AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Vol. 43—No. 127
6-30-78
PAGES
28429-28804

federal register

FRIDAY, JUNE 30, 1978



highlights

SUNSHINE ACT MEETINGS 28611

WETLANDS PROTECTION

USDA/SCS issues proposed rule to implement E.O. 11990; comments by 7-31-78 (Part VI of this issue) 28787

CRIME CONTROL AND JUVENILE DELINQUENCY

Justice/LEAA amends regulations regarding nondiscrimination in federally-assisted programs; effective 6-30-78 (Part VIII of this issue) 28794

CHILD NUTRITION PROGRAM

USDA/FNS prescribes income poverty guidelines for determining eligibility for free and reduced-price meals and free milk during period from 7-1-78 through 6-30-79 28526

SMALL BUSINESS INVESTMENT COMPANIES

SBA amends regulations regarding retention of investments; effective 6-30-78 28454

OIL AND OIL ADDITIVES

EPA serves notice that motor oil and motor oil additives no longer require registration; effective 6-30-78 28489

MEDICARE PROGRAM

HEW/HCFA issues economic index for physicians' services for period July 1978 through June 1979 28559

FEDERAL BONDS

Treasury/FS issues annual list of companies acceptable as sureties and reinsurers on Federal bonds (Part II of this issue) .. 28692

NONDISCRIMINATION ON BASIS OF HANDICAP

CSA proposes to define and prohibit discrimination in programs and activities receiving Federal benefits; comments by 8-29-78 (Part IV of this issue) 28758

MANPOWER PROGRAMS

Labor/ETA announces potential grantees of funding under CETA for migrant and seasonal farmworkers 28574

EDUCATIONAL INFORMATION CENTERS PROGRAM

HEW gives notice of closing date for receipt of State plans for FY 1978; closing date 7-31-78 28562

CERTAIN PESTICIDE PRODUCTS

EPA serves notice of intent to cancel registrations (Part V of this issue) 28774

CONTINUED INSIDE

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR notice 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/OHMO	USDA/FSQS		DOT/OHMO	USDA/FSQS
DOT/OPSO	USDA/REA		DOT/OPSO	USDA/REA
	CSC			CSC
	LABOR			LABOR
	HEW/ADAMHA			HEW/ADAMHA
	HEW/CDC			HEW/CDC
	HEW/FDA			HEW/FDA
	HEW/HRA			HEW/HRA
	HEW/HSA			HEW/HSA
	HEW/NIH			HEW/NIH
	HEW/PHS			HEW/PHS

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

federal register
Area Code 202 Phone 523-5240

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

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $5.00 per month or $50 per year, payable in advance. The charge for individual copies is 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing **202-523-5240.**

FEDERAL REGISTER, Daily Issue:

Subscription orders (GPO)	**202**-783-3238
Subscription problems (GPO)	**202**-275-3050
"Dial - a - Reg" (recorded summary of highlighted documents appearing in next day's issue).	
Washington, D.C.	**202**-523-5022
Chicago, Ill	**312**-663-0884
Los Angeles, Calif	**213**-688-6694
Scheduling of documents for publication.	**202**-523-3187
Photo copies of documents appearing in the Federal Register.	523-5240
Corrections	523-5237
Public Inspection Desk	523-5215
Finding Aids	523-5227
Public Briefings: "How To Use the Federal Register."	523-3517
Code of Federal Regulations (CFR)	523-3419 523-3517
Finding Aids	523-5227

PRESIDENTIAL PAPERS:

Executive Orders and Proclamations.	523-5233
Weekly Compilation of Presidential Documents.	523-5235
Public Papers of the Presidents	523-5235
Index	523-5235

PUBLIC LAWS:

Public Law dates and numbers	523-5266 523-5282
Slip Laws	523-5266 523-5282
U.S. Statutes at Large	523-5266 523-5282
Index	523-5266 523-5282
U.S. Government Manual	523-5230
Automation	523-3408
Special Projects	523-4534

HIGHLIGHTS—Continued

LOW-INCOME HOUSING
HUD issues interim rule to provide for modernization as a separate project; effective 7-1-78; comments by 8-1-78 (Part VII of this issue) **28790**

NOISE ENVIRONMENTS
EPA solicits public comment by 7-31-78 on proposed guidelines for preparing environmental impact statements on noise **28549**

EMERGENCY LIVESTOCK LOANS
USDA/FmHA amends regulations to clarify renewal policy with regard to guaranteed loans; effective 6-30-78 ..... **28439**

BUSINESS AND INDUSTRIAL LOAN PROGRAM
USDA/FmHA proposes regulations that will allow foreign businesses with predominantly American work force to qualify for loan program; comments by 7-31-78 ..... **28510**

INTERNATIONAL COMMUNICATION AGENCY
USIS announces their new agency name; effective 6-30-78 .. **28493**

SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM
Labor increases poverty-level economic eligibility criteria; effective 7-1-78; comments by 8-30-78 ..... **28468**

MEAT IMPORTS
USDA issues third quarterly 1978 calendar year import estimates **28529**

MINIMUM WAGES
Labor/ESA issues general wage determination decisions for Federal and federally assisted construction (Part III of this issue) **28708**

Labor/ESA adjusts wages on Federal and District of Columbia contracts exceeding $10,000; effective 6-30-78 ..... **28466**

RESTRICTION ON GARNISHMENT
Labor/W&H amends regulations to reflect new restrictions resulting from increase in minimum wage; effective 6-30-78 .. **28471**

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION
Labor/ETA issues list of applicants seeking financial assistance **28573**

EMPLOYEE BENEFIT PLANS
Labor/PWBP and Treasury/IRS issue notice of pendency of proposed exemption from restrictions of Employee Retirement Income Security Act and certain taxes and grants exemptions from restrictions of Employee Retirement Income Security Act and certain taxes; comments on proposed exemption by 7-31-78 (2 documents) **28578, 28599**

CANADIAN CRUDE OIL ALLOCATION PROGRAM
DOE/ERA issues supplemental allocation notice reflecting export level modification for June 1978 and publishes allocation notice for 7-1 through 9-30-78 period (2 documents) **28534, 28537**

PESTICIDE TOLERANCES AND EXEMPTIONS
EPA establishes exemption for residues of plant growth regulator aqueous extract of seaweed meal; effective 6-30-78 ..... **28490**
EPA proposes to establish tolerances for residues of herbicide 4-amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4-triazin-5(4*H*)-one used in dried tomato pomace and on lentils, peas and tomatoes; comments by 7-31-78 (2 documents) **28522, 28524**

INTERNATIONAL AIRPORTS OF ENTRY
Treasury/Customs revokes status of Felts Field, Spokane, Wash.; effective 7-31-78 28455

EXPLORATORY OIL DRILLING
DOD/EC prescribes application policy, practice and procedures for drilling in Pacific Ocean off Los Angeles-Long Beach Harbors; effective 6-30-78 28475

SECRECY OF INVENTIONS
Commerce/PTO prescribes certain requirements for patent interference proceedings; effective 8-1-78 28477

EMPLOYEE RESPONSIBILITIES AND CONDUCT
FDIC proposes amendments designed to avoid conflicts of interest or the appearance of conflicts; comments by 7-31-78 28518

LOAN AND GRANT PROGRAM (GROUP)
USDA/FmHA consolidates regulations pertaining to Resource Conservation and Development and Watershed loans; effective 6-30-78; comments by 7-31-78 28441

CRIMINAL INTELLIGENCE SYSTEMS
Justice/LEAA adopts funding and operating principles for LEAA Discretionary Funded Intelligence Systems; effective 6-30-78 28572

NONDISCRIMINATION IN REAL ESTATE ACTIVITIES
FDIC issues rescission of the FDIC fair housing policy statement; effective 7-3-78 28552

AGRICULTURAL PROCUREMENT REGULATIONS
USDA revises the section covering protests against award of contracts; effective 6-30-78 28491

TRADEMARK APPLICATIONS
Commerce/PTO withdraws proposal; effective 6-30-78 28524

GRANTS AND OTHER FEDERAL ASSISTANCE
EPA incorporates certain technical amendments into general grant regulations; effective 6-30-78 28484

NATURAL GAS LIQUIDS PRICE REGULATIONS
DOE is considering request of interpretation from ARCO concerning computation of maximum lawful prices; comments by 7-28-78 28518

MIGRATORY BIRD HUNTING
Interior/FWS prescribes final frameworks for selecting open season dates for hunting game birds in Alaska and Puerto Rico and doves in the Virgin Islands; effective 6-30-78 28499
Interior/FWS amends descriptions of non-toxic shot zones for waterfowl hunting seasons; effective 6-30-78 28501

GARBAGE
USDA/APHIS proposes controls on garbage that has been outside U.S. limits to prevent introduction of plant pests and livestock or poultry diseases; comments by 7-20-78 28516
USDA/APHIS proposes to amend Federal Plant Pest regulations; comments by 7-20-78 28507

NEW DRUGS
HEW/FDA proposes to refuse to approve a supplemental application for medroxyprogesterone acetate for use as an injectable contraceptive; hearing requests due 7-31-78 28555

NEW ANIMAL DRUGS
HEW/FDA withdraws approval of Life-Iron (iron-hydrogenated dextran) injection; effective 6-30-78 28553
HEW/FDA approves certain monensin premix solely for export; effective 6-30-78 28459
HEW/FDA approves use of griseofulvin in tablets for treatment of certain fungal infections in dogs and cats; effective 6-30-78 28458
HEW/FDA approves use of cyclothiazide tablets for treating certain edematous conditions in dogs; effective 6-30-78 28459

CIGAR-BINDER TOBACCO
USDA/ASCS terminates existing farm marketing quotas for 1978-79 marketing year; effective 6-30-78 28429

GRAPEFRUIT JUICE
USDA/FSQS proposes to remove color factor for quality grade determinations; comments by 8-29-78 28511

FLORIDA LIMES AND AVOCADOS
USDA/AMS authorizes expenses and rates of assessment for 1978-79 fiscal period; effective 4-1-78 through 3-31-79 28433

APRICOTS
USDA/AMS specifies minimum grade, maturity and size requirements for handling during 7-1-78 through 7-31-78 28433

DATES
USDA/AMS makes changes in administrative procedures of the marketing order for California; effective 8-1-78 28434

IRISH POTATOES
USDA/AMS proposes handling requirements for fresh market shipments; comments by 7-15-78 28508

CATTLE IMPORTS FROM CANADA
USDA/APHIS amends requirements by clarifying exemptions made for certain brucellosis-vaccinated female calves; effective 6-30-78 28453

POLYVINYL CHLORIDE SHEET AND FILM FROM CHINA
Treasury/Customs determines sale at less than fair value, injuring U.S. industry 28457

CERTAIN WOOL AND MAN-MADE FIBER TEXTILE PRODUCTS FROM KOREA
CITA announces additional import controls; effective 7-3-78 .. 28531

ATLANTIC GROUNDFISH
Commerce/NOAA issues Fishery Management Plan; effective 7-1-78 28503

NORTHERN COMMON DOLPHIN
Commerce/NOAA issues notice of prohibition of take incidental to commercial fishing operations; effective 7-7-78 28502

WHEAT AND FEED GRAINS
USDA/ASCS establishes prices and the disaster payment rates for the 1977 crop; effective 6-30-78 (2 documents) 28430

SUGAR FROM EUROPEAN COMMUNITY
Treasury/Customs initiates countervailing duty investigation and issues preliminary determination; effective 6-30-78 28599

INMATE ACCIDENT COMPENSATION
Justice issues rule on awards paid to former Federal prison inmates for injuries sustained while working in prison; effective 7-1-78 28466

FLOWER GARDEN BANKS MARINE SANCTUARY
Commerce/NOAA announces availability of white paper for proposed designation 28530

PRIVACY ACT
DOD/Navy amends a system of records; comments by 7-31-78; effective 7-31-78 28475
Labor/Secy publishes a notice of system of records 28579

MEETINGS—

CRC: Ohio Advisory Committee, 7-22-78 28529
Commerce/ITA: Imports' Textile Advisory Committee, 7-19-78 28530
DOD/DNA: Scientific Advisory Group on Effects (SAGE), 8-22 through 8-25-78 28532
HEW/Secy: Manpower and Facilities Technical Consultant Panel of the United States National Committee on Vital and Health Statistics, 7-20 and 7-21-78 28563
HRA: National Advisory Council on Health Professions Education, 8-14 and 8-15-78 28561
NIH: Biotechnology Resources Review Committee, 9-28 and 9-29-78 28562
Graduate Education in Surgical Oncology Workshop, 9-5 and 9-6-78 28561
High Blood Pressure Working Group, 8-11-78 28561
National Cancer Institute Advisory Committees, 8-22, 8-29 through 8-31-78 28561
Justice/LEAA: National Advisory Committee for Juvenile Justice and Delinquency Prevention, 7-11 through 7-14-78 28571
Labor/OSHA: Advisory Committee on Construction Safety and Health, 7-18 through 7-20-78 28577
State/AID: Board for International Food and Agricultural Development, 7-19-78 28598

CANCELED MEETING—

HEW/NIH: Clearinghouse on Environmental Carcinogens Executive Subgroup, 7-19-78 28561

SEPARATE PARTS OF THIS ISSUE

Part II, Treasury/FS 28692
Part III, Labor/ESA 28708
Part IV, CSA 28758
Part V, EPA 28774
Part VI, USDA/SCS 28786
Part VII, HUD 28790
Part VIII, Justice/LEAA 28794

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

Copyright Royalty Tribunal—Cable royalty fees; filing of claims 24528; 6-6-78
USDA/AMS—Avocados grown in South Fla 23557; 5-31-78

List of Public Laws

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

[Last Listing: June 29, 1978]

contents

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notices

Meetings:
International Food and Agricultural Development Board 28598

AGRICULTURAL MARKETING SERVICE

Rules

Apricots grown in Wash. 28433
Avocados and limes grown in Fla. 28433
Dates (domestic) produced in Calif. 28434
Lemons grown in Ariz. and Calif. 28432

Proposed Rules

Potatoes (Irish) grown in Calif.- and Oreg. 28508

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules

Feed grains; disaster payments 28431
Tobacco (fired-cured, etc.); marketing quotas and acreage allotments 28429
Wheat; marketing quotas and acreage allotments; disaster payments 28430

AGRICULTURE DEPARTMENT

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

Rules

Procurement (2 documents) 28491, 28492

Notices

Meat import limitations:
Third quarterly estimates 28529

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Rules

Animal and poultry import restrictions:
Cattle from Canada 28453

Proposed Rules

Animal and poultry import restrictions:
Garbage; storage and movement, etc 28516
Plant pest regulations:
Garbage, handling and storage, diseased animals 28507

ANTITRUST DIVISION, JUSTICE DEPARTMENT

Notices

Competitive impact statements and proposed consent judgments; United States versus listed companies:
Culbro Corp. et al 28568

ARMY DEPARTMENT

See Engineers Corps.

BLIND AND OTHER SEVERELY HANDICAPPED, COMMITTEE FOR PURCHASE FROM

Rules

Procurement; military resale commodities 28495

Notices

Procurement list, 1978; additions and deletions 28532

CIVIL AERONAUTICS BOARD

Notices

Hearings, etc.:
San Francisco-Reno-Albuquerque-Texas service investigation; correction 28529

CIVIL RIGHTS COMMISSION

Notices

Meetings, State advisory committees:
Ohio 28529

CIVIL SERVICE COMMISSION

Rules

Excepted service:
Civil Aeronautics Board et al 28429
Interior Department et al 28429

COMMUNITY SERVICES ADMINISTRATION

Proposed Rules

Nondiscrimination:
Handicapped in federally-assisted programs 28758

COMMERCE DEPARTMENT

See Industry and Trade Administration; National Oceanic and Atmospheric Administration; Patent and Trademark Office.

CUSTOMS SERVICE

Rules

Air commerce:
Felts Field, Spokane, Wash.; international airport status revoked 28455
Antidumping:
Polyvinyl chloride sheet and film from Republic of China 28457
Organization and functions; field organization; ports of entry, etc.:
El Paso, Tex 28456

Notices

Countervailing duty petitions and preliminary determinations:
Sugar from European Community 28599

DEFENSE DEPARTMENT

See Defense Nuclear Agency; Engineers Corps; Navy Department.

DEFENSE NUCLEAR AGENCY

Notices

Meetings:
Scientific Advisory Group on Effects 28532

ECONOMIC REGULATORY ADMINISTRATION

Notices

Canadian crude oil, mandatory allocation:
April 1 through June 30 28534
July 1 through September 30.. 28537

EDUCATION OFFICE

Notices

Applications and proposals, closing dates:
Educational Information Centers Program 28562

EMPLOYMENT AND TRAINING ADMINISTRATION

Notices

Employment transfer and business competition determinations; financial assistance applications 28573
Migrant and other seasonally employed farmworker programs:
Manpower programs 28574
Youth Employment and Demonstration Projects Act programs:
Youths, migrant and seasonally employed farmworker family members; funds availability 28575

EMPLOYMENT STANDARDS ADMINISTRATION

Rules

Minimum wage determinations:
Fair Labor Standards Act adjustment to wage increases.. 28494
Service contracts, Federal, labor standards; organizational changes 28466

Student-learners, apprentices, messengers, handicapped-workers, etc:
Employment certificates, annulment or withdrawal 28468

Notices

Minimum wages for Federal and federally assisted construction; general wage determination decisions, modifications, and supersedeas decisions (Ariz., Ark., Conn., Idaho, Ill., Ind., La., Mich., Minn., Miss., Nev., N.Y., Ohio, Oreg., Pa., Tenn., Tex., Utah, and Wash.) 28708

ENERGY DEPARTMENT

See also Economic Regulatory Administration; Federal Energy Regulatory Commission.

Proposed Rules

Petroleum price regulations, mandatory:
Natural gas liquids and liquid products; maximum lawful price computation; inquiry .. 28518

ENGINEERS CORPS

Rules

Administrative procedures:
Exploratory drilling, Gulf of Santa Catalina, Calif 28475

Proposed Rules

Administrative procedures:
Port access routes in North Atlantic Ocean 28523

ENVIRONMENTAL PROTECTION AGENCY

Rules

Fuels and fuel additives:
Deregistration of motor oil and oil additives 28489
Grants:
General regulations and procedures, and subagreements; administrative changes 28484
Organization and functions; revision 28479
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
Aqueous extract of seaweed meal 28490
Terbacil etc 28490

Proposed Rules

Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
4-Amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4-triazin-5(4*H*)-one 28524
Pesticides, tolerances in animal feeds:
4-Amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4-triazin-5(4*H*)-one 28522

Notices

Environmental statements; availability, etc.:
Agency statements, weekly receipts 28549
Noise pollution:
Noise environment assessment guidelines; inquiry 28549
Pesticides; tolerances, registration, etc.:
Oxamyl (2 documents) 28546, 28548
Restricted use products; provisional cancelation 28774
Sodium cyanide 28546
Triforine 28547

FARMERS HOME ADMINISTRATION

Rules

Environmental statements; filing with EPA 28440
Guaranteed loan programs:
Emergency livestock loans 28439
Loan and grant programs (group):
Associations; resource conservation and development loans and watershed loans and advances 28441

Proposed Rules

Guaranteed loan programs:
Business and industrial loans; citizenship requirements 28510

FEDERAL DEPOSIT INSURANCE CORPORATION

Proposed Rules

Conduct standards 28518

Notices

Nondiscrimination in real estate loan activities; fair housing policy statement rescission 28552

FEDERAL ENERGY REGULATORY COMMISSION

Notices

Hearings, etc.:
ONG Exploration, Inc 28545
Northern Natural Gas Co 28541

FEDERAL INSURANCE ADMINISTRATION

Rules

Flood elevation determinations:
Arizona 28460
Louisiana 28460
Michigan 28461
Minnesota 28461
Missouri (2 documents) 28462
New York (5 documents) 28463-28465
Wyoming 28465

FEDERAL MARITIME COMMISSION

Rules

Self-policing rules; extension of effective date 28496

FEDERAL PRISON INDUSTRIES

Rules

Inmate accident compensation; increase in awards 28466

FEDERAL RESERVE SYSTEM

Notices

Federal Open Market Committee:
Domestic policy directives 28552

FEDERAL TRADE COMMISSION

Proposed Rules

Motor vehicles, used; sale of; publication of presiding officer's report 28521

FISCAL SERVICE

Notices

Surety companies acceptable on Federal Bonds:
Surety companies annual list . 28692

FISH AND WILDLIFE SERVICE

Rules

Fishing:
Pocasse National Wildlife Refuge, S. Dak 28502
Migratory bird hunting:
Non-toxic shot zones 28501
Seasons, limits, and shooting hours, establishment, etc 28499

Notices

Endangered and threatened species permits; applications (6 documents) 28567, 28568
Environmental statements; availability, etc.:
Federal Aid in Fish and Wildlife Restoration Programs ... 28568

FOOD AND DRUG ADMINISTRATION

Rules

Animal drugs, feeds, and related products:
Cyclothiazide tablets 28459
Griseofulvin 28458
Monensin 28459
Hearings, public, before advisory committees:
Bacterial Vaccines and Bacterial Antigens Review Panel; termination 28458
Drug Abuse Advisory Committee et al.; establishment 28457

Notices

Animal drugs, feeds, and related products;
Life-Iron; approval withdrawal 28553
Committees; establishment, renewals, terminations, etc.:
Medical Device Classification Panels (2 documents) 28553, 28554
Human drugs:
Depo-Provera 28555
New drug applications; interim list; availability 28557
Medical devices:
Conjugated sulfolithocholic acid RIA diagnostic kit; panel recommendation on petition for reclassification 28557

Organization and authority delegations:
Gonorrhea diagnostic devices; transfer from Bureau of Drugs to Bureau of Medical Devices 28558

FOOD AND NUTRITION SERVICE

Notices

Child nutrition programs:
Income poverty guidelines; eligibility for free and reduced-price meals and milk 28526

FOOD SAFETY AND QUALITY SERVICE

Proposed rules

Juice, grapefruit; grade standards 28511

FOREST SERVICE

Rules

Prohibitions:
Manistee National Forest 28476

GENERAL ACCOUNTING OFFICE

Notices

Regulatory reports review, proposals, approvals, etc. (ICC) 28553

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Education Office; Food and Drug Administration; Health Care Financing Administration; Health Resources Administration; National Institutes of Health.

Notices

Meetings:
Vital and Health Statistics National Committee; Manpower and Facilities Technical Consultant Panel 28563

HEALTH CARE FINANCING ADMINISTRATION

Notices

Aged and disabled, health insurance for:
Physicians' services economic index (July 1978–June 1979).. 28559

HEALTH RESOURCES ADMINISTRATION

Notices

Meetings:
Advisory Committees; August.. 28561

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See also Federal Insurance Administration.

Rules

Low-income housing:
Modernization program — PHA-owned projects 28790

INDUSTRY AND TRADE ADMINISTRATION

Notices

Meetings:
Importers' Textile Advisory Committee 28530

INTERIOR DEPARTMENT

See Fish and Wildlife Service; Land Management Bureau.

INTERNAL REVENUE SERVICE

Notices

Employee benefit plans:
Prohibitions on transactions; exemption proceedings, applications, hearings, etc. (2 documents) 28578, 28599

INTERNATIONAL COMMUNICATION AGENCY

Rules

Procurement; nomenclature changes, etc 28493

INTERSTATE COMMERCE COMMISSION

Rules

Rail carriers:
Accounts, uniform system 28497
Railroad car service orders:
Hopper cars, covered; distribution 28497
Railroad car service orders, various companies:
Chicago & North Western Transportation Co 28497
Consolidated Rail Corp 28496

Notices

Hearing assignments 28602
Motor carriers:
Cash letters 28602
Temporary authority applications (3 documents) 28601, 28603, 29606
Railroad freight rates and charges; various States, etc.:
Mississippi 28601
Rerouting of traffic:
Chicago & North Western Transportation Co 28603
Waste product transportation for reuse or recycling 28603

JUSTICE DEPARTMENT

See Antitrust Division, Justice Department; Federal Prison Industries; Law Enforcement Assistance Administration.

LABOR DEPARTMENT

See also Employment and Training Administration; Employment Standards Administration; Mine Safety and Health Administration; Occupational Safety and Health Administration; Pension and Welfare Benefit Programs Office; Wage and Hour Division.

Rules

Senior community service employment program:
Eligibility increase 28468

Notices

Privacy Act; systems of records 28579
Adjustment assistance:
A.M. Milwaukee Body Employees Credit Union et al ... 28579
Aetna-Standard Engineering Co 28587
Amity, Browne-Tilt, Inc 28584
Apex Distributing Co. et al 28563
Armando Dal Molin Music Typographers 28586
Brown Shoe Co 28585
Camp Bird Colorado, Inc., et al 28580
Converse Rubber Co 28582
F&A Fashions, Inc 28585
Geist, Herman, Inc 28583
Ghia Sportswear, Inc 28582
J.C. Manufacturing Co 28585
Jay Garment Co 28582
June Sportswear Co., Inc 28583
May, Madeline, Co 28588
Robinson Apparel, Inc 28584
Sheesley, Frank M., Co 28587
Soule Steel Co 28581
Sportswear Associates, Inc 28583
Wheeling-Pittsburgh Steel Corp 28588
Youngstown & Northern Railroad Co 28587
Youngtimers, Inc 28586

LAND MANAGEMENT BUREAU

Notices

Alaska native selections; applications, etc.:
Cook Inlet Region, Inc 28563
Applications, etc.:
New Mexico 28567
Wyoming (9 documents) 28564, 28566
Grazing district boundaries:
Idaho-Wyoming; correction 28566

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Rules

Nondiscrimination:
Crime control and juvenile delinquency programs, federally-assisted 28794

Notices

Criminal intelligence systems operating policies 28572
Meetings:
Juvenile Justice and Delinquency Prevention National Advisory Committee 28571

MINE SAFETY AND HEALTH ADMINISTRATION

Notices

Petitions for mandatory safety standard modification:
Flat Top Colliery Corp 28577

Gulf & Western Industries, Inc 28577
Pontiki Coal Corp 28577

NATIONAL INSTITUTES OF HEALTH

Notices

Meetings:
Biotechnology Resources Review Committee 28562
Cancer Institute, National; advisory committees 28561
Cancer Institute, National; Environmental Carcinogens Clearinghouse Executive Subgroup; cancellation 28561
High Blood Pressure Working Group 28561
Surgical Oncology Graduate Education Workshop 28561

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Rules

Fishery conservation and management:
Cod, haddock, and yellowtail flounder, Atlantic 28503
Marine mammals:
Dolphin, northern common; commercial fishing operations; taking prohibited 28502
Tuna, Atlantic fisheries:
Bluefin tuna; purse seine season reopening 28502

Notices

Flower Garden Banks proposed marine sanctuary 28530

NAVY DEPARTMENT

Rules

Personnel:
Editorial deletions; correction 28475

Notices

Privacy Act; systems of records 28532

NUCLEAR REGULATORY COMMISSION

Notices

Meetings:
Reactor Safeguards Advisory Committee 28588
Applications, etc.:
Northern States Power Co 28589
Philadelphia Electric Co. et al 28589
Virginia Electric & Power Co... 28590

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Rules

Health and safety standards:
Arsenic, inorganic, exposure; corretions 28472
Asbestos dust, vinyl chloride, etc.; technical changes 28473
Dust, cotton; exposure; correction (5 documents)... 28473, 28474

Notices

Meetings:
Construction Safety and Health Advisory Committee 28577

PATENT AND TRADEMARK OFFICE

Rules

Patent cases:
Practice rules and secrecy of inventions; interferences 28477

Proposed Rules

Trademark cases:
Forms and practice rules; withdrawn 28524

PENSION AND WELFARE BENEFIT PROGRAMS OFFICE

Notices

Employee benefit plans:
Prohibitions on transactions; exemption proceedings, applications, hearings, etc. (2 documents) 28578, 28599

RURAL ELECTRIFICATION ADMINISTRATION

Proposed Rules

Rural telephone program:
Telephone set hardware, modular; REA specification PE-76; bulletin 345-81 28510

Notices

Loan guarantees proposed:
Basin Electric Power Cooperative 28527

SECURITIES AND EXCHANGE COMMISSION

Notices

Self-regulatory organizations; proposed rule changes:
Boston Stock Exchange Clearing Corp 28590
Bradford Securities Processing Services, Inc 28590
Depository Trust Co 28591
National Association of Securities Dealers, Inc 28597
National Securities Clearing Corp. (2 documents)... 28597, 28598
Hearings, etc.:
Investor's Government-Guaranteed Income Trust 28592

SMALL BUSINESS ADMINISTRATION

Rules

Small business investment companies:
Retention of investments 28454

SOIL CONSERVATION SERVICE

Proposed Rules

Wetlands protection; policy statement 28787

Notices

Environmental statements on watershed projects; availability, etc.:
Charles Fork Public Water-Based Fish and Wildlife Recreation RC&D Measure, W.Va 28527
Delta County Roads Critical Area Treatment RC&D Measure, Mich 28527
Medford City Park Creation RC&D Measure, Wis 28528
Parkersburg Community College Land Drainage RC&D Measure, W.Va 28528
Sycamore Trails RC&D Area Cloverdale Community Schools Land Drainage RC&D Measure, Ind 28528
Tiffin Tracts Farm Irrigation RC&D Measure, Mont 28529

STATE DEPARTMENT

See Agency for International Development.

