95	.80		.09
CLASS 1-C	13.025	.95	.80		.09
CLASS 2	12.125	.95	.80		.09
CLASS 3	10.25	.95	.80		.09
CLASS 3-A	10.75	.95	.80		.09
CLASS 4	9.60	.95	.80		.09
CLASS 5	8.55	.95	.80		.09
CLASS 6	8.85	.95	.80		.09
CLASS 6-A	8.95	.95	.80		.09
CLASS 6-B	9.10	.95	.80		.09
CLASS 6-C	9.85	.95	.80		.09
Roofers:					
Zone 4	10.41	.80	.55		
Composition Truck Drivers:					
Zone 2					
Truck drivers, building Pick-ups, dump, service trucks, flat trucks, to and including Z highway license plates	8.39	f	8		
Transit Mix, winch trucks, tractor all types euclids, ross lumber and over Z plates	8.64	f	8		

MODIFICATIONS P. 20

DECISION #PA78-3016 - Mod. #1
(43 FR 16106 - April 14, 1978)
Lehigh County, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change: Laborers: Operator of jackhammer, paving breaking and other pneumatic and mechanical tools coming under the jurisdiction of laborers, laying of all clay terra cotta, ironstone, vitrifi- ed concrete or non metallic pipe and the making of joints for same and conferrals (below 10')	\$ 7.96	.35	.45		
Wagon drills and men handling burning torches in the wrecking of buildings	8.21	.35	.45		
Plaster and mason tenders, scaffold builders and handling of all material to be used by plasterers and masons, brick and block loaded on pallets, cement finisher tenders, gunni- ting and moldco-D and sand- blaster helpers, power buggies, all floor hardner and "cure" application shall be work of the mason tender, all pumps such as the concrete, plaster mortar and water, installing refractory materials in connection with the boiler work	8.36 8.98 9.05	.35 .35 1.00	.45 .45 1.15		
Barko Tamper Operator Marble Setters					
Power Equipment Operators:					
Group 1	12.44	7%	10.3%	a	1.8%
Group 2	12.15	7%	10.3%	a	1.8%
Group 3	11.28	7%	10.3%	a	1.8%
Group 4	10.51	7%	10.3%	a	1.8%
Group 5	10.04	7%	10.3%	a	1.8%
Group 6	9.13	7%	10.3%	a	1.8%
Group 7	12.69	7%	10.3%	a	1.8%
Group 7-A	12.94	7%	10.3%	a	1.8%
Group 7-B	13.18	7%	10.3%	a	1.8%

SUPERSEDES DECISION

STATE: Alabama

COUNTY: Mobile

DECISION NUMBER: AL78-1047

DATE: Date of Publication

SUPERSEDES DECISION NO.: AL77-1085 Dated July 22, 1977, in 42 FR 37715
 DESCRIPTION OF WORK: Building Construction (does not include residential construction consisting of single family homes and garden type apartments up to and including 4 stories).

MODIFICATIONS P. 21

DECISION #PA78-3016 - Mod #1

Cont'd.	Basic Hourly Rates	Fringe Benefits Payments				Education end/or Appr. Tr.
		H & W	Pensions	Vacation		
Terrazzo Workers	\$ 9.30	1.00	1.15			.08
Sprinkler Fitters	12.31	.75	1.05			
DECISION NO. W177-2103 - MOD. #2 (42 FR 36779 - July 15, 1977) Chippewa, Eau Claire and Pepin Counties, Wisconsin						
Change: Carpenters	\$10.22	.50	.60			.05
Millwrights & Piledrivermen	10.62	.50	.60			.05
DECISION NO. W177-2110 - MOD. #5 (42 FR 37773 - July 22, 1977) Columbia, Dane, Iowa, and Sauk Counties, Wisconsin						
Change: Carpenters	10.27	.50	.60			.05
Millwrights & Piledrivermen	10.67	.50	.60			.05
Ironworkers	11.37	.65	.525			.055
Painters:						
Brush	9.86	.70	.30	.40		.02
Spray	10.61	.70	.30	.40		.02
Structural steel (Brush)	10.01	.70	.30	.40		.02
Swing Stage	10.11	.70	.30	.40		.02
Sandblaster	10.11	.70	.30	.40		.02

	Basic Hourly Rates	Fringe Benefits Payments				Education end/or Appr. Tr.
		H & W	Pensions	Vacation		
Asbestos workers	10.95	.55	1.25			.02
Boilermakers	9.95	1.05	1.05	a		.02
Bricklayer, caulkers, cleaners, marble setters, painters, stonemasons, terrazzo workers, & tile setters	10.11		1.70			
Marble, tile & terrazzo Finishers	6.22	.30	.40			
Carpenters:						
Carpenters & soft floor layers	9.97	.40	.50			.05
Carpenters on cressote material, power saw operator	10.22	.40	.50			.05
Piledrivermen	10.24	.40	.50			.05
Piledrivermen on cressote material	10.49	.40	.50			.05
Millwrights	10.52	.40	.50			.05
Cement masons	9.24	.40	.50			.05
Electricians:						
Electricians	10.49	.40	34+.25	1.125	1/104+.05	
Cable splicers	10.74	.40	34+.25	1.125	1/104+.05	
Elevator constructors	10.72	.545	.35	44+4+c	.035	
Glaziers	6.70	.30	.15			
Ironworkers	10.38	.40	.50			
Lathers	9.08	.35	.35			.01
Line Construction:						
Linemen	10.49	.40	34+.25	1.125	1/104+.05	
Cable splicers	10.74	.40	34+.25	1.125	1/104+.05	
Painters:						
Brush	9.91	.40	.35			.01
Industrial	10.16	.40	.35			.01
Hazardous	10.41	.40	.35			.01
Spraying bituminous coatings	10.26	.30	.25			.01
Plasterers	10.47	.40	.50			
Plumbers, steamfitters	10.40	.30	.45	d		.03
Roofers	9.36	.30	.30	e		.04
Sheet metal workers	10.98	.50	.60			.08
Sprinkler fitters	10.80	.75	1.05			
Welders - rate for craft.						

AL78-1047 - (Cont'd)

PAID HOLIDAYS:

A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day,
E-Thanksgiving Day, F-Christmas Day.

FOOTNOTES:

- A. 2 Paid Holidays: D and E. providing the employee works at least one day out of the 3 work days prior to the paid holidays, and the first work day after the paid holidays.
- B. 7 Paid Holidays: A through F plus the Friday after Thanksgiving Day.
- C. Employer contributes 4% basic hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% basic hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.
- D. 8 Paid Holidays: A, C, D, E, F, Day after Thanksgiving Day, Christmas Eve, and Mardi Gras.
- E. 40 hours paid vacation after 1 year of employment, 2 paid holidays: A & C.

AL78-1047 - (Cont'd)

LABORERS:

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
GROUP A	6.45	.40	.50		
GROUP B	6.67	.40	.50		
GROUP C	6.95	.40	.50		
GROUP D	7.84	.40	.50		
GROUP E	8.11	.40	.50		
GROUP F	7.55	.40	.50		
GROUP G	7.31	.40	.50		
GROUP H	6.87	.40	.50		
GROUP I	7.01	.40	.50		
GROUP J	7.68	.40	.50		
GROUP K	7.04	.40	.50		
GROUP L	7.55	.40	.50		
GROUP M	7.01	.40	.50		

GROUP A - General Building Construction Laborers

GROUP B - Mortar mixers (any method), hod carriers, paving breakers, breaking & chipping concrete (any method), air operating tools (elec. or gas), mason and plaster tenders, kettle man, asphalt raker & tamper, drills, vibrators, concrete dump bucketman, all concrete rollers, wheel barrows, Georgia buggies, pipe cleaners & pipe layers (of clay, terra cotta, ironstone, vitrified concrete or nonmetallic pipe for main & side sewers and drainage only), pipe wipers (inside and out).

GROUP C - Gunnite or pressure concrete workers, nozzle man, rodman, power driven buggy mobiles, height: all work performed 40 ft. on scaffolds, inside and out (except where scaffolds are solid from wall to wall inside).

GROUP D - Cofferdam or tunnel workers (underground)**GROUP E - Blasting (powderman)****GROUP F - Concrete sawman****GROUP G - Form setters, roadways, runways, highways****GROUP H - Track laborer****GROUP I - Brick washers (laborers)****GROUP J - Burners on dismantling (anything not to be reused)****GROUP K - Stack laborers****GROUP L - Stack laborers (over 40 ft.)****GROUP M - Tank cleaners (caustic chemical)**

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AL78-1047 - (Cont'd)

BUILDING CONSTRUCTION - POWER
EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	10.42	.40	.50		
GROUP B	10.09	.40	.50		
GROUP C	9.48	.40	.50		

GROUP A: HEAVY EQUIPMENT

Heavy duty mechanic, crane, shovel, derrick operator (2 or more drums), draglines, pile driver operator, hoist operator (2 or more drums), cableways, excavators, front end loaders, backhoe, rubber tired backhoe, dredges, leverman, welders, mounted rotary drill machines, cherry pickers, side boom tractors, paving machines, motor patrols, pumcrete machines, gradalls, johnson mixers, hydro-lift trucks, all batch plant and header house operators, panel board (ready-mix), hydro hammers on demolition work, concrete plants, asphalt plants, helicopter pilots and concrete paving trains, tugboats

GROUP B: MEDIUM EQUIPMENT:

Dozer scrapers, turnapull, one drum hoist, self-propelled rollers, construction elevators, locomotive engineer, elevating grader tractors with power control attachments, winch truck, mixers, asphalt spreaders, drilling machines, form graders, asphalt distributors, fork-lift, well point & dewatering systems, subgraders, finishing machines, motorized compactors, wagonmobiles and push carts, riding trenching & ditching machines.

GROUP C: LIGHT EQUIPMENT:

Light plants, generators, welding machines, air compressors, pumps, conveyors, motor boats under 30 feet, tow tractors, and pile driver hammers (diesel, gas, air or electric) fireman outboard, motor boat operators and brakemen.

AL78-1047 - (Cont'd)

TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	7.25	.40	.50		
GROUP B	7.57	.40	.50		
GROUP C	7.84	.40	.50		
GROUP D	8.15	.40	.50		
GROUP E	8.36	.40	.50		
GROUP F	9.15	.40	.50		
GROUP G	9.87	.40	.50		

GROUP A:

Drivers-trucks up to but not including 1½ tons; Stations wagons; Jeeps and automobiles; Truck spotters; General warehousemen.

GROUP B:

Grease and wash rack man
Filling station attendant; Tire repairman;

GROUP C:

Drivers 1½ tons up to but not including 5 tons

GROUP D:

Receiving and issuing clerk

GROUP E:

Scalesmen

GROUP F:

Truck drivers on rated 5 tons or 6 yard and over, including heavy equipment such as pole trucks; mild or corning wagons; dumpsters; semi-drivers; agitators; ross carriers; dempsey dumps; euclid trucks; fork lift trucks in warehouse and similar equipment such as tractors; 10 wheelers; jeeps or dump trucks or pickup trucks pulling of four wheel trailers; hauling equipment.

GROUP G:

Truck & automobile mechanics

STATE: California

COUNTIES: Alameda, Alpine, Amador, Calaveras, Contra Costa, Del Norte, El Dorado, Fresno, Humboldt, Marin, Mariposa, Merced, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Sutter, Tehama, Tuolumne, Yolo and Yuba

DECISION NUMBER: CA78-5100

DATE: Date of Publication

Supersedes Decision No. CA78-5003 dated February 24, 1978 in 43 FR 7899.

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
ASBESTOS WORKERS	\$ 13.00	.95	\$ 1.27		.07
BOILERMAKERS	13.625	1.075	1.00	.75	.02
BRICKLAYERS; Stonemasons:					
Del Norte, Humboldt, Marin, Napa, San Francisco, San Mateo, Solano and Sonoma Counties	11.42	1.50	1.10	1.00	.05
Alameda and Contra Costa Cos.	12.55	1.35	1.25		.25
Fresno, Mariposa and Merced Cos.	12.05	.95	1.00		
El Dorado, Nevada, Placer, Sacramento, Sutter, Tehama, Yolo and Yuba Counties	12.50	1.03	1.21		.25
Monterey and Santa Cruz Counties	12.60	1.22	1.26		.25
San Benito and Santa Clara Cos.	12.55	1.35	1.25		
Alpine, Amador, Calaveras, San Joaquin and Tuolumne Counties	11.70	1.00	1.30	1.00	
BRICK TENDERS:					
Calaveras and San Joaquin Cos.	9.98	1.25	1.70		
San Francisco and San Mateo Cos.	10.00	.65	.80		
Alpine, Amador, El Dorado, Nevada, Placer, Sacramento and Yolo Counties	9.30	1.00	1.70		
Fresno County	10.80	.80	1.40		
CARPENTERS:					
Carpenters	11.70	1.35	1.71	1.00	.07
Hardwood Floor Layers; Power Saw Operators; Saw Filers; Shinglers; Steel Scaffold Erectors and/or Steel Shoring Erectors					
Millwrights	11.85	1.35	1.71	1.00	.07
Piledrivermen, Bridge, Wharf and Dock Builders	12.20	1.35	1.71	1.00	.07
Mariposa and Merced Counties; Carpenters (wood frame residential construction)	12.23	.84	1.26	.75	.04
Fresno County:	7.00	1.22			
Frame dwellings 2 stories or less	9.00	1.35	1.71	1.00	.07

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
CEMENT MASONS:					
Cement Masons	\$ 10.50	\$ 1.30	\$ 1.68	\$ 1.65	.05
Mastic; Magnesite; All Composition Masons	10.75	1.30	1.68	1.65	.05
Men working from swinging or Slip Form Scaffolds	10.75	1.30	1.68	1.65	.05
Fresno County:					
Frame dwellings 2 stories or less	9.00	1.30	1.68	1.65	.05
DRYWALL INSTALLERS	11.52	1.22	1.71	.75	.07
ELECTRICIANS:					
Alameda County	13.91	1.30	38+1.65		.069
Cable Splicers	15.52	1.30	38+1.65		.069
Amador, Sacramento, Sutter, Yolo, Yuba and those portions of Alpine, El Dorado, Nevada and Placer Counties West of the Main Sierra Mountain Watershed					
Electricians	14.89	.95	38+.85		.045
Cable Splicers	16.38	.95	38+.85		.045
Lake Tahoe Area					
Electricians	14.33	.84	38+1.07		.08
Cable Splicers	15.66	.84	38+1.07		.08
Tehama County					
Electricians (family residences limited to 3 stories)	8.38	1.12	38+.67		.04
Electricians (4 stories):					
Cable Splicers	12.62	1.12	38+.905		.04
Calaveras and San Joaquin Cos.	13.88	1.12	38+.905		.04
Electricians	13.80	.96	38+1.49		.01
Cable Splicers	15.53	.96	38+1.49		.01
Contra Costa County					
Electricians	15.20	.70	38+1.00		
Cable Splicers	16.70	.70	38+1.00		
Del Norte and Humboldt Counties					
Electricians	11.25	.80	38+1.85		.04
Cable Splicers	12.15	.80	38+1.85		.04
Fresno County					
Electricians (family residences, not to exceed 2 stories)	7.75	.80	38+1.05		.05

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	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
ELECTRICIANS: (Cont'd)						
Electricians (3-4 stories):	\$ 13.41	.80	38+1.05		.05	
Electricians	14.71	.80	38+1.05		.05	
Cable Splicers						
Marin and Sonoma Counties	13.15	1.11	38+3.30		.02	
Electricians	14.50	1.11	38+3.30		.02	
Cable Splicers						
Mariposa, Merced and Tuolumne Counties	12.73	.94	38+1.50		1/4%	
Electricians	14.00	.94	38+1.50		1/4%	
Cable Splicers						
Monterey County	12.50	1.15	38+3.00		.06	
Electricians	13.81	1.15	38+3.00		.06	
Cable Splicers						
Napa and Solano Counties	12.91	1.08	38+1.10		.04	
Electricians	13.42	1.08	38+1.10		.04	
Cable Splicers						
San Benito, Santa Clara and Santa Cruz Counties	13.60	.92	38+2.10		.05	
Electricians	15.53	.92	38+2.10		.05	
Cable Splicers						
San Francisco county	15.585	1.04	38+90		.06	
Electricians	17.53	1.04	38+90		.06	
Cable Splicers						
San Mateo County	14.14	1.25	38+1.25		.03	
Electricians	14.82	.745	.56	a	.025	
ELEVATOR CONSTRUCTORS	70&JR	.745	.56	a	.025	
ELEVATOR CONSTRUCTORS' HELPERS						
(PROB.)	50&JR					
GLAZIERS:						
Alameda, Contra Costa, Marin, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano (SW from E of Fairfield), Sonoma Counties	11.79	1.00	1.41		.02	
Alpine, Amador, Calaveras, El Dorado, Mariposa, Merced, (North of City of Livingston), Nevada, Placer, Sacramento, Yolo and Yuba Counties						
Fresno and Remaining portions of Merced County	10.886	.58	1.50			
	9.09	.81	1.04	.805	.05	

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
IRONWORKERS:						
Fence Erectors	\$10.66	\$ 1.24	\$ 2.22	\$1.46		.06
Reinforcing	11.55	1.24	2.22	1.46		.06
Ornamental; Structural	11.55	1.24	2.22	1.46		.06
LATHERS:						
Alameda and Contra Costa Cos.	11.36	1.09	1.26			.025
Humboldt, Nevada, Placer and Tehama Counties	11.00	.66	.50			.01
Amador, El Dorado, Sacramento and Yolo Counties	11.72	.67	1.75			.01
Calaveras and San Joaquin Cos.	11.30	.68	.55			1/8c
Marin and Sonoma Counties	9.01	.87	.85	1.00		.01
Monterey and Santa Cruz Counties	11.30	.68	.55			.02
San Francisco and N of San Mateo County	13.07	.66	2.00			.01
San Benito and Santa Clara Cos.	12.69	.98	1.75			
Fresno County	11.43	.35	.45			
Mariposa, Merced and Tuolumne Counties	10.75					
Southern half of San Mateo County	10.03	.32	1.00			
PAINTERS:						
Alpine, Amador, Calaveras and San Joaquin Counties	9.82	.85	2.34	1.11		
Brush						
Spray; Sheetrock Tapers; Swing Stage; Scaffold; Sandblaster; Structural Steel	10.22	.85	2.34	1.11		
Fresno County						
Brush; Tapers	11.12	.41	.20			
Spray; Structural Steel	11.37	.41	.20			
Del Norte and Humboldt Counties	7.55	.60	.20	.80		
Brush						
Spray; Sandblasters; Structural Steel; Swing Stage; Tapers; Paperhangers	7.80	.60	.20	.80		
Monterey, San Benito, San Mateo, Santa Clara and Santa Cruz Counties (excluding portions of the Lake Tahoe Area)						
Brush	12.31	1.10	1.50	.80		.06
Spray	12.56	1.10	1.50	.80		.06
Tapers	12.86	1.10	1.50	.80		.06

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vocation	
PAINTERS: (Cont'd)					
Sutter, Tehama and Yuba Counties	\$ 8.75	.60	.40		
Brush; Pot Tender; Rollers	9.25	.60	.40		
Spray; Sandblasters; Structural Steel; Swing Stage; Tapers	10.95	.70	.75		
Lake Tahoe Area	11.20	.70	.75		
Brush	12.18	1.10	1.50	.80	.06
Spray	12.68	1.10	1.50	.80	.06
Tapers	12.98	1.10	1.50	.80	.06
Alameda, Contra Costa, El Dorado, Napa, Nevada, Placer, Sacramento, Solano and Yolo Counties (excluding portions of Counties in the Lake Tahoe Area)	12.31	1.10	1.50	.80	.06
Brush	12.81	1.10	1.50	.80	.06
Spray	13.11	1.10	1.50	.80	.06
Tapers					
Mariposa, Merced and Tuolumne Counties	9.60	.70	.45	.75	.02
Brush					
Swing Stage, Paperhangers, Bosun Chair, Steam Cleaning and Water Blasting	9.85	.70	.45	.75	.02
Spray, Sandblasting	10.10	.70	.45	.75	.02
PLASTERERS:					
Alameda and Contra Costa Cos.	10.10	.745	1.05		.03
Sutter and Yuba Counties	9.79	.56	1.00		
Fresno County	9.24	.90	1.25	1.00	
Monterey County	12.31	1.00	.35		.01
Alpine, Amador, Calaveras, El Dorado, Nevada, Placer, Sacramento, San Joaquin, Sutter, Yolo and Yuba Cos.	11.59	.71	1.50		.01
San Francisco County	12.33	1.00	2.25		.03
San Mateo County	7.72	.48	.90	1.50	.025
Del Norte, Humboldt, Marin, Napa, Solano, Sonoma and Tehama Counties	10.65	.98	.80	1.25	.01
Mariposa, Merced and Tuolumne Counties	9.05	.90	1.55	1.20	

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
PLASTERERS TENDERS:						
Alameda and Contra Costa Cos.	\$ 8.87	.60	\$ 1.10			
Fresno County	9.80	.80	1.40			
Marin County	8.32	.80	1.40	.90		
Solano County	10.25	1.25	1.70	1.10		
Napa County	11.40	1.25		1.10		
San Francisco and San Mateo Cos.	9.80	.80	1.20	1.25		
Alpine, Amador, El Dorado, Nevada, Placer, Sacramento and Yolo Counties	7.455	.455	1.40	.80		
Calaveras and San Joaquin Cos.	9.91	1.25	1.70	1.00		
Monterey County	10.40	1.25	1.70			
San Benito, Santa Clara and Santa Cruz Counties	11.80	.70	1.40			
PLUMBERS:						
Alameda County	13.10	.83	1.55			.12
Contra Costa County	12.72	.90	1.72			.20
PLUMBERS; Steamfitters:						
Amador (Northern half of County), El Dorado, Sacramento, Yolo, Nevada, Placer (excluding Lake Tahoe Area)	13.84	1.32	1.81			.14
Lake Tahoe Area	10.99	.58	.60	1.95		.10
Marin, San Francisco and Sonoma Counties	11.75	1.905	1.50	1.17		.15
San Benito and Santa Clara Cos.	15.15	1.08	1.77			.14
San Mateo County	14.41	1.14	2.30			.25
Alpine, Amador (Southern portion of County), Calaveras, Fresno, Mariposa, Merced, Monterey, San Joaquin, Santa Cruz, Sutter, Tehama, Tuolumne and Yuba Cos.	13.60	1.44	2.00			.10
Napa and Solano Counties	14.44	1.25	2.29			.22
Del Norte and Humboldt Cos.	12.29	.86	1.22			.05
ROOFERS:						
Alameda and Contra Costa Cos.	10.94	1.17	1.10	.60		.04
Roofers	11.19	1.17	1.10	.60		.04
Mastic workers; Kettlemen (2 kettles w/o pumps)	11.34	1.17	1.10	.60		.04
Bitumastic; Enamelers; Pipe-wrappers; Coal tar built up	11.94	1.17	1.10	.60		.04