TEXTILE AGREEMENTS IMPLEMENTATION COMMITTEE

Notices

Cotton, wool and manmade textiles:
China, Republic of 28530
Wool and manmade textiles:
Korea, Republic of 28531

TREASURY DEPARTMENT

See Customs Service; Fiscal Service; Internal Revenue Service.

WAGE AND HOUR DIVISION

Rules

Child labor for agricultural employment of minors in hand harvesting of short season crops; application for and granting of waiver; correction 28471
Garnishment, restrictions on; increased minimum wage 28471
Homeworkers in certain industries, employment; technical changes 28470

list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

5 CFR

213 (2 documents) 28429

7 CFR

724 28429
728 28430
775 28431
910 28432
911 28433
915 28433
922 28433
987 28434
1841 28439
1901 28440
1942 28441

PROPOSED RULES:

330 28507
650 28787
947 28508
1701 28510
1980 28510
2852 28511

9 CFR

92 28453

PROPOSED RULES:

94 28516

10 CFR

PROPOSED RULES:

212 28518

12 CFR

PROPOSED RULES:

336 28518

13 CFR

107 28454

16 CFR

PROPOSED RULES:

455 28521

19 CFR

6 28455
101 28456
153 28457

21 CFR

14 (2 documents) 28457, 28458
520 (2 documents) 28458, 28459
558 28459

PROPOSED RULES:

561 28517

24 CFR

868 28790
1917 (12 documents) 28460, 28465

28 CFR

42 28794
301 28466

29 CFR

4 28466
89 28468
528 28468
530 28470
575 28471
870 28471
1910 (5 documents) 28472-28474
1928 28474

32 CFR

700 28475

33 CFR

209 28475

PROPOSED RULES:

209 28523

36 CFR

261 28476

37 CFR

1 28477

37 CFR—Continued

5 28477

PROPOSED RULES:

2 28524
4 28524

40 CFR

1 28479
30 28484
33 28484
79 28489
180 (2 documents) 28490

PROPOSED RULES:

180 28524

41 CFR

4-1 28491
4-2 28492
4-3 28492
4-4 28492
4-18 28492
19-1 28493
50-202 28494
51-5 28495

45 CFR

PROPOSED RULES:

1010 28758

46 CFR

528 28496

49 CFR

1033 (3 documents) 28496, 28497
1201 28497

50 CFR

20 (2 documents) 28499, 28501
33 28502
216 28502
285 28502
651 28503

CUMULATIVE LIST OF CFR PARTS AFFECTED DURING JUNE

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during June.

1 CFR

Ch. I 23701
305 27507

3 CFR

PROCLAMATIONS:

4574 25413
4575 25987

EXECUTIVE ORDERS:

July 3, 1913 (Revoked in part by PLO 5639) 26733
12063 24659
12064 24661

MEMORANDUMS:

May 23, 1978 25415
June 2, 1978 ..... 25983, 25985
June 12, 1978 27155

4 CFR

331 24819
401 24820
402 24820
403 24820
404 24820
405 24820
406 24820
407 24820
408 24820
409 24820
410 24821
415 24821

5 CFR

213 ..... 25075, 25076, 25417, 25989, 25990, 26411, 27157, 27158, 27775, 28429
316 27775

PROPOSED RULES:

831 27843
890 27843

7 CFR

2 23983
17 27981
210 25990
226 25130
227 ..... 25130, 25132
230 25134
246 23986
300 26411
301 25135
401 26561
656 ..... 26277, 27158
724 28429
728 28430
730 26412
775 28431
905 24821
908 ..... 23701, 24822, 25789, 26689, 28169
910 ..... 23986, 25136, 25991, 27158, 28432
911 28433

7 CFR—Continued

915 28433
917 27981
918 25331
922 28433
928 27775
932 24822
948 26689
967 27159
987 28434
989 27983
1079 24515
1126 27776
1434 24263
1446 27159
1475 26413
1488 25991
1800 23986
1822 ..... 24264, 25789, 26278, 26561
1823 25331
1841 28439
1901 ..... 26690, 28440
1904 24265
1933 25799
1942 28441
1980 25800
2852 25417

PROPOSED RULES:

210 ..... 25137, 27554, 27843
250 26447
330 28507
415 25826
634 26740
650 ..... 24222, 28787
728 27844
917 23724
921 25347
924 26026
929 25348
945 27193
946 27552
947 28508
948 24846
980 ..... 24846, 27193
1040 27195
1062 24515
1126 23725
1270 ..... 25430, 27845
1430 25137
1435 27994
1446 26587
1701 ..... 24064, 25138, 26447, 28510
1822 27195
1980 28510
2852 28511

8 CFR

100 27167
214 25801
223 26696

PROPOSED RULES:

341 26754

9 CFR

75 25993
78 ..... 23987, 27168
91 ..... 27170, 27171
92 ..... 25418, 27172, 28453
94 27173
113 ..... 25076, 25078
315 25419
317 26423
318 26423
319 ..... 25419, 26423

PROPOSED RULES:

11 24064
85 25433
94 28516
381 24064

10 CFR

35 25994
71 27174
205 ..... 23989, 25079
210 27777
211 26540
212 ..... 24265, 24822, 26540
430 24268

PROPOSED RULES:

35 27995
70 25433
73 25433
150 25433
210 ..... 27974, 27976, 27995
211 ..... 24847, 26551, 27974, 27976, 27995
212 ..... 24847, 27974, 27976, 27995, 28518
465 24316
500 28134

12 CFR

9 23990
217 ..... 24516, 26425
226 26425
329 ..... 24269, 25994
526 ..... 24271, 27983
531 27983
545 24271
614 27782

PROPOSED RULES:

9 25348
220 27554
225 27554
226 23726
336 28518
545 23727
615 27849
701 26317

13 CFR

107 28454
118 27985
120 26278

PROPOSED RULES:

108 27554

14 CFR

Ch. I 28421
21 28419
36 28419
39 ..... 24272, 24273, 24824-24827, 25420, 25802-25805, 26279-26282, 26697, 27510-27513, 28169-28172
71 ..... 24274, 24275, 25805, 25806, 26282, 26698, 27516, 28173
73 ..... 23703, 25331
75 23703
91 28420
95 25807
97 ..... 24275, 25810, 28174
121 ..... 24827, 28176, 28177, 28403
123 28176
129 24827
135 ..... 28176, 28177
137 28177
221 24277
250 ..... 24277, 25667
298 25087
302 25332

PROPOSED RULES:

39 ..... 23727, 24847-24850, 25830-25833, 26318, 27555-27558
71 ..... 24324, 24851-24854, 25834-25837, 26319-26321, 26755, 26756, 27559, 28207-28209
73 ..... 24854, 24855, 25837, 26323
75 24856
77 26322
241 ..... 25138, 26449
288 25433
371 ..... 24542, 25141, 27560
1214 25693
1216 25317

15 CFR

315 23991
371 24517
373 27985
376 27986
377 25667
385 27986
399 24517
399.1 27986

16 CFR

5 ..... 25333, 26426
13 ..... 23991, 25811, 26426, 27782, 28178
419 25336
456 ..... 23992, 25995
800 27516
1040 25658
1201 26699
1301 26283
1402 28392
1505 26427

PROPOSED RULES:

Ch. II 24325
13 ..... 24066, 25349, 26324, 26335, 27849, 27852, 28210
423 26334
453 26588

16 CFR—Continued

PROPOSED RULES—Continued

455 28521
1145 27852
1307 27852
1500 27852
1700 27852

17 CFR

32 23704
240 ..... 24287, 26700
241 25420
249 ..... 24287, 26700

PROPOSED RULES:

1 23729
31 23729

18 CFR

1b 27174
3 27178
260 27178
410 27783
701 25944

PROPOSED RULES:

2 26026
154 26026
260 26026

19 CFR

Ch. I 25812
6 28455
10 23708
101 28456
153 28457
159 ..... 23709, 23710, 25813, 25814, 25995, 25996
171 23711
200 25671

PROPOSED RULES:

4 23731
6 23731

20 CFR

401 25672
404 ..... 25000, 25090, 25422, 25815
416 ..... 25090, 25815, 27179

PROPOSED RULES:

16 25142
20 25142
201 25142
404 ..... 25695, 25837
410 24542
416 27853
422 25837
655 26033
718 ..... 26588, 27196
812 25142

21 CFR

7 26202
14 ..... 28457, 28458
101 24518
161 25423
172 27784
207 24008
442 27180
444 26428
520 ..... 28458, 28459
522 27785

21 CFR—Continued

524 27785
540 24010
558 ..... 27786, 28459
1316 26428

PROPOSED RULES:

Ch I 24066
7 27498
10 25438
146 24547
155 26454
156 26454
182 ..... 24067, 25438
184 25438
186 ..... 24067, 25438
211 27474
314 25443
338 25444
340 25444
369 25444
429 25443
431 25443
505 25444
536 25444
539 25444
548 25444
561 28517
740 24070
821 27474
1308 27560

22 CFR

201 25997

PROPOSED RULES:

42 24547
603 26589

23 CFR

140 27518
625 27786

24 CFR

0 25815
201 26429
203 23713
213 23713
234 23713
279 ..... 25784, 26709
280 25964
570 24656
841 26988
868 28790
888 25604
1914 ..... 24011, 24013, 26284-26287, 27787, 27986
1915 ..... 24019, 24021, 24022, 27790
1916 ..... 24049, 24050
1917 ..... 23713-23722, 24051-24061, 24289-24307, 24519-24526, 25000, 26290-26309, 26429-26441, 26709-26718, 27180-27185, 27518-27530, 28180-28184, 28460-28465
1920 28185-28198
1930 27186
1931 27186
4000 28198
4001 28199

PROPOSED RULES:

8 25411
201 25349

24 CFR—Continued

PROPOSED RULES—Continued

390 27486
570 25780
1710 23936
1715 23936
1917 ..... 23732-23743, 24070, 24548-24558, 26033, 27197-27206, 27561-27566, 27855-27864
2205 27206
3282 27494

25 CFR

43h 26441
252 27825
256 27187

PROPOSED RULES:

11 25448
54 23743

26 CFR

PROPOSED RULES:

301 25143

27 CFR

170 24234
201 24234
231 24243
252 24243

28 CFR

0 26001
42 28794
301 28466

29 CFR

4 28466
89 28468
528 28468
530 28470
575 ..... 26562, 27466, 28471
697 ..... 25816, 26003
870 28471
1910 ..... 27350, 27418, 27962, 28472-28474
1928 ..... 27418, 28474
1952 25424
2610 25337

PROPOSED RULES:

70a 25145
1610 26454
2550 27208

30 CFR

837 25672

PROPOSED RULES:

11 26454
70 26454
71 26454
75 26454
90 26454
880 24326

31 CFR

103 ..... 24527, 27826
203 26309
214 26309
226 26309
317 26309
321 26309
409 26718

31 CFR—Continued

PROPOSED RULES:

10 25695
129 25636

32 CFR

260 25337
271 26310
298a 25672, 26720
504 26443
511 26443
512 26443
517 26443
519 26443
532 26443
533 26443
536 26443
538 26443
554 26443
561 26443
563 26443
564 26443
570 26443
572 26443
573 26443
576 26443
577 26443
580 26443
582 26443
632 26443
700 28475
751 25425
1801 25092
1806 26568
1900 24527

PROPOSED RULES:

505 27864
1804 26335

32A CFR

634 24308

33 CFR

3 25955
25 27531
100 25342
110 28199
117 ..... 24829, 26720
127 26721
207 26570
209 28475
401 25817

PROPOSED RULES:

117 26756
124 25958
126 25958
161 ..... 25958, 27567
177 26336
209 28523

34 CFR

281 27190
282 27190

35 CFR

67 25819

36 CFR

200 27190
222 27531
254 24830

36 CFR—Continued

261 28476
904 24528

PROPOSED RULES:

223 26757

37 CFR

1 28477
5 28477
201 27827
302 24528
304 25068

PROPOSED RULES:

2 28524
4 28524

38 CFR

1 26571
21 25428

PROPOSED RULES:

18d 25146

39 CFR

111 ..... 25095, 28199
3001 24832

PROPOSED RULES:

Ch. I 26033

40 CFR

1 28479
30 28484
33 28484
35 28202
51 26380
52 ..... 25673-25691, 26388, 26573, 26721, 28203
61 26372
79 28489
116 27532
117 27533
118 ..... 24309, 27533
119 27534
120 24529
128 27736
171 24834
180 ... 24692, 25120, 26310, 27835, 28490
204 27988
205 27988
403 27736
600 26722

PROPOSED RULES:

35 24071
50 ..... 26962, 26971
51 26985
52 ..... 24071, 24857, 24858, 25146, 26757, 26985, 27208, 27567, 27568, 28003, 28213, 28214
55 26456
65 ..... 24858, 25147, 26460, 27865, 28004, 28006
80 24331
116 27569
117 27569
118 27569
119 27569
141 25838
180 ..... 24714, 24861, 25697, 25837, 27866, 28524

40 CFR—Continued

PROPOSED RULES—Continued

204 26589
413 26042
1500 25230
1501 25230
1502 25230
1503 25230
1504 25230
1505 25230
1506 25230
1507 25230
1508 25230

41 CFR

1-1 26004
1-2 26011
1-3 26011
1-12 26011
1-16 26011
4-1 28491
4-2 28492
4-3 28492
4-4 28492
4-18 28492
5A-72 25692
7-1 24839
7-3 ..... 24839, 24840
7-4 24840
7-16 24840
7-30 24840
8-3 24531
8-52 24531
8-74 24531
19-1 28493
50-202 28494
51-5 28495
101-26 24533
101-30 24533
101-33 27191
101-35 ..... 27191, 27192
101-35.3 27192
101-36 27191
101-37 27191
101-38 24062
101-39 24062
101-40 24063
101-42 26575
101-43 26576
101-44 26579
101-45 26579
101-46 26580
114-35 26733

PROPOSED RULES:

4 24559
24-1 25449
29-70 26042
101-35 27867

42 CFR

57 ..... 26012, 27836, 27956
58 ..... 26443, 27837

PROPOSED RULES:

51b 27210
51e 26534
57 26071-26077
71 27215
122 24072
405 ..... 24332, 24873, 24988, 27215

42 CFR—Continued

PROPOSED RULES—Continued

449 24873
450 ..... 24988, 27215

43 CFR

29 27840

PUBLIC LAND ORDERS:

5062 26446
5638 24063
5639 26733
5640 26734

PROPOSED RULES:

428 24072
1600 24559

45 CFR

185 26014
801 27841
1067 24841
1611 27534
1801 26366

PROPOSED RULES:

19 25450
130 24333
144 25149
175 25149
176 25149
1010 28758
1050 25698
1061 26069
1062 26274
1170 26589

46 CFR

4 25820
160 27152
401 24996
528 ..... 25343, 28496
530 25820

PROPOSED RULES:

Ch. IV 24559
26 28426
33 25000
35 25000
71 25000
75 25000
78 ..... 25000, 28426
91 25000
94 25000
97 25000
160 25000
185 28426
189 25000
192 25000
196 25000
308 24075
502 24080
512 26081

47 CFR

0 ..... 24310, 25122,
1 ..... 25122, 25821, 27991
2 25343
15 25122
73 ..... 24533, 24534, 25344, 26020-26022, 27535-27540

47 CFR—Continued

76 ..... 25123, 26022
78 25125
81 27991
83 27991
87 27991
89 ..... 25127, 27992
91 27992
93 27992
94 27992
95 27992
97 25122

PROPOSED RULES:

1 27868
15 28007
21 28007
63 24861
64 24861
67 ..... 23746, 26336
73 ..... 24334, 24560, 24862, 24863, 25698, 26082, 26083, 27569-27572, 27682, 28011
81 ..... 24863, 28215
83 24863
87 25150

49 CFR

99 26311
171 24844
172 24845
192 27540
252 25129
253 25129
254 25129
257 25346
531 28204
571 ..... 24310, 25822, 25823, 27541
1033 ..... 23722, 23723, 24535-24539, 25129, 26311, 26312, 26446, 26581, 26734-26736, 27841, 28496, 28497
1109 25774
1200 26313
1201 28497
1201A 28205
1240 28205
1241 28205

PROPOSED RULES:

Ch. II 26337
27 ..... 25016, 28216
171 24335
172 24335
173 ..... 24335, 28216
175 24335
176 24335
179 24865
191 ..... 24478, 24866
393 ..... 24871, 25156
531 24871
571 26758
1056 28217
1103 27732
1124 ..... 25152, 28216

50 CFR

Ch. VI 27549, 27550
10 25823
20 ..... 28205, 28499, 28501

50 CFR—Continued

26 26314
32 ..... 24696, 25823, 25824, 26024
33 ..... 28206, 28502
216 28502
285 ..... 26581, 27547, 28502
371 26737
611 27547

50 CFR—Continued

651 ..... 27548, 28503
652 27549
661 27993

PROPOSED RULES:

17 ..... 26084, 26759
20 ..... 28012, 28217
26 28017

50 CFR—Continued

PROPOSED RULES—Continued

216 25349
217 25349
220 25349
402 25349
656 23747
661 23748

FEDERAL REGISTER PAGES AND DATES—JUNE

Pages	*Date*	*Pages*	*Date*	*Pages*	*Date*
23701-23982	June 1	25413-25665	13	26689-27154	22
23983-24261	2	25667-25787	14	27155-27506	23
24263-24514	5	25789-25981	15	27507-27773	26
24515-24658	6	25983-26276	16	27775-27979	27
24659-24818	7	26277-26410	19	27981-28168	28
24819-25073	8	26411-26559	20	28169-28427	29
25075-25330	9	26561-26688	21	28429-28804	30
25331-25411	12				

rules and regulations

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

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

[6325-01]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Interior, Department of Commerce

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment excepts under schedule C certain positions at the Department of Commerce because they are confidential in nature.

EFFECTIVE DATE: June 20, 1978.

FOR FURTHER INFORMATION CONTACT:

Michael Sherwin, 202-632-4533.

Accordingly, 5 CFR 213.3312(o)(3) and 213.3314(r)(11) are added as set out below:

§ 213.3312 Department of Interior.

* * * * *

(o) *Office of Surface Mining Reclamation and Enforcement.* * * *

(3) One Staff Assistant for Special Projects to the Director.

* * * * *

§ 213.3314 Department of Commerce.

* * * * *

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

(11) One Congressional Liaison Specialist.

(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. 78-17883 Filed 6-29-78; 8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE

Civil Aeronautics Board, Department of Housing and Urban Development

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment excepts under schedule C certain positions at the Civil Aeronautics Board and the Department of Housing and Urban Development because they are confidential in nature.

EFFECTIVE DATES: Civil Aeronautics Board—June 23, 1978; Department of Housing and Urban Development—June 20, 1978.

FOR FURTHER INFORMATION CONTACT:

Michael Sherwin, 202-632-4533.

Accordingly, 5 CFR 213.3340(i) is added and 213.3384(a)(14) is amended as set out below:

§ 213.3340 Civil Aeronautics Board.

* * * * *

(i) One secretary (stenography) to the Director, Bureau of Pricing and Domestic Aviation.

* * * * *

§ 213.3384 Department of Housing and Urban Development.

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

(14) Two special assistants to the Administrator, Federal Disaster Assistance Administration.

(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. 78-18218 Filed 6-29-78; 8:45 am]

[3410-05]

Title 7—Agriculture

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 724—FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52), CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, and 55) TOBACCO

Proclamations, Determinations and Announcements of National Marketing Quotas and Referendum Results

TERMINATION OF MARKETING QUOTAS FOR 1978-CROP CIGAR-BINDER TOBACCO

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Final rule.

SUMMARY: This rule terminates existing farm marketing quotas for cigar-binder (types 51 and 52) tobacco for the 1978-79 marketing year and is intended to increase the supplies of cigar-binder tobacco which are free of marketing restrictions.

EFFECTIVE DATE: June 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert L. Tarczy, Price Support and Loan Division, ASCS, USDA, 3758 South Building, P.O. Box 2415, Washington, D.C. 20013, 202-447-7601.

SUPPLEMENTARY INFORMATION: Notice that an investigation would be made to determine whether the operation of quotas would cause a short supply of cigar-binder tobacco and, if such fact were found, the actions that could be taken for the 1978-79 marketing year was published in the FEDERAL REGISTER on May 9, 1978 (43 FR 19856). The public was given an opportunity to be heard and to submit data, views, and recommendations pertain-

ing to the investigation and what actions, if any, should be taken. No comments were received.

On the basis of the investigation which has been made, it has been found and determined that the operation of farm marketing quotas on cigar-binder (types 51 and 52) tobacco for the 1978-79 marketing year will cause the amount of such tobacco which is free of marketing restrictions to be less than the normal supply of such kind of tobacco and that farm marketing quotas on such kind of tobacco for the 1978-79 marketing year should be terminated.

The latest available statistics of the Federal Government have been used in making determinations under this rule.

Since producers are preparing to plant their 1978 crop and need to know the provisions of this rule immediately, it is essential that this rule be made effective as soon as possible. Accordingly, it is hereby found and determined that compliance with the procedure for notice of proposed rulemaking and public participation is impracticable. Therefore, these regulations are issued without compliance with such procedure.

FINAL RULE

Accordingly, 7 CFR 724.36 and the centerhead which precedes it are revised to read as follows effective with respect to the 1978 crop of cigar-binder (types 51 and 52) tobacco. The material previously appearing in this section under centerhead, "Termination of Quotas—1977-78 Marketing Year" remains in full force and effect as to the crop to which it was applicable.

TERMINATION OF QUOTAS, 1978-79 MARKETING YEAR

§ 724.36 Cigar-binder (types 51 and 52) tobacco.

It has been found and determined that operation of farm marketing quotas in effect on cigar-binder (types 51 and 52) tobacco for the 1978-79 marketing year will cause the amount of such kind of tobacco which is free of marketing restrictions to be less than the normal supply of such kind of tobacco for the 1978-79 marketing year. Therefore, marketing quotas for such kind of tobacco for the 1978-79 marketing year are hereby terminated.

(Secs. 371, 375, 52 Stat. 64, as amended, 66, as amended; 7 U.S.C. 1371, 1375).

A final impact analysis is available from Robert P. Hieronymus, Price Support and Loan Division, ASCS, USDA, 3751 South Building, P.O. Box 2415, Washington, D.C. 20013, 202-447-6695.

Signed at Washington, D.C. on June 23, 1978.

RAY FITZGERALD,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 78-18250 Filed 6-29-78; 8:45 am]

[3410-05]

[Amdt. 5]

PART 728—WHEAT

Subpart—Wheat Program for Crop Years 1975—77

MISCELLANEOUS AMENDMENTS

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to determine and announce the established prices and the disaster payment rates for the 1977 crop of wheat. This amendment reflects changes which were made with respect to the 1977 crop of wheat by section 107A of the Agricultural Act of 1949 as added by section 401 of the Food and Agriculture Act of 1977.

EFFECTIVE DATE: June 29, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Program provisions are changed by this amendment to conform with changes made for 1977 by the Food and Agriculture Act of 1977 (Pub. L. 95-113, 91 Stat. 921, approved September 29, 1977, and by Pub. L. 95-156, 91 Stat. 1264, approved November 8, 1977). The 1977 established price is changed from $2.47 to $2.90 per bushel. The 1977 deficiency payment shall be based on the revised established price for planted allotment acreage and on the established price prior to revision for unplanted allotment acreage. The 1977 low yield disaster payment rate is changed to $1.45 per bushel and low yield coverage for 1977 is changed to losses below 60 percent of the established farm yield on the acres of wheat planted for harvest. Producers may elect to have low yield payments computed in accordance with the provisions of 7 CFR part 728 which were applicable to the 1977 crop prior to this revision. The 1977 disaster payments are excluded from any payment limitation. Since these changes apply to the 1977 wheat crop that has been harvested, it is hereby found and determined that compliance with the notice and public procedure provisions of 5 U.S.C. 553 is impracticable, unnecessary, and contrary to the public interest.

FINAL RULE

7 CFR part 728 is amended as follows:

§ 728.1 [Amended]

1. Section 728.1 is amended by inserting the word "deficiency" between the words "of" and "payments" in paragraph (c).

§ 728.10 [Amended]

2. Section 728.10 is amended by changing "$2.47" to read "$2.90" in paragraph (a)(2), by adding "for 1975 and 1976 and one-half of the established price for 1977" after the word "price" in the first sentence of paragraph (b), and by changing "$0.82" to read "$1.45" in the last sentence of paragraph (b).

§ 728.16 [Amended]

3. Section 728.16 is amended by adding the following sentence at the end of paragraph (a): "Notwithstanding the foregoing, 1977 deficiency payments for unplanted allotment acreage shall be based on an established price of $2.47."

4. Section 728.17 is amended by revising paragraph (b) to read as follows:

§ 728.17 Disaster payments.

* * * * *

(b) *Low Yields.* (1) The acres of wheat for the purposes of determining eligibility for a low yield payment shall be the acres planted to wheat for harvest as determined by the county committee.

(2) A farm shall not be deemed to have suffered a loss which qualifies it for a low yield payment unless the current year production of wheat is less than the acres for payment multiplied by the yield established as provided in § 728.9 and by a factor determined by dividing the 10-year average county yield by the county yield referred to in § 728.8 and multiplying the result by 0.6: *Provided,* That if county yields are available for less than 10 years the factor shall be based on the number of years available. No county factor shall exceed 0.6. A farm may qualify for a low yield payment even though it does not qualify under the foregoing provision if (i) the provisions of § 728.9(c) do not result in a reduction in the established yield and (ii) the current year production is less than 0.6 of what the production would be if computed by multiplying the disaster allotment by one of the following:

(*a*) The smaller of the yield established as provided in § 728.9 or the actual unadjusted average yield for the preceding 5 years.

(*b*) The yield established as provided in § 728.9 and:

(*1*) There is convincing proof that the loss was due to a sudden and identifiable destruction of the crop.

(*2*) Part of the acreage is substantially affected by the disaster all of which averages at least 0.6 of the established yield, and the county committee determines that but for the disaster the per acre yield for the farm would have been at least 0.6 of the established yield, and

(*3*) Payment is approved in writing by a representative of the State committee.

(3) The wheat production from acreage for payment which was not harvested for grain shall be appraised and added to the actual grain production for the purpose of determining eligibility for and amount of low-yield payments, in accordance with instructions issued by the Deputy Administrator.

(4) Any wheat acreage for payment for which the production cannot be determined shall be charged with the established yield: *Provided,* That if the county committee determines the acreage was affected by a disaster and the production was destroyed or used for other than grain, the production charged shall be based on the larger of (i) the established yield multiplied by the factor determined according to paragraph (b)(2) of this section to determine eligibility for payment or (ii) the actual average yield from harvested acreage. Notwithstanding the foregoing, production may be charged in accordance with instructions issued by the Deputy Administrator.

(5) Low yield payments shall be determined by multiplying the acres for payment by 0.6 and by the yield established as provided in § 728.9, subtracting the determined production therefrom, and multiplying the result by the per bushel rate determined in accordance with § 728.10(b): *Provided,* That producers may elect to have payments computed under the provisions of 7 CFR part 728 which were applicable to the 1977 crop prior to this revision.

(6) Notwithstanding any other provisions of this section, disaster payments shall not duplicate returns guaranteed by contract, agreement, or understanding with a seed company for the production of seed.

(Sec. 107, 84 Stat. 1358, 87 Stat. 224, 87 Stat. 944, 91 Stat. 923, 91 Stat. 1264 (7 U.S.C. 1445a).)

Signed at Washington, D.C., June 22, 1978.

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

[FR Doc. 78-18306 Filed 6-29-78; 8:45 am]

[3410-05]

SUBCHAPTER C—SPECIAL PROGRAMS

[Amendment 5]

PART 775—FEED GRAINS

Subpart—Feed Grain Program for Crop Years 1975-1977

MISCELLANEOUS AMENDMENTS

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to determine and announce the established prices and the disaster payment rates for the 1977 crop of corn, grain sorghum, and barley. This amendment reflects changes which were made with respect to the 1977 crop of feed grains by section 105A of the Agricultural Act of 1949 as added by section 501 of the Food and Agriculture Act of 1977.

EFFECTIVE DATE: June 29, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Program provisions are changed by this amendment to conform with changes made for 1977 by the Food and Agriculture Act of 1977 (Pub. L. 95-113, 91 Stat. 928, approved September 29, 1977, and by Pub. L. 95-156, 91 Stat. 1264, approved November 8, 1977). The 1977 established price per bushel is changed from $1.70 to $2 for corn, from $1.62 to $2.28 for grain sorghum, and from $1.39 to $2.15 for barley. The 1977 deficiency payments shall be based on the revised established prices for planted allotment acreage and on the established prices prior to revision for unplanted allotment acreage. The 1977 low yield disaster payment rates per bushel are changed to $1 for corn, $1.14 for grain sorghum, and $1.08 for barley, and low yield coverage for 1977 is changed to losses below 60 percent of the established farm yield on the acres of the commodity planted for harvest. Producers may elect to have low yield payments computed in accordance with the provisions of 7 CFR Part 775 which were applicable to the 1977 crop prior to this revision. The 1977 disaster payments are excluded from any payment limitation.

The increases in the 1977 and 1978 established prices for corn to $2 and $2.10 per bushel, respectively, were prescribed by section 105A(b)(1)(B) of the Agricultural Act of 1949, as added by section 501 of the Food and Agriculture Act of 1977. In accordance with section 105A(b)(1)(D) of the 1949 Act, the established prices per bushel for grain sorghum and barley were increased by the Secretary to the level which he determined to be fair and reasonable in relation to increased rate for corn taking into consideration components in the cost of production for grain sorghum and barley in relation to corn and other pertinent factors. Previously, the established prices for grain sorghum and barley had been determined upon the basis of the feed value relationship of these commodities to corn. However, the Food and Agriculture Act of 1977, effective as of October 1, 1977, changed the method of determining the established price for 1979-1981 crop corn by providing that the established price would be based upon changes in certain components of the cost of production for corn. While the statute is not explicit as to the method to be used in determining rates for grain sorghum and barley which would be fair and reasonable in relation to the payment rate for corn, the conference report issued with respect to the Act indicates that the target prices for corn for the 1977 and 1978 crops had been established at such rates as to cover certain components of the cost of production. As indicated above, the established prices for the 1979-1981 crops of corn are also to be based upon changes in certain components of the cost of production for corn. It was further stated that the conferees considered that if target prices for the other feed grains were to be established using the same components of the cost of production for these commodities as for corn, the target prices for such other feed grains would be fair and reasonable in relation to the rate at which payments are made available for corn. Accordingly, this method has been followed in making the determinations for grain sorghum and barley. Since these changes apply to the 1977 feed grain crop that has been harvested, it is hereby found and determined that compliance with the notice and public procedure provisions of 5 U.S.C. 553 is impracticable, unnecessary, and contrary to the public interest.

FINAL RULE

7 CFR Part 775 is amended as follows:

§ 775.1 [Amended]

1. Section 775.1 is amended by inserting the word "deficiency" between the words "of" and "payments" in paragraph (c).

§ 775.10 [Amended]

2. Section 775.10 is amended by changing "$1.70" to read "$2" in the first sentence of paragraph (a)(2), by changing "1.62" and "1.39" to read

"$2.28" and "$2.15" respectively for grain sorghum and barley in the last sentence of paragraph (a)(2), by adding "for 1975 and 1976 and one-half of the established price for 1977" after the word "price" in the first sentence of paragraph (b), and by changing "$.57", "$.54", and "$.46" to read "$1", "$1.14", and "$1.08" respectively for corn, grain sorghum, and barley in the last sentence of paragraph (b).

§ 775.16 [Amended]

3. Section 775.16 is amended by adding the following sentence at the end of paragraph (a): "Notwithstanding the foregoing, 1977 deficiency payments for unplanted allotment acreage shall be based on established prices of $1.70, $1.62, and $1.39 respectively for corn, grain sorghum, and barley."

4. Section 775.17 is amended by revising paragraph (b) to read as follows:

§ 775.17 Disaster Payments.

* * * * *

(b) *Low Yields.* (1) The acres of each commodity for the purposes of determining eligibility for a low yield payment shall be the acres planted to the commodity for harvest as determined by the county committee.

(2) A farm shall not be deemed to have suffered a loss which qualifies it for a low yield payment unless the current year production of the commodity is less than the acres for payment multiplied by the applicable yield established as provided in § 775.9 and by a factor determined by dividing the 10-year average county yield by the county yield referred to in § 775.8 and multiplying the result by 0.6: *Provided,* That if county yields are available for less than 10 years the factor shall be based on the number of years available. No county factor shall exceed 0.6. A farm may qualify for a low yield payment even though it does not qualify under the foregoing provision if (i) the provisions of § 775.9(b) do not result in a reduction in the established yield and (ii) the current year production is less than 0.6 of what the production would be if computed by multiplying the disaster allotment by one of the following:

(*a*) The smaller of the applicable yield established as provided in § 775.9 or the actual unadjusted average yield for the preceding 5 years.

(*b*) The applicable yield established as provided in § 775.9 and:

(*1*) There is convincing proof that the loss was due to a sudden and identifiable destruction of the crop.

(*2*) Part of the acreage is substantially affected by the disaster, all of which averages at least 0.6 of the established yield, and the county committee determines that but for the disaster the per acre yield, for the farm would have been at least 0.6 of the established yield, and

(*3*) Payment is approved in writing by a representative of the State committee.

(3) The production of the commodity from acreage for payment which was not harvested for grain shall be appraised and added to the actual grain production for the purpose of determining eligibility for and amount of low yield payments, in accordance with instructions issued by the Deputy Administrator.

(4) Any acreage of the commodity for payment for which the production cannot be determined shall be charged with the established yield: *Provided,* That if the county committee determines the acreage was affected by a disaster and the production was destroyed or used for other than grain, the production charged shall be based on the larger of (i) the established yield multiplied by the factor determined according to paragraph (b)(2) of this section to determine eligibility for payment or (ii) the actual average yield from harvested acreage. Notwithstanding the foregoing, production may be charged in accordance with instructions issued by the Deputy Administrator.

(5) Low yield payments shall be determined for each commodity by multiplying the acres for payment by 0.6 and by the applicable yield established as provided in § 775.9, subtracting the determined production therefrom, and multiplying the result by the applicable per bushel rate determined in accordance with § 775.10(b): *Provided,* That producers may elect to have payments computed under the provisions of 7 CFR Part 775 which were applicable to the 1977 crop prior to this revision.

(6) Notwithstanding any other provisions of this section, disaster payments shall not duplicate returns guaranteed by contract, agreement, or understanding with a seed company for the production of seed.

(Sec. 105, 84 Stat. 1378, 87 Stat. 235, 87 Stat. 944, 91 Stat. 930, 91 Stat. 1264 (7 U.S.C. 1441).)

Signed at Washington, D.C., June 22, 1978.

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

[FR Doc. 78-18307 Filed 6-29-78; 8:45 am]

[3410-02]

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

[Lemon Reg. 152; Lemon Reg. 151, Amdt 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of California-Arizona lemons that may be shipped to the fresh market during the period July 2-8, 1978, and increases the quantity of such lemons that may be so shipped during the period June 25-July 1. Such action is needed to provide for orderly marketing of fresh lemons for the periods specified due to the marketing situation confronting the lemon industry.

DATES: The regulation becomes effective July 2-8, 1978, and the amendment is effective for the period June 25-July 1, 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, established under this marketing order, 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 June 27, 1978, to consider supply and market conditions and other factors affecting the need for regulation, and recommended quantities of lemons deemed advisable to be handled during the specified weeks. The committee reports the demand for lemons continues good.

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 in-

formation became available upon which this regulation and amendment are 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, and the amendment relieves restrictions on the handling of lemons. 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.

§ 910.452 Lemon Regulation 152.

Order. (a) The quantity of lemons grown in California and Arizona which may be handled during the period July 2, 1978, through July 8, 1978, is established at 285,000 cartons.

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

2. Paragraph (a) of § 910.451 Lemon Regulation 151 (43 FR 27158) is amended to read as follows: "The quantity of lemons grown in California and Arizona which may be handled during the period June 25, 1978, through July 1, 1978, is established at 305,000 cartons."

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

Dated: June 28, 1978.

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

[FR Doc. 78-18454 Filed 6-29-78; 1:37 pm]

[3410-02]

PART 911—LIMES GROWN IN FLORIDA

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Expenses and Rates of Assessment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: These regulations authorize expenses and rates of assessment for the 1978-79 fiscal period, to be collected from handlers to support activities of the committees which locally administer the Federal marketing orders covering Florida limes and avocados.

DATES: Effective April 1, 1978, through March 31, 1979.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: *Findings.* Pursuant to Marketing Order Nos. 911 and 915, both as amended (7 CFR Parts 911 and 915), respectively, regulating the handling of limes grown in Florida and avocados grown in south Florida, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the committees, established under these marketing orders, and upon other information, it is found that the expenses and rates of assessments, as hereafter provided, will tend to effectuate the declared policy of the act.

MARKETING ORDER 911

§ 911.217 Expenses and rate of assessment.

(a) Expenses that are reasonable and likely to be incurred by the Florida Lime Administrative Committee during fiscal year April 1, 1978, through March 31, 1979, will amount to $227,045.

(b) The rate of assessment for said year payable by each handler in accordance with § 911.41 is fixed at 20 cents per bushel of limes.

MARKETING ORDER 915

§ 915.217 Expenses and rate of assessment.

(a) Expenses that are reasonable and likely to be incurred by the Avocado Administrative Committee during fiscal year April 1, 1978, through March 31, 1979, will amount to $194,045.

(b) The rate of assessment for said year payable by each handler in accordance with § 915.41 is fixed at 20 cents per bushel of avocados.

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. 533), as the orders require that the rates of assessment for a particular fiscal year shall apply to all assessable limes and avocados handled from the beginning of such year which began April 1, 1978. To enable the committees to meet fiscal obligations which are now accruing, approval of the expenses and assessment rate are necessary without delay. Handlers and other interested persons were given an opportunity to submit information and views on the expenses and assessment rate at an open meeting of each committee. It is necessary to effectuate the declared purposes of the act to make these provisions effective as specified.

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

Dated: June 27, 1978.

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

[FR Doc. 78-18319 Filed 6-29-78; 8:45 am]

[3410-02]

[Apricot Reg. 18]

PART 922—APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Limitation of Shipments

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation specifies minimum grade, maturity, and size requirements for the handling of fresh Washington apricots during July 1, 1978, through July 31, 1979. Shipments of these apricots are to grade at least Washington No. 1, be reasonably uniform in color and measure at least 1⅝ inches in diameter, except Blenheim, Blenril, and Tilton varieties, in unlidded containers, may have minimum diameter of 1¼ inches. The Moorpark variety in open containers is required to be generally well matured. A minimum quantity exemption is provided for apricots sold for home use. These requirements are designed to provide consumers with an ample supply of acceptable quality apricots and to provide orderly marketing in the interest of producers.

EFFECTIVE DATE: July 1, 1978.

FOR FURTHER INFORMATION CONTACT: Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: On May 31, 1978, notice of proposed rulemaking was published in the FEDERAL REGISTER (43 FR 23583), regarding a proposed regulation to be made effective on July 1, 1978, pursuant to the marketing agreement and Order No. 922, both as amended (7 CFR Part 922) regulating the handling of apricots grown in Washington. The proposed regulation was recommended by the Washington Apricot Marketing Committee, established pursuant to the marketing agreement and order. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The notice allowed interested persons until June 19, 1978, to submit written comments in connection with the proposed regulation. None were received.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information

submitted by the Washington Apricot Marketing Committee, and other available information, it is hereby found and determined that the regulation as hereinafter set forth, is in accordance with the provisions of the amended marketing agreement and order and will tend to effectuate the declared policy of the act.

The regulation is based upon an appraisal of current and prospective crop and market conditions. Total 1978 season production of Washington apricots is estimated at 2,600 tons. The regulation is designed to assure shipment of fruit of acceptable quality and maturity in the interest of consumers and producers consistent with the objectives of the act.

It is hereby further found that it is impracticable and contrary to the public interest to give further notice and postpone the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), and good cause exists for making the provisions hereof effective as hereinafter set forth in that (1) shipments of the current crop of apricots are expected to begin on or about the effective date hereof, and this regulation should be applicable, insofar as practicable, to all such shipments in order to effectuate the declared policy of the act; (2) the recommendations upon which this regulation is based were developed by the committee at an open meeting on May 11, 1978, after due notice thereof, and all interested persons present were given an opportunity to express their views; (3) a notice of proposed regulation for Washington apricots was published in the FEDERAL REGISTER (43 FR 23583) and no objections thereto were received; and (4) the regulation herein specified is the same as the proposed regulation.

§ 922.318 Apricot Regulation 18.

(a) During the period July 1, 1978, through July 31, 1979, no handler shall handle any container of apricots unless such apricots meet the following applicable requirements, or are handled in accordance with subparagrah (3) of this paragraph:

(1) *Minimum grade and maturity requirements.* Such apricots grade not less than Washington No. 1 and are at least reasonably uniform in color: *Provided,* That such apricots of the Moorpark variety in open containers shall be generally well matured; and

(2) *Minimum size requirements.* Such apricots measure not less than 1⅝ inches in diameter except that apricots of the Blenheim, Blenril, and Tilton varieties when packed in unlidded containers may measure not less than 1¼ inches: *Provided,* That not more than 10 percent, by count, of such apricots may fail to meet the applicable minimum diameter requirement.

(3) Notwithstanding any other provision of this section, any individual shipment of apricots which meets each of the following requirements may be handled without regard to the provisions of this paragraph, of § 922.41 (Assessments), and of § 922.55 (Inspection and Certification):

(i) The shipment consists of apricots sold for home use and not for resale;

(ii) The shipment does not, in the aggregate, exceed 500 pounds, net weight, of apricots; and

(iii) Each container is stamped or marked with the words "not for resale" in letters at least one-half inch in height.

(b) Terms used in the amended marketing agreement and order shall when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; "diameter" and "Washington No. 1" shall have the same meaning as when used in the State of Washington Department of Agriculture Standards for Apricots, effective May 31, 1966; "reasonably uniform in color" means that the apricots in the individual container do not show sufficient variation in color to materially affect the general appearance of the apricots; and "generally well matured" means that with respect to not less than 90 percent, by count, of the apricots in any lot of containers, and not less than 85 percent, by count, of such apricots in any container in such lot, at least 40 percent of the surface area of the fruit is at least as yellow as shade 3 on the U.S. Department of Agriculture Standard Ground Color Chart of Apples and Pears in the Western States.

(c) Apricot Regulation 17 (42 FR 30492; 41268) is hereby terminated July 1, 1978.

Dated: June 26, 1978.

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

[FR Doc. 78-18318 Filed 6-29-78; 8:45 am]

[3410-02]

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIF.

Amendment of Various Subparts—Administative Procedures

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule makes changes in administrative procedures of the marketing order for California dates. The changes involve marketing order standards of quality, volume, container and marking requirements, nomination procedures, and reporting requirements. Some of the changes consolidate and simplify the wording of existing provisions to facilitate reference and make them clearer, while others reflect conforming changes required by an amendment of the marketing order in March 1978.

EFFECTIVE DATE: August 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-6393.

SUPPLEMENTARY INFORMATION: On April 28, 1978, there was published in the FEDERAL REGISTER (43 FR 18188) a proposal to revise Subpart—Administrative Rules (7 CFR 987.101—987.168), and delete the following subparts: Subpart—Grade and Size Regulations (7 CFR 987.202-987.204); Subpart—Market Determinations (7 CFR 987.401-987.403); and Subpart—Container Regulation (7 CFR 987.501). These subparts are pursuant to the marketing agreement and order, as amended (7 CFR Part 987; 43 FR 4249), regulating the handling of domestic dates produced or packed in Riverside County, Calif. (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 was based on a recommendation of the California Date Adminstrative Committee.

The notice afforded interested persons an opportunity to submit written data, views or arguments with respect to the proposal; the California Date Administrative Committee submitted the only comment received. The comment suggested several changes in wording to clarify certain areas of administration. To the extent necessary and appropriate, several changes from the wording contained in the notice have been made. The changes are noted in the following discussion.

The term "utility dates" in § 987.103 is defined to be synonomous with the term "substandard dates". Under the March 15, 1978, amendment of the order, the term "substandard dates" was deleted and the term "utility dates" substituted. Thus, § 987.103 is not needed and is deleted.

Section 987.401 is deleted and its provisions defining major marketing promotion programs are included in a new § 987.104 in the definition section of the administrative rules for more convenient reference and better organization.

A new § 987.105, pertaining to the computation of the whole weight of pitted dates, is added to the definition section of the administrative rules for

similar reasons. The provisions were contained in § 987.145(f).

A new § 987.112, Identification of dates, is added to the administrative rules. This section contains marking requirements for the various outlet categories of dates similar to those being deleted from § 987.145. The revision primarily involves changes in wording and organization to make the requirements clearer and to facilitate reference.

A new § 987.112a, prescribing grade, size and container requirements for outlet categories, is added to the administrative rules. With the exception of minor changes in the wording for the sake of clarity, the requirements in § 987.112a are the same as those in §§ 987.202, 987.203, 987.204, 987.402, 987.403, and 987.501 which are being deleted.

The grade and size requirements in § 987.112a would be other minimum standards of quality pursuant to § 987.39 of the order. The March amendment of the order revised § 987.39 to authorize the Secretary, upon a recommendation of the Committee, to prescribe other minimum standards of grades and sizes for marketable dates of any variety to be handled in any designated outlets, and allows for regulation of different grades and sizes in different outlets for different varieties. These minimum quality standards would continue in effect irrespective of whether or not the season average price to date producers is above the parity level.

The comment received from the California Date Administrative Committee pertained, in part, to § 987.112(a). The Committee proposed additional provisions placing limitations on handlers. However, these limitations are already contained in the order and it is unnecessary to repeat them in the Administrative Rules and thus this part of the Committee's comment is denied. Other changes in § 987.112(a) recommended by the Committee included reorganization of certain outlet categories contained in that section. These are accepted and incorporated in § 987.112(a).

A new § 987.124 is added prescribing nomination and voting procedures to nominate persons to serve on the California Date Administrative Committee. The provisions are designed to obtain fuller participation in Committee nominations by requiring the nominations to be widely publicized, establishing a day and place for polling and for casting absentee ballots. In its comment, the Committee recommended eliminating the reference to "sample ballots" in § 987.124(a). This recommendation is accepted and the reference is deleted. The Committee also recommended revising the proposal in § 987.124(a) that would have permitted any person to request an absentee ballot. The Committee indicated that it did not intend to give absentee ballots to any person, only to those with authority to cast one. This recommendation is accepted and § 987.124(a) revised accordingly.

A new § 987.138 is added to prescribe the CDAC form required to be filed annually by handlers pursuant to § 987.38. In § 987.141, minor wording changes are made to make the provisions clearer.

Several provisions now in § 987.145 are moved to other sections of the administrative rules for better organization. The provisions dealing with identification and marking are placed in § 987.112 in order to further clarify operating procedures. Those dealing with the various aspects of the withholding of restricted dates when volume regulations are established for a crop year are changed to make them clearer and to bring them into comformity with the recent changes in the volume regulation provisions of the order. In its comment, the Committee recommended that the term "area" in § 987.145(c) be changed to "area of production" to conform with the term currently defined in § 987.4 and used elsewhere. This recommendation is accepted.

The first sentence of § 987.151 is amended by changing the words "dates certified for products" to "product dates". The term "product dates" is defined in § 987.12 of the order and its use in this sentence is appropriate.

Pursuant to the recent amendment the term "free dates" only applies when volume regulations are in effect. Section 987.152(a) applies whether or not these regulations are in effect. Because of this, the second sentence of § 987.152(a) is amended by changing the words "free date quality" to "DAC date quality". In the notice, it was proposed that the provisions in § 987.152(b)(1) pertaining to sales of dates for further processing to health food stores or health food outlets be moved to § 987.112(a). In its comment, the Committee recommended restoration of these provisions in § 987.152(b)(1) to enable it to continue to treat these sales as exemptions for certain regulations. This is accepted. Minor conforming changes were proposed for § 987.152(b)(2). However, in its comment, the Committee recommended further changes in paragraph (b)(2) to provide for handler donations to needy people and others in years when volume regulations are not in effect. This also is accepted.

Sections 987.155 and 987.156 are deleted. The provisions in these sections would be included in § 987.112a. Section 987.159 is deleted and the provisions in this section moved to § 987.145(g). These changes provide for more convenient reference and better organization. Minor wording changes are made in § 987.161 to conform with the March 15 amendment. In its comment, the Committee recommended a minor change to require handlers to submit to it a carryout report as of January 1 whenever volume regulations are in effect. This is accepted.

Minor wording changes are made in the provisions of § 987.162, pertaining to reports of handler acquisitions and dispositions, and in § 987.164, dealing with product dates and utility date dispositions. These changes are for clarification and to bring the provisions of these sections into conformity with the recent order amendment which changed volume regulations. The changed volume regulations recognize the increased importance of the export and product markets since the order was instituted in 1955. Minor wording changes are also made in § 987.165(b) pertaining to date product manufacturer reports to clarify the provisions.

The wording of the lead sentence of § 987.168, Handler records, is changed to make it clearer. The provisions now in § 987.145 pertaining to the computation and adjustment of handlers' assessment obligations on dates for further processing are moved to a new § 987.172 for more convenient reference.

After consideration of all relevant matter presented, including that in the notice, the comment received, the Committee's recommendations, and other available information, it is hereby found that the following changes will tend to effectuate the declared policy of the act.

It is, therefore, ordered, That, Subpart—Administrative Rules (7 CFR 987.101—987.168) be revised and the following Subparts be deleted: Subpart—Grade and Size Regulations (7 CFR 987.202—987.204), Subpart—Market Determinations (7 CFR 987.401—987.403), and Subpart—Container Regulations (7 CFR 987.501).

The changes follow:

§ 987.103 [Deleted]

1. Section 987.103 is deleted.

2. A new § 987.104 is added to read as follows:

§ 987.104 Major marketing promotion.

A major marketing promotion program is one requiring the expenditure of more than $500 of Committee funds.

3. A new § 987.105 is added to read as follows:

§ 987.105 Whole equivalent of pitted dates.

For the purposes of this part, the whole date equivalent weight of pitted dates shall be determined by dividing the weight of the pitted dates by 0.875.

4. A center heading "Identification and Outlet Specifications" and a new § 987.112 are added to read as follows:

IDENTIFICATION AND OUTLET SPECIFICATIONS

§ 987.112 Identification of dates.

(a) *General.* Prior to applying the markings required by this section, each handler shall remove or delete from each container all former identifying marks which conflict with those applicable to the dates currently in the container. Dates of each outlet category shall be held, stored, or shiped in a manner to preserve their identity. Except as provided in paragraph (d) of this section, the markings on the containers shall be not less than five-sixteenths (5/16) inch in height on containers exceeding 5 pounds net weight and not less than one-eighth (1/8) inch in height on smaller containers. All markings shall be legible.