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
ROOFERS: (Cont'd)					
Alpine, Calaveras, Mariposa, Merced, San Joaquin and Tuolumne Counties					
Roofers (slate, tile and composition and built up)	.98	.67			
Felt Machine Operator	.98	.67			
El Dorado, Placer, Sutter and Yuba Counties					
Roofers	.93	.40			.06
Fresno County					
Roofers	.60	.80			
Marin, Napa, Solano and Sonoma Counties					
Roofers	.85	1.20	1.63		.04
Mastic Workers; Kettlemen (2 kettle w/o pumps)	.85	1.20	1.63		.04
Bitumastic; Enamelers; Pipe-wrappers; Coal tar pitch	.85	1.20	1.63		.04
Del Norte and Humboldt Counties			.35		
Roofers	.40	.75			
Monterey and Santa Cruz Counties					
Roofers	1.40	1.15			
San Francisco and San Mateo Cos.					
Roofers	.60	1.20	1.15		.09
Mastic Workers and Kettlemen (2 kettles w/o pumps)	.60	1.20	1.15		.09
Bitumastic; Enamelers; Pipe-wrappers; Coal tar	.60	1.20	1.15		.09
Anador, Sacramento and Yolo Counties					
Roofers	1.04	1.10	1.00		.10
Enamelers and Pitch	1.04	1.10	1.00		.10
San Benito and Santa Clara Cos.					
Roofers; Kettlemen (1 kettle)	.85	1.29			
SHEET METAL WORKERS:					
Alameda, Contra Costa, Napa and Solano Counties	.73	2.11	12 ¹		.04
Alpine, Calaveras and San Joaquin Counties	.66	1.40			.02
Anador, El Dorado, Nevada, Placer, Sacramento, Sutter, Tehama, Yolo and Yuba Cos.	.73	1.65			.11

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Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
SHEET METAL WORKERS: (Cont'd)					
Mariposa, Merced and Tuolumne Counties	.70	\$ 1.10			.06
Monterey, San Benito, Santa Clara and Santa Cruz Counties	38+.66	1.845	1.115		.10
San Mateo County	.73	1.84			
Del Norte, Humboldt, Marin, San Francisco and Sonoma Cos.	.66	1.74			.12
Fresno County:					
(Frame dwellings 2 stories or less)	.73	1.22			.14
(Frame dwellings 3-4 stories)	.73	1.22			.14
SOFT FLOOR LAYERS:					
Alpine, Anador, Calaveras, Merced (East of the San Joaquin River), San Joaquin, Sacramento, Sutter, Tehama, Tuolumne, Yolo and Yuba Counties; and those portions of El Dorado, Nevada and Placer Counties (excluding Lake Tahoe Area)	.84	1.30	1.00		.10
Lake Tahoe Area	.70	.20			
Alameda, Contra Costa, Marin, Merced, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano and Sonoma Counties	.60	1.00	b		.10
SPRINKLER FITTERS:					
Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma Counties	.65	1.45			.09
Remaining Counties	.65	.95			.08
STEAMFITTERS:					
Alameda and Contra Costa Cos.	1.25	2.29			.165
Del Norte and Humboldt Cos.	.61	1.12			.05
TERRAZZO WORKERS:					
Alameda, Contra Costa, Del Norte, Humboldt, Marin, Napa, San Francisco, San Mateo, Solano and Sonoma Counties	1.50	1.10	1.00		

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
TILE SETTERS: Alameda, Contra Costa, Del Norte, El Dorado, Humboldt, Marin, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Mateo, Santa Clara, Solano, Sonoma, Sutter, Tehama, Yolo and Yuba Cos. Alpine, Amador, Calaveras, San Joaquin and Tuolumne Counties Fresno, Mariposa and Merced Counties Monterey and Santa Cruz Counties	\$ 12.00 9.17 10.80 13.41	.98 \$ 1.20 1.00 .70 1.00 .50 1.09 1.18	\$ 1.40 2.00		.095
TILE SETTERS' HELPERS: Alameda, Contra Costa, Del Norte, Humboldt, Marin, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Sonoma and Solano Counties Alpine, Amador, Calaveras, El Dorado, Nevada, Placer, Sacramento, San Joaquin, Sutter, Tehama, Yolo and Yuba Counties	9.27 7.78	.69 .51 .80 1.20	10¢		
PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.					
FOOTNOTES: a. Employer contributes 8% of basic hourly rate for over 5 years' service and 6% of basic hourly rate for 6 months to 5 years as Vacation Pay Credit. Six Paid Holidays: A through F. b. Employer contributes \$.90 per hour for the first five years of employment; After five years \$1.05 per hour to Vacation and Holidays Benefits.					

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
Alameda County (Rehabilitation on residential structures defined to include all work, including demolition, repair and alteration, on any existing structure which is intended for residential use only)					
Bricklayers	\$ 10.04	\$ 1.35			.25
Carpenters	9.36	1.35	1.00		.07
Cement Masons	8.40	1.30	1.65		.05
Drywall Finishers	9.22	1.22	.75		.07
Electricians	11.13	1.30	38+1.65		.069
Ironworkers	9.24	1.24	2.22	1.46	.06
Laborers	7.02	1.24	1.70	1.10	.10
Lathers	9.09	1.09	1.26		.025
Painters	9.85	1.10	1.50		.06
Plasterers	8.08	.745	1.05		.12
Plumbers	10.48	.83	1.55		.12
Roofers	8.75	1.17	1.10	.60	.04
Tile Setters	9.60	.98	1.20	1.40	.095

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LABORERS

Group 1: Asphalt Ironers and Rakers; Barko, wacker and similar type tampers; Buggymobile; Chainsaw, faller, log loader and bucket; Compactors of all types; Concrete and magnesite mixer 1/2 yard and under; Concrete pan work; Concrete saw; Concrete sander; Cribber and/or shoring; Cut granite curb setter; Form raisers; Slip forms; Green cutters, Headerboardmen, Hubsetters, Aligners; Jackhammer operators; Jacking of pipe over 12 inches; Jackson and similar type Compactors; Kettlemen, Potmen and men applying asphalt, lay-kold, creosote, lime, caustic and similar type materials; Lagging, sheeting, whaling, bracking, trench-jacking, hand-guided lagging hammer; Magnesite, Epoxyresin, fiberglass, and mastic workers (wet or dry); Pavement Breakers and spaders, including tool grinder; Pipelayers, Caulkers, Post banders, Pipewrappers, conduit layers, plastic pipelayers; Post hole diggers - air, gas and electric; Power broom sweepers; Power stud gun; Riprap-stonepaver and rock-slinger, including placing of sacked concrete and/or sand (wet or dry); Rotary scarifier, multiple head concrete chopper; Davis trencher - 300 or similar type (and all small trenchers); Roto and Ditch Witch; Roto-tiller; Sandblasters, Potman, Gunman, Nozzleman; Signalling and Rigging; Tank Cleaners; Tree Climbers; Vibra-screed - Bull float in connection with laborers' work; Vibrators; Dri-pak-it machine; High pressure blow pipe (1½" or over, 100 lbs. pressure or over); Hydro Seeder and similar type; Laser Beam in connection with laborers' work

Group 1(a): Joy Drill Model TWM-2A; Gardener-Denver Model DHI43 and similar type drills; Track Drillers; Jack Leg Drillers; Diamond Drillers; Wagon Drillers; Mechanical Drillers - all types regardless of type or method of power; Multiple unit drills; Blasters and Powdermen; All work of loading, placing and blasting of all powder and explosives of whatever type regardless of method used for such loading and placing; High Scales (including drilling of same); Tree Topper; Bit Grinder

Group 1(b): Sewer Cleaners

Group 1(c): Burning and Welding

Group 1(d): Repair Trackmen and rod beds (cut and cover work of subway after the temporary cover has been placed)

Group 1(e): Laborers on General construction work on or in bell hole footings and shaft

	Basic Hourly Rates	Fringe Benefits Payments				Education end/or Appr. Tr.
		H & W	Pensions	Vacation		
LABORERS						
Group 1	\$ 8.775	\$ 1.25	\$ 1.70	\$ 1.10		.10
Group 1(a)	9.00	1.25	1.70	1.10		.10
Group 1(b)	9.275	1.25	1.70	1.10		.10
Group 1(c)	8.825	1.25	1.70	1.10		.10
Group 1(d)	8.775	1.25	1.70	1.10		.10
Group 1(e)	9.325	1.25	1.70	1.10		.10
Group 1(f)	9.36	1.25	1.70	1.10		.10
Group 1(f)1	8.375	1.25	1.70	1.10		.10
Group 1(g)	8.975	1.25	1.70	1.10		.10
Group 2	8.625	1.25	1.70	1.10		.10
Group 3	8.525	1.25	1.70	1.10		.10
LABORERS (Gunite)						
Group 1:	9.235	1.25	1.70	1.10		.10
Group 2:	8.645	1.25	1.70	1.10		.10
Group 3:	8.525	1.25	1.70	1.10		.10

NOTICES

LABORERS (Cont'd)

Group 1(f): Wire winding machine in connection with gunniting or shotcrete - Aligner

Group 1(f)1: Wire winding machine in connection with gunniting or shotcrete - Aligner helper

Group 1(g): Contra Costa County Only: Pipelayers, Caulkers, Banders, pipewrappers, Conduit layers and plastic pipelayers; Pressure pipe tester, no joint pipe and stripping of same, including repair of voids, Precast manhole setters, cast in place, Manhole form setters

Group 2: Asphalt Shovelers; Cement dumpers and handling dry cement or gypsum; Choke-setter and Rigger (clearing work); Concrete Bucker Dumper and Chuteman; Concrete Chipping and Grinding; Concrete Laborers (wet or dry); Driller's Helper; Chuck Tender; Nozzleman, adductors; Hydraulic Monitor (over 100 lbs. pressure); Loading and unloading, carrying and handling of all rods and materials for use in reinforcing concrete construction; Pittsburgh Chipper, and similar type Brush Shredders; Sloper; Singlefoot, hand held, pneumatic tamper; All pneumatic, air, gas, and electric tools; Jacking of Pipe under 12 inches

Group 3: All cleanup work of debris, grounds and buildings including but not limited to street cleaners; Cleaning and washing windows; Construction laborers including bridge and general laborers; Dumpman, load spotter; Fire Watcher; Street Cleaners; Gardeners, Horticultural and landscape laborers; Jetting; Limbers; Brush Loaders; Filers, maintenance landscape laborers on new construction; Maintenance, Repair; Trackmen and Road beds; Streetcar and Railroad construction Track Laborers; Temporary air and water lines, Victaulic or similar; Tool room attendant; Fence Erectors; Guardrail Erectors; Pavement Markers (button setters)

LABORERS
(Gunnite)

Group 1: Nozzleman (including Gunman, Potman); Rodmen; Groundman

Group 2: Reboundman

Group 3: General Laborers

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
			H & W	Pensions	Vacation	
Group 1:	AREA 1	AREA 2				
Group 2:	\$ 9.13	\$10.64	\$ 1.58	\$ 2.25	\$1.00	.29
Group 3:	9.50	11.01	1.58	2.25	1.00	.29
Group 4:	9.73	11.24	1.58	2.25	1.00	.29
Group 5:	10.32	11.83	1.58	2.25	1.00	.29
Group 6:	10.55	12.06	1.58	2.25	1.00	.29
Group 7:	10.71	12.22	1.58	2.25	1.00	.29
Group 8:	10.87	12.38	1.58	2.25	1.00	.29
Group 9:	11.31	12.82	1.58	2.25	1.00	.29
Group 10:	11.54	13.05	1.58	2.25	1.00	.29
Group 11-A:	11.76	13.27	1.58	2.25	1.00	.29
Group 11-B:	11.88	13.39	1.58	2.25	1.00	.29
Group 11-C:	12.06	13.57	1.58	2.25	1.00	.29
Group 11-D:	13.22	14.73	1.58	2.25	1.00	.29
Group 11-E:	13.52	15.03	1.58	2.25	1.00	.29
Group 11-F:	13.84	15.35	1.58	2.25	1.00	.29

*Includes \$.28 per hour to Pensioned Health and Welfare Fund.

POWER EQUIPMENT OPERATORS
(AREAS I and II)

Group 1: Assistant to Engineers (Brakeman; Fireman; Heavy Duty Repairman Helper; Oilier; Deckhand; Signalman; Switchman; Tar Pot Fireman); Partsman (Heavy Duty Repair shop parts room)

Group 2: Compressor Operator; Concrete Mixer (up to and including 1 yard); Conveyor Belt Operator (tunnel); Fireman Hot Plant; Hydraulic Monitor; Mechanical Conveyor (handling building materials); Mixer Box Operator (concrete plant); Pump Operator; Spreader Boxman (with screeds); Tar Pot Fireman (power agitated)

Group 3: Box Operator (bunker); Helicopter Radioman (signalman); Motorman; Locomotive; Oilier; Ross Carrier (construction job site); Rotomist Operator; Screedman (except asphaltic concrete paving); Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Trenching Machine (Maximum digging capacity 3 ft. depth); Tugger Hoist, single drum; Truck Crane Oilier; Rodman, Chainman

Group 4: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper Multi-purpose; Boxman (asphalt plant); Elevator Operator (inside); Fork Lift or Lumber Stacker (construction job site); Line Master; Lubrication and Service Engineer (mobile and grease rack); Material Hoist (1 drum); Shuttle-car; Tie Spacer; Towermobile

POWER EQUIPMENT OPERATORS (Cont'd)
(AREAS 1 and 2) (Cont'd)

Group 5: Compressor Operator (over 2); Concrete Mixers (over 2 yard); Concrete Pumps or Pumpcrete guns; Generators; Grouting Machine; Press-weld (air operated); Pumps (over 2); Welding Machines (powered other than by electricity)

Group 6: BLH Lima Road Factor or similar; Boom truck or dual purpose A-frame truck; Concrete batch plants (wet or dry); Concrete saws (self-propelled unit) on streets, highways, airports and canals; Drilling and boring machinery, vertical and horizontal (not to apply to waterliners, wagon drills or jackhammers); Grader, Grade checker (mechanical or other-wise); Highline cableway Signal-man; Locomotives (steam or over 30 tons); Maginnis International Full Slab Vibrator (on airports, highways, canals and warehouses); Mechanical finishers (concrete); (Clary, Johnson, Bidwell Bridge Deck or similar types); Mechanical Burn, Curb and/or Curb and gutter machine, concrete or asphalt; Portable crusher; Post driver (W-1500 and similar); Power jumbo operator (setting slip forms, etc. in tunnels); Roller; Screedman (Barber-Greene and similar) (asphaltic concrete paving); Self-propelled compactor (single engine); Self-propelled Pipeline wrapping machine; Perault, CRC, or similar types); Slip forms pumps (lifting device for concrete forms); Small rubber tired tractor; Surface heater

Group 7: Concrete conveyor or concrete pump, truck or equipment mounted (boom length to apply); Concrete conveyor, building site; Deck engineers; Dual drum mixer; Fuller Kenyon pump and similar types; Gantry rider (or similar); Hydraulic hammer (or similar); Material hoist (2 or more drums); Mechanical finishers or spreader machine (asphalt, Barber-Greene and similar); Mine or Shaft Hoist; Mixer; Mobile; Pavement breaker with or without compressor combination; Pavement breaker, truck mounted with compressor combination; Pipe bending machine (pipe-lines only); Pipe cleaning machine (tractor propelled and supported); Pipe wrapping machine (tractor propelled and supported); Refrigeration plant; Roller operator (finish asphalt); Self-propelled boom type lifting device (center mount) (10 tons or less M.R.C.); Self-propelled elevating grade plane; Slusher operator; Small tractor (with boom); Soil tester; Truck type loader; Instrumentman

Group 8: Armor-Coater (or similar); Asphalt plant engineer; Cast-in-place pipe laying machine; Combination slusher and motor operator; Concrete batch plant (multiple units); Dozer; Heading shield operator; Heavy duty repairman and/or welder; Ken seal machine (or similar); Kolman loader; Loader (up to 2 yds.); Mechanical trench shield; Portable crushing and screening plants; Push cat; Rubber tired earth moving equipment (up to and including 45 cu. yds. "struck" m.r.c.); Euclids, T-Pulls, DW-10, 20, 21 and similar; Rubber tired dozer; Self-propelled compactor with dozer; Sheepfoot; Timber skidder (rubber tired or similar equipment); Tractor drawn scraper; Tractor trenching machine; Tri-batch paver; Tunnel mole boring machine; Welder; Woods-mixer (and other similar pugmill equipment)

Group 9: Canal finger drain digger; Chicago boom; Combination mixer and compactor (gunite); Combination slurry mixer and/or cleaner; Highline cableway (5 tons and under); Lull Hi-lift or similar (20 ft. or over); Mucking machine (rubber tire, rail or track type); Tractor (with boom) (4-6 or larger and similar)

POWER EQUIPMENT OPERATORS (Cont'd)
(AREAS 1 and 2) (Cont'd)

Group 10: Boom-type backfilling machine; Bridge crane; Carry-lift or similar; Chemical grouting machine, truck mounted; Combination backhoe and loader (up to and including 1/2 cu. yd. m.r.c.); Derrick (2 operators required when swing engine remote from hoist); Derrick barges (except excavation work); Do-more Loader; Mams elegrader; Elevating grader; Heavy duty rotary drill rig (including caisson foundation work and Euclid loader and similar type; Robbins type drills); Koehring skoper (or similar); Lift slab machine; (Vagborg and similar types); Loader (2 yds. up to and including 4 yds.); Locomotive 100 tons) (single or multiple units); Multiple engine earthmoving machine (Euclids, dozers, etc.) (no tandem scraper); Pre-stress wire wrapping machine; Reservoir-debris tug (self-propelled floating); Rubber-tired scraper, self-loading (paddle wheels, etc.); Shuttle car (reclaim station); Single engine scraper over 45 yds. soil stabilizer (P & H or equal); Sub-grader (guzzies or other automatic type); Tractor, compressor drill combination; Track laying type earth moving machine (single engine with tandem scrapers); Train loading station; Trenching machine, multi-engine with sloping attachment, Jefco or similar; Vacuum cooling plant; Whitley crane (up to and including 25 tons); Chief of party

Group 10-A: Backhoe (hydraulic) (up to and including 1 cu. yd. m.r.c.); Backhoe (cable) (up to and including 1 cu. yd. m.r.c.); Combination Backhoe and loader over 3/4 cu. yd. m.r.c.); Continuous flight tie back auger (up to and including 1 cu. yd.) (crane attached); Cranes (not over 25 tons, Hammerhead and Gantry); Grade-all (up to and including 1 cu. yd.); Power shovels, clamshells, draglines, (up to and including 1 cu. yd. m.r.c.); Power blade (single engine); Self-propelled boom-type lifting device (centermount) (over 10 tons); Rubber-tired scraper, self-loading (paddle wheel twin engine); CMI dual lane Auto grader SP30 or similar

Group 11: Automatic concrete slip form paver; Automatic railroad car dumper; Canal trimmer; Canal trimmer w/ditching attachments; Cranes (over 25 tons up to and including 125 tons); Continuous flight tie back auger over 1 cu. yd. (including crane); Drott travelift 650-A-1 or similar (45 tons or over); Euclid loader when controlled from the pulicat; Highline cableway (over 5 tons); Loader (over 4 yds. up to and including 12 cu. yds.); Miller formless M900 sloper paver or similar; Power blade (multi-engine); Power shovels, clamshells, draglines, backhoes, grade-alls (over 1 yd. and up to and including 7 cu. yds. m.r.c.); Rubber-tired earth moving machines (multiple propulsion power units and two or more scrapers) (up to and including 75 cu. yds. "struck" m.r.c.); Self-propelled compactor (with multiple propulsion power units); Single engine rubber-tired earthmoving machines (with tandem scrapers); Slip form paver (concrete or asphalt); Tandem cats; Tower cranes mobile including rail mounted; Trencher (pulling attached shield); Universal Liebherr and Tower cranes (and similar types); Wheel excavator (up to and including 750 cu. yd. per hour); Whitley Crane (over 25 tons)

Group 11-A: Band wagons (in conjunction with wheel excavator); Cranes (over 125 tons); Loader (over 12 cu. yds. up to and including 18 cu. yds.); Power shovels and draglines (over 7 cu. yds. m.r.c.); Rubber tired multi-purpose earth moving machines (2 units over 75 cu. yds. "struck" m.r.c.); Wheel excavator (over 750 cu. yds. per hour)

Group 11-B: Loader (over 18 cu. yds.)

Group 11-C: Operator of Helicopter (when used in erection work); Remote controlled Earthmoving equipment

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TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
BULK CEMENT SPREADER (w/wo auger, under 4 yds. water level); Bus or Manhaul driver; Concrete pump machine; Concrete pump truck (when flat rack truck is used appropriate flat rack rate shall apply); Dump (under 4 yds. water level); Dumpcrete truck (under 4 yds. water level); Dumpster (under 4 yds. water level); Escort or pilot car driver; Nipper truck (when flat rack truck is used appropriate flat rack rate shall apply); Pickups; Skids (debris box, under 4 yds. water level); Team drivers; Trucks (dry pre-batch concrete mix, under 4 yds. water level); Helper; Warehousemen	\$ 10.725	\$ 1.395	.75	\$1.00	
TEAMSTER Oilier and/or Greaser and/or Service man	10.80	1.395	.75	1.00	
BULK CEMENT SPREADER (w/wo auger, 4 yds. and under 6 yds. water level); Dump (4 yds. and under 6 yds. water level); Dumpcrete (4 yds. and under 6 yds. water level); Dumpster (4 yds. and under 6 yds. water level); Skids (debris box 4 yds. and under 6 yds. water level); Single unit flat rack (2 axle unit); Industrial Lift Truck (mechanical tailgate) Trucks (dry pre-batch concrete mix, 4 yds. and under 6 yds. water level)	10.82	1.395	.75	1.00	
JETTING TRUCK and WATER TRUCK (under 2,500 gallons)	10.835	1.395	.75	1.00	

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TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ROAD OIL TRUCK OR BOOT Man	\$ 10.845	\$ 1.395	.75	\$1.00	
LIFT JITNEYS, Fork Lift	10.855	1.395	.75	1.00	
TRANSIT MIX, AGITATOR (under 6 yds.)	10.875	1.395	.75	1.00	
FUEL AND/OR GREASE TRUCK Driver or Fuelman	10.89	1.395	.75	1.00	
TRUCK REPAIRMAN HELPER	10.895	1.395	.75	1.00	
VACUUM TRUCK under (3,500 gallons)	10.905	1.395	.75	1.00	
SCISSOR TRUCK: Single unit flat rack (3 axle unit); Industrial Lift Truck (mechanical tailgate); Small rubber tired tractor (when used within teamsters' jurisdiction)	10.92	1.395	.75	1.00	
JETTING TRUCK & WATER TRUCK (2,500 gals. under 4,000 gals.)	10.935	1.395	.75	1.00	
COMBINATION WINCH TRUCK WITH HOIST; Transit, Mix Agitator (6 yds. and under 8 yds.)	10.975	1.395	.75	1.00	
VACUUM TRUCK (3,500 gals. and under 5,500 gals.)	10.985	1.395	.75	1.00	
RUBBER-TIRED MUCK CAR (not self-loaded)	10.995	1.395	.75	1.00	