(b) *DAC dates.* Each handler shall mark every shipping or storage container (excluding subcontainers) of DAC dates with his name or that of the distributor for whom the handler is packing, and the lot number. Under the supervision of the inspection service every container shall be marked with the date of inspection, the name or insignia of the inspection service, and the letters "DAC".

(c) *FP dates.* Each handler shall mark every shipping or storage container (excluding subcontainers) of FP dates with his name or that of the distributor for whom the handler is packing, and the lot number. Under the supervision of the inspection service every container shall be marked with the date of inspection, the name or insignia of the inspection service, and the letters "FP".

(d) *Export dates.* Each handler shall mark every shipping or storage container (excluding subcontainers) of Export dates with his name or that of the exporting firm, and the lot number. If the dates, including fieldrun dates with cull dates removed, are certified as meeting the grade and size requirements for export to approved countries other than Mexico, the containers shall be marked "Export". Dry dates for processing packed for shipment to approved countries shall be marked "Export Dry". Dates packed for export to Mexico shall be marked "Export Mexico". However, "Export Mexico" shall be in letters not less than three-fourths (3/4) inch in height on containers exceeding 5 pounds net weight, and not less than one-eighth (1/8) inch in height on smaller containers. DAC dates and FP dates, marked pursuant to paragraphs (b) and (c), respectively, of this section, may be exported without change of marking.

(e) *Product and Utility dates.* Each handler shall mark every shipping or storage container (excluding subcontainers) of Product dates, or Utility dates when approved for use in products, with the lot number and, if for shipment outside the area of production, with the word "Product" or "Utility", as applicable. Whenever a handler, or an approved date product manufacturer, utilizes a procedure that maintains the identity of the lot and assures that the dates will be used in products or exported, the Committee may waive the requirements of this paragraph for that lot.

(f) *Unidentified dates.* If a handler loses the identity of any lot of dates previously inspected and certified as marketable dates, the certification as to such lot shall be void.

4. A new § 987.112a is added to read as follows:

§ 987.112a Grade, size, and container requirements for each outlet category.

(a) In lieu of the minimum standards prescribed in § 987.39, the following standards are prescribed as the minimum grades and sizes for marketable dates to be handled in the applicable outlets. These standards shall continue in effect irrespective of whether the season average price to producers for dates is or is not in excess of the parity level specified in section 2(1) of the act.

(b) *DAC dates.* (1) All varieties of DAC dates may be handled in the United States, Canada, or any other outlet established for dates of lesser grades or sizes.

(2) DAC dates of any variety shall at least meet the requirements of U.S. Grade B, except that up to 25 percent, by weight, of the dates may possess semi-dry of dry calyx ends, but not more than 5 percent, by weight, of the dates may possess dry calyx ends. Also, with respect to whole dates of the Deglet Noor variety, the individual dates in the samples from a lot shall weigh at least 6.5 grams but up to 10 percent, by weight, may weigh less than 6.5 grams. These size requirements are in addition to, and do not supersede, the requirements as to uniformity of size prescribed in the grade standards.

(3) DAC dates of any variety, when packed in plastic containers, other than bags and master shipping containers, shall contain a net weight (i) for whole dates, of either 8 ounces, 12 ounces, 1 pound 8 ounces, or more than 2 pounds, and (ii) for pitted dates, of either 10 ounces, 1 pound, 1 pound 8 ounces, or more than 2 pounds. DAC dates packed in other than plastic containers may be handled without regard to the net weight content. For the purpose of this subparagraph, "plastic container" means any container of any shape made from plastic and in which dates are packed without the use of cardboard boats, trays, or other like stiffening material.

(c) *Dates for further processing.* (1) Except as provided in § 987.152(b)(1), all varieties of FP dates may be disposed of only (i) to persons in the United States capable of processing and packing the dates and having them certified as DAC dates, or (ii) exported to the countries designated in paragraph (d)(2) of this section.

(2) FP dates of any variety shall at least meet the requirements of U.S. Grade B (dry). Also, with respect to whole dates of the Deglet Noor variety, the individual dates in the samples from the lot shall weigh at least 6.5 grams, but up to 10 percent, by weight, may weigh less than 6.5 grams. These size requirements are in addition to, and do not supersede, the requirements as to uniformity of size prescribed in the grade standards.

(d) *Export dates.* (1) Dates of any variety identified as "Export" dates and inspected and certified as meeting the requirements of this subparagraph may only be exported to any country except Canada. Such dates shall at least meet the requirements of U.S. Grade C: *Provided,* That Deglet Noor dates shall score not less than 31 points for character and 24 points for absence of defects but up to 40 percent, by weight, of the dates may be damaged by broken skin.

(2) *Export of dry dates.* Dates of any variety identified as "Export Dry" and inspected and certified as meeting the requirements of this subparagraph, may only be exported to the following designated date producing and processing countries in North Africa: Morocco, Algeria, Tunisia, Libya, Egypt, and Sudan; and to the following date processing and consuming countries north of the Mediterranean Sea: Spain, France, Belgium, West Germany, Italy, Greece, and the Netherlands. Such dates shall at least meet U.S. Grade C (dry) except for defects removable by washing: *Provided,* That Deglet Noor dates shall score not less than 31 points for character and 24 points for absence of defects but up to 40 percent, by weight, of the dates may be damaged by broken skin.

(3) Dates of any variety identified as "Export—Mexico" and inspected and certified as at least meeting the requirements for Utility dates may only be exported to Mexico. No dates shall be exported to Mexico unless the handler certifies to the Committee and the U.S. Department of Agriculture, on CDAC Form No. 11(a), which shall be submitted to the Committee, that the importing buyer has agreed that such dates will not reenter the United States or be shipped to Canada. The form shall show the identity of the handler, the trucker, the importer, the destination of the dates, the location

of the border-crossing station, and such other information as the Committee deems appropriate to perform its duties and excercise its powers under this part.

(4) Whenever field-run dates of any variety are authorized for export to any country, each lot shall consist of at least 85 percent, by weight, of sound dates. "Sound dates" means individual dates which are at least U.S. Grade C in character and are free of the defects—other than those removable by washing—scored to determine the point requirement applicable to their intended destination.

(5) Dates meeting the grade and size requirements of this paragraph may be disposed of in outlet categories established for dates of lesser grades and sizes.

(e) *Product dates.* (1) Dates of any variety identified as "Product" dates and inspected and certified as at least meeting the requirements of this paragraph may be disposed of by handlers for use or used by them in the production of table syrup, rings, chunks, pieces, butter, paste, and macerated dates or other products approved by the Committee. If the handler does not use the dates in products, he may sell them to: (i) Other handlers within the area of production for conversion into products, or (ii) to date product manufacturers approved by the Committee regardless of their location. Once the dates have been converted from their whole or pitted form, they may be shipped to any market in the United States, Canada, or foreign country.

(2) Product dates of any variety and identified as "Product" shall meet the requirements of U.S. Grade C, except that mashing and mechanical injury not affecting eating quality shall not be considered in determining the defect factor.

(f) *Utility dates.* Utility dates may be disposed of by handlers in the same outlets and subject to the same requirements prescribed in paragraph (e) of this section for Product dates, or may be exported to Mexico.

(g) *Change of outlet.* A handler may change the outlet category for any lot of dates: *Provided,* That prior to such change, the handler files a completed CDAC Form No. 1(a) and a new inspection certificate with the Committee. If the grade and size requirements of the new outlet category are the same as or less than the requirements of the outlet category previously intended, only a condition inspection is required. If the grade and size requirements of the new outlet category are greater, a complete inspection is required. The handler shall change the marking on the containers to conform with the identification requirements prescribed in § 987.112 for the new outlet.

(h) *Deteriorated dates.* Any marketable dates which derteriorated in quality so that they are either utility or cull dates may be disposed of only in the applicable outlets for such dates or they may be reconditioned and upon reconditioning, the modified lot may be reinspected and recertified, as applicable.

5. A center heading "Nominations" and a new § 987.124 are added to read as follows:

NOMINATIONS

§ 987.124 Nomination and polling.

(a) Date producers and producer-handlers shall be provided an opportunity to nominate individuals to serve on the Committee. For this purpose, the Committee shall establish a date and place for polling prior to June 15 of each even-numbered year and establish a procedure for casting absentee ballots. The date and place of polling shall be announced at least 6 weeks prior to the polling date by letters to all known date producers and producer-handlers and by Committee press releases to local newspapers and other news media in the date-producing area. Such letters and press releases shall: (1) Include the names of incumbents who are willing to continue serving on the Committee; (2) inform eligible producers and producer-handlers of the opportunity to propose additional names to be included on the nomination ballots; and (3) state when and where absentee ballots will be available. Additional names to be included on the nomination ballot must be received by the Committee at least 4 weeks prior to the polling date. Absentee ballots and instructions for completing and returning the ballots will be made available by the Committee at least 3 weeks prior to the polling date. Any person eligible to vote must request the ballot in person at the Committee's office or must submit a written request to the Committee for an absentee ballot. All ballots shall provide for write-in candidates and must be returned by the close of business on the polling date to be counted.

(b)(1) *Producers.* Each producer may vote for three producer members and three producer alternate members. No producer may vote more than once for any one person. The three individuals receiving the highest number of votes for the producer member positions shall be the producer member nominees. Individuals nominated for producer member and failing to receive enough votes to become a producer member nominee shall have their names listed with those nominated for producer alternate members and the votes cast for them as member shall be counted with any votes they received for producer alternate member. The three individuals receiving the highest number of votes for the producer alternate member positions shall be the producer alternate member nominees.

(2) *Producer-handlers.* Each producer-handler may vote for one producer-handler member and one producer-handler alternate member, and these votes shall be weighted as provided in § 987.24. No producer-handler may vote more than once for any one person. The six individuals receiving the highest weighted votes for the producer-handler member positions shall be the producer-handler member nominees. Individuals nominated for producer-handler member and failing to receive enough votes to become a producer-handler member nominee shall have their names listed with those nominated for producer-handler alternate members and the votes cast for them as member shall be counted with any votes they received for producer-handler alternate member. The six individuals receiving the highest weighted vote for producer-handler alternate member positions shall be the alternate member nominees.

6. Add a new § 987.138 to read as follows:

§ 987.138 Handlers of record.

Prior to handling dates, each person shall file CDAC Form No. 18 with the Committee at the times, and containing the information, prescribed in § 987.38.

7. Section 987.141 is revised to read as follows:

§ 987.141 Inspection and certification.

Each handler shall furnish, or cause the inspection service to furnish, to the Committee a copy of the inspection certificate issued to him on each lot of dates, and such certificate shall contain at least the following information: (a) The date of inspection; (b) the name of the handler; (c) the lot number and the applicable outlet category set forth in § 987.112a; (d) the variety of dates and weight of the lot; (e) the number and type of containers in the lot; and (f) if the dates (1) are other than field-run dates, a certification as to the grade of the dates and whether or not they meet the applicable grade, size, container, and identification requirements, or (2) are field-run dates, a certification showing the percentage by weight, of sound dates in the lot, and whether or not they meet the identification requirements for such dates.

8. Section 987.145 is revised to read:

§ 987.145 Withholding obligation.

(a) *Satisfying the withholding obligation.* Any handler may satisfy all or part of his withholding obligation for any variety of dates for which free and restricted percentages have been es-

tablished by having an adequate quantity of that variety inspected and certified as meeting the applicable grade, size, and container requirements prescribed by the Committee for any approved restricted date outlet.

(b) *Credit for excess disposition in restricted outlets.* Disposition of marketable dates in restricted outlets in excess of a handler's withholding obligation may be: (1) Transferred pursuant to § 987.45 upon such handler filing a completed CDAC Form No. 14 with the Committee, or (2) credited to the handler's withholding obligation of the following crop year so long as the excess disposition exceds 199 pounds. However, the quantity so credited shall never exceed 40 percent of the handler's withholding obligation of the crop year in which the excess disposition occurred and 100 percent of the withholding obligation incurred by him during October through December of the crop year following the crop year in which such excess disposition occurred. All such crediting or accumulation shall be contingent upon the Committee receiving, in due course, confirmation that the dates were disposed of in eligible restricted outlets. With respect to exports, the withholding credit shall be granted upon the Committee receiving notification from the inspection service, and in due course a copy of the on board bill of lading or other documentary evidence satisfactory to the Committee.

(c) *FP dates.* Withholding obligations on FP dates shall be based on the weight of such dates when they are inspected and certified. However, if such dates are subsequently processed and packed within the area of production, the withholding obligation shall be adjusted to reflect any increase in weight.

(d) *Dates for deferment of withholding.* Any handler may defer his certification and withholding or disposition of restricted dates by pledging a comparable volume of graded or field-run dates as a surety that he will meet his withholding obligation at a later date. Such deferment shall not be effective until: (1) The handler files with the Committee a CDAC Form No. 12 to set aside graded dates or CDAC Form No. 13 to set aside field-run dates; and (2) the pledged dates are set aside as a lot and identified by the handler as "Restricted" and as "Graded" or "Field-Run", as appropriate, and as to the number of containers, the date of set-aside and whether or not the dates have been inspected. If the handler sets aside field-run dates or disposes of field-run dates in outlets prescribed in or pursuant to § 987.56 to obtain withholding credit for the sound date portion in the lot, the field-run dates shall meet the requirements prescribed in paragraph (f) of this section for eligible field-run dates, as determined by the inspection service.

(e) *Identification of restricted dates.* Any lot of restricted dates not immediately disposed of through exportation to countries approved by the Committee or directed to approved product outlets shall be stored as a lot separate from all other dates and in a specified location with a USDA inspection service tag marked "Restricted".

(f) *Field-run dates.* Field-run dates set aside for the purpose of deferring or meeting any part or all of a withholding obligation shall consist of at least 70 percent, by weight, of sound dates but may contain 10 percent, by weight, of cull dates of which not more than 5 percent may be hidden culls—i.e., dates with internal defects including souring, mold, fermentation, insect infestation, or foreign material.

(g) *Substitution.* Any handler may, under the direction and supervision of the Committee or the inspection service, substitute for any quantity of restricted dates held by him a like quantity of dates of the same variety and of the same or more recent year's production which have been certified and identified as meeting the requirements for restricted dates.

§ 987.151 [Amended]

9. The first sentence of § 987.151 is amended by changing the words "dates certified for products" to "product dates."

10. The second sentence of § 987.152(a) is amended by changing the words "free date quality" to "DAC date quality," and § 987.152(b) is revised to read as follows:

§ 987.152 Exemption from regulations.

* * * * *

(b) *Handler exemptions*—(1) *Specialty sales.* The Committee may permit any handler to sell to health food stores or health food outlets, dates which at least meet the requirements for FP dates. It may permit any handler to sell to a candy manufacturer hand-pitted dates which meet the grade requirements for DAC dates except for size, or damage due to cutting and pitting. Also, it may permit any handler to sell hand-layered dates in tin, wood, plastic, or other type of container exempt from §§ 987.41(a) and 987.48, or to make shipments by common carrier of up to 150 pounds to any one purchaser in any one day exempt from the provisions of § 987.41(a): *Provided,* That the hand-layered dates or the shipment to a single purchaser in any 1 day have been packed from dates certified as meeting the grade requirements for DAC dates and have not been commingled with other dates. Permission to use these exemptions shall be granted only upon the handler filing with the Committee its CDAC Form No. 10 wherein he describes how he plans to sell, and agrees to sell only specific dates and to report such sales.

(2) *Donations.* The Committee may permit any handler to donate Utility or marketable dates other than DAC dates to needy persons, prisoners, or Indians on reservations. Before such donation is made, such handler shall file a request for donation with the Committee detailing the quantity and grade of dates involved and the name and address of the intended donee. The donation may be subject to Committee surveillance, verification by written documentation of receipt by the donee, and any other safeguards necessary to assure consumption in these outlets.

* * * * *

DISPOSITION OF OTHER THAN FREE DATES [DELETED]

§ 987.155 [Deleted]

11. The center heading "Disposition of Other Than Free Dates" and § 987.155 are deleted.

§ 987.156 [Deleted]

12. Section 987.156 is deleted.

§ 987.159 [Deleted]

13. Section 987.159 is deleted.

14. Section 987.161 is revised to read as follows:

§ 987.161 Handler carryover.

Each handler shall file with the Committee, a report of his carryover of dates as of March 1 and October 1 and, when volume regulation is established, as of January 1. This report shall be on CDAC Form No. 5 and shall show, by variety, at least: (a) The quantity of DAC dates held within and outside the area, (b) the quantity of FP dates held within the area, (c) the quantity of export dates and utility dates, and (d) the quantity of dates held graded but not certified, and as field-run, segregated as to outlet category.

15. Section 987.162 is revised to read as follows:

§ 987.162 Handler acquisition and disposition.

Each handler shall file with the Committee by the 10th of each month, on CDAC Form No. 6, a report for the preceding month of his field-run acquisitions, his shipments of marketable dates in each outlet category, his shipments of free dates and disposition of restricted dates, whenever applicable, and his purchases from other handlers of DAC, Export, product, graded and field-run dates.

16. Section 987.164 is revised to read as follows:

§ 987.164 **Shipments of product dates or utility dates and dispositions of restricted dates in approved product outlets.**

Each handler shall file with the Committee a completed CDAC Form No. 8 showing the shipment of each lot of product or utility dates or the disposition of restricted dates in approved product outlets. This report shall be filed promptly after shipment or disposition of those dates and shall identify the lot, the outlet, the number of containers, and the net weight of the dates. If such dates are sold to an approved date product manufacturer, a copy of the completed form shall be signed and dated by the manufacturer and returned to the Committee. If the lot was certified as product dates and is exported to Mexico, the handler shall submit completed CDAC Form No. 8 together with completed CDAC Form No. 11(a) to the Committee.

17. Section 987.165(b) is revised to read as follows:

§ 987.165 **Other reports.**

* * * * *

(b) *Products.* Each approved date product manufacturer shall file with the Committee a completed CDAC Form No. 4 showing his beginning and ending inventories of product dates, the quantity received during the crop year, the quantity used, the type and quantity of products manufactured, and his year-end inventory of products. This report shall be filed promptly after the end of each crop year.

§ 987.168 **[Amended]**

18. Section 987.168 is amended by deleting the lead sentence and substituting the following sentences in its place, to read as follows:

"Each handler shall establish complete records which accurately show the quantity of dates handled, disposed of, and withheld. These records shall be maintained for at least 2 years after the end of the crop year of record. Records shall show:"

* * * * *

19. A new § 987.172 is added to read as follows:

§ 987.172 **Adjustment of assessment obligation.**

In accordance with §§ 987.45 and 987.72, the assessment obligation of FP dates shall be based on the weight of the dates at the time of inspection and certification. However, if such dates are subsequently processed and packed within the area of production, the assessment obligation shall be adjusted to reflect any increase in weight and the obligation shall be placed on the handler agreeing to assume it.

§§ 987.202-987.204 **(Subpart—Grade and Size Regulations) [Deleted]**

20. Subpart—Grade and Size Regulations (7 CFR Part 987.202-987.204) is deleted.

§§ 987.401-987.403 **(Subpart—Market Determinations) [Deleted]**

21. Subpart—Market Determinations (7 CFR Part 987.401-987.403) is deleted.

§ 987.501 **Subpart—Container Regulation) [Deleted]**

22. Subpart—Container Regulation (7 CFR Part 987.501) is deleted.

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

Dated: June 27, 1978.

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

[FR Doc. 78-18312 Filed 6-29-78; 8:45 am]

[3410-07]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER D—GUARANTEED LOANS

[FmHA Instruction 449.1]

PART 1841—GENERAL PROVISIONS

Addition to Clarify Renewal Policy

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration amends its regulations pertaining to guaranteed loans. The intended effect of this action is to clarify the renewal policy with regard to 80 percent guaranteed emergency livestock loans approved before June 16, 1975, and it is necessary to comply with legislation.

EFFECTIVE DATE: June 30, 1978.

FOR FURTHER INFORMATION CONTACT:

William Krause, 202-447-7600.

SUPPLEMENTARY INFORMATION: Section 1841.47 of Part 1841 of Chapter XVIII, Title 7, Code of Federal Regulations, is added to clarify the policy with regard to renewing 80 percent guaranteed emergency livestock loans approved before June 16, 1975. It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts should be published for comments notwithstanding the exemption of 5 U.S.C. 553 with respect to such rules. However, this amendment is not published for proposed rulemaking since such notice would delay the servicing of emergency livestock loans to indebted borrowers thereby causing possible financial losses to the borrowers, the guaranteed lenders, and/or the Government, and therefore would be contrary to the public interest.

Accordingly, the Table of Sections for Part 1841 is amended and § 1841.47 of Part 1841 is added and reads as follows:

The Table of Sections for Part 1841 is amended to add § 1841.47, Renewal policy with regard to 80 percent guaranteed emergency livestock (EL) loans approved before June 16, 1975.

* * * * *

§ 1841.47 **Renewal policy with regard to 80 percent gurauranteed emergency livestock (EL) loans approved before June 16, 1975.**

Pub. L. 94-35, an amendment to the Emergency Livestock Credit Act, enacted on June 16, 1975, changed guarantee provisions and the previous loan term and renewal provisions for EL loans from 3 years plus 2 years to 7 years plus 3 years. There is no authority to renew 80 percent guaranteed EL loans approved before June 16, 1975, when they reach the final maturity date described in the note. If a lender desires to change the terms of one of these loans to bring it current or for other reasons it may be done by making a new EL loan to refinance the unpaid balance owed on the existing one, provided the borrower qualifies for the new loan. This is authorized by § 1980.270 of subpart C of part 1980 of this chapter.

If the maturity date on an 80 percent guaranteed loan has been reached and the lender does not want to make a new EL loan as authorized by § 1980.270 of subpart C of part 1980 of this chapter, the lender must liquidate if the loan remains unpaid. This is required because the contract guaranteeing the loan describes the loan note and is limited by its terms. The lender may be allowed a reasonable time to close out the loan after the maturity date has arrived without full payment being made. To this extent, the Contract of Guarantee does not terminate automatically at the maturity date. However, the lender may not continue with a borrower indefinitely.

§ 1841.48-1841.55 **[Reserved]**

Sections 1841.48 through 1841.55 are reserved.

(Sec. 10 PL 93-357, 88 Stat 392; delegation of authority by Sec. of Agri. 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70.)

Dated: June 20, 1978.

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

[FR Doc. 78-18244 Filed 6-29-78; 8:45 am]

[3410-07]

SUBCHAPTER H—GENERAL

[FmHA Instruction 1901-G]

PART 1901—PROGRAM-RELATED INSTRUCTIONS

Subpart G—Environmental Impact Statements

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulation to comply with the President's reorganization plan for the Executive Office of the President (Reorganization Plan No. 1 of 1977, July 15, 1977) which transfers the receipt and filing of all Federal agency Environmental Impact Statements (EIS's) from the Council on Environmental Quality (CEQ) to the Environmental Protection Agency (EPA), effective December 5, 1977.

EFFECTIVE DATE: June 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Daniel Ball, 202-447-3394.

SUPPLEMENTARY INFORMATION: Subpart G of Part 1901 of Chapter XVIII, Subchapter H—General, Title 7 in the Code of Federal Regulations (41 FR 22256) is amended. Various sections of this subpart and certain paragraphs of exhibits C and D are amended to reflect transfer of the receipt and filing responsibilities of Environmental Impact Statements from the Council on Environmental Quality to the Environmental Protection Agency. This action updates FmHA's regulation pertaining to Environmental Impact Statements including editorial and reference changes. 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 these changes is to comply with the Memorandum of Agreement No. 1 between the Council on Environmental Quality and the Environmental Protection Agency effective December 5, 1977. Public participation is therefore, unnecessary.

Accordingly, §§ 1901.301; 1901.302 (b) and (c); 1901.303(b); 1901.306(a); 1901.307 (a), (c) (2), (3) and (5); 1901.309 (a)(2), (b) and (c); and certain paragraphs of exhibits C and D are amended as follows:

§ 1901.301 Purpose.

This subpart provides agency policies, procedures, and guidelines for compliance with section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969, the Council on Environmental Quality (CEQ) Guidelines for Environmental Impact Statements, August 1, 1973, the Secretary of Agriculture's Memorandum 1695, Supplement 4 (revised), and Executive Office of the President letter dated October 28, 1977, concerning functions of the Environmental Protection Agency (EPA). Such compliance includes the preparation of environmental assessments and when needed, the preparation, circulation, and review of Environmental Impact Statements (EIS). Since policies and goals set forth in NEPA are supplementary to those in agency authorizations, to the fullest extent possible, agency policies, regulations, and authorities will be administered in accordance with the act. This subpart is therefore developed in a manner consistent with CEQ guidelines with advice, counsel, and concurrence from CEQ.

§ 1901.302 Policy.

* * * * *

(c) FmHA will assess experience in implementing section 102(2)(C) of NEPA to assure compliance with NEPA requirements and that environmental safeguards are executed according to plan. Training and guidance will be provided as needed as an integral part of program administration. As appropriate, the Department of Agriculture and EPA will be informed of problems encountered, and suggestions will be made for additional criteria and guidance needed for full compliance with the NEPA process.

§ 1901.303 Scope.

* * * * *

(b) *Legislation.* The EPA and the Office of Management and Budget (OMB) will provide guidance as needed to assist in identifying the need for EIS and for recommendations or favorable reports on legislation including requests for appropriations. When needed, EIS will be prepared before submitting legislative proposals to OMB. The final EIS, along with comments received on the draft statement, will be made available to the Congress and to the public for consideration in connection with the proposed legislation or report. When the scheduling of congressional hearings on legislation does not allow adequate time, a draft environmental statement may be provided pending transmittal of comments received and a final statement.

* * * * *

§ 1901.306 Coordination with other agencies.

(a) When other agencies are directly involved in an FmHA action that requires an EIS, the State Director will contact the agencies concerned to determine if a joint statement will be prepared and if a single lead agency will assume primary responsibility for preparing a statement. As necessary, the Office of the Coordinator of Environmental Quality Activities, USDA, will be consulted and, if appropriate, assistance will be obtained from EPA. Factors relevant in determining an appropriate lead agency include the time sequence in which the agencies become involved, the magnitude of their involvement, and their expertise with respect to the proposed activity and related impacts.

* * * * *

§ 1901.307 Draft and final EIS.

(a) *Explanation of EIS format.* A draft EIS is the first formal statement for filing with EPA and for review and comment by other agencies and the public. It must fulfill and satisfy, to the fullest extent possible, the requirements established for a final EIS by Section 102 (2)(C) and other responsibilities set out in section 2 and title I of NEPA. A final EIS reflects the results of the draft review process. It also is filed with EPA.

* * * * *

(2) No action that requires an EIS will be taken by FmHA before 90 days has elasped after the date EPA publishes the notice of public availability of such statements in the FEDERAL REGISTER or 30 days has elasped after publishing the notice for final statement. These periods may run concurrently to the extent that they overlap.

* * * * *

(c) *Preparation of EIS by FmHA.*

* * * * *

(2) The County Supervisor will notify the applicant in writing that an EIS will be prepared, and that action will not be taken on the application until such statement has been prepared, reviewed and a decision made in accordance with this Subpart.

(3) On receiving the needed information, the State Director will prepare and process the draft EIS. The State Director will send 25 copies to the National Office, 5 copies to the clearinghouse, and 10 copies to the Environmental Protection Agency (EPA) Room 537, West Tower, 401 M Street SW., Washington, D.C. 20460, Mail Code A-104, as well as to other appropriate Federal agencies and interested organizations and individuals. Comments on the draft will be requested within 45 days. To the extent possible all major points of view on the envi-

ronmental effects of the proposed action and its alternatives will be considered and discussed during preparation of the draft EIS and results alluded to in the draft statement. The draft or final statement may be supplemented at any time particularly when substantial changes are made in places for which agency actions are being processed or significant additional information is obtained relative to adverse environmental effects from the proposed agency action. Draft statements should indicate at appropriate points in the text any underlying studies, reports, and other pertinent information considered in preparing the statement including any cost benefit analyses prepared by the agency and reports of any consulting agencies under the Fish and Wildlife Coordination Act and the National Historic Preservation Act of 1966, when such consultation takes place. When a request is received for extension of time for comments on an EIS, the magnitude and complexity of the statement and the extent of citizen interest in the proposed action for which FmHA assistance is requested will be considered in determining any needed extension of time which will normally not exceed 15 days. EPA may be consulted relative to these matters when necessary for their expedient resolution.

* * * * *

(5) The State Director will send 10 copies to EPA, Room 537, West Tower, 401 M Street SW., Washington, D.C. 20470, Mail Code A-104, and 5 copies of the draft and final impact statements to the State clearinghouse and a copy of each to the applicant. Two copies of the summary sheet will be sent to the Office of Management and Finance (OMF) of USDA for referral to OMB. Copies of final statements to all Federal, State, and local agencies and private organizations that made comments on the draft statement and to others who requested a copy of the final statement and to the applicant whose project is the subject of the statement. Copies of final statements shall be sent to EPA to assist it in carrying out its responsibilities under section 309 of the Clean Air Act. When the numbers of volume of comments on a draft EIS might make their inclusion and distribution with the final EIS appear to be impracticable, the agency may consult with EPA concerning alternative arrangements for distribution of the statement. If an acceptable summary digest of the comments can be developed, such digest might be distributed with the statement with the notation that the full comments are available for review at the designated FmHA office(s).

* * * * *

§ 1901.309 Emergency circumstances.

(a) * * *

(2) Recommendations for consulting with EPA about alternative arrangements.

(b) When there are overriding considerations of expense to the Government or impaired program effectiveness, the Administrator will consult with EPA about appropriate modifications of minimum periods for review of draft and final EIS.

(c) FmHA shall be responsive to requests by the council for reports and other information dealing with issues arising in connection with the implementation of agency procedures related to compliance with NEPA and in particular to a request by CEQ for the preparation and circulation of an EIS. If the FmHA State Director determines by an assessment of relevant considerations that environmental statements are not needed, a summary report of the assessment including reasons for the determination will be sent to the National Office of FmHA, State Clearinghouse, EPA, and to other concerned parties upon request.

EXHIBIT C

(FmHA Instruction 1901-G)

Summary to Accompany Environmental Impact Statements

* * * * *

For draft statements list all Federal, State, and local agencies and other parties from which comments were received.

This statement sent to EPA on _____ (DATE)

Draft statement sent to EPA on _____ (DATE)

(Enter only on final EIS.)

EXHIBIT D

(FmHA Instruction 1901-G)

Content of Environmental Impact Statements

* * * * *

Cover sheet and summary sheet for environmental impact statements. * * *

* * * * *

No final action will be taken by the Farmers Home Administration before (90 days for draft statements) and (30 days for final statements) from the date EPA published the notice of public availability of this statement in the FEDERAL REGISTER.

Copies of this EIS are being made available to Environmental Protection Agency, interested Federal and State agencies, and other organizations and parties known to have a direct interest in the action.

* * * * *

AUTHORITY: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; Sec. 10 Pub. L. 93-357, 88 Stat 392; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70

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

Dated: June 15, 1978.

GORDON CAVANAUGH,
Adminstrator,
Farmers Home Administration.

[FR Doc. 78-18249 Filed 6-29-78; 8:45 am]

[3410-07]

SUBCHAPTER L—LOAN AND GRANT PROGRAM (GROUP)

[FmHA Instructions 446.1, 446.2, 447.1]

PART 1942—ASSOCIATIONS

Resource Conservation and Development (RCD) Loans and Watershed (WS) Loan and Watershed (WS) Advances

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule but with comments requested.

SUMMARY: The Farmers Home Administration (FmHA) consolidates and redesignates regulations pertaining to resource conservation and development and watershed loans published in 7 CFR under subparts J, K, and L of part 1823 of this chapter. This action is intended to simplify the administration of these programs. The consolidation and redesignation of these regulations are part of a general reorganization of Agency regulations intended to provide uniformity.

DATES: Effective June 30, 1978. Comments must be received on or before July 31, 1978.

ADDRESS: 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:

John R. Bowles, telephone 202-447-7667.

SUPPLEMENTARY INFORMATION: The FmHA amends its regulations by adding a new Subpart I to Part 1942, Subchapter L, Chapter XVIII, Title 7, Code of Federal Regulations. This Subpart I, "Resource Conservation and Development (RCD) and Water-

shed (WS) Loans and Watershed (WS) Advances" (§§ 1942.401–1942.450) of part 1942 redesignates and consolidates the regulations concerning RCD and WS loans and WS advances. All matters of substance of the new subpart I were taken from Subchapter B—Loan and Grants Primarily for Real Estate Purposes, Part 1823, Subparts J, K, and L (35 FR 15091, as amended at various intervals) of this chapter XVIII.

This new subpart I of part 1942 clarifies and simplifies regulations for these programs which are administered in cooperation with the Soil Conservation Service (SCS) to provide assistance to local sponsoring organizations in designated watershed and resource conservation and development areas. Since these regulations have been in existence for several years, the FmHA request that comments be submitted for consideration and substantive comments will be considered for incorporation in future revisions.

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 regulation, however, is not published for proposed rulemaking although comments are requested, since the purpose of the change is to restructure and consolidate the resource conservation and development and watershed programs under the general reorganization of FmHA regulations, providing for more effective service for flood control, utilization of land and related resources. The Agency is interested in receiving public comments which should be submitted to the address given above.

Accordingly, 7 CFR, Chapter XVIII is amended as follows:

1. Subparts J, K, and L of part 1823 are redesignated.

Subpart J—Resource Conservation and Development Loan Policies and Authorizations

§§ 1823.301–1823.310 [Redesignated]

Subpart K—Resource Conservation and Development Loan Processing

§§ 1823.321–1823.360 [Redesignated]

Subpart L—Watershed Loans

§§ 1823.341–1823.360 [Redesignated]

2. FmHA hereby promulgates a new subpart I of part 1942 to subchapter L, chapter XVIII, and adds §§ 1942.401 through 1942.450 as set forth below:

Dated: June 15, 1978.

GORDON CAVANAUGH,
Administrator, Farmers Home Administration.

Subpart I—Resource Conservation and Development (RCD) Loans and Watershed (WS) Loans and Watershed (WS) Advances

Sec.

1942.401 Purpose.
1942.402 Policy.
1942.403 Authorities, responsibilites, and delegation of authority.
1942.404 Definitions.
1942.405 Eligibility.
1942.406 Loan purposes.
1942.407 Loan advance limitations and obligations incurred before loan closing.
1942.408 Rates and terms WS loans and advances and RCD loans.
1942.409 Security, feasibility, evidence of debt, title insurance, and other requirements.
1942.410 Reserved.
1942.411 Other considerations.
1942.412 Preapplication and application processing.
1942.413 Reserved.
1942.414 Planning, options, and appraisals.
1942.415 Planning and performing development.
1942.416 County Committee review.
1942.417 Docket preparation and processing.
1942.418 Feasibility.
1942.419 Approval, closing and cancellation.
1942.420 Disbursement of WS and RCD loan funds and WS advance funds.
1942.421 Borrower accounting methods, management reporting, and audits.
1942.422 Subsequent loans.
1942.423 Servicing.
1942.424 State instructions.
1942.425–1942.50 [Reserved.]
EXHIBIT A—Watershed loans and SCS-WS advances Memorandum of Understanding between Soil Conservation Service (SCS) and Farmers Home Administration (FmHA).
EXHIBIT B—Resource Conservation and Development loans Memorandum of Understanding between Soil Conservation Service (SCS) and Farmers Home Administration (FmHA).

AUTHORITY: 7 U.S.C. 1989; 16 U.S.C. 1005; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.

Subpart I—Resource Conservation and Development (RCD) Loans and Watershed (WS) Loans and Watershed Advances

§ 1942.401 Purpose.

This subpart prescribes Farmers Home Administration (FmHA) policies and procedures for making:

(a) Watershed (WS) loans and watershed (WS) advances for works of improvement in a watershed project, and

(b) Resource conservation and development (RCD) loans for measures or projects needed to implement the RCD area plan to achieve objectives in an RCD area.

§ 1942.402 Policy.

(a) FmHA will make WS and RCD loans available to sponsoring local public bodies, agencies, and nonprofit organizations to assist them in obtaining the local cost of WS works of improvement and RCD measures. FmHA will assist the local sponsors and the Soil Conservation Service (SCS) in making loans from SCS construction funds as WS advances when needed for the development of future water supplies or for site preservation.

(b) FmHA will coordinate application processing with the SCS and other appropriate State and Federal agencies. These agencies include State and area planning and development agencies responsible for clearinghouse functions in accordance with Office of Management and Budget Circular A-95, "Evaluation, Review, and Coordination of Federal and Federally Assisted Programs and Projects."

§ 1942.403 Authorities, responsibilities and delegation of authority.

(a) SCS provides technical and financial assistance to sponsoring local organizations for developing WS and RCD area plans and for individual RCD measures or projects and watershed works of improvement.

The watershed work plan for developing, operating, and maintaining watershed works of improvement must be agreed upon by sponsoring local organizations and SCS. When approved, it is the basis for extending technical and cost-sharing assistance from watershed funds. The RCD area plan is prepared for the development of the RCD area by sponsoring local organizations with assistance from SCS and other agencies, endorsed by the Governor or by the agency designated by the Governor, and accepted by the Secretary of Agriculture or his delegate. It includes objectives, planned courses of action, and RCD measures or projects to be developed. It is amended as necessary to include continuing activities and needs in the RCD area.

(b) FmHA receives and processes applications for WS loans and SCS WS advances and RCD loans and makes and services such loans and advances.

WS loans are made by FmHA from either Pub. L. 534 (78th Cong.) funds authorized in the Flood Control Act of 1944 or Pub. L. 566 (83d Cong.) funds authorized in the Watershed Protection and Flood Prevention Act of 1954 to cover a part or all of the local cost for a watershed work of improvement.

(c) WS loans and WS advances may be made to project sponsors in watershed project areas for which:

(1) A watershed work plan has been approved administratively or by resolutions adopted by the Committee on Agriculture and Forestry of the Senate and by the Committee on Agri-

culture of the House of Representatives, and

(2) Federal assistance has been authorized for the installation of works of improvement by the Administrator of SCS.

(d) RCD loans may be made in areas authorized for RCD program assistance by the Secretary of Agriculture and for which an RCD plan design or area plan has been accepted by the State SCS conservationist.

(e) Delegation of authority. The State director is authorized to approve WS and RCD loans subject to limitations in FmHA instruction 1901-A and conditions of this subpart. The State director is authorized to redelegate authority in accordance with this subpart to the chief, community programs; or other members of the State office staff.

(f) SCS is responsible for providing technical and financial assistance to sponsoring local organizations for planning and developing WS and RCD areas. This includes development of WS and RCD plans and WS works of improvement and RCD measures or projects.

(g) FmHA is responsible for making and servicing WS loans and advances and RCD loans.

(h) The SCS—FmHA agreements in exhibits A and B to this subpart include further responsibilities and functions of SCS and FmHA in WS and RCD areas.

§ 1942.404 Definitions.

(a) *Watershed (WS) project.* An authorized area in which watershed assistance from SCS and other U.S. Department of Agriculture (USDA) agencies including WS loans and advances may be provided. Watershed assistance is provided in two types of watershed projects identified by the public law under which they are authorized.

(1) *Pub. L. 534 Watershed.* One of the eleven watersheds authorized by Congress in the Flood Control Act of 1944, Pub. L. 78-534 as amended.

(2) *Pub. L. 566 Watershed.* A small watershed of not more than 250,000 acres authorized in accordance with the Watershed Protection and Flood Prevention Act, August 4, 1954, Pub. L. 83-566 as amended.

(b) *Resource conservation and development (RCD) area.* An area in which RCD program assistance from SCS and other USDA agencies has been authorized. It usually includes all or part of more than one county and may be coterminous with substate planning and development areas. RCD loans are authorized under section 32 of title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1011).

(c) *Watershed plan.* A plan agreed upon by sponsoring local organizations and the SCS for developing, operating, and maintaining watershed works of improvement.

(d) *R.C. & D. measure plan.* A plan document for a land area, directly controled or under the jurisdiction of the sponsoring public bodies or public nonprofit organization. It involves one of the measure purposes eligible for R.C. & D. cost-sharing assistance. The document sets forth what will be done, how, when, and by whom, and involves R.C. & D. technical and/or financial assistance.

(e) *RCD area plan.* A plan prepared by sponsoring local organizations with assistance from SCS and other agencies for the development of the RCD area which has been endorsed by the Governor or his designated agency and accepted by the Secretary of Agriculture or his delegate. It includes objectives, planned courses of action, and RCD measures to be developed. It is amended as necessary to include continuing activities and needs in the RCD area.

(f) *Watershed works of improvement.* Structural, nonstructural, and land treatment measures included in a watershed plan which are to be installed in a watershed project.

(g) *RCD measure or project.* An activity or development indicated in the RCD area plan as being needed to achieve RCD area goals and objectives.

(h) *Cost sharing.* The WS and RCD legislative authorities provide for sharing certain costs of installing WS works of improvement or RCD measures by the Federal Government and by sponsoring local organizations. Federal cost sharing from WS and RCD funds is provided by SCS for certain WS works of improvement and RCD measures. Information on amounts, purposes, and procedures for cost sharing is available from the SCS.

(i) *Local cost.* The part of the cost of a WS work of improvement or a RCD measure or project that is to be paid by a sponsoring local organization.

(j) *Public agency or public body.* A State agency or department or instrumentality, county, municipality or other political subdivision or instrumentality of a State or agencies or districts created by or pursuant to State law for making improvement of a public nature or providing public services such as soil and water conservation districts, irrigation districts, drainage districts, flood prevention and control districts, school districts, other special purpose districts, municipal corporations, or similar governmental units.

(k) *Nonprofit corporation.* Mutual and other irrigation, water users, water supply, drainage, or waste disposal companies or associations, ditch companies, grazing, recreation and forestry associations, and similar associations and organizations generally designated as private corporations operating on a nonprofit basis. They may be organized and chartered under special law, general nonprofit corporation law, or general profit corporation law, if operated on a nonprofit basis under adequate charter, bylaw, mortgage, or supplementary agreement provisions which will assure continued operation in that manner.

(l) *Sponsoring local organization.* A local public agency or body or a local nonprofit corporation having authority under State law to plan, develop, maintain, and operate WS works of improvement or RCD measures or projects included in a WS or RCD area plan. The name of the sponsoring local organization must be included in the plan and sponsorship must be evidenced by execution of the plan.

(m) *Watershed loan.* A loan made by FmHA from watershed funds to a sponsoring local organization to develop a WS work of improvement.

(n) *RCD loan.* A loan made by FmHA from RCD funds to a local sponsoring organization to develop a RCD measure or project. RCD loans are made from RCD funds to enable sponsoring local organizations to provide a part or all of the local share of cost for the RCD measure.

(o) *Watershed advance.* A loan made from SCS watershed construction funds to develop a future water supply or for the preservation of a site for a work of improvement authorized in a watershed plan.

(p) *Future water supply.* Water storage capacity in a reservoir with related facilities for release or withdrawal of water to meet future needs for municipal or industrial use.

(q) *Preservation of sites.* Acquisition to assure their availability for planned developments. Land, easements, or rights-of-way essential to preserve sites for watershed works of improvement or RCD measures.

§ 1942.405 Eligibility.

To be eligible for a WS loan, WS advance, or an RCD loan, the sponsoring local organization must meet the following requirements as applicable. Questions on eligibility will be referred to the regional attorney, OGC for legal advice prior to development of a loan docket.

(a) Be named in the WS or RCD plan as a sponsor of the development to be financed.

(b) Be legally organized and established in the WS or RCD area with legal authority, responsibility and capability to develop and operate the facility for which assistance is requested.

(c) Have authority under and comply with Federal, State and local laws on such matters as:

(1) Organizing, installing, operating, and maintaining proposed WS work of improvement or RCD measures or projects.

(2) Borrowing money, giving security, levying taxes, making assessments

or raising revenues for operation and maintenance of the facility and repayment of loans.

(3) Land use zoning.

(4) Acquiring necessary property, lands, and rights.

(5) Obtaining approval of construction plans and specifications by appropriate Federal, State, and local agencies and construction facilities.

(6) Health and sanitation standards, water pollution control, and environmental regulations.

(7) Design and installation standards.

(8) Public service commission or similar State public body rules and regulations.

(d) Be financially sound and capable of providing service essential to the rural development needs of the area.

(e) If it is a nonprofit corporation:

(1) Membership should be broadly based and representative of the area benefiting from the facility. Membership on the governing board of the corporation will be limited to those living in the area to be benefited unless for justifiable reasons the State director gives prior approval for other than local residents to serve on the board of directors.

(2) The corporation must propose a facility which will primarily serve or generate other substantial, tangible benefits for farmers and other residents of the area. In the case of a recreational development at least two-thirds of the membeship must be farmers and others residing in the area.

(3) Nonprofit corporations will not be formed to serve an area which could be served by a public agency which has adequate authority to provide the needed service unless prior approval of the national office is obtained.

§ 1942.406 Loan purposes.

(a) *WS and RCD loans.* WS and RCD loans may be used for:

(1) Water development, storage, treatment and conveyance to farms for irrigation and other farm use, including farmstead, livestock, orchard, and crop spraying.

(2) Drainage systems and facilities in farm areas to sustain agricultural production or protect farmers and rural residents from water damage.

(3) Agricultural water management practices for annual streamflow stabilization, recharging ground water reservoirs, and conserving water supplies by management and control of vegetation along waterways and in drainage basins.

(4) Soil conservation and water control facilities such as dikes, terraces, detention reservoirs, stream channels, ditches, and other special land treatment and stabilization measures needed to protect farms and rural residents from water damage, provided such facilities cannot be installed or imporved under, or will not conflict with, other public programs such as those administered by the Corps of Engineers.

(5) Special treatment measures or equipment primarily, though not exclusively, for flood prevention such as:

(i) Facilities and equipment for fire prevention and control.

(ii) Tree planting and establishment of other vegetative cover for stabilizing critical runoff and sediment-producing areas.

(iii) Structural and vegetative measures to stabilize stream channels and gullies.

(iv) Basic farm conservation practices to control runoff, erosion, and sedimentation.

(6) Installing, repairing, and improving water storage facilities, including outlets for immediate and future domestic, municipal and industrial water supply and water quality management, and conveying water to treatment facilities or distribution systems. When payment of loans for such facilities are primarily dependent upon revenues from use of water stored the loan approval official must determine the adequacy of facility for use of the water before a loan is closed.

(7) Public water based recreation and fish and wildlife developer loans will only be made to public bodies for the local share of cost for such developments for which SCS is providing technical or financial assistance from WS or RCD funds. Loans will not be made for developments larger or more elaborate than that which is included in the WS or RCD plan. Loans may include funds for:

(i) Construction of necessary water resource improvements such as storage capacity in multipurpose and single purpose reservoirs, water level control structures in reservoirs and streams, and stream channel improvements necessary for the development of the facilities. This may include practices for improvement of fish and wildlife habitat and environment and related areas and facilities for proper protection and management of the development.

(ii) Essential developments, improvements, equipment and facilities for access, public health and safety, and efficient operation management and maintenance; such as energy utilities, water supply and waste disposal systems, maintenance buildings, fences, cattle guards, roads and trails, parking, picnicking, camping, beaches, playgrounds, and related shelters and equipment.

(iii) Special areas and structures such as forest and other vegetative cover, marshes, pits, shelters and fish ladders to provide protected natural spawning, breeding, nesting, and feeding for fish and wildlife.

(8) Soil and water management for agriculture related pollutant control. Measures to reduce agriculture-related pollutants that adversely affect the community and the general public. Measures may include, but are not limited to, holding ponds, debris basins, diversions, terraces, and community distribution systems.

(9) Acquiring fee simple title to lands or perpetual easements, or rights-of-way for sites for works of improvement or project measures and related costs for removal, relocation, or replacement of existing improvements including relocation payments for displaced persons, business enterprises and facilities, and other related purposes. Funds for land acquisition will be limited to costs necessary for WS works of improvement or RCD measures. Final construction plans will indicate minimum essential lands and rights-of-ways to be acquired. In some cases, sponsoring local organizations may need to acquire lands in excess of actual needs when it is expedient for planned development. If the State director determines that the acquisition of excess land is necessary or expedient for the orderly development of a WS works of improvement, or RCD measure, he may authorize the action subject to the following conditions:

(i) The applicant must agree to sell excess land as soon as practicable and apply the proceeds, together with any income from excess land, on the debt to FmHA.

(ii) The applicant must furnish legal evidence of authority to acquire additional land and dispose of it as agreed.

(iii) Evidence must be provided to jusify acquisition of additional land.

(iv) Easements for land or water resource protection structures must be perpetual and must not include clauses that terminate the easement with the dissolution or abandonment of the applicant organization. Loan funds will not be used for an easement that deviates in any way from that provided in the standard SCS form unless modifications of it are approved by both SCS and FmHA.

(10) Acquisition of water supply or water right by purchase or by appropriation under local, State, and Federal laws. The loan may include funds for the purchase of land on which the water supply or water right is presently being used when:

(i) The water supply or water right cannot be purchased without the land, and

(ii) The value of the land is not the major portion of the cost, and

(iii) Any excess land thus acquired will be sold as soon as possible and the proceeds applied on the loan.

(11) Purchase of equipment and machinery necessary for development and operation of planned WS works of improvement or RCD measures or projects including:

(i) *Special-purpose equipment.* Purchase or rent special-purpose equipment to install or maintain any community facility in the above categories or to establish on farms soil and water conservation measures such as terraces, ponds, land leveling for irrigation or drainage, subsoiling, seeding, tree planting, and removal of brush, scattered trees, and stumps, provided:

(A) Such equipment is not otherwise available when needed.

(B) There is sufficient need and local demand to justify ownership or rental.

(C) Rates to be charged include, among other things, an allowance for depreciation, obsolescense, and replacement based upon the recommendations of the equipment manufacturer or the experience of contractors engaged in providing services for similar types of work.

(ii) *Forestry equipment and services.* Purchase or rent basic special-purpose equipment, facilities, certain land or land rights, and supplies needed for furnishing services for the establishment, improvement, protection, and harvesting of timber (not processing) suitable for lumber, pulp, poles or posts; providing that the forest program and forest practices benefiting from such services are in accordance with approved conservation practices for the development, use, and control of water resources on farms and in forests. Special-purpose equipment may include such items as tractors, bull dozers, plows, planters, trucks, loaders, fire-fighting equipment, and sprayers. Facilities may include such items as ponds and reservoirs, pipelines, buildings for storage of equipment and supplies, nurseries, access roads, fire lanes, and lookout towers. Supplies may include such things as seed, seedlings, fertilizers, fencing, and pesticides. Land or land-rights acquisition will be limited to that necessary for sites for facilities listed above which are directly related to the forestry program. Loans for these purposes may be made only when the equipment, supplies, and facilities to be provided:

(A) Are not readily available when needed.

(B) Will be justified by local need and demand.

(C) Will be available to users at rates sufficient to cover loan amortization, obsolescence, replacement, operation, and cost of supplies.

(D) Will more efficiently serve the group through cooperative effort.

(12) Refinancing debt obligations of the sponsoring local organization that were incurred before application for a WS or RCD loan when that is not the primary purpose of the loan and:

(i) The debt being refinanced was for works of improvement or measures for which loan funds could be used and,

(ii) The debt is a valid obligation of the sponsor and

(iii) Creditors will not modify payment terms on existing debts, and the organization cannot pay existing debts and a loan from FmHA over the same period of time.

(13) Long-term debts will not be refinanced unless necessary to provide a sound basis for the loan or WS advance and concurrence is obtained from the national office.

(14) If repayment is based on revenues, payment of interest installments from loan funds (but not WS advances) until the facility is generating enough revenue to make accrued interest payments. Loan funds for interest payments will not exceed the estimated amount that will accrue to the end of the third full calendar year after loan closing without prior approval from the National Office.

(15) Relocation payment to displaced persons, business, and farm operations and for relocation assistance advisory services in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (Pub. L. 91-646, 84 Stat. 1894), the regulations issued by the Secretary of Agriculture under the act (7 CFR Part 21) and the Memorandum of Understanding between SCS and FmHA.

(16) Services of engineers, architects, attorneys, auditors, construction foremen, managers, clerks, and others for organizing, planning, surveying, supervising, analyzing, developing, operating, managing, and accounting for activities related to loan processing and closing and development for which the loan is made.

(17) Buildings, fences, roads, utilities, facilities, and relocation.

(i) To construct buildings of modest design essential for the operation and maintenance of the works of improvement or measure.

(ii) To provide support facilities and utilities such as gas, electricity, water, sewer, and waste disposal.

(iii) To build or relocate roads, bridges, utilities, fences, and other improvements when necessary to acquire rights-of-way or to construct or operate the facility.

(18) Services and fees. To pay costs for services for any purposes listed under this section such as:

(i) Fees or other legal expenses for establishing a water right through appropriation, agreement, permit, or court decree.

(ii) Purchase of water stock or membership in an incorporated water users' association to acquire a water supply.

(iii) Costs of labor, technical or professional services, and fees to be incurred in obtaining the loan and in planning and completing the facilities or services to be financed with loan funds.

(iv) Services such as those listed in paragraph (a) (16) of this section.

(b) *RCD loans.* Purposes for which RCD loans may be made in addition to those included in paragraph (a) of this section are:

(1) *Solid waste management.* Lands, equipment and facilities to collect, transport, and dispose of solid waste in sanitary landfills for which SCS is providing technical assistance.