TRUCK DRIVERS: (cont'd)	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
BULK CEMENT SPREADER (W/wo auger, 6 yds. and under 8 yds. water level); Dump (6 yds. and under 8 yds. water level); Dumpcrete (6 yds. and under 8 yds. water level); Dumpster (6 yds. and under 8 yds. water level); Skids (debris box, 6 yds. and under 8 yds. water level); Trucks (dry pre-batch concrete mix, 6 yds. and under 8 yds. water level)	\$ 11.02	\$ 1.395	.75	\$ 1.00	
A-FRAME, WINCH TRUCKS; Buggymobile; Jetting and water truck (4,000 gals. and under 5,000 gals.); Rubber tired Jumbo	11.035	1.395	.75	1.00	
HEAVY DUTY TRANSPORT (high bed)	11.04	1.395	.75	1.00	
ROSS HYSTER and SIMILAR STRADDLE CARRIER	11.065	1.395	.75	1.00	
TRANSIT MIX AGITATOR (8 yds. through 10 yds.)	11.075	1.395	.75	1.00	
VACUUM TRUCK (5,500 gals. and under 7,500 gals.)	11.085	1.395	.75	1.00	
JETTING TRUCK & WATER TRUCK (5,000 gals. and under 7,000 gals.)	11.135	1.395	.75	1.00	
COMBINATION BOOTMAN and ROAD OILER	11.165	1.395	.75	1.00	
TRANSIT MIX AGITATOR (over 10 yds. through 12 yds.)	11.175	1.395	.75	1.00	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
BULK CEMENT SPREADER (w/wo Auger, 8 yds. and including 12 yds. water level); Dump (8 yds. and including 12 yds. water level); Dumpcrete (8 yds. and including 12 yds. water level); Self-propelled street sweeper with self-contained refuse bin; Skids (debris box, 8 yds. and including 12 yds. water level); Snow go and/or snow plow; Truck (dry pre-batch concrete mix, 8 yds. and including 12 yds. water level); Dumpster (8 yds. and including 12 yds. water level)	\$ 11.26	\$ 1.395	.75	\$1.00		
HEAVY DUTY TRANSPORT (gooseneck lowbed)	11.27	1.395	.75	1.00		
TRANSIT MIX AGITATOR (over 12 yds. through 14 yds.)	11.275	1.395	.75	1.00		
AMMONIA NITRATE DISTRIBUTOR DRIVER and Mixer; Bulk Cement Spreader (w/wo auger, over 12 yds. and including 18 yds. water level); Dump (over 12 yds. and including 18 yds. water level); Dumpcrete (over 12 yds. and including 18 yds. water level); Dumpster (over 12 yds. and including 18 yds. water level); Trucks (dry pre-batch concrete mix, over 12 yds. and including 18 yds. water level)	11.30	1.395	.75	1.00		
DOUBLE GOOSENECK (7 or more axles); Heavy duty transport tiller man	11.32	1.395	.75	1.00		
P.B. OR SIMILAR TYPE SELF-LOADING TRUCK	11.36	1.395	.75	1.00		
TRANSIT MIX AGITATOR (over 14 yds. through 16 yds.)	11.375	1.395	.75	1.00		

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BULK CEMENT SPREADER (w/wo auger, over 18 yds. and including 24 yds. water level); Dump (over 18 yds. and including 24 yds. water level); Dumpster (over 18 yds. and including 24 yds. water level); Skids (debris box, over 17 yds. and including 24 yds. water level); Transit mix agitator (over 12 yds. through 16 yds.); Trucks (dry pre-batch concrete mix, over 17 yds. and including 24 yds. water level)	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$ 11.405	\$ 1.395	.75	\$ 1.00		
BULK CEMENT SPREADER (w/wo auger, over 24 yds. and including 35 yds. water level; Dump (over 24 yds. and including 35 yds. water level); Dumpcrete (over 24 yds. and including 35 yds. water level); Dumpster (over 24 yds. and including 35 yds. water level); Dumpster (over 24 yds. and including 35 yds. water level); DW 10's, 20's, 21's and other similar cat type, Terra Cobra, LeTourneau Pulls, Tournorocket, Euclid and similar type equipment when pulling Aqua/Pak or water tank trailers					
\$ 11.46	1.395	.75	1.00		
TRUCK REPAIRMAN	11.395	.75	1.00		

TRUCK DRIVERS (Cont'd)

BULK CEMENT SPREADER (w/wo auger, over 35 yds. and including 50 yds. water level); Dump (over 35 yds. and including 50 yds. water level); Dumpcrete (over 35 yds. and including 50 yds. water level); Dumpster (over 35 yds. and including 50 yds. water level); Skids (debris box, over 35 yds. and including 50 yds. water level); Trucks (dry pre-batch concrete mix, over 35 yds. and including 50 yds. water level)

\$ 11.61

\$ 1.395

.75

\$1.00

11.71

1.395

.75

1.00

BULK CEMENT SPREADER w/wo auger, over 50 yds. and under 65 yds. water level; Dump (over 50 yds. and under 65 yds. water level); Dumpcrete (over 50 yds. and under 65 yds. water level); Dumpster (over 50 yds. and under 65 yds. water level); Helicopter pilot (when transporting men or materials); Skids (debris box, over 50 yds. and under 65 yds. water level); Trucks (dry pre-batch concrete mix, over 50 yds. and under 65 yds. water level)

11.76

1.395

.75

1.00

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BULK CEMENT SPREADER (w/wo auger, over 35 yds. and including 50 yds. water level); Dump (over 35 yds. and including 50 yds. water level); Dumpcrete (over 35 yds. and including 50 yds. water level); Dumpster (over 35 yds. and including 50 yds. water level); Skids (debris box, over 35 yds. and including 50 yds. water level); Trucks (dry pre-batch concrete mix, over 35 yds. and including 50 yds. water level)	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$ 11.61	\$ 1.395	.75	\$1.00		
DW 10's, 20's, 21's and other similar cat type, Terra Cobra, LeTourneau Pulls, Tournorocket, Euclid and similar type equipment when pulling Aqua/Pak or water tank trailers					
11.71	1.395	.75	1.00		
BULK CEMENT SPREADER w/wo auger, over 50 yds. and under 65 yds. water level; Dump (over 50 yds. and under 65 yds. water level); Dumpcrete (over 50 yds. and under 65 yds. water level); Dumpster (over 50 yds. and under 65 yds. water level); Helicopter pilot (when transporting men or materials); Skids (debris box, over 50 yds. and under 65 yds. water level); Trucks (dry pre-batch concrete mix, over 50 yds. and under 65 yds. water level)					
11.76	1.395	.75	1.00		

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS

TRUCK DRIVERS (Cont'd)

BULK CEMENT SPREADER (w/w/o auger, over 65 yds. and including 80 yds. water level); Dump (65 yds. and including 80 yds. water level); Dumpcrete (over 65 yds. and including 80 yds. water level); Dumpster (65 yds. and including 80 yds. water level); Skids (debris box, 65 yds. and including 80 yds. water level); Trucks (dry pre-batch concrete mix, 65 yds. and including 80 yds. water level)

BULK CEMENT SPREADER (w/w/o auger, over 80 yds. and including 95 yds. water level); Dump (over 80 yds. and including 95 yds. water level); Dumpcrete (over 80 yds. and including 95 yds. water level); Dumpster (over 80 yds. and including 95 yds. water level); Skids (debris box, over 80 yds. and including 95 yds. water level); Trucks (dry pre-batch concrete mix over 80 yds. and including 95 yds. water level)

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 11.91	\$ 1.395	.75	\$1.00	
12.06	1.395	.75	1.00	

*AREA 1: All areas included in the description defined below which is based upon township and range lines of Areas 1 and 2.

Commencing in the Pacific Ocean on the extension of the Southerly line of Township 19S.

Thence Easterly along the Southerly line of Township 19S, crossing the Mt. Diablo meridian to the S.W. corner of township 19S, range 6E, Mt. Diablo base line and meridian,

Thence Southerly to the S.W. corner of township 20S, range 6E,

Thence Easterly to the S.W. corner of township 20S, range 13E,

Thence Southerly to the S.W. corner of township 21S, range 13E,

Thence Easterly to the S.W. corner of township 21S, range 17E,

Thence Southerly to the S.W. corner of township 22S, range 17E,

Thence Easterly to the S.E. corner of township 22S, range 17E,

Thence Southerly to the S.W. corner of township 23S, range 18E,

Thence Easterly to the S.E. corner of township 23S, range 18E,

Thence Southerly to the S.W. corner of township 24S, range 19E,

falling on the Southerly line of Kings County, thence Easterly

along the Southerly boundary of Kings County and the Southerly

boundary of Tulare County, to the S.E. corner of township 24S,

range 29E,

Thence Northerly to the N.E. corner of township 21S, range 29E,

Thence Westerly to the N.W. corner of township 21S, range 29E,

Thence Northerly to the N.E. corner of township 13S, range 28E,

Thence Westerly to the N.W. corner of township 13S, range 28E,

Thence Northerly to the N.E. corner of township 11S, range 27E,

Thence Westerly to the N.W. corner of township 11S, range 27E,

Thence Northerly to the N.E. corner of township 10S, range 26E,

Thence Westerly to the N.W. corner of township 10S, range 26E,

Thence Northerly to the N.E. corner of township 9S, range 25E,

Thence Westerly to the N.W. corner of township 9S, range 25E,

Thence Northerly to the N.E. corner of township 8S, range 24E,

Thence Westerly to the N.W. corner of township 8S, range 24E,

Thence Northerly to the N.E. corner of township 6S, range 23E,

Thence Westerly to the S.E. corner of township 5S, range 19E,

Thence Northerly to the N.E. corner of township 5S, range 19E,

Thence Westerly to the N.W. corner of township 5S, range 19E,

Thence Northerly to the N.E. corner of township 3S, range 18E,

Thence Westerly to the N.W. corner of township 3S, range 18E,

Thence Northerly to the N.E. corner of township 2S, range 17E,

Thence Westerly to the N.W. corner of township 2S, range 17E,

Thence Northerly crossing the Mt. Diablo baseline to the N.E.

corner of township 2N, range 16E,

Thence Westerly to the N.W. corner of township 2N, range 16E,

Thence Northerly to the N.E. corner of township 3N, range 15E,

Thence Westerly to the N.W. corner of township 3N, range 15E,

Thence Northerly to the N.E. corner of township 4N, range 14E,

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CALIFORNIA

AREA DEFINITIONS FOR POWER EQUIPMENT OPERATORS (Cont'd)

*AREA 1: (Cont'd):

Thence Westerly to the N.W. corner of township 4N, range 14E,
 Thence Northerly to the N.E. corner of township 5N, range 13E,
 Thence Westerly to the N.E. corner of township 5N, range 13E,
 Thence Northerly to the N.E. corner of township 10N, range 12E,
 Thence Easterly to the S.E. corner of township 11N, range 14E,
 Thence Northerly to the N.E. corner of township 11N, range 14E,
 Thence Westerly to the N.E. corner of township 11N, range 10E,
 Thence Northerly to the N.E. corner of township 15N, range 10E,
 Thence Easterly to the S.E. corner of township 16N, range 11E,
 Thence Northerly to the N.E. corner of township 16N, range 11E,
 Thence Easterly to the S.E. corner of township 17N, range 14E,
 Thence Northerly to the N.E. corner of township 14N, range 15E,
 Thence Easterly to the S.E. corner of township 14N, range 15E,
 Thence Northerly to the N.E. corner of township 13N, range 16E,
 Thence Easterly to the S.E. corner of township 13N, range 16E,
 Thence Northerly to the N.E. corner of township 12N, range 17E,
 Thence Easterly along the Southern line of township 12N to the
 Eastern boundary of the State of California,
 Thence Northwesterly, thence Northerly along the Eastern boundary
 of the State of California to the N.E. corner of township 17N,
 range 18E,
 Thence Westerly to the N.W. corner of township 17N, range 11E,
 Thence Northerly to the N.E. corner of township 20N, range 10E,
 Thence Westerly to the N.W. corner of township 20N, range 10E,
 Thence Northerly to the N.E. corner of township 21N, range 9E,
 Thence Westerly to the N.W. corner of township 21N, range 9E,
 Thence Northerly to the N.E. corner of township 22N, range 8E,
 Thence Westerly to the N.W. corner of township 27N, range 8E,
 Thence Northerly to the S.W. corner of township 27N, range 8E,
 Thence Easterly to the S.E. corner of township 27N, range 8E,
 Thence Northerly to the S.E. corner of township 27N, range 8E,
 Thence Easterly to the S.E. corner of township 27N, range 8E,
 Thence Northerly to the N.E. corner of township 28N, range 8E,
 Thence Westerly to the N.W. corner of township 28N, range 7E,
 Thence Northerly to the N.E. corner of township 30N, range 6E,
 Thence Westerly to the N.W. corner of township 30N, range 1E,
 Thence Northerly along the Mt. Diablo meridian to the N.E.
 corner of township 34N, range 1W,
 Thence Westerly to the N.W. corner of township 34N, range 6W,
 Thence Southerly to the N.E. corner of township 32N, range 7W,
 Thence Westerly to the N.W. corner of township 32N, range 7W,
 Thence Southerly to the S.W. corner of township 30N, range 7W,
 Thence Easterly to the S.E. corner of township 30N, range 7W,
 Thence Southerly to the S.W. corner of township 16N, range 6W,
 Thence Easterly to the S.E. corner of township 16N, range 6W,
 Thence Southerly to the S.W. corner of township 14N, range 5W,
 Thence Westerly to the S.E. corner of township 14N, range 7W,
 Thence Northerly to the N.E. corner of township 14N, range 7W,
 Thence Westerly to the N.W. corner of township 14N, range 7W,
 Thence Northerly to the N.E. corner of township 15N, range 8W,
 Thence Westerly to the S.E. corner of township 16N, range 12W,
 Thence Northerly to the N.E. corner of township 16N, range 12W,

CALIFORNIA

AREA DEFINITIONS FOR POWER EQUIPMENT OPERATORS (Cont'd)

*AREA 1: (Cont'd):

Thence Westerly to the N.W. corner of township 16N, range 12W,
 Thence Northerly to the N.E. corner of township 18N, range 12W,
 Thence Westerly to the N.W. corner of township 18N, range 14W,
 Thence Southerly to the S.W. corner of township 18N, range 14W,
 Thence Easterly to the S.E. corner of township 18N, range 14W,
 Thence Southerly to the S.W. corner of township 16N, range 13W,
 Thence Westerly to the N.W. corner of township 15N, range 14W,
 Thence Southerly to the S.W. corner of township 14N, range 14W,
 Thence Easterly to the S.E. corner of township 14N, range 14W,
 Thence Southerly to the S.W. corner of township 13N, range 13W,
 Thence Easterly to the S.E. corner of township 13N, range 13W,
 Thence Southerly to the S.W. corner of township 11N, range 12W,
 Thence Easterly to the S.E. corner of township 11N, range 12W,
 Thence Southerly along the Eastern line of range 12W to the
 Pacific Ocean excluding that portion of Northern California
 within Santa Clara County included within the following line:
 Commencing at the N.W. corner of township 6S, range 3E, Mt. Diablo
 baseline and Meridian:
 Thence in a Southerly direction to the S.W. corner of township 7S,
 range 3E,
 Thence in a Easterly direction to the S.E. corner of township 7S,
 range 4E,
 Thence in a Northerly direction to the N.E. corner of township 6S,
 range 4E,
 Thence in a Westerly direction to the N.W. corner of township 6S,
 range 3E, to the point of beginning which portion is a part of
 Area 2.
 AREA 1 also includes that portion of Northern California within the
 following lines:
 Commencing in the Pacific Ocean on an extension of the Southerly line
 of township 2N, Humboldt baseline and meridian:
 Thence Easterly along the Southerly line of township 2N, to the S.W.
 corner of township 2N, range 1W,
 Thence Southerly to the S.W. corner of township 1N, range 1W,
 Thence Easterly along the Humboldt baseline to the S.W. corner of
 township 1N, range 2E,
 Thence Southerly to the S.W. corner of township 2S, range 2E,
 Thence Easterly to the S.E. corner of township 2S, range 2E,
 Thence Southerly to the S.W. corner of township 4S, range 3E,
 Thence Easterly to the S.E. corner of township 4S, range 3E,
 Thence Northerly to the N.E. corner of township 2S, range 3E,
 Thence Westerly to the N.W. corner of township 2S, range 3E,
 Thence Northerly crossing the Humboldt baseline to the S.W. corner
 of township 1N, range 3E,
 Thence Easterly along the Humboldt baseline to the S.E. corner
 of township 1N, range 3E,
 Thence Northerly to the N.E. corner of township 9N, range 3E,
 Thence Westerly to the N.W. corner of township 9N, range 2E,
 Thence Northerly to the N.E. corner of township 10N, range 1E,
 Thence Westerly along the Northerly line to township 10N, into the
 Pacific Ocean.

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CALIFORNIA
AREA DEFINITIONS for POWER EQUIPMENT OPERATORS (Cont'd)

*AREA 1: (Cont'd)

AREA 1 also includes that portion of Northern California included within the following line:
Commencing at the Northerly boundary of the State of California at the N.W. corner of township 48N, range 7W, Mt. Diablo baseline and meridian; Thence Southerly to the S.W. corner of township 44N, range 7W, Thence Easterly to the S.E. corner of township 44N, range 7W, Thence Southerly to the S.W. corner of township 43N, range 6W, Thence Easterly to the S.E. corner of township 43N, range 5W, Thence Northerly to the N.E. corner of township 48N, range 5W, on the Northerly boundary of the State of California, Thence Westerly along the Northerly boundary of the State of California to the point of beginning.

**AREA 2: All areas not included within AREA 1 as defined.

STATE: California

COUNTIES: Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo and Yuba

DECISION NUMBER: CA78-5101

DATE: Date of Publication

Supersedes Decision No. CA78-5002 dated February 24, 1978 in 43 FR 7881

DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

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	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appl. Yr.
		H & W	Pensions	Vacation		
ASBESTOS WORKERS	\$ 13.00	.95	\$ 1.27	\$2.00		.07
BOILERMAKERS	13.625	1.075	1.00	.75		.02
BRICKLAYERS, Stonemasons:						
Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Francisco, San Mateo, Siskiyou, Solano, Sonoma, and Trinity Counties	11.42	1.50	1.10	1.00		.05
Alameda and Contra Costa Cos.	12.55	1.35	1.25			.25
Fresno, Kings, Madera, Mariposa and Merced Counties	12.05	.95	1.00			
Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo, and Yuba Counties	12.50	1.03	1.21			.25
Monterey and Santa Cruz Cos.	12.60	1.22	1.26			
San Benito and Santa Clara Cos.	12.55	1.35	1.25			.25
Alpine, Amador, Calaveras, San Joaquin, Stanislaus and Tuolumne Counties	11.70	1.00	1.30	1.00		.07
Tulare County	11.60	1.00	1.00			

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
BRICK TENDERS:					
Alpine, Amador, El Dorado, Nevada, Placer, Sacramento, Sierra and Yolo Counties	\$1.00	\$ 1.70			
San Francisco and San Mateo Counties	.65	.80			
Fresno, Kings, Madera and Tulare Counties	.80	1.40			
Calaveras and San Joaquin Counties	1.25	1.70			
CARPENTERS:					
Carpenters	11.70	1.71	1.00		.07
Hardwood Floor Layers; Power Saw Operators; Saw Filers; Shinglers; Steel Scaffold Erectors and/or Steel Shoring Erectors	11.85	1.35	1.71		.07
Millwrights	12.20	1.35	1.71		.07
Piledrivermen, bridge, wharf and dock builders	12.23	.84	1.26	.75	.04
CEMENT MASONS:					
Cement Masons	10.50	1.30	1.43	1.68	.05
Mastic; Magnesite; All Composition Masons	10.75	1.30	1.43	1.68	.05
Men working from swinging or slip form scaffolds	10.75	1.30	1.43	1.68	.05
DRYWALL INSTALLERS	11.52	1.22	1.71	.75	.07
ELECTRICIANS:					
Alameda County	13.91	1.30	34+1.65		.069
Electricians	15.52	1.30	34+1.65		.069
Cable Splicers					
Amador, Colusa, Sacramento, Sutter, Yolo, Yuba and those Portions of Alpine, El Dorado, Nevada, Placer and Sierra Counties West of the Sierra Mountain Watershed	14.89	.95	34+.85		.045
Electricians	16.38	.95	34+.85		.045
Cable Splicers					
Tunnels:	15.02	.95	34+.85		.045
Electricians	17.52	.95	34+.85		.045
Cable Splicers					

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
ELECTRICIANS: (Cont'd)					
Lake Tahoe Area	\$ 14.33				
Electricians	15.66	34+1.07			.08
Cable Splicers		34+1.07			.08
Butte, Glenn, Lassen, Modoc, Plumas, Shasta, Siskiyou, Tehama and Trinity Counties	12.62	34+.905			.04
Electricians	13.88	34+.905			.04
Cable Splicers					
Tunnel:					
Electricians; Cable Splicers; Helpers	13.25	34+.905			.04
Cable Splicers	14.54	34+.905			.04
Calaveras and San Joaquin Counties					
Electricians; Technicians	13.80	34+1.49			.01
Cable Splicers	15.53	34+1.49			.01
Contra Costa County					
Electricians	15.20	34+1.00			.04
Cable Splicers	16.70	34+1.00			.04
Del Norte and Humboldt Counties					
Electricians	11.25	34+1.85			.04
Cable Splicers	12.15	34+1.85			.04
Fresno, Kings, Madera and Tulare Counties					
Electricians	13.41	34+1.05			.05
Cable Splicers	14.71	34+1.05			.05
Lake, Marin, Mendocino and Sonoma Counties					
Electricians	13.15	1.11	34+.30		.02
Cable Splicers	14.50	1.11	34+.30		.02
Mariposa, Merced, Stanislaus and Tuolumne Counties					
Electricians	12.73	34+1.50			1/48
Cable Splicers	14.00	34+1.50			1/48
Monterey County					
Electricians	12.50	34+3.00			.06
Cable Splicers	13.81	34+3.00			.06
Napa and Solano Counties					
Electricians	12.91	34+1.10			.04
Cable Splicers	13.42	34+1.10			.04

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	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
ELECTRICIANS: (Cont'd) San Benito, Santa Clara and Santa Cruz Counties Electricians Cable Splicers San Francisco County Electricians Cable Splicers San Mateo County Electricians ELEVATOR CONSTRUCTORS ELEVATOR CONSTRUCTORS' HELPERS ELEVATOR CONSTRUCTORS' HELPERS (PROB.) GLAZIERS: Alameda, Contra Costa, Lake, Marin, Mendocino, (Southern half of County from North of Ft. Bragg), Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, (S.W. from east of Fairfield) and Sonoma Counties Alpine, Amador, Butte, Calaveras, El Dorado, Mariposa, Merced, (North of the City of Livingston), Modoc, Nevada, Placer, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Tuolumne, Yolo and Yuba Cos. Fresno, Kings, Madera and Tulare Counties and the remaining portions of Merced County IRONWORKERS: Fence Erectors Reinforcing Ornamental; Structural LATHERS: Alameda and Contra Costa Counties	\$ 13.80 15.53 15.585 17.53 14.14 14.82 70&JR 50&JR	.92 .92 1.04 1.04 1.25 .745 .745 1.00	38+2.10 38+2.10 38+.90 38+.90 38+1.25 .56 .56 1.41	 a a 		

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
LATHERS: (Cont'd)					
Butte, Colusa, Glenn, Humboldt, Lake (the portion of County from Lakeport up to County Line), Nevada, Placer, Plumas, Shasta, Sierra, Tehama and Trinity Counties	\$ 11.00	.66	.50		.01
Calaveras and San Joaquin Counties	11.30	.68	.55		.01
Lake (from City of Lakeport down to County Line), Marin, Mendocino and Sonoma Counties	9.01	.87	.85	1.00	1/8¢
Monterey and Santa Cruz Counties	11.30	.68	.55		.01
San Francisco and N.Y. of San Mateo County	13.07	.66	2.00		.02
San Benito and Santa Clara Counties	12.69	.98	1.75		
Fresno, Kings, Madera and Tulare Counties	12.03	.35	.45		
Mariposa, Merced, Stanislaus and Tuolumne Counties	10.75				.01
Amador, El Dorado, Sacramento and Yolo Counties	11.72	.67	1.75		.02
Southern half of San Mateo County	10.03	.32	1.00		
LINE CONSTRUCTION:					
Contra Costa County					
Groundmen	11.40	.70	38+1.00		
Line Equipment Operators	13.68	.70	38+1.00		
Linemen	15.20	.70	38+1.00		
Cable Splicers	16.70	.70	38+1.00		
Del Norte, Modoc and Siskiyou Counties					
Tree trimmer helper; Groundman	8.24	.45	38	.10	1/28
Head groundman; Headground- man (Chipper); Powdermen; Jackhammermen	8.76	.45	38	.10	1/28
Line Equipment Men	10.02	.45	38	.10	1/28
Linemen Polesprayer; Heavy Line Equipment Men;					
Certified Lineman; Welder	11.63	.45	38	.10	1/28
Tree Trimmer	10.50	.45	38	.10	1/28
Cable Splicers; Leadman;					
Pole Sprayer	12.88	.45	38	.10	1/28
Fresno, Kings, Madera and Tulare Counties					
Groundmen	12.74	.75	38+.95		.05
Linemen; Line Equipment Operators	13.56	.75	38+.95		.05
Cable Splicers	14.92	.75	38+.95		.05