(2) *Shifts-in-land use.* Lands for uses such as grazing, forestry, wildlife, natural areas and parks, greenbelts, and other open spaces.

(3) *Purchase existing facilities.* Purchase existing facilities for shift-in-land use, soil and water development, conservation, control and use when it is determined that purchase is necessary to provide efficient service through a facility owned and operated by a public agency (or a nonprofit corporation in a rural area), or the owner is either unwilling or unable to make improvements, enlargement, or extensions needed to provide significant additional or improved service for present users or for a new group of users at reasonable rates.

(c) *SCS watershed advances.*

(1) SCS watershed advances are loans that may be made from SCS construction funds for the following purposes included in a watershed work plan agreement:

(i) To pay construction costs including cost of engineering and related services for increasing reservoir capacity (including intake and outlet structures) for a future water supply for municipal, domestic, industrial, or agricultural uses.

(ii) To preserve sites for authorized watershed works of improvement by acquiring land, easements, and rights-of-way or other property rights.

§ 1942.407 Loan and advance limitations and obligations incurred before loan closing.

(a) *WS and RCD loan limitations.*

(1) Loans will not be used for:

(i) Land treatment measures on individual farms except as provided in § 1942.406(a)(5)(iv).

(ii) Buildings and facilities to be used for lodging, dining or entertainment purposes.

(iii) Building industrial parks or constructing facilities in them, or establishing private industrial or commercial enterprises, or purchasing land to be used primarily for industrial purposes.

(iv) Paying costs allocated to structural measures for flood prevention.

(v) Facilities for the production and harvesting of fish and wildlife such as hatcheries, rearing ponds, and related facilities other than those under natural conditions.

(vi) Facilities primary for treatment and distribution of water or for sewer-

age, collection and treatment for domestic or industrial use or for municipal or community systems.

(vii) Electric generating, transmission, and distribution facilities, except when provided as part of the minimum basic facilities for recreation and fish and wildlife developments authorized in § 1942.406(a)(7).

(viii) Storm and sanitary sewers and solid waste disposal facilities other than authorized in § 1942.406(b)(1).

(ix) Payment for a tract of land, easements, or rights-of-way on which SCS will share the cost if the amount to be paid with loan funds exceeds the difference between the SCS share and the value on which the SCS share is based.

(x) Purchasing tracts of land primarily for later resale to private developers or individuals for agricultural or nonagricultural use.

(xii) Buildings for residential, commercial, or industrial use.

(xiii) Developments on private property primarily for the benefit of the individual property owner.

(xiv) Payment of that part of the cost of facilities, improvements, and practices that could be earned by participation in agricultural conservation programs unless such cost cannot be covered by purchase orders or assignments to material suppliers or contractors. If a loan is made for such purposes for which practice or cost share payments exceed $500, FmHA will obtain an assignment on such payments to be paid on the loan.

(xv) Primarily for water and sewage treatment plants and distribution systems.

(xvi) Drainage facilities primarily for the benefit of other than rural areas.

(xvii) Any single RCD measure that requires a loan of more than $500,000.

(xviii) The total amount of principal outstanding for all WS loans made for one or more watershed works of improvement in a single watershed project, whether made to one or more sponsoring organizations, will not exceed $10,000,000.

(b) *Watershed advance limitations.*

(1) A WS advance for future water supply will not be used for acquiring property rights including lands, easements, and rights-of-way; water rights; administration of contracts; storage capacity for immediate municipal use; pipelines from the reservoir to place of use; or for other uses such as irrigation, fish and wildlife, and recreation.

(2) A WS advance for increasing reservoir capacity for future water supply will not exceed 30 percent of the total installation cost of the structure.

(3) A WS advance for site preservation will not exceed that determined necessary by SCS except to purchase land in excess of actual needs in accordance with the provisions of § 1942.406(a)(7).

(4) Before a project agreement is entered into, there must be satisfactory evidence that the borrower will develop the site to be acquired or will use the future water supply and that revenue will be sufficient to meet all scheduled installments.

(c) *Obligations incurred before loan closing.*

(1) WS loans, WS advances, and RCD loans may be used for payment of obligations incurred before loan closing when the State director determines that:

(i) The obligations incurred are necessary for planned developments,

(ii) The obligations are incurred for authorized loan purposes, and

(iii) Contracts and construction plans meet FmHA and SCS standards, and

(iv) The applicant has legal authority to incur the obligations at the time proposed and

(v) The State director authorizes such action in a letter to the applicant.

(2) The State director's letter will specifically state that the permission is granted on the condition that FmHA is not committed to make a loan and assumes no responsibility for any obligation incurred by the applicant because of the permission granted and that the loan will be closed subject to compliance with agency regulations including closing instructions of the regional attorney office of the general counsel.

§ 1942.408 Rates and terms—WS loans and WS advances and RCD loans.

(a) *Interest rates.* The interest rate for WS loans, WS advances and RCD loans is the average rate as determined by the Secretary of the Treasury, payable by the U.S. Treasury on its marketable public obligations outstanding at the beginning of the fiscal year in which an obligating agreement is executed, which are neither due nor callable for redemption for 15 years from the date of issue.

(1) The interest rate determined at the beginning of each fiscal year, will be charged for loans or advances obligated in that fiscal year.

(2) For loans, unless otherwise required by State law, interest will accure from date of check delivery where Form FmHA 440-22, "Promissory Note (Association Organization)," is used. Where bonds are used interest will accure from the applicable dates recorded on the bonds. Where multiple loan disbursements are used interest will accrue from date of check.

(3) Interest on an advance for future water supply will begin as required by State law, when water is first used from the future water storage capacity installed with advance, or ten years from the scheduled date of the completion of the facility, whichever date is the earlier.

(4) Interest on an advance for preservation of sites will begin on the date the advance is closed.

(b) *Length of repayment period.* The repayment period on loans may not exceed the shortest of the following periods:

(1) The statutory limitation on the sponsoring local organization's borrowing authority.

(2) Fifty (50) years for WS loans and WS advances and 30 years for RCD loans from the date when the principal benefits from the WS works of improvement or RCD measure being financed first become available.

(3) The useful life of the WS works of improvement or RCD measure being financed with loan or advance funds.

(c) *Deferred or partial payments.* Deferred or partial payments may be authorized when:

(1) Payments need to be delayed until the receipt of income from taxes or other revenues is enough to meet a regular installment but not exceed:

(i) The completion date of the facility or

(ii) The date when benefits from the facility begins but

(iii) In no case for more than 5 years for other than future water supply.

(2) Payments will depend on the increased returns expected from planned improvements, or from the installation on individual farms of land development or other soil and water improvements essential for obtaining benefits from the improvement to be installed with loan funds.

(3) They will not be used to permit the accelerated payment of other debts, to make capital improvements, or to create operating reserves.

(4) Where prohibited by State Statutes; interest payments will not be deferred even though payments on principal may be deferred.

(5) Loans or advances for future water supply will be repaid within the life of the reservoir structure but in no event later than 50 years for WS and 30 years for RCD after the reservoir structure is built. Payments on the principal amount may be deferred one year after the water is first used from the storage capacity installed with the advance or for 10 years from the scheduled completion date of the structures, whichever occurs first.

(i) Interest will begin for a future water supply as required by State law, or when water is first used from the future storage capacity or 10 years from the scheduled date of completion of the facility, whichever occurs first.

(ii) If State law requires that interest be charged and repaid before water is first used or earlier than 10 years from completion date of the structure, interest payments will be scheduled to comply with State law even though payments of principal may be deferred.

(iii) The borrower should be encouraged to begin repayments as soon as practicable after the reservoir is built even though this liberal deferment policy exists.

(iv) WS advances for preservation of sites must be fully repaid before beginning construction of the works of improvement for which such sites were acquired.

(A) Unless a WS advance is to be repaid with a WS loan, installments will be scheduled at the earliest possible date following the date of closing the advance. The date and amount of each such installment will be fixed to coincide with the receipt of income from taxes or other revenues.

(B) Payments for both principal and interest on a WS advance for preservation of sites may be scheduled for payment in one installment to be paid on the date of the closing of a WS loan which includes funds for the repayment of the WS advance.

(C) Interest on a WS advance for preservation of sites will begin on the date the WS advance is closed.

(d) *Payment amortization and application.* (1) A borrower may make prepayments on WS loans, WS advances, or RCD loans in any amount at any time.

(2) Payments will be applied first to interest accrued to the date of the receipt of payment, and second to the principal balance. If the regular payments plus any prepayments exceed the cumulative amount due, the excess payments will be applied on the next installment first to interest, then principal. Loan refunds and proceeds from the sale of security property, however, will be applied on the final unpaid installment.

(3) Payments will be scheduled annually beginning 1 year following the date of loan closing or 1 year following the end of any approved deferment period, unless another annual due date is required by State statute or upon prior written authorization from the national office. In those cases where loans are being made under statutes requiring a repayment date other than this, the State director will send a copy of the regional attorney's opinion that such is required, to the finance office.

(4) When a single obligation instrument is used, amortized installments will be required. When this cannot be done because of State law, serial bonds or a single bond having installments of principal plus interest, stated separately, will be used. In cases where the payment of interest has been deferred, all collections will be applied to interest until such interest has been paid. Also, when a full installment is not paid when due, the payment made will be applied first to accrued interest.

(5) In cases where the indebtedness will be represented by serial bonds or a single bond having installments of principal plus interest, stated separately, annual payments of principal and interest will be scheduled to permit them to be paid in amounts approximately equal to the amounts that would be required for annual amortized installments.

(6) If the borrower will be retiring other debts represented by bonds or notes, the payment on such bonds may be considered in developing the payment schedule for the FmHA loan. In some cases, it may be desirable to reduce the amount of payments to FmHA in the early years of the loan in order to preclude the necessity for refinancing the outstanding debt. When such payment schedules are proposed, national office authorization will be obtained prior to loan approval.

(7) *Payment date.* Insofar as loan payments are consistent with income availability, applicable State statutes, and commercial customs in the preparation of bonds or other evidence of indebtedness, they should be scheduled on a monthly basis either in the bond or other evidence of indebtedness or through the use of a supplemental agreement. Such requirements will be accomplished not later then the time of loan closing. When monthly payments are required, such payments will be scheduled beginning 1 full month following the date of loan closing or the end of any approved deferment period. Subsequent monthly payments will be scheduled each full month thereafter. In those cases where evidence of indebtedness calls for annual or semiannual payments, they will be scheduled beginning 6 or 12 full months, respectively following the date of loan closing or the end of any approved deferment period. Subsequent payments will be scheduled each 6th or 12th full month respectively, thereafter. When the evidence of indebtedness is dated the 29th, 30th, or 31st day of a month, the payment date will be scheduled the 28th day of the month.

§ 1942.409 Security, feasibility, evidence of debt, title, insurance and other requirements.

(a) *Security.* WS loans, WS advances, and RCD loans will be secured in accordance with applicable provisions of § 1933.17(a)(6).

(b) *Feasibility.* All projects financed under the provisions of this subpart must be based on taxes, assessments, revenues, fees, or other satisfactory sources in an amount that will provide for facility operation and maintenance, a reasonable reserve, and payment of the debt. The State director may obtain needed assistance in determing economic feasibility from officials of SCS and other appropriate USDA agencies. See § 1933.17(a)(7) for applicable economic feasibility requirements and feasibility reports.

(c) *Notes, bonds, and bond transcript documents.* See § 1933.19 for applicable requirements and provisions.

(d) *Insurance.* See § 1933.17(a)(9) for requirements.

(e) *National flood insurance.* The requirements of the National Flood Insurance Act of 1968 as amended by the Flood Disaster Protection Act of 1973 will be complied with in accordance with applicable provisions of FmHA Instruction 1901-L. Also see § 1933.18 (a)(3)(i).

(f) *Borrower contracts and bonds.* See § 1933.18(a)(9) for applicable provisions.

(g) *Title requirements.* (1) Title evidence for land, easements, and rights-of-way to be acquired with proceeds of loans or advances will be furnished by the sponsoring local organization in accordance with SCS policies and procedures.

(2) FmHA will specify and approve the form and content of instruments for conveying title to or interest in real estate on which a lien will be taken to secure a WS loan, WS advance, or RCD loan. These should be consistent with the applicable provisions of § 1933.17(a)(6). The State director will make his decision after consultation with the regional attorney and the State conservationist. He will notify SCS in writing of his decision. Thereafter, title clearance will be completed under SCS regulations except that a marketable title must be obtained on any tract of land, a part of which will be sold as excess land in accordance with § 1942.406(a)(9). In addition to the title evidence required by SCS, applicants will furnish an opinion of legal counsel on all land and interest in land acquired with loan or advance funds.

(h) *Purchasing lands, rights and facilities.* The amounts paid for lands, rights, and facilities with loan funds will be not more than that determined to be reasonable and fair by the loan approval official based upon an appraisal of the current market value made by an FmHA employee or an independent appraiser authorized by the FmHA loan approval official.

(i) *Water rights.* Applicants will be required to comply with applicable State and local laws and regulations governing appropriating, diverting, storing and using water, changing the place and manner of use of water, and in disposing of water. All of the rights of any landowner, appropriator, or user of water from any source will be fully honored in all respects as they may be affected by facilities installed with WS loans and advances and RCD loans. If, under the provisions of State law, notice of the proposed diversion or storage of water by the applicant may be filed, the applicant will be re-

quired to file such a notice. An applicant must furnish evidence to provide reasonable assurance that its water rights will be or have been properly established, will not interfere with prior vested rights, will likely not be contested or enjoined by other water users or riparian owners, and will be within the provisions of any applicable interstate compact.

§ 1942.410 [Reserved]

§ 1942.411 Other considerations.

(a) *Technical assistance.* When pipelines from reservoirs to treatment plants are included in watershed work plans, SCS will not furnish engineering services for their design or installation. When such pipelines are to be financed by WS or RCD loans, FmHA will supervise the activities of the private engineers retained for the purpose. Such FmHA supervision will include, among other things, approval of private engineer's contracts, approval of plans and specifications, authorization of contract awards, spot checks of engineering inspection, and final inspection and acceptance.

(b) *Professional services.* Applicants will be responsible for providing the services necessary to plan projects including design of facilities, preparation of cost and income estimates, development of proposals for organization and financing, and overall operation and maintenance of the facility. Necessary professional services may include such as that of an engineer, architect, attorney, bond counsel, accountant, auditor, and financial advisor or fiscal agent. Form FmHA 442-19, "Agreement for Engineering Services," may be used when appropriate. Section 1933.20(a) (guide 14) of this part available in any FmHA office and may be used as a guide to prepare the agreement for legal services.

(c) *Other services.* Contracts for other services such as management, operation, and maintenance will be developed by the applicant and presented to the FmHA official developing the docket for review and approval.

(d) *Fees for services.* Fees provided for in contracts, agreements, or services will not be more than those ordinarily charged by the profession for similar work when FmHA financing is not involved.

(e) *State pollution control or Environmental Protection Agency standards.* Facilities will be designed, installed, and operated to prevent pollution of water in excess of established standards. Effluent disposal will conform with appropriate State and Federal water pollution control standards.

(f) *Water pollution.* When repayment of a WS loan, WS advance, or RCD loan will be dependent upon income from the use or sale of water, FmHA approval will be contingent upon a determination that the proposed use of water will not be impaired by pollution. For example, full use of stored water for recreation or municipal supply might not be permitted by a State health department because the water is being polluted from an upstream or other source.

(g) *Environmental assessments and environmental impact statements.* Actions will be taken to comply with the National Environmental Policy Act in accordance with FmHA instruction 1901-G. When environmental assessments and environmental impact statements have been prepared on WS plans or RCD area plans by SCS, a separate environmental impact statement on WS works of improvement or RCD measures for which a WS loan, WS advance, or RCD loan is requested will not be necessary unless it will have a significant adverse environmental impact not covered in the existing statement. The environmental assessment prepared by the FmHA State director should indicate the action taken by SCS in compliance with the requirements of the National Environmental Policy Act. If a determination is made that a further assessment of the environmental impact is needed. The FmHA State director will make necessary arrangements with the State SCS conservationist for such action to be taken before a loan is made.

(h) *National Historic Preservation Act.* All projects will comply with the provisions of the National Historic Preservation Act of 1966 in accordance with FmHA instruction 1901-F.

(i) *Civil Rights Act of 1964.* Recipients of WS loans, WS advances, or RCD loans are subject to title VI of the Civil Rights Act of 1964 which prohibits discrimination because of race, color, or national origin. Borrowers must agree not to discriminate in their operations by signing form FmHA 400-4, "Nondiscrimination Agreement," before loan closing. This requirement should be discussed with the applicant as early in the negotiations as possible. Necessary actions will be taken in accordance with FmHA instruction 1901-E.

(j) *Appraisals.* When required by the State director, appraisals will be made by an FmHA official designated by him. Form FmHA 442-10, "Appraisal Report—Water and Waste Disposal Systems," with appropriate supplements, may be modified as needed for use with the type of facilities being appraised.

(k) *Architectural Barriers Act of 1968.* All facilities financed with FmHA loans and grants which are accessible to the public or in which physically handicapped persons may be employed or reside must be developed in compliance with this act in accordance with this act.

§ 1942.412 Preapplication and application processing.

(a) *WS and RCD Loans.*—(1) *Preapplications.*

(i) The county supervisor or other person designated by the State director may assist the applicant in completing form AD-621, "Preapplication for Federal Assistance," and in filing a written notice of intent and request for priority recommendation with the appropriate clearinghouse. He will forward one copy of form AD-621 along with clearinghouse comments and priority recommendations to the State director.

(ii) The State director will review form AD-621 along with other necessary information and will coordinate selection of preapplications to be processed with SCS and the State clearinghouse. He will consult with the SCS State conservationist concerning the status of the WS plan or RCD measure plan, the estimated time schedule for construction and cost of the proposed works to be installed with the loan, cost sharing funds to be made available to the applicant, and other pertinent information.

(iii) Form AD-622, "Notice of Preapplication Review Action," will be prepared and signed by the State director within forty-five (45) days from receipt of the preapplication in FmHA stating the results of the review action. An original and one copy of form AD-622 will be sent to the county supervisor who will deliver the original to the applicant.

(2) *Applications.*

(i) The application includes applicable forms and information indicated in § 1933.20(a), (guide 15). When the State director determines that an application will be further processed and form AD-622 is delivered, he will designate the district director, a community program specialist (field), or a member of the community program staff to assist the county supervisor and the applicant with assembling and processing the application.

(ii) The county supervisor should arrange needed conferences with the applicant and its legal and engineering consultants, and when necessary, arrange for review of other FmHA officials, and provide guides, forms, instructions, and other assistance with assembling and processing the application. A processing checklist and time schedule will be established by using form FmHA 442-40, "Processing Check List (Public Bodies)," or form FmHA 442-39, "Processing Check List (Other than Public Bodies)." The county supervisor will send a letter and a copy of the processing checklist to the applicant to confirm instructions and decisions conference. The original and a copy of the processing checklist will be kept in the county office, and will be posted current as

application processing actions are taken. The copy will be circulated from the county office to the district director to the State office for use in updating copies of the forms retained, after which it will be returned from the State office to the county office.

(3) *Dockets.* WS loan, WS advance, and RCD loan dockets will be developed and assembled in accordance with applicable provisions of FmHA instruction 1933-A including § 1933.20 (a) (guide 16).

(b) *Watershed advances.* Applications for WS advances will be developed and processed with SCS assistance as necessary.

(1) The State director will arrange with the SCS State conservationist to be advised when a local sponsoring organization applies to SCS for a WS advance.

(2) The FmHA State director will request the SCS State conservationist to provide information justifying the WS advance along with a written recommendation that it be made. This will include:

(i) Economic feasibility of the proposed WS advance.

(ii) Evidence of the legal authority of the sponsoring local organization to incur the obligation and make required payments.

(iii) Any limitations on the issuance of additional bonds or notes which may be imposed by the provisions of bond ordinances or on resolutions which authorize the issuance of any outstanding obligation of the sponsoring local organization.

(iv) The amount of WS advance funds to be provided, purpose for which funds will be used, and date funds will be needed.

(3) When the above information has been made available to the FmHA State director, he will send written recommendations concerning further action on the WS advance request to the SCS State conservationist including actions to be taken in the preparation of the WS advance docket as required by § 1933.20 (a) (guide 16).

(c) *Combination WS Loans and WS Advances.* If an applicant requests both a WS loan and WS advance, the application for the WS loan should indicate the amount of the WS advance needed and whether a request for it has been made to SCS. The FmHA State director and the SCS State conservationist will coordinate applicable processing actions of such applications. When the FmHA State director determines that favorable consideration will be given to an application for a loan or advance, he will provide instructions to the county supervisor for completing and processing the appropriate docket. Any questions concerning eligibility or other legal matters should be cleared with the regional attorney.

(d) *Review of Decision.* When it is determined that the preapplication or application cannot be given favorable consideration, the State director will return it to the county supervisor along with written reasons. When the county supervisor receives this information, he will notify the applicant in writing of the reasons why the request was not favorably considered. The notification to the applicant will state that the FmHA Administrator may be requested to review the decision. This action will be taken in accordance with FmHA instruction § 1933.2 (c).

(1) Upon receipt of the State office copy of a review request from the applicant, the State director will furnish a report on the matter to the Administrator.

(2) The Administrator will notify the applicant and the State director in writing of his decision and the reasons therefore.

§ 1942.413 [Reserved]

§ 1942.414 Planning, options, and appraisals.

(a) WS and RCD area plans are developed by sponsoring local agencies and organizations with technical assistance from SCS and other Federal and State agencies. These plans include WS works of improvement and RCD measures to be developed or constructed for which SCS construction funds may be made available on a cost share basis along with funds provided by the sponsoring local organization, a portion or all of which may be obtained by a WS loan and/or WS advance, or a RCD loan.

(b) Current information on the availability of cost share funds and purposes for which they may be used is provided by SCS. The amount of SCS cost share funds and the amount of funds to be provided by the sponsoring local organizations will be indicated in each plan. The estimated amount of WS loan, WS advance, or RCD loan anticipated by the sponsoring local organization should also be included.

(c) Plans for the development or construction of individual WS works of improvement and RCD measures will normally be developed with SCS technical assistance. In every case they will be approved by both the SCS State conservationist and the FmHA State director or their designated agent when a WS loan, WS advance, or RCD loan is made.

(d) Options and appraisals related to the purchase of real estate for which a WS loan, WS advance, or RCD loan is made must be developed in accordance with SCS and FmHA requirements and approved by FmHA. The determination of present market value will be made in accordance with § 1933.3.

§ 1942.415 Planning and performing development.

(a) Planning and performing development will be handled in accordance with §§ 1933.9 and 1933.18 and regulations of SCS for developments with SCS financial assistance.

§ 1942.416 County committee review.

(a) Comments and recommendations in narrative form will be obtained prior to approval of a WS loan, WS advance, or RCD loan from:

(1) The county committee for the county in which the WS works of improvements or RCD measure is or will be located and also in which the applicant is located if in different counties, and

(2) The county committee in other counties in the WS or RCD area if the State director determines that such is desirable.

(b) The comments and recommendations should indicate the community need for and interest in the proposed WS works of improvement or RCD measure, any local issues, or other information which the committee feels should be considered by the approval official.

(c) The written statement of the county committee will be signed by at least two members of each committee involved and will be included in the loan docket.

§ 1942.417 Docket preparation and processing.

(a) *Loan dockets.* Dockets for WS loans, WS advances, and RCD loans will be prepared in accordance with the applicable provisions of FmHA regulations including §§ 1933.2, 1933.5, and 1933.20(a) (guide 15) (guide 16), and the following:

(1) *Time for preparation of docket.* Docket preparation may begin as soon as a preliminary draft of the watershed plan or RCD area plan, together with an estimate of costs and benefits, have been prepared with the assistance of SCS and approved by the sponsoring local organization applicant. However, the applicant must understand that approval of the WS loan, WS advance, or RCD loan will not be determined until the work plan has been authorized for assistance by SCS. To the extent practicable, docket preparation may be completed by that time to facilitate the availability of funds when needed.

(2) *Instructions for preparation of docket.* When the State director has determined that plans and other requirements are completed to the extent that preparation of the loan docket may begin, he will send the county supervisor a memorandum giving complete instructions for docket preparation, with a list of documents to be included in the docket.

(3) *Objectives of the docket.* The docket should include information for use in determining that:

(i) The sponsoring local organization:

(A) Has legal authority to construct and operate the proposed facility, borrow money, give security, incur debt, and generate revenue needed for operation, maintenance, reserves, debt payment, and other cash requirements.

(B) Is a sponsor or cosponsor of the WS plan or RCD work plan and is otherwise eligible for assistance.

(ii) Funds will be used for authorized purposes.

(iii) The source of income to be pledged for debt payment and the security proposed is adequate.

(iv) Actions required for loan closing are administratively satisfactory, legally sufficient and properly documented in accordance with Agency regulations.

(4) *Assembly of the docket.* The docket will be assembled in accordance with paragraph (2) of this section, applicable provisions of §1933.20(a) (guide 15) and (guide 16) and will include the following:

(i) A copy of the WS works of improvement agreement or RCD measure agreement.

(ii) A copy of the operation and maintenance agreement between SCS and the WS or RCD sponsoring local organization for the WS works of improvement or the RCD measure.

(iii) A statement from the SCS State conservationist concurring in the feasibility of the WS work of improvement or RCD measure and that SCS is providing financial and/or technical assistance in accordance with applicable WS or RCD authorities.

(5) *Narrative by county supervisor.* This should be included in or attached to the project summary. It should relate project costs to benefits of the WS or RCD loan or WS advance. Minimum and average individual charges, tax levies or assessments should be given where applicable. Where taxes or assessments on land will be levied, acres should be indicated and average cost per acre should be given. Analyses of income from recreational facilities should be based on the best information available from local, State, and Federal agencies concerned with such recreation facilities. Determination of water rates, schedules, and estimated consumption of water should be made by the same methods as for loans for domestic water and irrigation.

(6) *Estimates of right-of-way Costs.* The docket should include, as part of the project summary, current estimated costs of easements, rights-of-way, and other land rights which must be acquired. The amount estimated for such purposes in the WS or RCD plan should reflect current conditions.

(b) *Loan processing by State Office.*

(1) *Review of the docket.* The county supervisor and the district director will check the docket for accuracy and completeness and forward it to the State office with their recommendations. The State director will review the docket to determine that:

(i) All documents are accurate and complete.

(ii) The proposed loan complies with WS and RCD program policies and procedures of both FmHA and SCS.

(iii) Security is adequate and the repayment plan is sound.

(iv) Funds requested are for authorized purposes.

(v) Actions are in compliance with requirements of applicable Federal and State laws.