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Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
LINE CONSTRUCTION: (Cont'd) Calaveras and San Joaquin Counties					
Groundmen	.96	34+1.49			.01
Line Equipment Operators	.96	34+1.49			.01
Linemen	.96	34+1.49			.01
Cable Splicers	.96	34+1.49			.01
Mariposa, Merced, Stanislaus and Tuolumne Counties					
Linemen	.62	14			14
Cable Splicers	.62	14			14
Monterey County					
Groundmen	1.15	34+3.00			.06
Linemen; Technicians	1.15	34+3.00			.06
Cable Splicers	1.15	34+3.00			.06
Napa and Solano Counties					
Linemen	.68	34+1.10			.04
Cable Splicers	.68	34+1.10			.04
Butte, Glenn, Lassen, Plumas, Shasta, Tehama and Trinity Counties					
Groundmen	.87	14+.705			.02
Linemen; Equipment Operators	.87	14+.705			.02
Cable Splicers	.87	14+.705			.02
Alameda County					
Groundmen	1.05	34+1.15			.03
Linemen	1.05	34+1.15			.03
Line Equipment Operators	1.05	34+1.15			.03
Amador, Colusa, Sacramento, Sutter, Yolo, Yuba and those portions of Alpine, El Dorado, Nevada, Placer and Sierra Counties West of the Main Sierra Mountain Watershed					
Groundmen	.73	14+.75			.04
Linemen	.73	14+.75			.04
Cable Splicers	.73	14+.75			.04
Lake, Marin, Mendocino and Sonoma Counties					
Groundmen	1.11	34+.80			.02
Line Equipment Operators	1.11	34+.80			.02
Linemen	1.11	34+.80			.02
Cable Splicers	1.11	34+.80			.02

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Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
LINE CONSTRUCTION: (Cont'd) San Mateo County					
Groundmen A	\$ 12.10	34+1.25			.03
Groundmen B	9.25	34+1.25			.03
Line Equipment Operators	12.81	34+1.25			.03
Linemen	14.23	34+1.25			.03
Cable Splicers	16.01	34+1.25			.03
Humboldt County					
Groundmen	9.00	34+1.85			.04
Linemen	11.25	34+1.85			.04
Cable Splicers	12.15	34+1.85			.04
San Francisco County					
Groundmen	13.25	34+.90			.06
Linemen; Technicians	15.58	34+.90			.06
Cable Splicers	17.53	34+.90			.06
San Benito, Santa Clara, and Santa Cruz Counties					
Groundmen	11.65	34+2.10			.04
Linemen; Line Equipment Operators	13.70	34+2.10			.04
Cable Splicers	15.41	34+2.10			.04
MARBLE SETTERS	11.74	.93	1.03		
PAINTERS:					
Alpine, Amador, Calaveras and San Joaquin Counties					
Brush	9.82	2.34	1.11		
Spray; Sheetrock Taper; Swing Stage; Scaffold; Sandblaster Structural Steel					
Fresno, Kings, Madera and Tulare Counties	10.22	2.34	1.11		
Brush; Tapers					
Spray; Structural Steel	11.12	.20			
Mariposa, Merced, Stanislaus and Tuolumne Counties	11.37	.10			
Brush	9.60	.45	.75		.02
Swing Stage; Paperhangers; Bosun Chair; Steam Cleaning; Water Blasting					
Spray; Sandblasting	9.85	.45	.75		.02
	10.10	.70	.75		.01

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
PAINTERS: (Cont'd)						
Monterey, San Benito, San Mateo, Santa Clara and Santa Cruz Counties (excluding portions of Counties in the Lake Tahoe Area)	\$ 12.31	\$ 1.10	\$ 1.50	.80	.06	
Brush	12.56	1.10	1.50	.80	.06	
Spray	12.86	1.10	1.50	.80	.06	
Tapers						
Lake Tahoe Area	10.95	.70	.75			
Brush	11.20	.70	.75			
Spray; Structural Steel; Tapers						
Lake, Marin, Mendocino, San Francisco and Sonoma Cos.	12.18	1.10	1.50	.80	.06	
Brush	12.68	1.10	1.50	.80	.06	
Spray	12.98	1.10	1.50	.80	.06	
Tapers						
Butte, Colusa, Glenn, Lassen, (excluding the extreme SE Corner), Modoc, Plumas, Shasta, Siskiyou, Sutter, Tehama, Trinity and Yuba Counties	8.75	.60	.40			
Brush; Pot Tenders; Rollers	9.25	.60	.40			
Spray; Sandblaster; Structural Steel; Swing Stage; Tapers						
Lassen County (that portion that lies Eastward of Hwy. #395, Northward to and including Honey Lake)	10.95	.70	.75			
Brush	11.20	.70	.75			
Spray; Structural Steel; Tapers						
Alameda, Contra Costa, El Dorado, Napa, Nevada, Placer, Sacramento, Sierra, Solano, and Yolo Counties (excluding portions of Counties in the Lake Tahoe Area)	12.31	1.10	1.50	.80	.06	
Brush	12.81	1.10	1.50	.80	.06	
Spray	13.11	1.10	1.50	.80	.06	
Tapers						

NOTICES

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
PAINTERS: (Cont'd)					
Del Norte and Humboldt Counties					
Brush	\$ 7.55	.60	.20	.80	
Spray; Sandblasters; Structural Steel; Swing Stage; Tapers; Paperhangers	7.80	.60	.20	.80	
Parking Lot Striping Work and/or Highway Markers: Fresno, Kings and Tulare Counties					
Traffic Delineating Device applicator	9.37	.55	.40	b	
Wheel Stop Installer; Traffic Surface Sandblaster; Striper Helper (wheel stop installer, traffic surface sandblaster, striper)	8.98	.55	.40	b	
Slurry Seal Operation: Mixer Operator	8.98	.55	.40	b	
Squeegee Man	7.98	.55	.40	b	
Applicator Operator	7.08	.55	.40	b	
Shuttleman	6.90	.55	.40	b	
Top Man	6.08	.55	.40	b	
Remaining Counties					
Traffic Delineating Device Applicator; Wheel Stop Installer; Traffic Surface Sandblaster	9.37	.55	.40	b	
Helper (traffic delineating device applicator, wheel stop installer, traffic surface sandblaster)	7.97	.55	.40	b	
Striper	10.47	.55	.40	b	
Helper (striper)	8.47	.55	.40	b	
Slurry Seal Operation: Mixer Operator	9.37	.55	.40	b	
Squeegee man	8.87	.55	.40	b	
Applicator Operator	7.97	.55	.40	b	
Shuttleman	6.90	.55	.40	b	
Top Man	6.47	.55	.40	b	
PLASTERERS:					
Alameda and Contra Costa Counties	10.10	.745	1.05		.03
San Mateo County	7.72	.48	.90	1.50	.025

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
PLASTERERS: (Cont'd)						
Butte, Colusa, Glenn, Lassen (Southeastern half of Lassen County), Plumas, Sierra, Sutter, and Yuba Counties, Monterey County	\$ 9.79 12.31	.56 1.00	\$ 1.00 .35		.01	
Fresno, Kings, Madera and Tulare Counties	9.24	.90	1.50	1.11		
Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, Lassen (SE), Nevada, Placer, Plumas, Sacramento, San Joaquin, Sierra, Sutter, Yolo and Yuba Counties	11.59 12.33	.71 1.00	1.50 2.25		.01 .03	
San Francisco County						
Del Norte, Humboldt, Lassen (Northwestern half), Marin, Modoc, Napa, Shasta, Siskiyou, Solano, Sonoma, Tehama and Trinity Counties	10.65	.98	.80	1.25	.01	
Mariposa, Merced, Stanislaus and Tuolumne Counties	9.05	.90	1.55	1.20		
PLASTERERS' TENDERS:						
Alameda and Contra Costa Counties	8.87	.60	1.10			
Fresno, Kings and Madera Counties	9.80	.80	1.40			
San Francisco and San Mateo Counties	9.80	.80	1.20	1.25		
Alpine, Amador, El Dorado, Nevada, Placer, Sacramento, Sierra and Yolo Counties	7.455	.455	1.40	.80		
Calaveras and San Joaquin Counties	9.91 8.32 10.40	1.25 .80 1.25	1.70 1.40 1.70	1.00 .90		
Marin County						
Monterey County						
San Benito, Santa Clara and Santa Cruz Counties	11.80	.70	1.40			
Solano County	10.25	1.25	1.70	1.10		
Napa County	11.40	1.25		1.10		
PLUMBERS:						
Alameda County	14.40	1.25	2.29		.16	
Contra Costa County	14.37	1.25	2.29		.26	
PLUMBERS; Steamfitters:						
Amador (Northern half of County), Sacramento, Yolo, El Dorado, Nevada, Placer and Sierra Counties (excluding Lake Tahoe Area)	13.84 10.99	1.32 .58	1.81 .60	1.95	.14 .10	
Marin, Mendocino, San Francisco and Sonoma Counties	11.75	1.905	1.50	1.17	.15	

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
PLUMBERS; Steamfitters: (Cont'd)						
Alpine, Amador (Southern portion of County), Butte, Calaveras, Colusa, Fresno, Glenn, Kings, Lassen, Madera, Mariposa, Merced, Modoc, Monterey, Plumas, San Joaquin, Santa Cruz, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne and Yuba Counties	\$ 13.60 14.44 1.25 12.29 15.15 14.41	\$ 1.44 1.25 .86 1.08 1.14	\$ 2.00 2.29 1.22 1.77 2.30		.10 .22 .05 .14 .25	
Lake, Napa and Solano Counties						
Del Norte and Humboldt Counties						
San Benito and Santa Clara Cos.						
San Mateo County						
ROOFERS:						
Alameda and Contra Costa Cos.	10.94	1.17	1.10	.60	.04	
Roofers						
Mastic Workers; Kettlemen (2 kettles w/o pumps)	11.19	1.17	1.10	.60	.04	
Bitumastic; Enamelers; Pipe-wrappers; Coal Tar built up						
Alpine, Calaveras, Mariposa, Merced, San Joaquin, Stanislaus and Tuolumne, Counties	11.94	1.17	1.10	.60	.04	
Roofers (slate, tile composition and built up)	12.15	1.04	1.00			
Felt Machine Operator	12.30	1.04	1.00			
Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Placer, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity and Yuba Counties						
Roofers	11.89	.93	.40		.06	
Fresno, Kings, Madera and Tulare Counties						
Roofers	11.65	.60	.90			
Lake, Marin, Mendocino, Napa, Solano and Sonoma Counties						
Roofers	10.98	1.10	1.20	1.63	.09	
Mastic Workers; Kettlenn (2 kettles w/o pumps)	11.23	1.10	1.20	1.63	.09	
Bitumastic; Enamelers; Pipe-wrappers; Coal tarpitch	11.98	1.10	1.20	1.63	.09	

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
ROOFERS: (Cont'd)					
Del Norte and Humboldt Counties	\$ 10.32	.40	.75	.35	
Roofers	10.40	1.40	1.15		
Monterey and Santa Cruz Counties	11.58	.60	1.20	1.15	.09
San Francisco and San Mateo Counties	11.83	.60	1.20	1.15	.09
Roofers	12.58	.60	1.20	1.15	.09
Mastic Workers and Kettlemen (2 Kettles) without pumps	11.15	1.04	1.10	1.00	.10
Bitumastic; Enamelers;	12.65	1.04	1.10	1.00	.10
Pipewrappers; Coal tar	11.10	.85	1.29		
Amador, Sacramento and Yolo Counties	11.94	.73	2.11	1.28	.04
Roofers (slate, tile and Composition)	11.77	.66	1.40		.02
Enameler and Pitch	11.68	.73	1.65		.11
San Benito and Santa Clara Counties	11.14	.60	1.10		.06
Roofers; Kettle (1 kettle)	11.15	38+.66	1.845	1.115	
SHEET METAL WORKERS:	12.50	.66	1.74		.12
Alameda, Contra Costa, Napa and Solano Counties					
Alpine, Calaveras and San Joaquin Counties					
Amador, Butte, Colusa, El Dorado, Glenn, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Counties					
Mariposa, Merced, Stanislaus and Tuolumne Counties					
Monterey, San Benito, Santa Clara and Santa Cruz Counties					
Del Norte, Humboldt, Lake, Marin, Mendocino, San Francisco, Sonoma and Trinity Counties					

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
SHEET METAL WORKERS: (Cont'd)					
San Mateo County	\$ 13.54	.73	\$ 1.84		.10
Modoc and Siskiyou Counties	10.285	.52	.28		.035
Fresno, Kings, Madeka and Tulare Counties	11.98	.73	1.22		.14
SOFT FLOOR LAYERS:					
Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, Lassen (excluding Honey Lake Area), Merced (east of San Joaquin River), Plumas, San Joaquin, Shasta, Sacramento, Stanislaus, Sutter, Tehama, Trinity, Tuolumne, Yolo and Yuba Counties and those portions of El Dorado, Nevada, Placer and Sierra Counties (excluding Lake Tahoe Area)	10.73	.84	1.30	1.00	.10
Honey Lake Area and Lake Tahoe Area	10.05	.70	.20		
Alameda, Contra Costa, Lake, Marin, Mendocino, Merced, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano and Sonoma Counties	11.30	.60	1.00	c	.10
SPRINKLER FITTERS:					
Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma Counties	16.26	.65	1.45		.09
Remaining Counties	15.07	.65	.95		.08
STEAMFITTERS:					
Alameda and Contra Costa Cos.	13.30	1.25	2.29		.165
Del Norte and Humboldt Cos.	11.64	.61	1.12		.05
TERRAZZO WORKERS:					
Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Francisco, San Mateo, Siskiyou, Solano, Sonoma and Trinity Cos.	11.42	1.50	1.10	1.00	
Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Counties	11.80	.80	.90		.25

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
TILE SETTERS: Alameda, Butte, Colusa, Contra Costa, Del Norte, El Dorado, Glenn, Humboldt, Lake, Lassen, Marin, Mendocino, Modoc, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Mateo, Santa Clara, Shasta, Sierra, Siskiyou, Solano, Sonoma, Sutter, Tehama, Trinity, Yolo & Yuba Cos. Alpine, Amador, Calaveras, San Joaquin, Stanislaus and Tuolumne Counties Fresno, Kings, Madera, Mariposa, Merced and Tulare Counties Monterey and Santa Cruz Cos.	\$ 12.00 9.17 10.80 13.41	.98 1.00 1.00 1.09	\$ 1.20 1.00 1.00 1.18	1.40 2.00 -095
TILE SETTERS' HELPERS: Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Siskiyou, Sonoma, Solano and Trinity Counties Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Stanislaus, Sutter, Tehama, Yolo and Yuba Counties	9.27 7.78	.69 1.20	.51 1.20	10%

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

- Employer contributes 8% of basic hourly rate for over 5 years' service and 6% of basic hourly rate for 6 months to 5 years as Vacation Pay Credit. Six Paid Holidays: A through F.
- Employer contributes \$.23 per hour to Holiday Fund plus \$.14 per hour to Vacation Fund for the first year of employment; 1 year but less than 5 years \$.34 per hour to Vacation Fund; 5 years but less than 10 years \$.44 per hour to Vacation Fund; over 10 years \$.54 per hour to Vacation fund.
- Employer contributes \$.90 per hour for the first five years of employment; After five years \$.1.05 per hour to Vacation and Holiday Benefits.

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
LABORERS Group 1 Group 1(a) Group 1(b) Group 1(c) Group 1(d) Group 1(e) Group 1(f) Group 1(f)1 Group 1(g) Group 2 Group 3	\$ 8.775 9.00 9.275 8.825 8.775 9.325 9.36 8.375 8.975 8.625 8.525	\$ 1.25 1.25 1.25 1.25 1.25 1.25 1.25 1.25 1.25 1.25 1.25	\$ 1.70 1.70 1.70 1.70 1.70 1.70 1.70 1.70 1.70 1.25 1.25	\$1.10 1.10 1.10 1.10 1.10 1.10 1.10 1.10 1.10 1.10 1.10
LABORERS (Gunnite) Group 1 Group 2 Group 3	9.235 8.645 8.525	1.25 1.25 1.25	1.70 1.70 1.70	1.10 1.10 1.10
LABORERS (Tunnel and Shaft Work) Group 1 Group 2 Group 3 Group 4	10.345 10.035 9.855 9.735	1.25 1.25 1.25 1.25	1.70 1.70 1.70 1.70	1.10 1.10 1.10 1.10
LABORERS (Wrecking Work) Group 1 Group 2 Group 3	8.775 8.625 8.525	1.25 1.25 1.25	1.70 1.70 1.70	1.10 1.10 1.10

LABORERS

Group 1: Asphalt Ironers and Rakers; Barko, wacker and similar type tampers; Buggymobile; Chainsaw, faller, logloader and bucket; Compactors of all types; Concrete and magnesite mixer 1/2 yard and under; Concrete pan work; Concrete saw; Concrete sander; Cribber and/or shoring; Cut granite curb setter; Form raisers; Slip forms; Green cutters, Headerboardmen, Ribsetters, Aligners; Jackhammer operators; Jacking of pipe over 12 inches; Jackson and similar type Compactors; Kettlemen, Potmen and men applying asphalt, lay-kold, creosote, lime, caustic and similar type materials; lagging, sheeting, whaling, bracking, trench-jacking, hand-guided lagging hammer; Magnesite, Epoxyresin, fiberglass, and mastic workers (wet or dry); Pavement Breakers and spaders, including tool grinder; Pipelayers, Caulkers, banders, Pipewrappers, conduit layers, plastic pipelayers; Post hole diggers - air, gas and electric; Power broom sweepers; Power tampers of all types (except as shown in Group 2); Ram set gun and stud gun; Riprap-stonepaver and rock-slinger, including placing of sacked concrete and/or sand (wet or dry); Rotary Scarifier, multiple head concrete chipper; Davis trencher - 300 or similar type (and all small trenchers); Roto and ditch witch; Roto-tiller; Sandblasters, Potman, Gunman, Nozzelman; Signalling and rigging; Tank Cleaners; Tree Climbers; Vibra-screed - Bull float in connection with laborers' work; Vibrators; Dri-pak-it machine; High pressure blow pipe (1 1/2" or over, 100 lbs. pressure or over); Hydro Seeder and similar type; Laser Beam in connection with laborers' work

Group 1(a): Joy Drill Model TWM-2A; Gardener-Denver Model DRI43 and similar type drills; Track Drillers; Jack Leg Drillers; Diamond Drillers; Wagon Drillers; Mechanical Drillers - all types regardless of type or method of power; Multiple unit drills; Blasters and Powdermen; All work of loading, placing and blasting of all powder and explosives of whatever type regardless of method used for such loading and placing; High Scalars (including drilling of same); Tree Topper; Bit Grinder

Group 1(b): Sewer Cleaners

Group 1(c): Burning and Welding

Group 1(d): Repair trackmen and road beds (cut and cover work of subway after the temporary cover has been placed)

Group 1(e): Laborers on general construction work on or in bell hole footings and shaft

Group 1(f): Wire winding machine in connection with guniting or shot-crete - Aligner

Group 1(f)1: Wire winding machine in connection with guniting or shot-crete - Aligner helper

LABORERS (Cont'd)

Group 1(g): Contra Costa County Only: Pipelayers, caulkers, banders, pipewrappers, conduit layers and plastic pipelayers; Pressure pipe tester, no joint pipe and stripping of same, including repair of voids, precast manhole setters, cast in place, manhole form setters

Group 2: Asphalt Shovelers; Cement dumpers and handling dry cement or gypsum; Choke-setter and Rigger (clearing work); Concrete Buckler Dumper and Chuteman; Concrete Chipping and Grinding; Concrete Laborers (wet or dry); Driller's Helper; Chuck Tender; Nozzelman, adductors; Hydraulic Monitor (over 100 lbs. pressure); Loading and unloading, carrying and handling of all rods and materials for use in reinforcing concrete construction; Pittsburgh Chipper, and similar type Brush Shredders; Sloper; Singlefoot, hand held, pneumatic tamper; All pneumatic, air, gas, and electric tools; Jacking of Pipe under 12 inches

Group 3: All cleanup work of debris, grounds and buildings including but not limited to street cleaners; Cleaning and washing windows; Construction laborers including bridge and general laborers; Dumpman, load spotter; Fire Watcher; Street Cleaners; Gardeners, Horticultural and landscape laborers; Jetting; Limbers; Brush Loaders; Fillers, maintenance landscape laborers on new construction; Maintenance, Repair Trackmen and Road beds; Streetcar and Railroad construction Track Laborers; Temporary air and water lines, Victaulic or similar; Tool room attendant; Fence Erectors; Guardrail Erectors; Pavement Markers (button setters)

LABORERS (Gumite)

Group 1: Nozzelman (including Gunman, Potman); Rodmen; Groundman

Group 2: Reboundman

Group 3: General Laborers

LABORERS (Cont'd)
(Tunnel and Shaft Work)

Group 1: Diamond Driller; Groundman; Gunite and Shotcrete Nozzle-men; Rodmen; Shaft Work and Raise (below actual or excavated ground level)

Group 2: Bit Grinder; Blaster; Drillers, Powdermen-heading; Cherry Pickermen - where car is lifted; Concrete Finisher in Tunnel; Concrete Scream Man; Grout Pumpman and Potman; Gunite and Shotcrete Gunmen and Potmen; Headmen; High Pressure Nozzleman; Miners - Tunnel, including top and bottom man on shaft and raise work; Nipper Nozzleman on slick line; Sandblaster-potman (work assignment interchangeable) Steel Form raisers and Setters; Timberman, Retimberman - wood or steel or substitute materials therefore; Tugger

Group 3: Cabletender; Chucktender; Powderman - primer house; Vibrator-men, Pavement Breakers

Group 4: Bull Gang - Muckers, Trackmen; Concrete Crew - includes rodding and spreading; Dumpmen (any method); Grout Crew; Re-boundmen; Swamper

LABORERS
(Wrecking Work)

Group 1: Skilled Wrecker (removing and salvaging of sash, windows, doors, plumbing and electric fixtures)

Group 2: Semi-skilled Wrecker (salvaging or other building materials)

Group 3: General laborer (includes all cleanup work, loading, lumber, loading and burning of debris)

POWER EQUIPMENT OPERATORS: DREDGING CLAMSHELL AND DIPPER DREDGING (New Construction)	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Group 1: Bargeman; Deckhand; Fireman; Oiler						
Area 1	\$8.29	\$1.07*	\$1.78	.80	.14	
Area 2	9.13	1.07*	1.78	.80	.14	
Area 3	9.41	1.07*	1.78	.80	.14	
Area 4	9.69	1.07*	1.78	.80	.14	
Group 2: Deck Engineers; Deck Mate						
Area 1	9.91	1.07*	1.78	.80	.14	
Area 2	10.76	1.07*	1.78	.80	.14	
Area 3	11.03	1.07*	1.78	.80	.14	
Area 4	11.31	1.07*	1.78	.80	.14	
Group 3: Welder; Mechanic Welder; Watch Engineer						
Area 1	10.31	1.07*	1.78	.80	.14	
Area 2	11.15	1.07*	1.78	.80	.14	
Area 3	11.43	1.07*	1.78	.80	.14	
Area 4	11.71	1.07*	1.78	.80	.14	
Group 4: Clamshell Operator (up to and including 7 cu. yds. m.f.c.) (Long Boom Pay)						
Area 1	11.01	1.07*	1.78	.80*	.14	
Area 2	11.86	1.07*	1.78	.80	.14	
Area 3	12.14	1.07*	1.78	.80	.14	
Area 4	12.41	1.07*	1.78	.80	.14	
Group 4-A: Clamshell Operator (over 7 cu. yds. m.f.c.) (Long Boom Pay)						
Area 1	12.08	1.07*	1.78	.80	.14	
Area 2	12.93	1.07*	1.78	.80	.14	
Area 3	13.31	1.07*	1.78	.80	.14	
Area 4	13.48	1.07*	1.78	.80	.14	

POWER EQUIPMENT OPERATORS (Cont'd) DREDGING SCHEDULE II HYDRAULIC SECTION DREDGING AND ALL OTHER CLAMSHELL AND DIPPER DREDGING	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Group A-1: Bargeman; Deckhand; Levee- hand; Fireman; Oiler						
Area 1	\$8.27	\$1.07*	\$1.78	.80		.14
Area 2	9.11	1.07*	1.78	.80		.14
Area 3	9.39	1.07*	1.78	.80		.14
Area 4	9.67	1.07*	1.78	.80		.14
Group A-2: Winchman (stern winch on dredge); Deckmate; Deck Engineer						
Area 1	9.20	1.07*	1.78	.80		.14
Area 2	10.05	1.07*	1.78	.80		.14
Area 3	10.30	1.07*	1.78	.80		.14
Area 4	10.60	1.07*	1.78	.80		.14
Group A-3: Watch Engineer; Welder; Welder Mechanic						
Area 1	9.85	1.07*	1.78	.80		.14
Area 2	10.70	1.07*	1.78	.80		.14
Area 3	10.98	1.07*	1.78	.80		.14
Area 4	11.25	1.07*	1.78	.80		.14
Group A-4: Leverman; Clamshell Operator						
Area 1	10.69	1.07*	1.78	.80		.14
Area 2	11.54	1.07*	1.78	.80		.14
Area 3	11.82	1.07*	1.78	.80		.14
Area 4	12.09	1.07*	1.78	.80		.14

TOW BOATS (Dredging): Work on self-propelled vessels (except skiffs powered by out- board motors) engaged in towing and shifting of barges, vessels and water borne craft or in the transportation by water of personnel, materials, equipment and supplies	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Deckhand/Mechanics						
Area 1	\$ 9.55	.89	\$ 1.61	\$1.18		
Area 2	10.05	.89	1.61	1.18		
Area 3	10.30	.89	1.61	1.18		
Area 4	10.55	.89	1.61	1.18		
Operator Mechanic/Watch Engineer						
Area 1	10.75	.96	1.36	1.15		
Area 2	11.25	.96	1.36	1.15		
Area 3	11.50	.96	1.36	1.15		
Area 4	11.75	.96	1.36	1.15		
Building and Heavy Construction Tow Boats (work on self-propelled vessels)						
Boat Operators	10.75	.96	1.36	1.15		
FOOTNOTES: Four Centers designated: City Halls of Oakland, San Francisco, Sacramento and Stockton, California						
Area 1 - Up to 20 road miles from said Centers.						
Area 2 - More than 20 road miles to and including 80 road miles from said Centers.						
Area 3 - Outside of 30 road miles from said Centers.						
Area 4 - An area extending 25 road miles from shoreline of Lake Tahoe.						
*Includes \$.20 per hour to Fensloped Health and Welfare Fund.						