(2) *Letter of conditions.* When the State director determines that the docket is complete and the proposed activity is feasible, he will prepare a proposed letter of conditions including the requirements § 1933.5(a)(3) under which the application may be further processed. The letter will be delivered to and discussed with the applicant upon acceptance of the conditions the applicant will indicate instructions to meet the conditions by a letter of interest and the application will be further processed.

(3) *Legal Review.* The complete docket and proposed letter of conditions will be forwarded to the regional attorney, OGC for review and preparation of closing instructions. If it is not possible to issue closing instructions at that time, the regional attorney, will issue a preliminary legal opinion commenting upon the applicants legal existence, authority to incur debt and give security for the WS loan, WS advance, or RCD loan requested and actions to be taken before closing instructions may be issued.

(4) *Authorization for Approval.* When the FmHA State director receives closing instructions or a preliminary legal opinion for a WS loan, WS advance, or RCD loan that is not within his approval authority he will send this information along with the docket, the proposed letter of conditions, and a memorandum recommending approval to the national office. A copy of his memorandum will be sent to the county supervisor and to the district director. If the proposed action is within the State director's approval authority he need not submit the material listed above to the national office unless he wants review and comments before approval.

(c) *WS Advance Processing.*

(1) When the FmHA State director has concurred with the SCS State conservationist in the inclusion of a WS advance in a watershed plan, preparation of the advance docket can be initiated and will be processed in the same manner as for a WS loan. Where both a WS loan and WS advance are planned only one docket will be prepared to include both the WS loan and WS advance.

(2) If the advance appears to be sound and proper, the FmHA State director will send a proposed memorandum of concurrence to the SCS State conservationist. The memorandum will state that FmHA concurs in the execution of a work of improvement agreement for which SCS will obligate advance funds and that FmHA will accept the proposed obligations of the applicant to repay the advance subject to conditions specified in or attached to the memorandum. These conditions will include all appropriate requirements in accordance with §1942.417(b)(2) of this instruction and will specify compliance with closing instructions issued by the regional attorney. It will also indicate that preparation of the WS advance docket will be in accordance with §1942.417(a) of this instruction.

(3) The FmHA State Director and the SCS State conservationist will sign the memorandum of concurrence to SCS when:

(i) It has been determined that funds for the advance will be obligated by SCS, and

(ii) The WS advance docket, has been approved and

(iii) Closing instructions have been issued by the regional attorney, and

(iv) The FmHA State Director and SCS State conservationist have determined that the applicant can comply with all requirements of the letter of conditions and closing instructions.

§ 1942.418 Feasibility.

(a) Before WS loan, WS advance, or RCD loan is approved, a determination of feasibility will be made by the FmHA State Director based upon a review of plans developed in cooperation with SCS personnel. The feasibility determination must have the concurrence of the SCS State conservationist before a WS loan, WS advance, or RCD loan is approved.

(b) A written assessment of the project's feasibility will be made by the county supervisor, architect/engineer, district director, and program chief in their recommendations or comments on the project summery. These should reflect concurrence of the respective SCS personnel in counterpart positions with whom they cooperate in administering these programs.

§ 1942.419 Approval, closing, and cancellation.

(a) Approval and closing actions will be taken in accordance with the applicable provisions of FmHA regulations including §1901-A, and §1933.5, §1933.6, §1933.7, §1933.8, §1933.17(a) and the following:

(1) The WS or RCD plan has been approved for operations by SCS and the applicant is an official sponsoring or cosponsoring local organization for the plan as evidenced by being includ-

ed in the list of sponsoring or cosponsoring local organizations in the plan.

(2) Closing instructions or a preliminary legal opinion has been prepared by the regional attorney.

(3) The governing body of the applicant's sponsoring local organization has formally passed and approved the loan resolution.

(4) The FmHA State director and SCS State conservationist have determined that all planned actions can be carried out as proposed in the project plan and the docket.

(5) The SCS State conservationist and FmHA State director have mutually agreed on the priority to be given the WS loan or WS advance, or RCD loan. In making this determination, consideration will be given to the relative priority of the WS works of improvement or RCD measures to all other such work in the State and the anticipated availability of Federal and local funds to assure continuity of action and work until the project is completed. When funds are to be provided by SCS for a WS or RCD loan or a WS advance such funds must be obligated by SCS before closing.

(6) Public bodies will be required to use bond counsel in accordance with § 1933.19.

(b) When favorable action is not taken on a WS loan, WS advance, or RCD loan, the FmHA State director will notify the SCS State conservationist and the applicant in writing and, if possible, arrange for a meeting of FmHA and SCS representatives with the applicant to explain the action. WS loans, WS advances, or RCD loans may be canceled before closing in accordance with § 1933.12.

§ 1942.420 Disbursement of WS and RCD loan funds and WS advance funds.

(a) WS and RCD loan funds will be disbursed by the county supervisor in accordance with the applicable provisions of § 1933.17(a)(13) and exhibit A, paragraph (5). Funds will be made available to the borrower as needed for payment of development or other costs for which the loan is made. The county supervisor must determine that the payment is for an authorized purpose and is for benefits accrued to the borrower. This will require evidence from SCS in accordance with the applicable provisions of Exhibit A, "Memorandum of Understanding Between FmHA and SCS."

(b) WS advance funds may be disbursed in the same manner as WS loan funds if such funds are transferred to FmHA by SCS for disbursement or they may be disbursed by SCS.

(1) When WS advance funds are disbursed by SCS, payments from advance of funds will be reported to the FmHA State director each month to be reported to the finance office and charged to the borrower's account. This action will be taken in accordance with the applicable provisions of exhibit A or exhibit B and agreement between the SCS State conservationist and FmHA State director as follows:

(i) When a future water supply is being developed with SCS, WS advance funds, the SCS State conservationist will send the FmHA State director a monthly report of funds disbursed. This will include three (3) copies of Form SCS-AS-49a and 49b, "Contract Payment Estimate and Construction Progess Report," along with a transmittal memorandum showing the sequential number (first, second, third, etc.) of the payment, the amount and date of payment, the check number by which the payment was made and the cumulative amount of advance funds disbursed to date. When the works of improvement, for which WS advance funds are used is completed the final report will, in addition to the above, show the date that construction was completed and the total amount of WS advance funds used.

(ii) WS advances for construction costs will be set out each month on form SCS 49a. The FmHA State director should make arrangements with the SCS State conservationist to be supplied each month with a copy of form SCS 49a when advance funds are included together with an official statement from the SCS State administrative officer giving the date of the check and the exact amount of each advance of funds made under the advance provisions of the project agreement or of any engineering services agreement or other supplementary agreement which further implements the proposal for the advance in the project agreement. The original will be sent immediately to the finance office and a copy provided for the FmHA county office file.

(iii) When WS advance funds are used to acquire property for site preservation the same reporting procedure as for a future water supply will be used except that form SCS-AS-49a and 49b if used, should be adopted to indicate fund use. As payments are made on land on which a mortgage or other security instrument is required, such instruments will be executed in accordance with instructions from the regional attorney, OGC.

(iv) The FmHA State director maintain send the bond or note evidencing WS advance indebtedness of the borrower to the along with reports of payments from advance funds disbursed by SCS. A copy of the bond or note and copy of each report of payment will be sent to the FmHA county office.

(c) *Actions subsequent to closing of loans or advances.* Actions will be taken in accordance with § 1933.8.

§ 1942.421 Borrower accounting methods, management, reporting, and audits.

These activities will be handled in accordance with the provisions of FmHA Instruction § 1933.10.

§ 1942.422 Subsequent loans.

Subsequent loans will be processed in accordance with this instruction.

§ 1942.423 Servicing.

Servicing will be handled in accordance with the provisions of FmHA instructions 451.5 and 1955-A.

§ 1942.424 State supplements.

(a) State supplements will be issued as needed in accordance with applicable provisions of FmHA instructions including 1933-A § 1933.16.

§§ 1942.425-1942.450 [Reserved]

EXHIBIT A

MEMORANDUM OF UNDERSTANDING BETWEEN THE SOIL CONSERVATION SERVICE AND THE FARMERS HOME ADMINISTRATION RELATING TO THE MAKING OF WS LOANS AND WS ADVANCES UNDER THE WATERSHED PROTECTION AND FLOOD PREVENTION ACT

(1) *Purpose:* This memorandum is to coordinate general agency responsibilities and functions of the Farmers Home Administration (FmHA) and the Soil Conservation Service (SCS) in connection with loans and advances made to sponsoring local organizations under the provisions of the Watershed Protection and Flood Prevention Act (68 Stat. 666), as amended.

(2) *General agency responsibilities:* The general assignments to the SCS and the FmHA for the administration of the Watershed Protection and Flood Prevention Act are contained in the Secretary's policy statement dated October 19, 1962. Each agency will establish policy and procedures and take such other action as required to carry out its responsibility.

(i) The FmHA is responsible for making and servicing WS loans or advancements under section 8 and obligations for repayment of WS advances made by the SCS under section 4 of the act.

(ii) The SCS is responsible for administration of all authority under the act, except making and servicing WS loans made under section 8, and for servicing obligations for repayment of WS advances made by the SCS under section 4 of the act.

(iii) The SCS and the FmHA will cooperate in developing and carrying out their respective policies, procedures, and requirements, as they relate to WS loans and WS advances made under the act.

(3) *Receipt and processing of applications for loans and advances:*

(i) A works of improvement must be included in an approved watershed plan before a loan or advance for it is made under the act. During the development of a watershed plan, the State conservationist of SCS will afford the State director of FmHA an opportunity to gain an understanding of watershed problems and needs, and the proposed plans for works of improvement. When a sponsoring local organization indicates a desire for a WS loan or WS advance the SCS State conservationist will consult with the FmHA State director on matters

such as organizational arrangements, specific local or State requirements and other problems related to the plans for financing, installing, operating, and maintaining the planned works of improvement being considered.

(ii) The SCS State conservationist will furnish the FmHA State director a copy of each watershed plan. The Administrator of SCS will furnish the Administrator of FmHA a copy of each approved WS plan.

(iii) A watershed plan and the related executed watershed plan agreement will not obligate the FmHA to make a WS loan or obligate the SCS to make a WS advance to sponsoring local organizations.

(4) *Coordination of assistance for design, construction, and maintenance.* The following principles are to be used as a guide for the design, construction, operation, and maintenance of works of improvement when a WS loan or WS advance is involved:

(i) The SCS will furnish or assume the cost of engineering services required to plan and install the portion of the works of improvement allocated to flood prevention, agricultural phases of the conservation, development, utilization, and disposal of water, fish and wildlife, and recreational development, and not more than 50 percent of the costs of engineering services for minimum basic facilities. Sponsoring local organizations are expected to furnish and assume the cost of other engineering services required. The SCS will give such engineering advice and guidance to the sponsoring local organization as required to insure that plans, specifications and cost estimates furnished by them meet the design and construction standards and criteria established for the project and that the works are properly coordinated with any other works to be installed under the watershed plan. The SCS State conservationist will consult with and keep the FmHA State director informed during the development of construction plans and the construction of works of improvement. This will include an engineering review and a statement by the SCS of the adequacy and appropriateness of cost estimates, designs, plans, and specifications prepared by private engineers.

(ii) Engineering plans, including specifications, drawings and cost estimates for works of improvement involving WS loans or advances will be approved by the SCS State conservationist and the FmHA State director.

(iii) The SCS State conservationist will consult with the FmHA State director as to terms and conditions to be included in invitations for bids and contracts for construction or purchase of supplies and materials in connection with works of improvement to be installed with loans or advances. The SCS will provide technical assistance and advice needed by the sponsoring local organizations for the preparation of these documents and in analyzing bids and selecting the lowest responsible bidder. The contracts shall be acceptable to the FmHA State director and the SCS State conservationist before execution by the sponsoring local organization receiving a loan or advance.

(iv) The sponsoring local organization will not be permitted to accept a bid which would require additional loan funds or make changes in plans or specifications in order to obtain a bid within the estimated cost without the concurrence of the FmHA State director. Should the sponsoring local organization desire to reject bids or to not call for bids and undertake construction of works of improvement by force account, the concurrence of the FmHA State director shall be obtained.

(v) The SCS will provide technical assistance including periodic inspections during construction as necessary to protect the Government's interest and to assure that the works of improvement are being constructed in accordance with approved drawings and specifications. The SCS may approve minor changes during construction in the contract terms and conditions and the drawings and specifications which do not appreciably affect the design, cost or function of a structure without concurrence of the FmHA. Major changes or changes which affect the over-all cost of the works of improvement will require the prior concurrence of the FmHA State director.

(vi) The SCS and FmHA will make annual joint inspections, for a period of 3 years after completion thereof or more frequently if necessary, to see that works of improvement are being operated and maintained according to agreements. The sponsoring local organization will be required to make annual inspections throughout the life of the structure and report their findings to the SCS and FmHA offices. When SCS or FmHA determines that there are serious deficiencies in operation and maintenance, the FmHA State director will collaborate with the SCS State conservationist in arranging with the local sponsoring organization for the correction of such deficiencies. The FmHA or SCS may make other inspections as necessary to service the loan or advance account of the borrowing sponsoring local organization.

(vii) Responsibility rests with the local sponsoring organization to acquire any land, easements, or rights-of-ways that will be needed for works of improvement. If a lien is to be taken on works of improvement and the land, easements, or rights-of-way, the FmHA will, after consultation with the SCS, approve the easements, deeds, and permits before they are executed. The FmHA will provide instructions to the local sponsoring organization pertaining to acknowledgment, title searchers and examinations, obtaining consent of holders of liens outstanding against the land, and recording easements and deeds. The SCS will check land description in all land rights instruments to the extent necessary to determine that the areas required for construction, operation and maintenance of works of improvement are included, except that the SCS will make no property line surveys.

(viii) When loan payments will depend upon a right to use a specific quantity of water, the local sponsoring organization will furnish to FmHA satisfactory evidence of such rights, and any required additional information concerning the water supply. This evidence will include such documents and materials as affidavits, permits, title certificates, court decrees, stream gage records, rainfall records, well logs, records of pumping tests and water analysis. The SCS will examine information that is furnished together with other available information and give FmHA a written opinion of the adequacy of supply, including quality, to meet the requirements of the plan.

(5) *Disbursement of funds.* Proceeds of WS loans will be deposited in, and withdrawn from, bank accounts in the manner required by FmHA regulations. Checks on these bank accounts for payments to contractors and supplies of materials will be based upon Form SCS 49a, "Contract Payment Estimate and Construction Progress Report." Form SCS 49a, prepared by the local sponsoring organization for this purpose, will be approved by the SCS. In giving his approval to Form SCS 49a, the SCS representative shall be certain that the items covered are for the purposes and in the amounts authorized in the project agreement.

(i) Advances for future water supply shall be made as provided in the project agreement. The maximum amount of such advance shall be shown in the project agreement.

(ii) Advances for site preservation will be handled in accordance with procedures mutually agreeable to the SCS and the FmHA, which will be developed on a case-by-case basis.

(6) *Starting construction:* The local sponsoring organization will not be authorized to start construction on works of improvement to be financed in whole or in part, with a WS loan or a WS advance until:

(i) The SCS has entered into a project agreement for construction of works of improvement.

(ii) The State conservationist has notified the State director that the local organization has complied with all SCS requirements for receiving Pub. L. 566 construction assistance and the State conservationist has furnished the State director with a schedule indicating the approximate times that construction work will begin on works of improvement to be installed with such funds.

(iii) The State director has notified the State conservationist and the borrower that the loan or advances has been properly closed.

(iv) Any contract entered into by the local organization for materials, labor, or the construction of works of improvement to be financed with loan funds has been found acceptable by the FmHA.

(v) The State director has notified the State conservationist that any advance for the preservation of sites has been repaid.

(vi) All engineering drawings and specifications for works of improvement to be financed in part by WS loans or advances have been approved by the FmHA and the SCS.

(7) *FmHA contracts with local organizations:* Ordinarily, a WS loan or advance will be made to the local organization having primary interest in, and direct responsibility for, the operation and maintenance or works of improvement to be installed with loan or advance funds rather than to an organization that would have to contract with another organization for the operation and maintenance of works of improvement and the collection of revenues for repaying the loan or advance. When it is proposed to make a WS loan to an organization that would have to contract with another organization, the organization and the contractural arrangements will be mutually acceptable to the FmHA and the SCS. This determination will be made before the approval of the project agreement for construction of the works of improvement.

(8) *Informational activities:* The SCS will be responsible for the preparation, release, or other handling of the overall informational and educational material regarding the watershed protection program, including bulletins, press releases and other public announcements. The SCS will obtain the recommendations of the FmHA prior to releasing pamphlets and similar informational material which makes reference to loans. The FmHA may prepare and release infor-

mational material on the handling of loan applications. Such material will be reviewed with the SCS if it alludes to overall costs or benefits or to technical aspects for which SCS has responsibility. When desirable or necessary in particular watershed areas for SCS to arrange for community meetings to discuss and explain the program to interested local people, the FmHA will be invited to participate in such meetings if a loan or advance may be needed by a local organization to carry out planned works of improvement.

Dated: May 26, 1978.

VICTOR H. BARRY, Jr.,
Acting Administrator,
Soil Conservation Service.

Dated: May 31, 1978.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

EXHIBIT B

MEMORANDUM OF UNDERSTANDING BETWEEN THE SOIL CONSERVATION SERVICE AND THE FARMERS HOME ADMINISTRATION RELATING TO LOANS MADE WITH RCD UNDER THE PROVISIONS OF SECTION 102 OF THE FOOD AND AGRICULTURE ACT OF 1962

(1) *Purpose:* The purpose of this memorandum of understanding is to outline the responsibilities and functions of the Soil Conservation Service (SCS) and the Farmers Home Administration (FmHA) in regard to loans made by FmHA to local sponsors for the installation of RC&D measures within authorized resource conservation and development RC&D areas.

(2) *Agency responsibilities:* Secretary of Agriculture memorandum No. 1515 designates the Soil Conservation Service as the Departmental agency responsible for administration of the activities under section 102, Pub. L. 87-703, relating to resource conservation and development program. The Secretary also directed the Farmers Home Administration to assist such projects within its departmentally assigned functions which includes making and servicing RCD loans.

FmHA will establish policies and procedures for making and servicing RCD loans and will cooperate with RCD sponsors, SCS, and other Federal and State agencies in carrying out their responsibilities in support of the RCD program.

(3) *Assisting local sponsors:*

(i) When it is known that an eligible sponsoring local organization desires information about an RCD loan, the RC&D Coordinator of SCS will notify the FmHA County supervisor. They will consult with the sponsorsing local organization on organizational arrangements, plans for financing, and operation and maintenance of the RCD measure for which a loan is needed.

(ii) When the RCD measure Plan has been approved by the SCS State conservationist, the FmHA representative will assist the interested sponsoring local organization with the preparation of the application for an RCD loan.

(iii) The application will be reviewed with the RCD area sponsors to see if the application and the RCD measure for which it is requested meet the RCD area plan objectives.

(iv) An approved RCD area plan and the related approved RCD measure plan will not obligate the FmHA to make an RCD loan.

(v) The SCS will furnish technical assistance to RCD sponsoring local organizations receiving a loan in accordance with SCS policies and procedures. The SCS and FmHA representatives will work together during the development of plans for RCD measures including estimates of funds needed and sources of funds for the establishment of RCD measures to assure that RCD loan funds may be used in accordance with FmHA policies to serve the needs of the RCD sponsoring local organization and also in a manner to protect the Government's interest.

(4) *Requirements to be met when financial assistance is provided by SCS and an RCD loan is made by FmHA:*

(i) The SCS will confer with FmHA as to terms and conditions to be included in invitations to bid and contracts for construction or purchase of supplies and materials issued in connection with RCD measures to be installed with RCD loan funds. The contracts must be acceptable to FmHA before execution by the sponsoring local organization.

(ii) The SCS may approve minor changes during construction which do not appreciably affect design, cost, or function of a structure. However major changes must have the concurrence of FmHA.

(iii) The SCS and FmHA will agree to make joint periodic inspections annually, or more frequently if necessary, to see that works of improvement are being operated and maintained according to the RCD measure operation and maintenance agreements. The SCS State conservationist and FmHA State director will collaborate in arranging for correction of deficiencies. The FmHA will make other inspections as necessary to determine compliance with FmHA loan regulations and maintenance of the security property or other security interest of the Government.

(iv) When a RCD measure sponsoring local organization proposes to contract with another organization for construction, operation and maintenance, the organization and contractural arrangements must be approved by FmHA and SCS. This determination will be made prior to approval of the project agreement.

(v) The local organization will not be authorized to start construction on works of improvement to be financed, in whole or in part, with a RCD loan until:

(A) The SCS State conservationist has notified the FmHA State director that the sponsoring local organization has met all requirements for receiving RCD assistance from SCS and has furnished the State director with a schedule for beginning and completing the construction of works of improvement to be installed with RCD loan funds.

(B) The SCS has entered into a project agreement for construction of works of improvement, setting forth the mutual understanding, responsibilities, working relations and cost-sharing arrangements of the sponsoring and contracting local organizations and the SCS.

(C) The FmHA State director has notified the SCS State conservationist and the borrower in writing that the RCD loan has been closed properly and that RCD loan funds are available and the conditions under which they will be released.

(D) Any contract entered into by the local organization for materials, labor, or the construction of works of improvement to be financed with RCD loan funds has been found acceptable by both FmHA and SCS and has been approved in writing by both.

(E) All engineering plans, specifications, and drawings for works of improvement to be installed with loan funds have been approved by both FmHA and the SCS.

(5) *Performing development where financial assistance (cost-sharing) is not provided by SCS:* The FmHA will be responsible for construction of project measures for these loans in accordance with FmHA policies and procedures.

(6) *Information activities:* The SCS will be responsible for preparation, release, and handling of all informational and educational material regarding RCD plans, measures and projects, including bulletins, press releases, and other public announcements. The SCS will, however, secure the recommendations of the FmHA prior to releasing pamphlets and other informational material which makes reference to RCD loans. The FmHA will, in cooperation with SCS, prepare and release informational material on receiving and processing RCD loans applications.

Dated: May 26, 1978

VICTOR H. BARRY, Jr.
Acting Administrator,
Soil Conservation Service.

Dated: May 31, 1978.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc. 78-18248 Filed 6-29-78; 8:45 am]

[3410-34]

Title 9—Animals and Animal Products

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

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

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

Importation of Cattle From Canada—Brucellosis-Vaccinated Female Calves

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends importation requirements for cattle from Canada by clarifying exceptions made for certain brucellosis-vaccinated female calves. The amendment is necessary in order to include certain categories of animals inadvertently excluded from the exceptions when the regulations were issued on July 18, 1977. The intended effect of this amendment is to ease the restrictions regarding the importation of certain cattle into the United States.

EFFECTIVE DATE: June 30, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: On January 10, 1978, there was published in the FEDERAL REGISTER (43 FR 1506) a notice of proposed rulemaking which would modify exceptions made for certain brucellosis-vaccinated female calves and include certain categories of animals inadvertently omitted from the exceptions when § 92.20 of the regulations (9 CFR 92.20) was amended effective July 18, 1977. A period of 30 days was allowed for submission of comments and one comment was received.

It was pointed out by the one comment received that the proposal could be interpreted to require official vaccinates between 6 months and 18 months of age, which are a natural increase in a brucellosis-qualified for export herd, to be tested negative for brucellosis. However, the comment did not pose an objection to brucellosis testing of official vaccinates under 18 months of age which are additions to a qualified herd from a herd of lesser brucellosis status. The Animal and Plant Health Inspection Service believes that the proposed regulation already exempts official vaccinates under 18 months of age which are the natural increase of a qualified herd.

However, in view of the comment received and in order to further clarify the intent of the regulation, § 92.20(c)(3)(i) is being amended specifically to state that a negative brucellosis test is required on all eligible cattle in the herd unit, including any additions of brucellosis-vaccinated female calves between the ages of 6 months and 18 months that originate from herds which have not been brucellosis tested as described in subparagraphs (c) (1), (2), or (3)(i). Further, in view of the comment, § 92.20(c)(5) is being amended to substitute the term "born" for the term "originate" for the purposes of clarifying the types of cattle which would be exempted from the brucellosis test requirement.

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

In § 92.20(c), paragraph (3)(i); the proviso in paragraph (3)(ii); and that portion of the first sentence preceding the proviso in paragraph (5) are amended to read:

§ 92.20 Cattle from Canada.

* * * * *

(c) *Brucellosis test or vaccination certificates.* * * *

(3) * * *

(i) *Provided, further,* Such herd unit may include any other cattle if: * * * (*b*) all eligible cattle in the herd unit, including any additions of brucellosis-vaccinated female calves between the ages of 6 months and 18 months that originate from herds in which cattle have not been tested as described in paragraphs (c) (1), (2), and (3)(i) of this section, have been tested negative for brucellosis no less than 90 days nor more than 12 months prior to the date of importation.

(ii) * * * *Provided,* That if all of the cattle are not from herd units qualified under paragraphs (c)(3)(i) of this section, all eligible cattle, including brucellosis-vaccinated female calves between the ages of 6 and 18 months, have been tested for brucellosis and found negative to three laboratory tests administered at intervals of at least 90 days.

* * * * *

(5) Female cattle under 18 months of age that are born in herds in which cattle were tested as described in paragraphs (c) (1), (2), and (3)(i) of this section are exempted from the test requirements for brucellosis, * * *

* * * * *

(Sec. 2, 32 Stat. 792, as amended; secs. 2, 3, 4, and 11, 76 Stat. 129, 130, 132 (21 U.S.C. 111, 134a, 134b, 134c, and 134f); 37 FR 28464, 28477; 38 FR 19141.)

The amendments relieve restrictions on the importation of cattle from Canada and should be made effective promptly to be of maximum benefit to affected persons. It does not appear that further public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 26th day of June 1978.

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

PIERRE A. CHALOUX,
Deputy Administrator,
Veterinary Services.

[FR Doc. 78-18054 Filed 6-29-78; 8:45 am]

[8025-07]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 5, Amdt. 13]

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

Retention of Investments

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: This rule adopts, without change, the proposed regulation published December 2, 1977 (42 FR 61284). The rule deals with a licensee's retention of its investment in a concern which qualified as small at the time of initial financing, but subsequently becomes large. The rule makes it clear that when such financing includes options or other rights to acquire an equity position, it may exercise such options or rights after the portfolio concern becomes large. This will enable the licensee to share more fully in the benefits resulting from the growth of its portfolio concerns.

EFFECTIVE DATE: This regulation shall be effective as of June 30, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The growth of a small concern that has received financing from a licensee, to the point at which it ceases to be a small concern within the meaning of the Small Business Investment Act, exemplifies achievement of the purposes for which the small business investment company program was established. However, the retention of the licensee's equity investment, or the exercise of an option to acquire an equity position (obtained when the concern was small) entails the financing of a concern that is no longer small. The Small Business Administration has determined that a policy of permitting licensees to retain their equity investments in successful concerns, and permitting the exercise of options to acquire or expand an equity position in a successful concern (pro-

vided the option was acquired in connection with the initial financing) would substantially encourage the extension of equity financing to eligible small concerns. The only comment received supported the proposed regulation. A conforming cross-reference is added to § 107.303 (stock options and conversion rights).