POWER EQUIPMENT OPERATORS
(Piledriving)

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vocation	
Group 1	\$ 9.18	\$ 1.58	\$ 2.25	\$1.00	.29
Group 1(a)	9.55	1.58	2.25	1.00	.29
Group 1(b)	9.78	1.58	2.25	1.00	.29
Group 2	9.78	1.58	2.25	1.00	.29
Group 2(a)	10.60	1.58	2.25	1.00	.29
Group 3	10.92	1.58	2.25	1.00	.29
Group 3(a)	11.36	1.58	2.25	1.00	.29
Group 4	11.93	1.58	2.25	1.00	.29
Group 5	12.11	1.58	2.25	1.00	.29

*Includes \$.28 per hour to Pensioned Health and Welfare Fund.

POWER EQUIPMENT OPERATORS
(Piledriving)

Group 1: Assistant to Engineer (Fireman, Oiler, Deckhand)

Group 1-A: Compressor Operator

Group 1-B: Truck Crane Oiler

Group 2: Tugger Hoist (hoisting material only)

Group 2-A: Compressor Operator (2-7); Generator (100 K.W. or over); Pump (2-7); Welding Machine (2-7) (Powered other than by electricity)

Group 3: Deck Engineer; Fork Lift; A-Frame; Self-propelled Boom type lifting device

Group 3-A: Heavy Duty Repairman and/or Welder

Group 4: Operating Engineer in lieu of Assistant to Engineer
Tending Boiler or Compressor attached to Crane Piledriver;
Operator of Piledriving Rigs, Skid or Floating and Derrick
Barges; Operator of Diesel or Gasoline powered Crane Piledriver
(w/o boiler) up to and including 1 cu. yd.; Truck Crane, up to
and including 25 tons hoisting material onlyGroup 5: Operator of Diesel or gasoline powered Crane piledriver
(w/o boiler) over 1 cu. yd.; Operator of Crane (w/steam, flash
boiler, pump or compressor attached); Operator of steam powered
Crawler or Universal type driver (Raymond or similar type); Truck
Crane, over 25 tons hoisting material or performing piledriving
work

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
			H & W	Pensions	Vocation	
Group 1:	\$ 9.13	AREA 2	\$ 1.58	\$ 2.25	\$1.00	.29
Group 2:	9.50	11.01	1.58	2.25	1.00	.29
Group 3:	9.73	11.24	1.58	2.25	1.00	.29
Group 4:	10.32	11.83	1.58	2.25	1.00	.29
Group 5:	10.55	12.06	1.58	2.25	1.00	.29
Group 6:	10.71	12.22	1.58	2.25	1.00	.29
Group 7:	10.87	12.38	1.58	2.25	1.00	.29
Group 8:	11.31	12.82	1.58	2.25	1.00	.29
Group 9:	11.54	13.05	1.58	2.25	1.00	.29
Group 10:	11.76	13.27	1.58	2.25	1.00	.29
Group 10-A:	11.88	13.39	1.58	2.25	1.00	.29
Group 11:	12.06	13.57	1.58	2.25	1.00	.29
Group 11-A:	13.22	14.73	1.58	2.25	1.00	.29
Group 11-B:	13.52	15.03	1.58	2.25	1.00	.29
Group 11-C:	13.84	15.35	1.58	2.25	1.00	.29

*Includes \$.28 per hour to Pensioned Health and Welfare Fund.

POWER EQUIPMENT OPERATORS
(AREAS I and II)Group 1: Assistants to Engineers (Brakeman; Fireman; Heavy Duty Repairman
Helper; Oiler; Deckhand; Signalman; Switchman; Tar Pot Fireman); Partsman
(Heavy Duty Repair shop parts room)Group 2: Compressor Operator; Concrete Mixer (up to and including 1 yard);
Conveyor Belt Operator (tunnel); Fireman Hot Plant; Hydraulic; Monitor;
Mechanical Conveyor (handling building materials); Mixer Box Operator
(concrete plant); Pump Operator; Spreader Boxman (with screeds); Tar
Pot Fireman (power agitated)Group 3: Box Operator (bunker); Helicopter Radioman (signalman); Motor-
man; Locomotive; Oiler; Ross Carrier (construction job site); Rotomist
Operator; Screedman (except asphaltic concrete paving); Self-propelled,
automatically applied concrete curing machine (on streets, highways,
airports and canals); Trenching Machine (Maximum digging capacity 3
ft. depth); Tugger Hoist, single drum; Truck Crane Oiler; Rodman; Chainman

POWER EQUIPMENT OPERATORS (Cont'd)

Group 4: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper Multi-purpose; Boxman (asphalt plant); Elevator Operator (inside); Fork Lift or Lumber Stacker (construction job site); Line Master; Lubrication and Service Engineer (mobile and grease rack); Material Hoist (1 drum); Shuttle-car; Tie Spacer; Towernobile

Group 5: Compressor Operator (over 2); Concrete Mixers (over 2 yard); Concrete Pumps or Pumpcrete guns; Generators; Grouting Machine; Press-weld (air operated); Pumps (over 2); Welding Machines (powered other than by electricity)

Group 6: BLH Lima Road Pactor or similar; Boom Truck or Dual Purpose A-Frame Truck; Concrete Batch Plants (wet or dry); Concrete Saws (self-propelled unit) on streets, highways, airports and canals; Drilling and Boring Machinery, vertical and horizontal (not to apply to waterliners, wagon drills or jackhammers); Gradesetter, Grade Checker (mechanical or other-wise); Highline Cableway Signalman; Locomotives (steam or over 30 tons); Maginnis Internal Full Slab Vibrator (on airports, highways, canals and warehouses); Mechanical Finishers (Concrete) (Clary, Johnson, Bidwell Bridge Deck or similar types); Mechanical Burn, Curb and/or Curb and Gutter Machine, concrete or asphalt; Portable Crusher; Post Driver (M-1500 and similar); Power Jumbo Operator (setting slip forms, etc. in tunnels); Roller; Screedman (Barber-Greene and similar) (asphaltic concrete paving); Self-propelled Compactor (single engine); Self-propelled Pipeline Wrapping Machine, Perault, CRC, or similar types); Slip Forms Pumps (lifting device for concrete forms); Small Rubber Tired Tractor; Surface Heater

Group 7: Concrete Conveyor or Concrete Pump, Truck or Equipment mounted (boom length to apply); Concrete Conveyor, building site; Deck Engineers; Dual Drum Mixer; Fuller Kenyon Pump and similar types; Gantry Rider (or similar); Hydraz-hammer (or similar); Material Hoist (2 or more drums); Mechanical Finishers or Spreader Machine (asphalt, barbed-Greene and similar); Mine or Shaft Hoist; Mixerobile; Pavement Breaker with or without Compressor Combination; Pavement Breaker, truck mounted with Compressor Combination; Pipe Bending Machine (pipelines only); Pipe Cleaning Machine (tractor propelled and supported); Pipe Wrapping Machine (tractor propelled and supported); Refrigeration Plant; Roller Operator (finish asphalt); Self-propelled boom type lifting device (center mount) (10 tons or less M.R.C.); Self-propelled Elevating Grade Plane; Slusher Operator; Small Tractor (with boom) Soil Tester; Truck type Loader; Instrumentman

Group 8: Armor-Coater (or similar); Asphalt Plant Engineer; Cast-in-place Pipe Laying Machine; Combination Slusher and Motor Operator; Concrete Batch Plant (multiple units); Dozer; Heading Shield Operator; Heavy Duty Repairman and/or Welder; Ken Seal Machine (or similar); Kolman Loader; Loader (up to 2 yds.); Mechanical Trench Shield; Portable Crushing and Screening Plants; Push Cat; Rubber Tired Earth-moving Equipment (up to and including 45 cu. yds. "struck" M.R.C.) Euclids, T-Pulls, DM-10, 20, 21, and similar; Rubber Tired Dozer; Self-propelled Compactor with Dozer; Sheepfoot; Timber Skidder (rubber tired or similar equipment); Tractor drawn Scraper; Tractor Trenching Machine; Tri-batch Paver; Tunnel Mole Boring Machine; Welder; Woods-mixer (and other similar Pugmill equipment)

POWER EQUIPMENT OPERATORS (Cont'd)
(AREAS I and II) (Cont'd)

Group 9: Canal Finger Drain Digger; Chicago Boom; Combination Mixer and Compressor (gunite); Combination Slurry Mixer and/or Cleaner; Highline Cableway (5 tons and under); Lull Hi-Lift or similar (20 ft. or over); Mucking Machine (rubber tire, rail or track type); Tractor (with boom) (D-6 or larger and similar)

Group 10: Boom-type Backfilling Machine; Bridge Crane; Carry-lift (or similar); Chemical Grouting Machine, truck mounted; Combination Backhoe and Loader (up to and including 1/2 cu. yd. M.R.C.); Derrick (2 operators required when swing engine remote from hoist); Derrick Barges (except excavation work); Do-Wor Loader; Adams Elegrader; Elevating Grader; Heavy Duty Rotary Drill Rig (including Caissson Foundation work and Euclid Loader and similar type; Robbins type drills); Koehring Skooter (or similar); Lift Slab Machine; (Vagborg and similar types); Loader (2 yds. up to and including 4 yds.); Locomotive (100 tons) (single or multiple units); Multiple Engine Earthmoving Machine (Euclids, Dozers, etc.) (no tandem scraper); Prestress Wire Wrapping Machine; Reservoir-Debris Tug (self-propelled floating); Rubber-tired Scraper, self-loading (paddle wheels, etc.); Shuttle Car (reclaim station); Single engine scraper over 45 yds. Soil stabilizer (P & H or equal); Sub-grader (Gurrier or other automatic type); Tractor, compressor drill combination; Track laying type earth moving machine (single engine with tandem scrapers); Train loading station; Trenching machine, multi-engine with sloping attachment, Jefco or similar; Vacuum cooling plant; Whirley crane (up to and including 25 tons); Chief of party

Group 10-A: Backhoe (hydraulic) (up to and including 1 cu. yd. M.R.C.); Backhoe (cable) (up to and including 1 cu. yd. M.R.C.); Combination Backhoe and loader over 3/4 cu. yd. M.R.C.); Continuous flight tie back auger (up to and including 1 cu. yd.) (crane attached); Cranes (not over 25 tons, Hammerhead and Gantry); Grade-allis (up to and including 1 cu. yd.); Power shovels, clamshells, draglines, (up to and including 1 cu. yd. M.R.C.); Power blade (single engine); Self-propelled boom-type lifting device (center mount) (over 10 tons); Rubber-tired scraper, self-loading (paddle wheel twin engine); CMI dual lane Auto grader SP30 or similar

POWER EQUIPMENT OPERATORS (Cont'd)
(AREAS I and II) (Cont'd)

Group 11: Automatic Concrete Slip Form Paver; Automatic Railroad Car Dumper; Canal Finger Drain Backfiller; Canal Trimmer; Canal Trimmer w/ditching attachments; Cranes (over 25 tons up to and including 125 tons); Continuous Flight Tie Back Auger over 1 cu. yd. (including crane); Drott Travelift 650-A-1 or similar (45 tons or over); Highline Cableway (over 5 tons); Loader (over 4 yds., up to and including 12 cu. yds.); Power Blade (multi-engine); Power Shovels, Clamshells, Draglines, Backhoes, Grade-allis (over 1 yd. and up to and including 7 cu. yds. m.r.c.); Rubber-tired earth moving machines (multiple propulsion power units and two or more scrapers (up to and including 75 cu. yds. "struck" m.r.c.); Self-propelled Compactor (with multiple propulsion power units); Single engine Rubber-tired Earthmoving Machines (with tandem scrapers); Slip form Paver (concrete or asphalt); Tandem Cats; Tower Cranes Mobile; Trencher (pulling attached shield); Universal Liebherr and Tower Cranes (and similar types); Wheel Excavator (up to and including 750 cu. yd. per hour); Whirley Crane (over 25 tons)

Group 11-A: Band Wagons (in conjunction with Wheel Excavator); Cranes (over 125 tons); Loader (over 12 cu. yds.; up to and including 18 cu. yds.); Power Shovels and Draglines (over 7 cu. yds. m.r.c.); Rubber Tired Multi-purpose Earth Moving Machines (2 units over 75 cu. yds. "struck" m.r.c.); Wheel Excavator (over 750 cu. yds. per hour)

Group 11-B: Loader (over 18 cu. yds.)

Group 11-C: Operator of Helicopter (when used in erection work); Remote Controlled Earthmoving Equipment

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS					
BULK CEMENT SPREADER (w/wo auger, under 4 yds. water level); Bus or Manhaul driver; Concrete pump machine; Concrete pump truck (when flat rack truck is used appropriate flat rack rate shall apply); Dump (under 4 yds. water level); Dumper truck (under 4 yds. water level); Dumpster (under 4 yds. water level); Escort or pilot car driver; Nipper truck (when flat rack truck is used appropriate flat rack rate shall apply); Pickups; Skids (debris box, under 4 yds. water level); Team drivers; Trucks (dry per-batch concrete mix, under 4 yds. water level); Helper; Warehousemen	\$ 10.725	\$ 1.395	.75	\$1.00	
TEAMSTER Oiler and/or Greaser and/or Service man	10.80	1.395	.75	1.00	
BULK CEMENT SPREADER (w/wo auger, 4 yds. and under 6 yds. water level); Dump (4 yds. and under 6 yds. water level); Dumper truck (4 yds. and under 6 yds. water level); Skids (debris box 4 yds. and under 6 yds. water level); Single unit flat rack (2 axle unit); Industrial Lift Truck (mechanical tailgate) Trucks (dry pre-batch concrete mix, 4 yds. and under 6 yds. water level)	10.82	1.395	.75	1.00	
JETTING TRUCK and WATER TRUCK (under 2,500 gallons)	10.835	1.395	.75	1.00	

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appl. Tr.
	H & W	Pensions	Vacation		
\$ 10.845	\$ 1.395	.75	\$1.00		
10.855	1.395	.75	1.00		
10.875	1.395	.75	1.00		
10.89	1.395	.75	1.00		
10.895	1.395	.75	1.00		
10.905	1.395	.75	1.00		
10.92	1.395	.75	1.00		
10.935	1.395	.75	1.00		
10.975	1.395	.75	1.00		
10.985	1.395	.75	1.00		
10.995	1.395	.75	1.00		

TRUCK DRIVERS: (Cont'd)

ROAD OIL TRUCKS OR BOOT MAN

LIFT JITNEYS, Fork Lift

TRANSIT MIX, AGITATOR (under 6 yds.)

FUEL AND/OR GREASE TRUCK Driver or Fuelman

TRUCK REPAIRMAN HELPER

VACUUM TRUCK under (3,500 gallons)

SCISSOR TRUCK: Single unit flat rack (3 axle unit); Industrial Lift Truck (mechanical tailgate); Small rubber tired tractor (when used within teamsters' jurisdiction)

JETTING TRUCK & WATER TRUCK (2,500 gals. under 4,000 gals.)

COMBINATION WINCH TRUCK WITH HOIST; Transit, Mix Agitator (6 yds. and under 8 yds.)

VACUUM TRUCK (3,500 gals. and under 5,500 gals.)

RUBBER-TIRED MUCK CAR (not self-loaded)

NOTICES

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appl. Tr.
	H & W	Pensions	Vacation		
\$ 11.02	\$ 1.395	.75	\$ 1.00		
11.035	1.395	.75	1.00		
11.04	1.395	.75	1.00		
11.065	1.395	.75	1.00		
11.075	1.395	.75	1.00		
11.085	1.395	.75	1.00		
11.135	1.395	.75	1.00		
11.165	1.395	.75	1.00		
11.175	1.395	.75	1.00		

TRUCK DRIVERS: (cont'd)

BULK CEMENT SPREADER (w/o auger, 6 yds. and under 8 yds. water level); Dump (6 yds. and under 8 yds. water level); Dumpcrete (6 yds. and under 8 yds. water level); Skids (debris box, 6 yds. and under 8 yds. water level); Trucks (dry pre-batch concrete mix, 6 yds. and under 8 yds. water level)

A-FRAME, WINCH TRUCKS; Buggymobile; Jetting and water truck (4,000 gals. and under 5,000 gals); Rubber tired Jumbo

HEAVY DUTY TRANSPORT (high bed)

ROSS HYSTER and SIMILAR STRADDLE CARRIER

TRANSIT MIX AGITATOR (8 yds. through 10 yds.)

VACUUM TRUCK (5,500 gals. and under 7,500 gals.)

JETTING TRUCK & WATER TRUCK (5,000 gals. and under 7,000 gals.)

COMBINATION BOOTMAN and ROAD OILER

TRANSIT MIX AGITATOR (over 10 yds. through 12 yds.)

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TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
BULK CEMENT SPREADER (w/wo Auger, 8 yds. and including 12 yds. water level); Dump (8 yds. and including 12 yds. water level); Dumpcrete (8 yds. and including 12 yds. water level); Self-propelled street sweeper with self-contained refuse bin; Skids (debris box, 8 yds. and including 12 yds. water level); Snow go and/or snow plow; Truck (dry pre-batch concrete mix, 8 yds. and including 12 yds. water level); Dumpster (8 yds. and including 12 yds. water level)	\$ 11.26	\$ 1.395	.75	\$1.00	
HEAVY DUTY TRANSPORT (gooseneck loaded)	11.27	1.395	.75	1.00	
TRANSIT MIX AGITATOR (over 12 yds. through 14 yds.)	11.275	1.395	.75	1.00	
AMMONIA NITRATE DISTRIBUTOR DRIVER and Mixer; Bulk Cement Spreader (w/wo auger, over 12 yds. and including 18 yds. water level); Dump (over 12 yds. and including 18 yds. water level); Dumpcrete (over 12 yds. and including 18 yds. water level); Trucks (dry pre-batch concrete mix, over 12 yds. and including 18 yds. water level)	11.30	1.395	.75	1.00	
DOUBLE GOOSENECK (7 or more axles); Heavy duty transport tiller man	11.32	1.395	.75	1.00	
P.B. OR SIMILAR TYPE SELF-LOADING TRUCK	11.36	1.395	.75	1.00	
TRANSIT MIX AGITATOR (over 14 yds. through 16 yds.)	11.375	1.395	.75	1.00	

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TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
BULK CEMENT SPREADER (w/wo auger, over 18 yds. and including 24 yds. water level); Combination dump and dump trailer; Dump (over 18 yds. and including 24 yds. water level); Dumpcrete (over 18 yds. and including 24 yds. water level); Dumpster (over 18 yds. and including 24 yds. water level); Skid (debris box, over 17 yds. and including 24 yds. water level); Transit mix agitator (over 12 yds. through 16 yds.); Trucks (dry pre-batch concrete mix, over 17 yds. and including 24 yds. water level)	\$11.405	\$1.395	.75	\$1.00	
BULK CEMENT SPREADER (w/wo auger, over 24 yds. and including 35 yds. water level); Dump (over 24 yds. and including 35 yds. water level); Dumpcrete (over 24 yds. and including 35 yds. water level); Dumpster (over 24 yds. and including 35 yds. water level); Bumpster (over 24 yds. and including 35 yds. water level); and including 35 yds. water level); Dw 10's, 20's, 21's and other similar cat type, Terra Cobra, LeTourneapulls, Tournarocker, Euclid and similar type equipment when pulling fuel and/or grease tank trailers or other misc. trailers; Skids (debris box, over 24 yds. and including 35 yds. water level); Truck (dry pre-batch concrete mix, over 24 yds. and including 35 yds. water level)	11.46	1.395	.75	1.00	
TRUCK REPAIRMAN	11.395	1.395	.75	1.00	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BULK CEMENT SPREADER (w/wo auger, over 35 yds. and including 50 yds. water level); Dump (over 35 yds. and including 50 yds. water level); Dumpcrete (over 35 yds. and including 50 yds. water level); Dumpster (over 35 yds. and including 50 yds. water level); Skids (debris box, over 35 yds. and including 50 yds. water level); Trucks (dry pre-batch concrete mix, over 35 yds. and including 50 yds. water level)	\$ 11.61	\$ 1.395	.75	\$1.00	
DM 10's, 20's, 21's and other similar cat type, Terra Cobra, LeTourneau Pulls, Tournorocker, Euclid and similar type equipment wheel pulling Aqua/Pak or water tank trailers	11.71	1.395	.75	1.00	
BULK CEMENT SPREADER w/wo auger, over 50 yds. and under 65 yds. water level; Dump (over 50 yds. and under 65 yds. water level); Dumpcrete (over 50 yds. and under 65 yds. water level); Dumpster (over 50 yds. and under 65 yds. water level); Helicopter pilot (when transporting men or materials); Skids (debris box, over 50 yds. and under 65 yds. water level); Trucks (dry pre-batch concrete mix, over 50 yds. and under 65 yds. water level)	11.76	1.395	.75	1.00	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BULK CEMENT SPREADER (w/wo auger, over 65 yds. and including 80 yds. water level); Dump (65 yds. and including 80 yds. water level); Dumpcrete (over 65 yds. and including 80 yds. water level); Dumpster (65 yds. and including 80 yds. water level); Skids (debris box, 65 yds. and including 80 yds. water level); Trucks (dry pre-batch concrete mix, 65 yds. and including 80 yds. water level)	\$ 11.91	\$ 1.395	.75	\$1.00	
BULK CEMENT SPREADER (w/wo auger, over 80 yds. and including 95 yds. water level); Dump (over 80 yds. and including 95 yds. water level); Dumpcrete (over 80 yds. and including 95 yds. water level); Dumpster (over 80 yds. and including 95 yds. water level); Skids (debris box, over 80 yds. and including 95 yds. water level); Trucks (dry pre-batch concrete mix over 80 yds. and including 95 yds. water level)	12.06	1.395	.75	1.00	

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS

****AREA 1:** All areas included in the description defined below which is based upon township and range lines of Areas 1 and 2.

Commencing in the Pacific Ocean on the extension of the Southerly line of Township 19S.

Thence Easterly along the Southerly line of Township 19S, crossing the Mt. Diablo meridian to the S.W. corner of township 19S, range 6E, Mt. Diablo base line and meridian,
Thence Southerly to the S.W. corner of township 20S, range 6E,
Thence Easterly to the S.W. corner of township 20S, range 13E,
Thence Southerly to the S.W. corner of township 21S, range 13E,
Thence Easterly to the S.W. corner of township 21S, range 17E,
Thence Southerly to the S.W. corner of township 22S, range 17E,
Thence Easterly to the S.E. corner of township 22S, range 17E,
Thence Southerly to the S.W. corner of township 23S, range 18E,
Thence Easterly to the S.E. corner of township 23S, range 18E,
Thence Southerly to the S.W. corner of township 24S, range 19E,
Thence Easterly to the S.E. corner of township 24S, range 19E,
falling on the Southerly line of Kings County, thence Easterly along the Southerly boundary of Kings County and the Southerly boundary of Tulare County, to the S.E. corner of township 24S, range 29E,

Thence Northerly to the N.E. corner of township 21S, range 29E,
Thence Westerly to the N.W. corner of township 21S, range 29E,
Thence Northerly to the N.E. corner of township 13S, range 28E,
Thence Westerly to the N.W. corner of township 13S, range 28E,
Thence Northerly to the N.E. corner of township 11S, range 27E,
Thence Westerly to the N.W. corner of township 11S, range 27E,
Thence Northerly to the N.E. corner of township 10S, range 26E,
Thence Westerly to the N.W. corner of township 10S, range 26E,
Thence Northerly to the N.E. corner of township 9S, range 25E,
Thence Westerly to the N.W. corner of township 9S, range 25E,
Thence Northerly to the N.E. corner of township 8S, range 24E,
Thence Westerly to the N.W. corner of township 8S, range 24E,
Thence Northerly to the N.E. corner of township 6S, range 23E,
Thence Westerly to the S.E. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 5S, range 19E,
Thence Westerly to the N.W. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 3S, range 18E,
Thence Westerly to the N.W. corner of township 3S, range 18E,
Thence Northerly to the N.E. corner of township 2S, range 17E,
Thence Westerly to the N.W. corner of township 2S, range 17E,
Thence Northerly crossing the Mt. Diablo baseline to the N.E. corner of township 2N, range 16E,

Thence Westerly to the N.W. corner of township 2N, range 16E,
Thence Northerly to the N.E. corner of township 3N, range 15E,
Thence Westerly to the N.W. corner of township 3N, range 15E,
Thence Northerly to the N.E. corner of township 4N, range 14E,

CALIFORNIA
AREA DEFINITIONS For POWER EQUIPMENT OPERATORS (Cont'd)

***AREA 1:** (Cont'd):

Thence Westerly to the N.W. corner of township 4N, range 14E,
Thence Northerly to the N.E. corner of township 5N, range 13E,
Thence Westerly to the N.E. corner of township 5N, range 13E,
Thence Northerly to the N.E. corner of township 10N, range 12E,
Thence Easterly to the S.E. corner of township 11N, range 14E,
Thence Northerly to the N.E. corner of township 11N, range 14E,
Thence Westerly to the N.E. corner of township 11N, range 10E,
Thence Northerly to the N.E. corner of township 15N, range 10E,
Thence Easterly to the S.E. corner of township 16N, range 11E,
Thence Northerly to the N.E. corner of township 16N, range 11E,
Thence Easterly to the S.E. corner of township 17N, range 14E,
Thence Southerly to the S.W. corner of township 14N, range 15E,
Thence Easterly to the S.E. corner of township 14N, range 15E,
Thence Southerly to the S.W. corner of township 13N, range 16E,
Thence Easterly to the S.E. corner of township 13N, range 16E,
Thence Southerly to the S.W. corner of township 12N, range 17E,
Thence Easterly along the Southern line of township 12N to the Eastern boundary of the State of California,

Thence Northwesterly, thence Northerly along the Eastern boundary of the State of California to the N.E. corner of township 17N, range 18E,

Thence Westerly to the N.W. corner of township 17N, range 11E,
Thence Northerly to the N.E. corner of township 20N, range 10E,
Thence Westerly to the N.W. corner of township 20N, range 10E,
Thence Northerly to the N.E. corner of township 21N, range 9E,
Thence Westerly to the N.W. corner of township 21N, range 9E,
Thence Northerly to the N.E. corner of township 22N, range 8E,
Thence Westerly to the N.W. corner of township 27N, range 8E,
Thence Northerly to the S.W. corner of township 27N, range 8E,
Thence Easterly to the S.E. corner of township 27N, range 8E,
Thence Northerly to the N.E. corner of township 28N, range 8E,
Thence Westerly to the N.W. corner of township 28N, range 7E,
Thence Northerly to the N.E. corner of township 30N, range 6E,
Thence Westerly to the N.W. corner of township 30N, range 1E,
Thence Northerly along the Mt. Diablo meridian to the N.E. corner of township 34N, range 1W,

Thence Northerly to the N.W. corner of township 34N, range 6W,
Thence Southerly to the N.E. corner of township 32N, range 7W,
Thence Westerly to the N.W. corner of township 32N, range 7W,
Thence Southerly to the S.W. corner of township 30N, range 7W,
Thence Easterly to the S.E. corner of township 30N, range 7W,
Thence Southerly to the S.W. corner of township 16N, range 6W,
Thence Easterly to the S.E. corner of township 16N, range 6W,
Thence Southerly to the S.W. corner of township 14N, range 5W,
Thence Westerly to the S.E. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 14N, range 7W,
Thence Westerly to the N.W. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 15N, range 8W,
Thence Westerly to the S.E. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 16N, range 12W,

CALIFORNIA

AREA DEFINITIONS for POWER EQUIPMENT OPERATORS (Cont'd)

*AREA 1: (Cont'd):

Thence Westerly to the N.W. corner of township 15N, range 12W,
 Thence Northerly to the N.E. corner of township 18N, range 12W,
 Thence Westerly to the N.W. corner of township 18N, range 14W,
 Thence Southerly to the S.W. corner of township 18N, range 14W,
 Thence Easterly to the S.E. corner of township 18N, range 14W,
 Thence Southerly to the S.W. corner of township 16N, range 13W,
 Thence Westerly to the N.W. corner of township 15N, range 14W,
 Thence Southerly to the S.W. corner of township 14N, range 14W,
 Thence Easterly to the S.E. corner of township 14N, range 14W,
 Thence Southerly to the S.W. corner of township 13N, range 13W,
 Thence Easterly to the S.E. corner of township 13N, range 13W,
 Thence Southerly to the S.W. corner of township 11N, range 12W,
 Thence Easterly to the S.E. corner of township 11N, range 12W,
 Thence Southerly along the Eastern line of range 12W to the

Pacific Ocean excluding that portion of Northern California
 within Santa Clara County included within the following line:
 Commencing at the N.W. corner of township 6S, range 3E, Mt. Diablo
 baseline and Meridian:

Thence in a Southerly direction to the S.W. corner of township 7S,
 range 3E,
 Thence in a Easterly direction to the S.E. corner of township 7S,
 range 4E,
 Thence in a Northerly direction to the N.E. corner of township 6S,
 range 4E,
 Thence in a Westerly direction to the N.W. corner of township 6S,
 range 3E, to the point of beginning which portion is a part of
 Area 2.

Area 1 also includes that portion of Northern California within the
 following lines:

Commencing in the Pacific Ocean on an extension of the Southerly line
 of township 2N, Humboldt baseline and Meridian:
 Thence Easterly along the Southerly line of township 2N, to the S.W.
 corner of township 2N, range 1W.

Thence Southerly to the S.W. corner of township 1N, range 1W.
 Thence Easterly along the Humboldt baseline to the S.W. corner of
 township 1N, range 2E,

Thence Southerly to the S.W. corner of township 2S, range 2E,
 Thence Easterly to the S.E. corner of township 2S, range 2E,
 Thence Southerly to the S.W. corner of township 4S, range 3E,
 Thence Easterly to the S.E. corner of township 4S, range 3E,
 Thence Northerly to the N.E. corner of township 2S, range 3E,
 Thence Westerly to the N.W. corner of township 2S, range 3E,
 Thence Northerly crossing the Humboldt baseline to the S.W. corner
 of township 1N, range 3E,

Thence Easterly along the Humboldt baseline to the S.E. corner
 of township 1N, range 3E,

Thence Northerly to the N.E. corner of township 9N, range 3E,
 Thence Westerly to the N.W. corner of township 9N, range 2E,
 Thence Northerly to the N.E. corner of township 10N, range 1E,
 Thence Westerly along the Northerly line to township 10N, into the
 Pacific Ocean.

CALIFORNIA

AREA DEFINITIONS for POWER EQUIPMENT OPERATORS (Cont'd)

*AREA 1: (Cont'd)

Area 1 also includes that portion of Northern California included within
 the following line:

Commencing at the Northerly boundary of the State of California at the
 N.W. corner of township 48N, range 7W, Mt. Diablo baseline and meridian:
 Thence Southerly to the S.W. corner of township 44N, range 7W,
 Thence Easterly to the S.E. corner of township 44N, range 7W,
 Thence Southerly to the S.W. corner of township 43N, range 6W,
 Thence Easterly to the S.E. corner of township 43N, range 5W,
 Thence Northerly to the N.E. corner of township 48N, range 5W,
 on the Northerly boundary of the State of California,
 Thence Westerly along the Northerly boundary of the State of
 California to the point of beginning.

**AREA 2: All areas not included within AREA 1 as defined.

SUPERSEDES DECISION

STATE: Florida
 COUNTY: Broward and Palm Beach
 DATE: Date of Publication
 DECISION NUMBER: FL78-1051
 Supersedes Decision No. FL77-1119, dated October 28, 1977 in 42 FR 56945.
 DESCRIPTION OF WORK: Highway Construction (does not include bridges designed to accommodate navigation; tunnels; and building structures in rest area projects).

Decision No. FL78-1051

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appl. Tr.
\$ 5.03				
5.00				
5.77				
5.00				
9.00	.41	.23	.45	.03
8.80				
4.375				
4.04				
3.76				
5.02				
4.69				
3.58				
4.55				
4.15				
4.22				
4.52				
3.60				
5.63				
5.05				
5.66				
5.65				
5.92				
6.33				
4.00				
5.05				
7.03				
5.62				
5.62				
4.00				
4.77				
6.05				

BRICKLAYERS

CARETAKERS

CEMENT FINISHERS

ELECTRICIANS:

Traffic signal installer

All other electrical work

IRONWORKERS, Reinforcing

LABORERS:

Air Tool Operator

Asphalt Raker

Concrete Laborer

Form Setters

Pipelayers

Unskilled

SIGN ERECTORS

TRUCK DRIVERS: Lowboy; Multi Rear

Axle

WELDERS - Rate for craft to which welding is incidental

POWER EQUIPMENT OPERATORS:

Asphalt Distributor

Asphalt Paving Machine

Asphalt Plant Op.

Backhoe

Bulldozers

Curb Machine Op.

Concrete Paving Machine

Crane, Dragline

Earth Drilling Machine

Earth Mover Op., Heavy Rubber

Tired

Front End Loader

Gradalls

Mechanics

Motor Graders

Oiler/Creaser

Pavement Stripping Machine

Piledriver Op.

POWER EQUIPMENT OPERATORS: (Cont.)

Rollers

Subgrade, Self-Propelled

Tractors

Tug Boat Op.

SUPERSEDES DECISION

STATE: Florida
 COUNTY: Dade
 DECISION NUMBER: FL78-1052
 Supersedes Decision No. FL77-1119 dated October 28, 1977 in 42 FR 56945
 DESCRIPTION OF WORK: Highway Construction (does not include bridges designed to accommodate navigation; tunnels; and building structures in rest area projects).

STATE: Minnesota
 COUNTY: See Below
 DECISION NUMBER: MN78-2060
 Supersedes Decision No. MN77-2033, dated March 4, 1977, in 42 FR 12617
 DESCRIPTION OF WORK: Heavy & Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	\$ 5.00				
CARPENTERS	6.33	.15		.23	
CONCRETE FINISHERS	5.75				
ELECTRICIANS:	6.92		.23	.45	.03
Traffic Signal Installation	9.00	.41			
All other Electrical work					
IRONWORKERS:	9.75	.75	.58		.08
Reinforcing:					
Dade County					
LABORERS:	4.75				
Air Tool Operator	4.64				
Asphalt Raker	4.76				
Form setters	4.75				
Grade checker	4.08				
Guardrail Erector	4.08				
Landscape Workers	4.92				
Pipelayers	4.08				
Unskilled	6.00				
FILEDRIVERS	4.08				
TRUCK DRIVERS					
WELDERS - Rate for Craft to which welding is incidental.					
POWER EQUIPMENT OPERATORS:	4.60				
Asphalt Distributor	5.90				
Asphalt Paving Machine	5.81				
Backhoe	4.43	.27		.17	
Boom-auger	5.66				
Bulldozer	5.00				
Concrete Finishing Machine	5.02				
Concrete Paving Machine	6.28				
Crane, Dragline	5.75				
Earth Drilling Machine	5.37				
Front End Loader	5.90				
Gradall	5.47				
Mechanics	5.15				
Mixer	6.08				
Motor Grader	5.01				
Offier/Greasegun	5.14				
Roller	5.22	.27		.20	
Scraper	4.50				
Trenching Machine	5.00				
Tractor					

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
COUNTRIES:					
Cottonwood, Lincoln, Lyon, Murray, Pipestone, Redwood & Yellow Medicine	\$9.02	.40			
Carpenters	7.95				
Cement Masons	8.36	.31	.20		
Ironworkers					
Laborers:					
Unskilled	5.87				
Pipelayers	6.66				
Power Equipment Operators:	6.00				
Asphalt Concrete Paving Machine	6.31				
Asphalt Distributor Spreader	5.38				
Asphalt Plant	8.21				
Backhoe Operator	8.80	.45	.40		
Bulldozers	7.74				
Cranes, Derricks & Draglines	9.02	.45	.40		
Crusher & Screening Plant	8.05	.31	.20		
Form Motor Graders	7.80				
Front-End-Loaders	6.96				
Mechanics	7.46				
Motor Patrol	7.12				
Paver Operator	8.05	.31	.20		
Pugmill Operator	6.13				
Rollers:					
Base-Self Propelled	6.13				
Finishing	6.22		.30		
Sheepfoot	7.28				
Scrapers	8.80	.45	.40		
Tractor Operator	6.58				
Truck Drivers:					
Bituminous Distributor Drivers	6.40		.30		
Dump Truck Drivers	5.37		.30		
Line Axle Truck Drivers	6.40				
Mechanical Broom Operators	6.67				
Single Axle Drivers	6.60				
Tandem/3-Axle Drivers	5.66				
Trailers Drivers	7.62	.31	.20		

[FR Doc. 78-14487 Filed 5-26-78; 8:45 am]

Legislation
Proposed

FRIDAY, MAY 26, 1978
PART IV



IMPROVING GOVERNMENT REGULATIONS

Proposals for
Implementing Executive
Order 12044

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PREVIOUSLY PUBLISHED PROPOSALS

Listed below are other documents on implementation of Executive Order 12044 previously published in the FEDERAL REGISTER:

Agency	1978 Date of Issue	Vol. 43 FR, Page No.
Selective Service System	April 11	15211
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National Capital Planning Commission	May 15	20945
National Aeronautics and Space Administration ...	May 22	21981
Veterans Administration	May 22	21983
Farm Credit Administration	May 22	21984
Agriculture Department	May 22	21986
Federal Mediation and Conciliation Service	May 22	21993
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Council on Environmental Quality	May 25	22593
Community Services Administration	May 25	22595
Housing and Urban Development Department	May 25	22598
American Battle Monuments Commission	May 25	22602
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Pension Benefit Guaranty Corporation	May 25	22608
Equal Employment Opportunity Commission	May 25	22610
General Services Administration	May 25	22612

PROPOSALS SCHEDULED FOR LATER PUBLICATION

Listed below are other Executive order implementation documents on file with the Office of the Federal Register which will be published later:

Agency	1978 Date of Issue
Health, Education, and Welfare Department	May 30
Commerce Department	May 30
Renegotiation Board	May 30
Water Resources Council	May 30
Environmental Protection Agency	May 31
Transportation Department	June 1

REPORT ON OTHER AGENCIES

On June 2, the Office of Management and Budget will publish a listing of agencies that have determined their regulations are not covered by the provisions of the Executive Order.

[4510-23]

DEPARTMENT OF LABOR

IMPROVING LABOR REGULATIONS

Response to Executive Order No. 12044
Improving Government Regulations

AGENCY: Department of Labor.

ACTION: Request for public comment.

SUMMARY: The Department of Labor ("DOL") is issuing this notice to obtain comments on its proposals for implementing Executive Order No. 12044, Improving Government Regulations (43 FR 12661, March 24, 1978) ("the Executive Order"). The proposals include procedures for developing new regulations; analyzing their potential impact; reforming existing regulatory procedures; and increasing public participation in regulatory development.

DATE: Comments by July 28, 1978.

ADDRESS: Send comments to Seth D. Zinman, Associate Solicitor for Legislation and Legal Counsel, Office of the Solicitor, Department of Labor, Room N2428, 200 Constitution Avenue NW., Washington, D.C. 20210, 202-523-8201.

FOR FURTHER INFORMATION CONTACT:

Sofia P. Petters (Counsel for Administrative Legal Services), Room N2428, 200 Constitution Avenue NW., Washington, D.C. 20210, 202-523-8065.

Mark Solomons (Counsel for Special Legislative Projects), Room N2428, 200 Constitution Avenue NW., Washington, D.C. 20210, 202-523-8088.

SUPPLEMENTARY INFORMATION:

- I. Background.
- II. Summary of Past Regulatory Procedures.
- III. Proposed Procedures for Developing Regulations.
- IV. Regulations for Initial Review.
- V. Comment Procedure.

I. BACKGROUND

1. On March 23, 1978 President Carter signed Executive Order (E.O.) 12044 (43 FR 12661) which is designed to improve and reform the way in which the Executive Agencies of the United States Government develop, issue, and review the rules and regulations which are necessary for the efficient and effective administration of Government programs. To achieve these goals E.O. 12044 directs each Executive Agency to: (a) Establish procedures for the development of significant regulations which provide the maximum opportunity for early and meaningful public participation; (b) Conduct a detailed regulatory analysis of those significant regulations which

may have major economic consequences for the National economy or for a particular segment of the economy; (c) Periodically review existing regulations to determine their continuing usefulness, and; (d) Eliminate, improve, or update those existing regulations which no longer adequately serve the purpose for which they were originally issued. In connection with each of these objectives, E.O. 12044 directs each Executive Agency to prepare a draft report describing the procedures followed in the development of regulations and the changes which are proposed to bring those procedures into compliance with the E.O., proposed criteria for identifying significant regulations and regulations with major economic impact and, proposed criteria for the selection of existing regulations which are in need of review and possible revision or elimination. The report is also to contain a list of regulations which have been selected for review in the near future, and is to be published in the FEDERAL REGISTER for comments by May 23, 1978.

The Department of Labor's new procedures are intended to implement both the letter and spirit of E.O. 12044 in connection with the regulations within the jurisdiction of the United States Department of Labor.

II. SUMMARY OF PAST REGULATORY PROCEDURES

The Department of Labor is now mandated to implement many statutes and executive orders which relate to a wide range of subjects.

For example, under the Occupational Safety and Health Act the department is charged with assuring working men and women with safe and healthful working conditions. Under the Comprehensive employment and Training Act the Department administers a program of Federal assistance for unemployed and economically disadvantaged individuals. Under Executive Order 11246, the Department administers a program which promotes equal employment opportunity in Government contracts and federally-assisted construction contracts. The wide range of programs administered by this Department have resulted in variations in the procedures followed in issuing regulations implementing these programs. Each agency within the Department is responsible for developing its own regulations. The issuance of regulations is triggered in various ways. A statute or executive order may provide for the issuance of regulations; there may be a change in policy in administering a program; judicial decisions may necessitate an amendment to existing regulations; complaints of affected individuals or organizations or reports from the Department's investigators may alert

agency officials to problem areas in existing regulations. The following illustrate some of the practices now in use for issuing regulations by Department of labor agencies.

The Occupational Safety and Health Act authorizes the Secretary to promulgate safety and health standards in a specified manner. When the Secretary determines, upon the basis of information submitted in writing by an interested person, a representative of any organization of employers or employees, a nationally recognized standards-producing organization, the Secretary of Health, Education, and Welfare (HEW), the National Institute for Occupational Safety and Health, or a State or political subdivision, or on the basis of information developed by the Secretary or otherwise available that a rule should be developed in order to serve the objectives of the Act, the Secretary may direct that such rule be drafted or request the recommendations of an advisory committee.

Prior to the preparation of its proposed regulation, in most rulemaking proceedings, OSHA receives informal comments from interested parties. Though not specifically set forth in its pertinent regulations, OSHA has, in drafting many of its standards, published Advance Notices of Proposed Rulemaking in the FEDERAL REGISTER. Occasionally, OSHA has held public factfinding hearings to aid in the development of proposals.

The proposals and regulations are written by OSHA's technical staff with assistance from the Solicitor's Office, which also reviews the drafts for legal sufficiency. Drafts of proposed regulations or revisions are reviewed by the OSHA Director of the Office of Standards, appropriate technical personnel, and the Assistant Secretary for OSHA. Published regulations are signed by the Assistant Secretary.

Somewhat different procedures are used in the development of safety and health standards under the Federal Mine Safety and Health Act. When the Assistant Secretary for MSHA determines that substantive regulations should be issued, the Assistant Secretary decides on the basic objectives of the regulation and indicates overall specifications. A program head, e.g., the Administrator for Coal Mine Safety and Health organizes a drafting committee for the proposed regulation. The drafting committee is staffed by technical experts from within the agency and may include attorneys from the office of the Solicitor. This committee participates in the preproposal consultations, attends sessions of any advisory committee created to advise on the particular regulation and writes the proposed draft regulation. The Solicitor's Office reviews the

proposed regulation for legal sufficiency. Prior to publication for proposed rulemaking, the draft regulations are reviewed by the program head responsible for the subject matter being regulated, the Office of Standards, Regulations, and Variances, and the Assistant Secretary for Mine Safety and Health. The Assistant Secretary signs both proposed and final regulations.

The Office of Labor-Management Standards Enforcement develops and administers the regulations in chapter IV of Title 29 of the Code of Federal Regulations which implement those sections of the Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA), which are administered by the Department of Labor. This Office also administers regulations which have been issued to implement section 18 (Standards of Conduct) of Executive Order 11491. Those sections of the LMRDA which are administered by DOL have only been amended once, in 1965, so that most of the amendments and additions to the regulations have been for purposes such as clarification of language and reflection of court decisions rather than because of amendments to the Act.

In the case of one interpretative regulation drafted in response to a Supreme Court ruling, a decision was made to go forward after discussion between the program office and the Office of the Solicitor. The final draft was sent to the Solicitor for review and then to the Assistant Secretary for Labor-Management Relations for signature. When amendments to the regulations implementing the Labor-Management Reporting and Disclosure Act involve policy changes and are not interpretations, preproposal consultations are held with outside groups.

Under Title I of the Employee Retirement Income Security Act of 1974 (ERISA), many sections of the statute provide that the Secretary (or his delegate—the Assistant Secretary for LMSA) will issue regulations to implement specific statutory requirements. In addition, general authority is granted by the statute to prescribe regulations that are necessary or appropriate to carry out the purposes of the Title. In some cases there is authority to issue regulations which ease or waive statutory requirements.

The Administrator of Pension and Welfare Benefit Programs after consulting with certain officials within the Department, and interested members of the public, determines the priorities and time schedule for the issuance of regulations. The time schedule includes internal due dates for the various stages in the regulatory process and a projected date for publication.

Generally, the Administrator then directs the Office of Regulatory

Standards and Exceptions within the Pension and Welfare Benefit Programs to draft specifications for proposed regulations. Advice and recommendations from the Office of Policy and Planning and Research within the Administration as well as from the ERISA Advisory Council are considered in the development of specifications. The Advisory Council was created by statute to advise the Secretary of Labor with respect to carrying out ERISA functions. The Council consists of representatives of unions, employers, the general public and persons knowledgeable in the areas of insurance, corporate trust activity, actuarial counseling, investment counseling, investment management and accounting.

After the specifications are drafted they are referred to the Solicitor's Office, which has responsibility for drafting regulations based on these specifications. The draft regulations are then submitted to the Administrator for Pension and Welfare Benefit Programs, the Assistant Secretary for Labor-Management Services Administration, and the Solicitor for approval. Comments are sought from the Internal Revenue Service and the Pension Benefit Guaranty Corporation when appropriate.

The Employment Standards Administration is responsible for a greater variety of programs than any other agency within the Department of Labor. The Administration includes the Office of Federal Contract Compliance Programs (OFCCP), the Office of Workers' Compensation Programs (OWCP), and the Wage and Hour Division (WH). OFCCP enforces nondiscrimination/affirmative action employment requirements applicable to government contractors and subcontractors and federally assisted construction contractors under Executive Order 11246, Section 503 of the Rehabilitation Act of 1973, and Section 402 of the Vietnam Era Veterans Readjustment Act. OWCP administers workers' compensation benefit programs for Federal employees, longshore and harbor workers, and coal miners who have contracted black lung disease. The Wage and Hour Administration enforces statutes which establish standards in the workplace, such as the Fair Labor Standards Act (minimum wage, overtime, child labor, and equal pay), Age Discrimination in Employment, wage rates and overtime requirements in Government contracts (Davis-Bacon, Walsh-Healey, Service Contracts Act, and the Work Hours Act), and the Farm Labor Contractors Registration Act. Several factors common to all of these programs can give rise to the issuance of new regulations or the amendment of existing ones. Such factors include the enactment of legislation, changes in policy

or procedures, comments or complaints from the public, staff recognition of ambiguities in existing regulations, and the perception of areas not covered by current regulations. However, the differences in the types of programs being administered and the segments of the public affected are such that different approaches to the development of regulations are needed.

The threshold decision to modify an existing regulation or to develop a new one is most often made in the ESA division directly involved in the interpretation and enforcement of a particular statute. This decision comes about in several ways, depending upon the statute involved. In the Wage and Hour Division, the Administrator may determine that there is a need for regulatory activity because of a court decision, complaints or comments from the public, or recommendations from his or her staff arrived at through their experience with and knowledge of a program. During the formative stage of a significant regulation, there is coordination with the Assistant Secretary for Employment Standards Administration and other top Departmental policymakers.

The OFCCP develops regulatory changes for numerous reasons. These include prior experience and problems encountered in enforcing existing regulations and requirements; a desire to strengthen requirements in response to problem areas encountered in investigations; new or newly perceived areas of employment discrimination; amendments to the law itself; and developing case law.

Changes in regulations in the Office of Workers Compensation Programs are generally initiated by the Director as a result of changes in medical technology or insurance practices, comments or complaints from the public and statutory amendments. In some instances in the past, when the regulatory change was extensive, task groups were organized to draft regulations to implement new statutory provisions.

As a rule, in all ESA divisions, the original specifications and drafting of a regulation or revision is done in the office most directly involved with the administration and enforcement of the particular statute or Executive order implemented by the regulation. The division of the Solicitor's Office most directly involved in the subject matter being regulated will assist the program officials in drafting and will then review for legal sufficiency. During this drafting process, which can extend over a long period of time, constant attention is given to questions, observations, opinions, experiences and remarks of interested persons and organizations. After that, the draft is sent for approval to the program head and the Administrator or Director of

the Division in which the program is located. The final draft is submitted to the Solicitor for review and approval. Depending upon the nature and complexity of the regulation, it is signed by the Administrator or Director of the program, the Assistant Secretary for ESA, or the Secretary of Labor.

The Employment and Training Administration has major responsibility for administering over 15 principal statutes and operates an even greater number of programs under those statutes. In some ETA statutes such as CETA, broad authority is given the Department of Labor to develop program practices and procedures.

Issuing regulations or revisions to regulations implementing the various statutes administered by the employment and Training Administration is done by each program division with the advice and assistance of the Solicitor's Office. While the decisions to go forward with the issuance of a new regulation or a revision is made by the program head, the actual drafting of the proposal is usually a joint effort by the staff of the program division within ETA which is charged with administering the Act for which implementing regulations are being written or amended and the Solicitor's Office. In many cases, the Assistant Secretary for ETA directs that a project go forward. The Assistant Secretary and program officials will seek and receive comments from State government officials, other Federal agencies, representatives of public interest groups, labor unions, employer organizations, interested parties as well as those subject to the regulations being proposed. There is formal input from the Bureau of Apprenticeship and Training when regulations affecting apprenticeship are proposed. Suggestions and comments on regulatory material also come from a national advisory committee which the Secretary of Labor has appointed to assist in carrying out the Department's responsibilities for safeguarding the welfare of apprentices. This Committee includes representatives of employers, labor, education, and officers of other executive departments.

An example of an ETA regulation that also involved the Bureau of Apprenticeship and Training concerned affirmative action in apprenticeship for women. This concept had been seriously considered by top officials in ETA and the Women's Bureau for many years. However, this particular rulemaking was initiated by the filing of a formal petition for rulemaking on this subject matter by an outside public interest organization.

In drafting the proposal for these regulations, program heads in the Bureau of Apprenticeship and Training worked with the Women's Bureau and were assisted by staff from the So-

licitor's Office who had considerable experience with other equal employment opportunity matters in its work with the Office of Federal Contract Compliance programs. The Solicitor's staff drafted and prepared the proposed amendment to the regulations for Equal Employment Opportunity in Apprenticeship and Training. The proposal was then submitted to the Solicitor for approval, then to the Assistant Secretary for ETA and to the Secretary before publication in the FEDERAL REGISTER. The public was given 60 days to comment on the proposal.

As can be seen, the procedures used by the agencies within the Department of Labor vary in accordance with the needs of the programs being administered. However, all regulations or proposed regulations must be approved by the Secretary and the Under Secretary before publication in the FEDERAL REGISTER. In addition, the Solicitor of Labor reviews all regulations and proposed regulations for legal sufficiency.

Prior to publication of a proposed regulation, the type and extent of consultations with interested persons, agencies or organizations from outside of the Department varies with each regulatory action. However, on the whole there has generally been more involvement with outside groups during drafting of amendments to regulations already issued than during the drafting of new regulations pursuant to newly enacted legislation. With new regulations, great reliance is placed on the legislative history of the statute. This is not to say that persons or groups affected by the legislation are not afforded an opportunity to comment and make suggestions before a regulation is submitted to the FEDERAL REGISTER. But as a general rule, regulations already in operation generate more comments from the regulated public.

Finally, as a minimum the provisions of the Administrative Procedure Act have been followed where applicable. Informal rulemaking predominates in the Department of Labor's regulatory procedures. However, in some instances, including a number of rulemaking procedures under the Occupational Safety and Health Act, a record of the hearing has been kept and cross-examination of witnesses allowed under the direction of an administrative law judge.

The foregoing is illustrative of the regulatory practices followed by the various agencies within the Department. Changes are being proposed in accordance with the directions of Executive Order 12044, and those changes are reflected in the following portions of this document.

III. DEPARTMENT OF LABOR POLICIES AND PROCEDURES FOR IMPROVING REGULATIONS

POLICIES

Following the issuance of the Executive Order, the Department of Labor has developed a series of procedures to achieve its objectives within the Department. All officials of the Department with responsibilities in the rulemaking process must make maximum efforts to carry out the policies of the Executive Order and implement Department of Labor procedures.

It is the policy of the Department of Labor to ensure that all regulations issued or revised by the various offices and agencies within the Department conform to the following standards:

(1) Regulations shall be responsive to public needs, concerns, and legislative goals.

(2) No regulation shall be issued unless the need for it is clearly established.

(3) Appropriate efforts must be made to obtain public participation in the development and revision of significant regulations at as early a time as is practical.

(4) At an early stage, appropriate consideration should be given to meaningful alternative approaches, including approaches which achieve the desired result without the issuance of a regulation.

(5) Regulation should be designed to achieve statutory objectives and to avoid imposing unnecessary compliance, paperwork, costs, and other burdens on the economy, on individuals, on public or private organizations or on State or local governments.

(6) All regulations shall be written in clear and concise language which can be understood by those who are required to comply with them.

The Executive Order contains certain exemptions, including exemptions for emergency regulations. Even where such exemptions apply, it is the policy of the Department that the procedures described in this report be followed to the extent they are practicable and useful in the particular situation, without compromising applicable policy and legal requirements.

It is the policy of the Executive Order and the new Department procedures to improve the rulemaking process in accordance with law and avoid the issuance of unneeded regulations. Their purpose is to make necessary internal changes in procedures and they are not intended to detract from, add to or alter statutory requirements. Failure to meet the requirements of the Executive Order or of the Department's new procedures shall not provide a basis for judicial review of the regulation or other court action.

RESPONSIBILITIES OF DEPARTMENT OF LABOR OFFICIALS

Each agency head within the Department of Labor, including all Assistant Secretaries, the Solicitor, and all other chief agency officials shall become familiar with these Guidelines and shall be primarily and personally responsible for ensuring that the Guidelines are followed in connection with any regulations issued or revised by their respective agencies. In this connection, each agency head shall participate at an early stage in determining the need for the issuance or revision of regulations in their program areas, and shall exercise continuing supervision over the process by which public comment and participation is obtained, and by which final positions and regulatory provisions are developed.

REGULATORY REVIEW PANEL

In order to assist Department of Labor agencies and offices to comply with the requirements of E.O. 12044 and to facilitate the better management of regulations within the Department of Labor a Regulatory Review Panel (The Panel) will be established. The Panel will consist of representatives appointed by the heads of agencies. The Secretary of Labor will appoint a Chairperson for the Panel. The Regulatory Review Panel will be responsible for receiving from agencies, their proposals for regulations to be included in the Department of Labor's semiannual agenda or any additional supplementary agenda of regulations. These agenda will be designed to give the public adequate advance notice of significant regulations which the Department intends to develop or review in the near future. The panel will compile and transmit the agenda to the Secretary for approval with any recommendations it may deem appropriate.

In keeping with President Carter's directive that each agency establish procedures for the continuing review of existing regulations, the Regulatory Review Panel will assure that each agency within the Department is informed of the criteria to be applied in selecting any existing regulation or series of regulations for periodic review. The Panel may also make recommendations concerning the review of overlapping and common subject matter regulations in force in different agencies within the Department. Particular attention in this regard should be paid to regulations affecting disclosure, privacy, administrative procedures, and other types of regulations which cut across agency lines of jurisdiction.

PROCEDURES FOR DEVELOPING NEW REGULATIONS

Whenever an official responsible for the development of regulations be-

lieves that the development of any regulation may be necessary, the official should make an informal assessment of the need for the regulation and possible alternative approaches. If it is decided to recommend development and issuance of a regulation, the official should determine whether or not the regulation is significant.

CRITERIA FOR DETERMINING SIGNIFICANCE OF REGULATIONS

A regulation should be considered significant if it meets the criteria for major as specified in this Report or if it directly and substantially—

- (1) Affects the health or safety of employees.
- (2) Affects standards for determining the amount of or conditions under which benefits are payable to individuals or the eligibility of individuals to participate in various programs.
- (3) Affects the operations or responsibilities of a particular industry or business or group of industries or businesses, or public or private organizations, or of State or local governments, except that wage determinations issued by the Employment Standards Administration in accordance with prescribed requirements shall not be considered significant.
- (4) Increases existing reporting or compliance requirements or establishes substantial new reporting or compliance requirements for any public or private group;
- (5) Affects the competition within a particular industry or business;
- (6) Affects any program of a State or local government or of any other Federal agency; and
- (7) Affects equal employment opportunities for protected groups.

Rules or regulations which simply describe requirements compelled by law will not be considered significant. However, where these rules or regulations substantially complement statutory standards or requirements, they should be considered significant if they meet the various criteria described above. Regulations or amendments to regulations involving minor technical or clarifying changes shall not usually be considered significant. These procedures will not require the Department to regard as significant internal documents not otherwise required to be made available to the public where such documents relate to Departmental procedures in enforcing laws for which the Department has responsibility.

Even if a regulation does not meet the standards described above, it may still be appropriate to subject it to the requirements which apply to significant regulations. This would be particularly true if the regulation is likely to arouse considerable public interest or controversy.

IDENTIFYING MAJOR REGULATIONS

Once the initiating official decides whether he or she believes that any regulation should be treated as "significant," an informal assessment should be made, based on available information, as to whether the effect of the regulation would be so major as to require the preparation of a regulatory analysis. A regulatory analysis should generally speaking, be performed if the regulation is likely to cause or result in:

- (1) An increased cost of \$100 million or more in any one year for the national economy;
- (2) A \$50 million or larger increase in costs or total revenues in any 1 year for a specific segment of the economy such as a specific industry, geographic region or State or local government;
- (3) A direct dislocation of 10,000 jobs or more;
- (4) A substantial limitation on competition, marketing, market information or an increase in concentration in a market doing \$100 million of business a year or more.

These criteria should be regarded as guidelines rather than precise standards. Their purpose is to provide a rough order of magnitude. Accordingly, the Department's procedures will not ordinarily require a complex analysis to see whether a proposed regulation does or does not meet the criteria.

In addition, even where a regulation does not meet the criteria, agency heads may require that a regulatory analysis be conducted. They are encouraged to do so when a regulation is likely to cause widespread public interest or controversy.

No analysis is needed if on or before March 23, 1978 an Economic Impact Statement has already been prepared in connection with the regulation, in accordance with Executive Orders 11821 and 11949, or where a decision has been made that none was needed.

PUBLIC PARTICIPATION

The initiator of a regulation shall devise a plan to obtain early and effective public participation in the development of significant regulations. Early and effective public participation in the rulemaking process is essential to the development of responsive and useful regulations. There is no single approach toward public participation which is clearly most effective in every case. The approach selected should be suited to the project under consideration and be consistent with the requirements of the law. Among the approaches which should be considered are the following:

- (1) The publication in the FEDERAL REGISTER of a notice or advance notice of proposed rulemaking inviting public comment at the earliest possible date;
- (2) Public hearings;
- (3) Conferences or meetings with interested groups and individuals;

(4) The direct notification or interested parts of the public;

(5) The distribution of appropriate notices, press releases, or statements to trade journals or other publications including newspapers likely to be read by interested parties;

(6) Submission of the regulation or matter to be addressed in the regulation to advisory committees where appropriate; and

(7) communication with appropriate Federal, State, or local agencies, including contacts through the Office of Legislation and Intergovernmental Relations which maintains continuing contacts with State and local officials and their representatives.

Agency personnel should be alert to those statutory provisions which govern communications with persons outside the Department under certain circumstances.

APPROVAL OF PLAN TO DEVELOP REGULATIONS

Before an agency proceeds to develop a significant regulation, the initiating official will prepare and submit to the official who will sign the regulation or appropriate agency head a proposed development plan which will include a summary of the issues to be considered and a judgment as to whether the regulation is significant. Significant regulations are signed by the appropriate Assistant Secretary, the Commissioner of the Bureau of Labor Statistics, the Under Secretary, or the Secretary except as each may otherwise provide under special circumstances. The plan will also include a summary of the alternative approaches to be explored, a judgment as to whether a regulatory analysis will be required, and a tentative plan for obtaining early public participation. Target dates should also be included.

If the individual responsible for signing the regulation as described above, or appropriate agency head approves going forward with the development of the regulations, he or she shall approve a development plan and designate a project manager or managers to assure that the regulation is considered in a proper and timely manner. The approving official shall also send a copy of the development plan to the Secretary and Under Secretary.

The project manager shall proceed to consider the issues involved and develop a regulatory analysis where required.

REGULATORY ANALYSES

The purpose of the regulatory analyses is to provide a useful tool in the decisionmaking process. They should not serve or be regarded as an additional paper-work burden which needlessly delays a governmental response to a problem. Project managers should

strive to make the best possible use of information available to the agency within an acceptable time-frame. Regulatory analyses should be succinct and written in plain, simple language and should cover the following items in such detail as is practicable:

1. Statement of the problem and regulatory objectives (e.g., statement of condition or situation requiring regulatory action; evidence of the problem; scope of the problem including an indication of the frequency and severity of effects; and an estimate of the effectiveness of a regulatory action in solving the problem).

2. A brief description of the parties (e.g., individuals, groups, industries) most likely to be affected by the regulatory action.

3. A description of the major acceptable alternative regulatory actions under consideration by the agency and a discussion of the effectiveness of each major acceptable alternative in achieving the regulatory objectives.

4. An estimate of the economic consequences of the major acceptable alternative actions, presented in as simple a form as possible, which indicates the limitations of accuracy attached to such estimates.

5. An explanation of why a given alternative was selected for proposed regulatory action.

A copy of each regulatory analysis will be transmitted to the Secretary. The transmittal will include any recommendation made by the appropriate agency head as to whether special consideration by the Secretary is needed.

APPROVAL OF SIGNIFICANT REGULATIONS

No significant regulation will be approved unless the official signing the regulation (as previously described) is satisfied that:

(1) The regulation is needed and is consistent with the law and with the legislative goal it seeks to carry out;

(2) The direct and indirect effects of the regulation have been considered and that the least burdensome of the major acceptable effective alternative approaches has been selected;

(3) Public comments have been considered, and, in the case of final regulations an adequate response has been prepared.

(4) The regulation is written in plain language which will be understood by those who must comply with the regulation, and that overly technical language, incorporation by references, and complex procedures are kept to a minimum, consistent with statutory objectives;

(5) Any new reporting or recordkeeping burdens are justified and kept to a minimum, consistent with statutory objectives;

(6) The name, address and telephone number of an agency official who may

be contacted by members of the public has been included;

(7) A plan for monitoring and evaluating the regulation after issuance has been developed; and

(8) A regulatory analysis has been prepared, if required, and that a brief summary is included in the notice of proposed rulemaking. A statement of how the public may obtain a copy of the initial regulatory analysis will also be included. A final regulatory analysis will be made available when the final regulations are published. The analysis may be incorporated in the preamble to the final regulations.

Prior to publication of significant regulations, a draft of the proposed regulations should be sent to the Secretary and Under Secretary together with a statement by the signing official (as described above) providing personal assurance that the above criteria have been met. The Secretary will, prior to publication, approve going forward with all regulations for which a regulatory analysis is required. The Secretary may also deem it appropriate to require Secretarial approval before going forward with other regulations. Where regulations are not deemed significant, a written statement to that effect should be submitted to the Secretary along with the draft regulations and should be included in the published regulations. Where regulations are to be signed by the Secretary or Under Secretary, the written statements should be submitted by the appropriate agency heads.

Each notice of proposed rulemaking published in connection with a significant regulation by a Department of Labor agency should, if possible, provide at least 60 days for public comment and participation. If a shorter period is necessitated, the published notice shall explain why a full 60 day comment period is impractical.

REVIEW OF EXISTING REGULATIONS

Each agency shall periodically select for review significant regulations within its areas of responsibility. Agencies shall submit to the Regulatory Review Panel at such times as the panel deems appropriate a list of significant regulations proposed for review and inclusion in the semiannual agenda. The panel will transmit the proposed lists to the Secretary for approval, together with any comments it may wish to make.

Each agency shall provide the name and address, and telephone number of the regulation project managers which shall also be included in the published agenda.

Agencies shall also provide to the Panel information on regulations previously selected for review. A report on the status of these regulations will be published together with the semiannual agenda.

The following criteria shall be considered in selecting regulations for review:

(1) Whether the regulation continues to be necessary to achieve statutory or policy goals;

(2) Whether the regulation has been the subject of significant public controversy, complaints, or suggestions;

(3) Whether the regulation is particularly burdensome for some segment of the public;

(4) Whether the regulation is confusing, difficult to interpret, or unnecessarily complex;

(5) Whether the regulation is duplicative or inconsistent with other Department of Labor or other agency regulations treating the same or similar subjects;

(6) Whether the regulation is consistent with the most recent technological advances;

(7) Whether a revision of the regulation needs to be considered in light of changed economic or other conditions affecting its appropriateness;

(8) Whether the regulation has been or probably will be subject to change as a result of legislative action;

(9) Whether court decisions have altered the meaning or effectiveness of the regulation;

(10) Whether agency operating personnel consider the regulation inefficient, burdensome, or a proper subject for revision;

(11) The length of time since the regulation has been evaluated; and

(12) Whether the regulation is discriminatory in effect or formulation.

Although this review process is directed principally at significant regulations, agencies should attempt to identify those groups of minor regulations which may be outdated or which may no longer serve useful purposes. These regulations should also be included on the Department's semi-annual agenda.

Once a regulation has been selected for review, project managers and appropriate agency heads will be responsible for reviewing these regulations as promptly and carefully as practicable. Changes will be made in accordance with the procedures required for the development of new regulations.

IV. CURRENT REGULATIONS INITIALLY SELECTED BY THE DEPARTMENT OF LABOR FOR REVIEW

EMPLOYMENT STANDARDS ADMINISTRATION

1. 20 CFR Part 722—Criteria for determining whether State Workmen's Compensation Laws provide adequate coverage for pneumoconiosis and listing of approved State laws.

2. 20 CFR Part 726—Black Lung Benefits: Requirements for coal mine operator's insurance.

3. 29 CFR Part 531—Wage Payments Under the FLSA.

4. 29 CFR Part 516 A and B—Records To Be Kept by Employers.

5. 29 CFR Part 780—Exemptions Applicable to Agriculture Processing of Agricultural Commodities, and Related Subjects.

6. 29 CFR Part 41—Interpretations of Farm Labor Contractor Registration Act.

7. 29 CFR Part 525—Employment of Handicapped Clients in Sheltered Workshops.

8. 29 CFR Part 529—Employment of Patient Workers in Hospitals and Institutions at Subminimum Wages.

9. 29 CFR Part 4—Labor Standards for Federal Service Contracts.

10. 29 CFR Part 5—Labor Standards Provisions DBRA/CWHA.

11. 29 CFR Part 570.61—Hazardous Occupation Order No. 10, Occupations involving slaughtering, meat packing or processing or rendering.

12. 29 CFR Part 570, Subpart C—Employment of Minors Between 14 and 16 Years of Age (Child Labor Reg. 3).

13. 29 CFR Part 800—Equal Pay Act Interpretations.

14. 29 CFR Part 850—Records To Be Made or Kept Relating to Age; Notices To Be Posted; Administrative Exemptions.

15. 29 CFR Part 860—Interpretations Age Discrimination in Employment.

16. 41 CFR Part 60-1—Obligations of contractors and subcontractors.

17. 41 CFR Part 60-2—Affirmative action programs.

18. 41 CFR Part 60-4—Construction contractors affirmative action requirements.

19. 41 CFR Part 60-20—Sex discrimination guidelines.

20. 41 CFR Part 60-30—Rules of practice for administrative proceedings to enforce equal opportunity under Executive Order 11246.

21. 41 CFR Part 60-40—Examination and copying of OFCC documents.

22. 41 CFR Part 60-50—Guidelines on discrimination because of religion or national origin.

23. 41 CFR Part 60-60—Contractor evaluation procedures for contractors for supplies and services.

24. 41 CFR Part 60-250—Affirmative action obligations of contractors and subcontractors for disabled veterans and veterans of the Vietnam era.

25. 41 CFR Part 60-741—Affirmative action obligations of contractors and subcontractors for handicapped workers.

EMPLOYMENT AND TRAINING ADMINISTRATION

1. 20 CFR Part 609—Unemployment compensation for Federal civilian employees.

2. 20 CFR Part 614—Unemployment compensation for ex-servicemen.

3. 20 CFR Part 656—Labor certification process for permanent employment of aliens in the United States.

4. 29 CFR Part 26—Exemplary rehabilitation certificates for ex-servicemen.

5. 29 CFR Part 95—Programs under Title I (Comprehensive Manpower Services) of the Comprehensive Employment and Training Act.

6. 29 CFR Part 96—Programs under Title II (Public Employment Programs) of the Comprehensive Employment and Training Act.

7. 29 CFR Part 97 (excluding Subpart A)—Special Federal Programs and Responsibilities Under the Comprehensive Employment and Training Act.

8. 29 CFR Part 98—Administrative provisions for programs under the Comprehensive Employment and Training Act.

9. 29 CFR Part 99—Programs under Title VI (Emergency Job Programs) of the Comprehensive Employment and Training Act.

LABOR-MANAGEMENT SERVICES ADMINISTRATION

29 CFR Part 452 Subpart J—Special Enforcement Provisions of the election provisions of the Labor-Management Reporting and Disclosure Act of 1959.

MINE SAFETY AND HEALTH ADMINISTRATION

1. 30 CFR Parts 55, 56, and 57—Metal/Nonmetal health and safety advisory standards.

2. 30 CFR Parts 55, 56, and 57 (Consolidation of Parts).

3. 30 CFR Part 70—Respirable dust standard for underground coal mines.

4. 30 CFR Part 71—Respirable dust standard for surface coal mines.

5. 30 CFR Part 75—Underground coal mines safety standards (nonstatutory).

6. 30 CFR Part 75.1714—Self-rescuers in underground coal mines.

7. 30 CFR Part 77—Surface coal mine safety standards.

8. 30 CFR Part 90—Transfer of miners.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

1. 29 CFR Part 1910—General Industry Standards—Deletion Project.

2. 29 CFR Part 1910—Subpart D, Walking-Working Surfaces.

3. 29 CFR Part 1910—Subpart O, Machinery and Machine Guarding.

4. 29 CFR Parts 1915, 1916, and 1917—Safety and Health Regulations for Ship Repairing, Shipbuilding, and Shipbreaking (consolidation of shipyard standards).

V. COMMENT PROCEDURE

The Department of Labor invites written comments on its proposals to implement Executive Order 12044. The Department of Labor invites the

public to participate in the development of the procedures which will implement the Executive order by submitting comments to Seth Zinman, Associate Solicitor for Legislation and Legal Counsel, Room N2428, 200 Constitution Avenue NW., Washington, D.C. 20210. Identify the comments on the outside envelope and on the documents that are submitted. The Department of Labor will consider all comments received by July 28, 1978, before taking further action on these matters.

Any information or data submitted pursuant to the above procedures and considered to be confidential must be so identified and submitted in one copy only. The Department of Labor reserves the right to determine the confidential status of the information or data and to treat it accordingly.

Information on comment procedures may also be obtained from:

Sofia P. Petters, Counsel for Administrative Legal Services, Room N2428, 200 Constitution Avenue NW., Washington, D.C. 20210.
Mark Solomons, Counsel for Special Legislative Projects, Room N2428, 200 Constitution Avenue NW., Washington, D.C. 20210.

Issued in Washington, D.C., May 19, 1978.

RAY MARSHALL,
Secretary of Labor.

[FR Doc. 78-14591 Filed; 5-22-78 12:21 am]

[4410-01]

DEPARTMENT OF JUSTICE

Office of the Attorney General

[Order No. 789-78]

DRAFT REPORT ON IMPLEMENTATION OF EXECUTIVE ORDER NO. 12044, "IMPROVING GOVERNMENT REGULATIONS"

AGENCY: Department of Justice.

ACTION: Request for public comment.

SUMMARY: The Department of Justice is issuing this draft report to obtain comments on its proposals to implement Executive Order No. 12044, "Improving Government Regulations" (43 FR 12661, March 24, 1978), which requires each agency to establish criteria and procedures to improve the development of its regulations.

DATE: Comments by July 25, 1978.

ADDRESS: Send comments to Kevin D. Rooney, Assistant Attorney General for Administration, Department of Justice, Room 1111, 10th and Constitution Avenue NW., Washington, D.C. 20530, 202-739-3101.

FOR FURTHER INFORMATION CONTACT:

Anthony C. Moscato, Special Assistant to the Assistant Attorney General for Administration, Room 1103, Department of Justice, 10th and Constitution Avenue NW., Washington, D.C. 20530, 202-739-5252.

1. DESCRIPTION OF PROCESS FOR DEVELOPING REGULATIONS

The Department of Justice is not an agency whose primary mission is the conduct of regulatory activity. Most regulations issued by the Attorney General relate to internal agency organization, management or personnel and are exempt from Executive Order No. 12044. Following is a brief description of the regulations that are subject to the provisions of the Executive order, issued or initiated by various organizational units of the Department.

(a) BUREAU OF PRISONS

In carrying out its responsibility for the care and custody of offenders committed to the care of the Attorney General, the bureau of Prisons has promulgated regulations which cover the gamut of inmate care standards and issues. Until recently, these regulations were contained in a series of approximately 200 "Policy Statements" which were available upon request, but neither formally published nor publicized. In February, 1977, pursuant to court order in the case of *Ramer v. Lewis*, the Bureau was ordered to publish its regulations. In aid of that process, the Bureau of Prisons has been reviewing and purging its

Policy Statements, reducing their number to approximately 110. Since February, 1977, the Bureau of Prisons has published the first 40 of those policies for comment in the FEDERAL REGISTER on May 23, 1977, August 18, 1977, and December 4, 1977. None of these have been published in final.

(b) CIVIL RIGHTS DIVISION

The Civil Rights Division is responsible for regulations in the following areas: procedures to obtain preclearance to change voting practices or procedures in certain states and political subdivisions (28 CFR Part 51); procedures for registration and balloting in areas of "language minority" (28 CFR Part 55); discrimination in hiring on the basis of race, sex, religion or ethnic background (28 CFR 50.3 and 41 FR 51734); and regulations pertaining to the implementation of nondiscrimination in federally assisted programs. In the first two areas, the regulations were developed by the staff of the Division charged with litigation responsibility in the same area, with help and review from other Division staff, forwarded to the Assistant Attorney General of the Division for approval and signature, and then sent to the FEDERAL REGISTER for publication and comment. The regulations relating to "language minorities" were reviewed by the Department's Office of Legal Counsel. Copies of the proposed regulations were also sent to interest groups, States, and political subdivisions for comment. The employment discrimination regulations were developed in concert with the other agencies responsible for this program area, the Department of Labor and the Civil Service Commission, prior to being sent to the Federal Register for publication and comment. They were circulated in accord with OMB Circular A-85 prior to final publication.

(c) DRUG ENFORCEMENT ADMINISTRATION

The Drug Enforcement Administration is responsible for five related areas of regulations, including: maintenance of the five schedules of controlled substances established by the Controlled Substances Act; maintenance of a system of annual registration of manufacturers, distributors, importers, exporters and dispensers of controlled substances; monitoring (through direct controls, inspection techniques and otherwise) of the manufacture, distribution, import, export and dispensing of controlled substances; conduct of administrative hearings; and administering the procedures for granting exceptions to Drug Enforcement Administration regulations. The DEA regulations are published in 21 CFR Parts 1301 through 1316. The Drug Enforcement Administration has complied with the rule-making procedures of the Administra-

tive Procedure Act in adopting its regulatory scheme. In some instances, DEA has used an advance notice and comment procedure or hearing procedures to augment the rulemaking process, allowing for greater participation by businesses, individuals or the entities potentially affected by proposed regulations.

(d) IMMIGRATION AND NATURALIZATION SERVICE

The Immigration and Naturalization Service issues both substantive and procedural regulations relating to aliens, including: the inspection and admission of aliens into the United States; the adjudication of applications for benefits under immigration and naturalization laws; the apprehension and deportation of aliens; the maintenance of records regarding aliens; and the naturalization of aliens and U.S. citizens. Regulatory proposals are initiated by operating divisions, or at the behest of the Commissioner or his Deputy. They are then referred to the Service Instruction Officers for review and formal drafting, and then to the Associate Commissioners, Deputy Commissioner and the Commissioner for approval and forwarding to the Federal Register for publication and comment. If a benefit is conferred or a restriction relaxed, the regulation is published immediately. Examples of this procedure include: removal of the restriction on alien nonimmigrant visitors from applying for extensions of their stays; and finalization of Immigration and Naturalization Service procedures to implement a Congressional mandate to provide refugees from Indochina with legal alien status.

(e) LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

The Law Enforcement Assistance Administration issues regulations and guidelines governing the grant programs it administers. These regulations and guidelines cover both eligibility requirements for financial assistance and conditions for the receipt of financial assistance. Following is a list of the current Law Enforcement Assistance Administration regulations and guidelines: LEAA Administrative Review Procedure (28 CFR Part 18); Regulations relating to the LEAA Implementation of the National Environmental Policy Act (28 CFR Part 19); Criminal Justice Information Systems (28 CFR Part 20); Confidentiality of Identifiable Research and Statistical Information (28 CFR Part 22); Final regulation relating to the LEAA Implementation of the OMB Circular A-95 Revised (28 CFR Part 30); Public Safety Officers' Death Benefits (28 CFR Part 32); Nondiscrimination in Federally Assisted Programs—Implementation of Section 518(c) of the Crime Control Act of 1976 and Section

262(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (28 CFR Part 42, Subpart D); Equal Employment Opportunity Guidelines (28 CFR Part 42, Subpart E); Financial Management for Planning and Action Grants (M 7100.1A, April 30, 1973); Guide for Discretionary Grant Programs (M 4500.1F, December 21, 1977); and, State Planning Agency Grants (M 4100.1F, January 18, 1977).

In drafting its regulations, the Law Enforcement Assistance Administration seeks input from a broad range of interest groups including, among others, the National Governor's Conference, the Council of State Governments, and the National League of Cities. Public meetings and hearings are scheduled, announced and held, or can be requested by interest groups. Sixty days after publication in the FEDERAL REGISTER are allowed for public comment.

In the case of regulations not published in the FEDERAL REGISTER an alternate procedure is used to elicit response from state planning agencies, public interest groups and other Federal agencies. Consideration is always given to the impact of proposed regulations on state and local agencies.

(F) NATIONAL INSTITUTE OF CORRECTIONS

The National Institute of Corrections is an independent agency within the Bureau of Prisons which administers a grant program for corrections improvements. The Institute uses a number of Federal Management Circulars, including 73-7, 73-8, 74-4, and 74-7, which it does not publish itself. The Institute does publish (though not in the FEDERAL REGISTER) its yearly program, which identifies general categories of available funds. The Institute holds four hearings across the Country to seek input for its program plan.

(G) U.S. PAROLE COMMISSION

The U.S. Parole Commission has paroling authority over Federal prisoners and supervisory responsibilities for parolees. It promulgates rules to implement these responsibilities (28 CFR 2.1-2.89). The Commission has also published regulations to implement its responsibilities under the Labor Management Reporting and Disclosure Act, the Employee Retirement Income Security Act, and the Sunshine Act, 28 CFR 4.1-4.17, 4a.1-4a.17, 16.200-16.208.

The Commission meets approximately six times per year to review, modify or add regulations. The regulations are published in the FEDERAL REGISTER for a public comment period of 60 to 90 days. They are also sent to the Bureau of Prisons, the U.S. Probation Officer and, sometimes, to members of Congress.

(H) OTHER ORGANIZATIONAL UNITS

Although other organizational units of the Department do, from time to

time, initiate regulations, they do not have significant regulatory missions. All regulations submitted for the Attorney General's approval are first reviewed by the Department's Office of Legal Counsel (28 CFR 0.25). Those which do not relate solely to internal Department organization are published for public comment.

2. CRITERIA FOR SIGNIFICANT REGULATIONS

Regulations will be considered to be significant if they:

- (a) Affect the general public;
- (b) Implement a substantive policy or program responsibility of the Department;
- (c) Affect a substantial portion (30 percent) of the industries, businesses, or organizations or individuals at which they are directed;
- (d) Impose additional regulatory requirements;
- (e) Increase the burden of reporting or compliance by the industries, businesses, organizations or individuals to which they apply;
- (f) Create, increase, restrict or withdraw a benefit from the industries, businesses, organizations or individuals to which they apply;
- (g) Affect the substantive or procedural due process rights of the individuals to which they apply;
- (h) Modify the Department of Justice's relationships with other Federal agencies or departments;
- (i) Modify the relationships between the Federal and state governments, Federal and local governments, or state and local governments;
- (j) Affect the eligibility of industries, businesses, organizations or individuals for financial assistance from the Federal government;
- (k) Affect the laws, regulations, procedures, fiscal status or record-keeping requirements of state or local governments; or

- (l) Affect, directly or indirectly, the quality of competition between industries, businesses, organizations or individuals in general or in specifically targeted industries, geographical areas or regions.

3. CRITERIA FOR REGULATORY ANALYSIS

Regulations will be considered to have major economic consequences and therefore require a regulatory analysis in their support if they:

- (a) Cause an annual effect on the economy of \$50 million or more;
- (b) Cause a major increase in costs or prices for individual industries, levels of government or geographic regions;
- (c) Impose a substantial economic burden in compliance for the industries, businesses, organizations, levels of government, or individuals toward which they are directed;
- (d) Impose an economic burden upon industries, businesses, organizations,

levels of government or individuals toward which they are not directed; or

(e) If the Attorney General or the head of the organizational unit issuing the regulation determines that a regulatory analysis is necessary.

4. CRITERIA FOR REVIEW OF EXISTING REGULATIONS

All regulations shall be reviewed at least once every four years, in accordance with the following criteria:

- (a) The need to simplify or clarify language;
- (b) The need for further interpretation or clarification of the regulations in light of later administrative or judicial determinations;
- (c) The need to reassess or reevaluate agency activity within a given regulatory area;
- (d) The continued need for the regulations at all;
- (e) The type and number of complaints or suggestions received;
- (f) The burdens imposed on those directly or indirectly affected by the regulations;
- (g) The degree to which technology, inflation or other economic conditions, or other factors in general, have changed the area affected by regulations; and
- (h) The need to eliminate overlapping or duplicative regulations.

5. LIST OF REGULATIONS SCHEDULED FOR INITIAL REVIEW

(a) BOARD OF IMMIGRATION APPEALS

Section 292.2(d) of Title 8, Code of Federal Regulations, relating to representation and appearances before the Board, is scheduled for initial review because of recent judicial decisions sanctioning certain types of advertising for attorneys which are not now reflected in the regulations.

(b) BUREAU OF PRISONS

The Bureau of Prisons has recently published for comment, pursuant to court order, 40 of its existing 110 regulations. These have not been published in final and are therefore scheduled for initial review.

(c) CIVIL RIGHTS DIVISION

Part 51 of Title 28, Code of Federal Regulations, published pursuant to Section 5 of the Voting Rights Act of 1965, relate to the requirement that certain states and political subdivisions obtain pre-clearance for any changes in voting practices or procedures. These regulations require review primarily because they have been in existence without comprehensive review for over five years.

(d) DRUG ENFORCEMENT ADMINISTRATION

Regulations relating to specific procedures governing hearings pursuant

to orders to show cause directed to DEA registrants or applicants for registration (21 CFR 1301.51-1301.57 and 21 CFR 1311.51-1311.53); 21 CFR Part 1303, relating to DEA's quota setting authority; 21 CFR 1304.31-1304.41, relating to reporting requirements levied upon certain registrants engaged in specific activities; 21 CFR 1308.22, 1308.24, 1308.32, and 1308.41-1308.51, relating to certain excluded substances, exempted chemical preparations and excepted compounds, as well as relating to administrative hearings concerning the scheduling of substances; 21 CFR 1312.41-1312.47, relating to hearings regarding the denial of an application for an import, export or transshipment permit; and 21 CFR 1316.41-1316.67, relating generally to administrative hearing procedures. The regulations relating to hearings are scheduled because of the need to clarify DEA's hearing procedures and to eliminate some redundancy within the regulatory structure. The remaining regulations have been scheduled both because they are in need of comprehensive review and because of their potential economic impact.

(E) IMMIGRATION AND NATURALIZATION
SERVICE

Regulations relating to document

notations (8 CFR 235.4); 8 CFR 235.5, relating to preinspection of aliens in foreign countries; 8 CFR 235.8, relating to temporary exclusion of subversives; 8 CFR 235.10, relating to issuance of U.S. citizen ID cards; 8 CFR Part 287, relating to the authority of INS officers; 8 CFR Part 287, relating to the jurisdiction of Immigration Judges in deportation after final orders; and 8 CFR Part 244, relating to the voluntary departure of aliens. These regulations are scheduled for initial review because they are already being reviewed internally by INS.

(F) LAW ENFORCEMENT ASSISTANCE
ADMINISTRATION

Guide for Discretionary Grant Programs, M 4500.1F, December 21, 1977; State Planning Agency Grants, M 4100.1F, January 18, 1977; Financial Management Guide for Planning and Action Grants, M 7100.1A, April 30, 1973; LEAA Administrative Review Procedure, 28 CFR Part 18; and Equal Employment Opportunity Guidelines, 28 CFR Part 42, Subpart E. The first two regulations are reviewed annually. The third and fourth are scheduled because they have not been reviewed for several years and the fifth is

scheduled to consider modification in light of recent changes in the area.

(G) U.S. PAROLE COMMISSION

Regulations relating to the Commission's responsibilities for granting certificates of exemption to convicted felons seeking employment in labor unions and employee benefit plans within five years of their convictions (28 CFR 4.1-4.17 and 28 CFR 4a.1-4a.17). The Commission is already in the process of reviewing them internally.

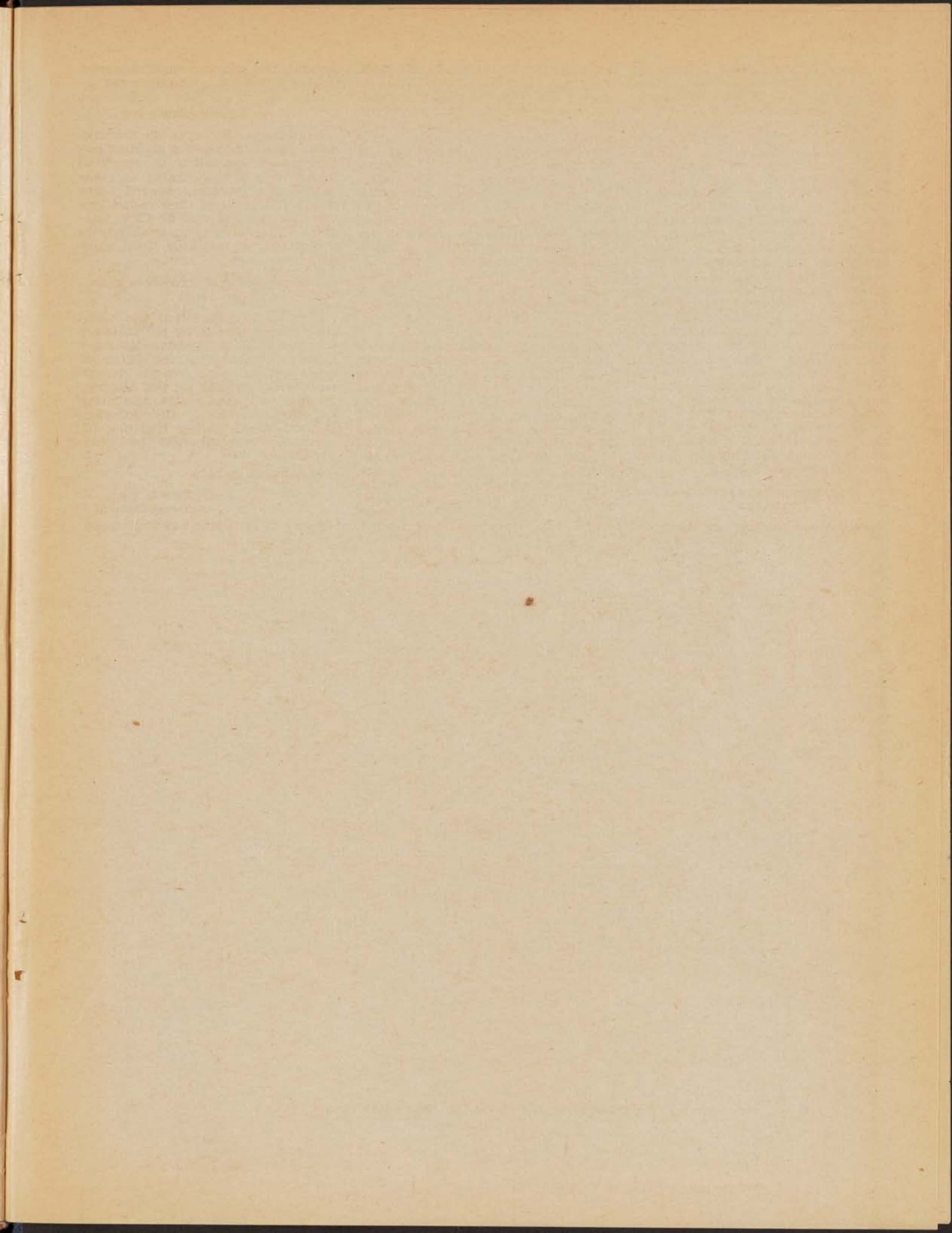
6. COMPLIANCE WITH EXECUTIVE ORDER
NO. 12044

In order to insure that the provisions of Executive Order No. 12044 are complied with, the Assistant Attorney General in charge of the Office of Legal Counsel shall provide department-level oversight for the Attorney General and shall review and make recommendations to the Attorney General on all matters requiring his decision or approval under the Executive Order.

Dated: May 23, 1978.

GRIFFIN B. BELL,
Attorney General.

[FR Doc. 78-14758 Filed 5-23-78; 12:25 pm]



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1.85	85	1.86	86
1.87	87	1.88	88
1.89	89	1.90	90
1.91	91	1.92	92
1.93	93	1.94	94
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[A Cumulative checklist of CFR issuances for 1978 appears in the first issue of the Federal Register each month under Title 1. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected)]

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