Pursuant to the authority contained in section 308 of the Small Business Investment Act of 1958, as amended, 15 U.S.C. 661, et seq., §§ 107.303 and 107.806 of part 107, chapter I of title 13 of the Code of Federal Regulations are hereby amended.

Section 107.303 *Stock options and conversions rights* is amended by adding at the end thereof the following new sentence:

§ 107.303 Stock options and conversion rights.

* * * * *

For exercise of options after portfolio concern becomes large, see § 107.806.

2. Section 107.806 *Retention of investments* is revised to read as follows:

§ 107.806 Retention of investments.

A licensee may retain its investment in a concern which qualified as small at the time of initial financing, but which subsequently became large. Securities received in connection with a portfolio concern's merger, consolidation, or affiliation with a large business may be retained until licensee has recovered its original investment plus a reasonable return thereon, and thereafter, so long as continued ownership does not interfere with the financing of small concerns. Subject to § 107.301(d), additional financing may be provided only to the extent necessary (a) to honor a commitment made while the concern was small, or (b) to protect licensee's original investment, or (c) to exercise stock options or other rights to purchase equity securities pursuant to such options or rights acquired as part of the initial financing.

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

Dated: June 22, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-18237 Filed 6-29-78; 8:45 am]

[4810-22]

Title 19—Customs Duties

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

[T.D. 78-222]

PART 6—AIR COMMERCE REGULATIONS

Revocation of International Airport Status of Felts Field, Spokane, Wash.

AGENCY: United States Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document revokes the international airport status of Felts Field in Spokane, Wash., so that all international flights will normally be inspected by Customs at Spokane International (Geiger Field). It is difficult to provide adequate and timely service to both airports, and there is a need for only one airport in Spokane to receive international arrivals. This change in status will enable Customs to improve service to the public and provide more effective enforcement of Customs laws and regulations.

EFFECTIVE DATE: July 31, 1978.

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

Under section 1109(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1509 (b)), the Secretary of the Treasury is authorized to designate places in the United States as ports of entry for civil aircraft arriving from any place outside of the United States and for merchandise carried on the aircraft. These airports are referred to as "international airports," and the location and name of each are listed in § 6.13 of the Customs Regulations (19 CFR 6.13).

In accordance with § 6.2 of the Customs regulations (19 CFR 6.2), the first landing of every civil aircraft arriving in the United States must be at an "international airport" unless the aircraft has been specifically exempted from this requirement or permission to land elsewhere has been granted. Customs officers are assigned to all international airports to accept entries of merchandise, collect duties, and enforce Customs laws and regulations. If a civil aircraft desires to land at a "landing rights airport," which means an airport which has not been designated as an international airport, permission first must be obtained, and the Customs Service must assign personnel to that airport for that aircraft.

Within the Customs port of entry limits of Spokane, Wash., there are two airports: Felts Field, which has been designated as an international airport, and Spokane International, also known as Geiger Field, a "landing rights airport." Spokane International receives both private and commercial international flights, whereas only private aircraft arriving internationally land at Felts Field. The Spokane Airport Board, operator of both airports, advised Customs that it would like all international arrivals inspected at Spokane International.

After a review of Customs operations in Spokane, Wash., indicated that it was difficult to provide adequate and timely service at both Felts Field and Spokane International, a notice was published in the FEDERAL REGISTER on January 13, 1978 (43 FR 1963), proposing to revoke the international airport status of Felts Field so that all international flights normally would be inspected by Customs at Spokane International, which would continue as a "landing rights airport." The proposal was made to enable Customs to improve service to the public and provide more effective enforcement of the Customs laws and regulations. Interested parties were given until February 13, 1978, to submit comments regarding the proposal.

DISCUSSION OF COMMENTS

One of the two comments received in response to the notice favored it; the other opposed it. The opposing commenter disagreed with the determination of both the Spokane Airport Board and Customs that the change in status will result in better service to the public without additional expense. The commenter recommended that the proposal be withheld until Customs could make a thorough review of all airport designations.

A review of the Customs operations in the Spokane, Wash., port of entry indicates that the clearance of international flights at Spokane International will provide for more efficient use of available resources for both the Spokane Airport Board and Customs, as well as better service to the flying public. Although Felts Field has been designated for Customs purposes as an international airport, because most international flights land at Spokane International, it has become necessary for Customs to assign personnel at Spokane International on a regular basis and send them to Felts Field only when needed. As a result, when passengers or commercial aircraft are being cleared at Spokane International, aircraft arriving at Felts Field, which is 18 miles away, may have to wait up to 2½ hours for Customs service. Revocation of the international status of Felts Field will decrease the chance of such delay.

Although Customs is reviewing the classification of all airports, in view of the request of the Spokane Airport Board and the review of Customs operations in the Spokane, Wash., port of entry, it is considered desirable to proceed with the revocation of the international airport designation at Felts Field. This revocation would not preclude aircraft arriving from foreign countries from applying for permission to land at Felts Field as a "landing rights airport." Aircraft denied permission to land at Felts Field could easily be handled, without undue inconvenience, at Spokane International, where Customs service would be available. Any additional expenses involved should be minimal as Spokane International is only 18 miles from Felts Field.

Accordingly, the proposed amendment is being adopted as proposed as part of a continuing program to promote more efficient use of Customs personnel, facilities and resources and to provide better service to carriers, importers and the public.

AMENDMENT TO THE REGULATIONS

Section 6.13 of the Customs regulations (19 CFR 6.13) is amended by deleting "Spokane, Wash-Felts Field" from the list of international airports set forth in the section.

AUTHORITY

The authority for this document is provided in R.S. 251, as amended, section 624, 46 Stat. 759, section 1109, 72 Stat. 799, as amended (19 U.S.C. 66, 1624, 49 U.S.C. 1509).

DRAFTING INFORMATION

The principal author of this document was Harold M. Singer, Regulations and Legal Publications Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

R. E. CHASEN,
Commissioner of Customs.

Approved: June 21, 1978.

RICHARD J. DAVIS,
Assistant Secretary of the Treasury.

[FR Doc. 78-18190 Filed 6-29-78; 8:45 am]

[4810-22]

[T.D. 78-221]

PART 101—GENERAL PROVISIONS

Change in the Field Organization of the Customs Service

AGENCY: United States Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: The document changes the field organization of the Customs Service by extending the port limits of the Customs port of entry at El Paso, Tex., to accommodate the relocation of the cattle quarantine station in Chihuahua, Mexico, by creating a "cattle only" crossing in the area known as Anapra, N. Mex., immediately across the United States-Mexico border from the intended site. The change is part of Customs continuing program to obtain more efficient use of its personnel, facilities, and resources, and to provide better service to carriers, importers, and the public.

EFFECTIVE DATE: June 30, 1978.

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

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, on March 20, 1978, the Customs Service published a notice in the FEDERAL REGISTER (43 FR 11587) proposing to extend the port limits of the Customs port of entry at El Paso, Tex. The expansion would accommodate the relocation of the cattle quarantine station in Chihuahua, Mexico, by creating a "cattle only" crossing in the area known as Anapra, N. Mex., immediately across the United States-Mexico border from the intended site.

The current limits of the port coincide with the El Paso city limits. As extended, the geographical limits of the port of El Paso, Tex., would include all the territory within the city limits of El Paso and also:

That part of Dona Ana County, N. Mex., contained in the area defined by the Texas-New Mexico State line from the point of its intersection with the U.S.A.-Mexico international boundary northwesterly to the point of its intersection with New Mexico State Highway 273; then southwesterly along New Mexico State Highway 273 to its intersection with Anapra Road; and continuing in a southwesterly direction along Anapra Road to its intersection with the U.S.A.-Mexico international boundary; and then easterly along the U.S.A.-Mexico international boundary back to its intersection with the Texas-New Mexico State line.

Interested parties were given until April 4, 1978, to submit comments regarding the proposal.

DISCUSSION OF COMMENTS

Two comments were received in response to the proposal. One supported it, but the other claimed that there is no reason to expand the port limits of El Paso because Columbus, N. Mex., could handle any of the cattle which would be shipped through Anapra "at not one penny's increase in Customs personnel."

The proposal to expand the port limits of El Paso was made because of problems involved in transporting cattle through the congested streets of downtown Juarez, Mexico, to reach the commercial import facility on the U.S. side of the border at El Paso. It is the result of a cooperative effort by the city of Juarez, the Cattle Growers Association of Mexico, and the U.S. Customs Service to solve these problems.

Columbus, N. Mex., is approximately 60 miles from the proposed Anapra crossing, which is adjacent to the Texas State line and the existing port limits of El Paso. To ship cattle from Juarez to Columbus would be neither economical nor efficient from the standpoint of shippers or importers because the cattle then would have to be returned to El Paso to reach their intended markets.

Customs has determined that no increased personnel needs or additional costs to the Government would result from the proposed change. The cattle crossing at Anapra would be manned only at times when cattle actually were being processed and would be staffed by personnel currently assigned to El Paso. In effect, the cattle processing workload merely would be shifted from one work site within the present port limits to a work site within the proposed expanded port limits.

In view of the foregoing, the amendment to expand the port limits of El Paso is being adopted as proposed.

AMENDMENT

To reflect the change, the table in § 101.3 of the Customs regulations (19 CFR 101.3) is amended by deleting the period after "El Paso, Tex. (T.D. 54407)." in the column headed "Ports of Entry" in the El Paso, Tex., Customs district (Region VI), and adding "; including the territory described in T.D. 78-221."

AUTHORITY

This change is made under the authority given to 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. 15 (43 FR 11884).

Because this amendment merely reflects a change in the Customs Service field organization and imposes no duty or burden on the public, good cause exists for dispensing with a delayed effective date under 5 U.S.C. 553.

DRAFTING INFORMATION

The principal author of this document was Harold M. Singer, 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: June 19, 1978.

RICHARD J. DAVIS,
Assistant Secretary of the Treasury.

[FR Doc. 78-18191 Filed 6-29-78; 8:45 am]

[4810-22]

[T.D. 78-219]

PART 153—ANTIDUMPING

Polyvinyl Chloride Sheet and Film From the Republic of China

AGENCY: U.S. Treasury Department.

ACTION: Finding of dumping.

SUMMARY: This notice is to inform the public that separate investigations conducted under the Antidumping Act, 1921, as amended, by the U.S. Treasury Department and the U.S. International Trade Commission, respectively, have resulted in determinations that certain polyvinyl chloride sheet and film from the Republic of China is being, or is likely to be, sold at less than fair value and that these sales are injuring, or are likely to injure, an industry in the United States. On this basis, a finding of dumping is being issued and, generally, all unappraised entries of this merchandise, with the exception of that produced by two producers, will be liable for the possible assessment of special dumping duties.

EFFECTIVE DATE: June 30, 1978.

FOR FURTHER INFORMATION CONTACT:

David R. Chapman or Richard Rimlinger, Operations Officers, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-5492.

SUPPLEMENTARY INFORMATION: Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)) (referred to in this notice as "the Act"), gives the Secretary of the Treasury responsibility for the determination of sales at less than fair value. Pursuant to this authority the Secretary has determined that polyvinyl chloride sheet and film from the Republic of China, except that produced by Ocean Plastics Co., Ltd., and China Gulf Plastics Corp., is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the act (19 U.S.C. 160(a)). (Published in the FEDERAL REGISTER of January 16, 1978 (42 FR 2254).)

Section 201(a) of the Act (19 U.S.C. 160(a)) gives the U.S. International Trade Commission responsibility for the determination of injury or likelihood of injury. The Commission has determined, and on April 12, 1978, it notified the Secretary of the Treasury, that an industry in the United States is being, or is likely to be, injured by reason of the importation of polyvinyl chloride sheet and film from the Republic of China that is being, or is likely to be, sold at less than fair value within the meaning of the act. (Published in the FEDERAL REGISTER of April 16, 1978 (43 FR 16429).)

On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to polyvinyl chloride sheet and film from the Republic of China, except that produced by Ocean Plastics Co., Ltd., and China Gulf Plastics Corp.

For purposes of this notice, the term "polyvinyl chloride sheet and film" means unsupported, flexible, calendered polyvinyl chloride sheet, film, and strips over 6 inches in width and over 18 inches in length, and at least 0.002 inch, but not over 0.020 inch in thickness.

Accordingly, § 153.46 of the Customs Regulations (19 CFR 153.46) is amended by adding the following to the list of findings of dumping currently in effect.

Merchandise	Country	Treasury Decision
Polyvinyl chloride sheet and film, other than that produced by Ocean Plastics Co., Ltd., and China Gulf Plastics Corp.	Taiwan	78-219

(Secs. 201, 407, 42 Stat. 11, as amended, 18; (19 U.S.C. 160, 173).)

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

JUNE 22, 1978.

[FR Doc. 78-18155 Filed 6-29-78; 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

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 two others. This document adds to and deletes from the agency's list of standing advisory committees.

DATES: Effective June 30, 1978; authority for the committee being established will end on May 31, 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 Drug Abuse Advisory Committee by the Secretary of the Department of Health, Education, and Welfare.

The Committee will advise the Commissioner of Food and Drugs regarding the scientific and medical evaluation of all information gathered by the Department of Health, Education, and Welfare and the Department of Justice with regard to safety, efficacy, and abuse potential of drugs or other substances and will recommend actions to be taken by the Department of Health, Education, and Welfare with regard to marketing, investigation, and control of such drugs or other substances. The committee will consist of 15 members.

Concurrently with the establishment, the Secretary approved the termination of the FDA/NIDA Drug Abuse Research Advisory Committee and the Controlled Substances 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)(6) and deleting paragraph (c)(9) and marking it "reserved," as follows:

§ 14.100 List of standing advisory committees.

* * * * * *

(c) * * *

(6) *Drug Abuse Advisory Committee.*

(i) Date established: May 31, 1978.

(ii) Function: Advises the Commissioner of Food and Drugs regarding the scientific and medical evaluation of all information gathered by the Department of Health, Education, and Welfare and the Department of Justice with regard to safety, efficacy, and abuse potential of drugs or other substances and will recommend actions to be taken by the Department of Health, Education, and Welfare with regard to marketing, investigation, and control of such drugs or other substances.

* * * * *

(9) [Reserved.]

* * * * *

Effective date: Since this is a technical conforming amendment to Part 14, the Commissioner finds that there is a good cause for the rule to be effective immediately upon publication in the FEDERAL REGISTER, June 30, 1978.

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

Dated: June 22, 1978.

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

[FR Doc. 78-17864 Filed 6-29-78; 8:45 am]

[4110-03]

PART 14—PUBLIC HEARING BEFORE A PUBLIC ADVISORY COMMITTEE

Panel on Review of Bacterial Vaccines and Bacterial Antigens; Termination

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, the Food and Drug Administration announces the termination of the Panel on Review of Bacterial Vaccines and Bacterial Antigens and amends the regulation listing the standing advisory committees. The Panel was terminated on May 29, 1978, because it was no longer needed.

EFFECTIVE DATE: June 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Jack Gertzog, Bureau of Biologics (HFB-5), Food and Drug Administration, Department of Health, Education, and Welfare, 8800 Rockville Pike, Bethesda, Md. 20014, 301-443-5455.

SUPPLEMENTARY INFORMATION: The Panel's functions were to review and evaluate available data concerning the safety, effectiveness, and adequacy of labeling for bacterial vaccines and bacterial antigens. The conclusions and recommendations in the Panel's report will be published in a future issue of the FEDERAL REGISTER.

Accordingly, the usefulness of the Panel has been served, and the Panel is no longer needed. On May 29, 1978, the Panel was abolished by the Secretary, Department of Health, Education, and Welfare.

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 List of standing advisory committees, by deleting paragraph (b)(1)(i) and marking it 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, June 30, 1978.

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

Dated: June 22, 1978.

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

[FR Doc. 78-17867 Filed 6-29-78; 8:45 am]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Griseofulvin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the regulations to reflect approval of a new animal drug application (NADA) filed by Pitman-Moore, Inc., providing for use of griseofulvin (microsize) in tablets for the treatment of dogs and cats for fungal infections of skin, hair, and claws. In addition, this amendment reflects an unpublished approved NADA held by Schering Corp.

EFFECTIVE DATE: June 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert A. Baldwin, Bureau of Veterinary Medicine (HFV-114), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3420.

SUPPLEMENTARY INFORMATION: The regulations are amended to reflect approval of an NADA (47-341V) filed by Pitman-Moore, Inc., Washington Crossing, N.J. 08560. In addition, the amendment reflects an unpublished NADA (12-227V) held by Schering Corp., Galloping Hill Road, Kenilworth, N.J. 07033, originally approved March 2, 1964. This approval, granted prior to the enactment of the Animal Drug Amendments of 1968 (Pub. L. 90-399), did not require publication at time of approval.

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), part 520 is amended in § 520.1100 by revising paragraph (c) and adding new paragraph (d)(4) to read as follows:

§ 520.1100 Griseofulvin.

* * * * *

(c) *Sponsor.* (1) See No. 000085 in § 510.600(c) of this chapter for the sponsor of the usages provided by paragraphs (d)(1), (3), and (4) of this section.

(2) [Reserved.]

(3) See No. 011716 in § 510.600(c) of this chapter for the sponsor of the usages provided by paragraph (d)(4) of this section.

(d) * * *

(4) Dogs and cats: (i) *Amount.* 125- and 500-milligram tablets administered orally as follows:

(*a*) Daily (single or divided) dose:

Body weight (pounds)	Dosage (milligrams)
Up to 6	62.5
6 to 18	125
18 to 36	250
36 to 48	375
48 to 75	500

(b) Weekly (single) dose: If experience indicates that treatment is more effective for the drug given in large doses, administer at intervals of 7 to 10 days, a dose equal to 10 milligrams/pound of body weight x body weight x number of days between treatments. Dosage should be adjusted according to response. Administer additional dose after the animal is free of infection.

(ii) *Indications for use.* For treatment of fungal infections of the skin, hair, and claws caused by *Trichophyton mentagrophytes, T. rubrum, T. schoenleini, T. sulphurem, T. verrucosum, T. interdigitale, Epidermophyton floccosum, Microsporum gypseum, M. canis, M. audouini.*

(iii) *Limitations.* For satisfactory diagnosis, a microscopic tissue examination or culture is recommended prior to treatment. Treatment should be continued for 3 to 4 weeks in skin and hair infections, and up to 4 months for infections involving nails or claws. Clipping of hair, nails, and claws to help remove any remaining viable fungi is indicated. Safety for use of griseofulvin for pregnant animals has not been established. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date: This regulation shall be effective June 30, 1978.

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

Dated: June 22, 1978.

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

[FR Doc. 78-17865 Filed 6-29-78; 8:45 am]

[4110-03]

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Cyclothiazide Tablets

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The animal drug regulations are amended to reflect approval of a supplemental new animal drug application (NADA) filed by Elanco Products Co. providing for the use of cyclothiazide tablets in dogs to bring about increased excretion of sodium chloride and water. This amendment adds a new section reflecting use of this drug.

EFFECTIVE DATE: June 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert A. Baldwin, Bureau of Veterinary Medicine (HFV-114), Food & Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3420.

SUPPLEMENTARY INFORMATION: Elanco Products Co., a Division of Eli Lilly & Co., 740 South Alabama Street, Indianapolis, Ind. 46206, is the sponsor of an NADA (13-547V), which provides for the use of cyclothiazide tablets in dogs for those conditions in which increased excretion of sodium chloride and water is desirable, such as ascites, renal edema, or other edematous conditions that are caused by circulatory disturbance or electrolyte imbalance and should respond to diuretic and saluretic effects of the drug. The drug is dispensed only by or on the order of a licensed veterinarian. The application was originally approved May 24, 1963.

This document, reflecting a previously approved NADA, does not require reevaluation of the basic NADA nor does it constitute a reaffirmation of the drug's safety and effectiveness. Since the NADA was approved prior to July 1, 1975, a summary of the safety and effectiveness data and information submitted in accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) to support this application is not required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), part 520 is amended by adding new § 520.526 to read as follows:

§ 520.526 Cyclothiazide tablets.

(a) *Specifications.* Each tablet contains 1 milligram of cyclothiazide.

(b) *Sponsor.* See No. 000986 in § 510.600(c) of this chapter.

(c) *Conditions of use in dogs*—(1) *Amount.* Toy breeds 4 to 15 pounds, 0.25 milligram; dogs 16 to 35 pounds, 0.5 to 1.0 milligram; dogs 36 to 55 pounds, 1.0 to 1.5 milligrams; dogs over 56 pounds, 1.5 to 20. milligrams.

(2) *Indications for use.* Use in those conditions in which increased excretion of sodium chloride and water is desirable, such as ascites, renal edema, or other edematous conditions that are caused by circulatory disturbance or electrolyte imbalance and should respond to diuretic and saluretic treatment.

(3) *Limitations.* Federal Law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This regulation is effective June 30, 1978.

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

Dated: June 26, 1978.

LAVERNE C. HAROLD,
Director, Bureau of Veterinary Medicine.

[FR Doc. 78-18194 Filed 6-29-78; 8:45 am]

[4110-03]

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Monensin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Elanco Products Co., providing a 36.3-gram-per-pound monensin premix for making a complete chicken feed. This premix concentration is approved solely for export.

EFFECTIVE DATE: June 30, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Elanco Products Co., a division of Eli Lilly & Co., 740 South Alabama Street, Indianapolis, Ind. 46206, filed a supplemental NADA (38-878V) providing for a 36.3-gram-per-pound monensin premix intended for subsequent manufacture of a complete feed for broiler and replacement chickens. The feed would aid in prevention of coccidiosis. The complete feed produced from this lower concentration premix is to be used in accordance with currently approved conditions of use. Approval of this supplement does not constitute a reaffirmation of the parent NADA nor does it constitute a reaffirmation of the drug's safety and effectiveness.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), part 558 is amended in § 558.355 by revising paragraph (b)(1) to read as follows:

§ 558.355 Monensin.

* * * * *

(b) * * *

(1) To 000986: 36.3 (for export only), 44, 45, or 60 grams per pound, paragraph (f) (1)(i) and (4) of this section.

* * * * *

Effective date: This regulation is effective June 30, 1978.

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

Dated: June 22, 1978.

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

[FR Doc. 78-17866 Filed 6-29-78; 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-4042]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Surprise, Maricopa 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 town of Surprise, Maricopa 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 town of Surprise, Maricopa County, Ariz.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Surprise, Maricopa County, Ariz., are available for review at the Town Hall, 12604 Santa Fe Drive, Surprise, 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 the final determinations of flood elevations for the town of Surprise, Maricopa 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
Lizard Acres Wash	El Mirage Rd	1,156
	Greasewood St	1,165
	Bell Rd	1,180
Lizard Acres Wash tributary.	Confluence with Lizard Acres Wash.	1,162
	Bell Rd	1,180

(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: June 20, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-18027 Filed 6-29-78; 8:45 am]

[4210-01]

[Docket No. FI-3561]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Baldwin, St. Mary Parish, La.

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 Baldwin, St. Mary Parish, La. 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 Baldwin, St. Mary Parish, La.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Baldwin, St. Mary Parish, La., are available for review at Town Hall, Baldwin, La.

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 Baldwin, St. Mary Parish, La.

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
Bayou Teche	East Rosebud St. (extended).	9
	Ronnie St. (extended)	9
West Cote Blanche Bay.	At the intersection of Coulee and Route 83.	10
	At the intersection of Jolivette and Yokely Rd.	10

(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: February 14, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-18028 Filed 6-29-78; 8:45 am]

[4210-01]

[Docket No. FI-4069]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for The Township of Fort Gratiot, St. Clair 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 township of Fort Gratiot, St. Clair 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 township of Fort Gratiot, Mich.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the township of Fort Gratiot, are available for review at Township Hall, 3720 Keewahdin Road, Port Huron, 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 the final determinations of flood elevations for the township of Fort Gratiot, 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, U.S. lake survey datum of 1935
Black River	8.9 mi above mouth*	596
	4.4 mi above mouth**	589
Black River drainage canal.	0.85 mi above mouth*	588
	Miter Gate (0.84 mi above mouth).	588
	0.62 mi above mouth**	587

*Upstream corporate limit.
**Downstream corporate limit.

(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: June 20, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-18029 Filed 6-29-78; 8:45 am]

[4210-01]

[Docket No. FI-4033]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Northfield, Rice 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 Northfield, Rice 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 Northfield, Minn.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Northfield, are available for review at City Hall, 304 South Division Street, Northfield, 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 the final determinations of flood elevations for the city of Northfield, 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
Cannon River	2d St	904
	4th St	905
	5th St., (downstream side).	911
	5th St., (upstream side)	915
	State Highway 3	916

(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: June 14, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-18030 Filed 6-29-78; 8:45 am]

[4210-01]

[Docket No. FI-3449]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for 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 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 St. Louis County, Mo.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for St. Louis County, are available for review at County Government Center, 41 South Central, Clayton, 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 St. Louis 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, 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
Meramec River	Missouri Pacific RR	438
	Missouri Highway 21	421
	Interstate Highway 55	419
Mattese Creek	Interstate Highway 55 (upstream side).	459
	Ringer Rd	434
	Yeager Rd	420
Fishpot Creek	Sulphur Springs Rd. (downstream side).	520
	Big Bend Woods Rd. (upstream side).	498
	(Downstream side)	482
	Vance Rd	433
Tributary 1 to Fishpot Creek.	Oak Rd. (downstream side).	513
	Sulfur Springs Rd. (upstream side).	466
Caulks Creek	Manchester Rd. (downstream side).	630
	Strecker Rd. [crossing near powerline] (upstream side).	536
	(Downstream side)	533
	Shepherd Rd	504
	Kehrs Mill Rd. (upstream side).	490
	Wild Horse Creek Rd. (upstream side).	476
	(Downstream side)	475
Creve Coeur Creek.	Baxter Rd. (upstream side).	548
	(Downstream side)	542
	Schoettler Rd. (upstream side).	515
	(Downstream side)	513
	Conway Rd	495
	Ladue Rd	487
	Olive Street Rd. (upstream side).	472
	(Downstream side)	470
Smith Creek	Ladue Rd. (downstream side).	492
	Mason Rd. (upstream side).	484
	(Downstream side)	483
Tributary 1 to Creve Coeur Creek.	Fee Fee Rd. (downstream side).	478 468
	Bookbinder Dr. (upstream side).	
	(Downstream side)	467
	Creve Coeur Mill Rd	466
Grand Glaize Creek.	East side Manchester city limits.	475
	Braeshire Dr	470
	Dietrich Rd	457
	Mason Lane	454
	Big Bend Rd	436
Glaize Creek	Weidmann Rd	474
	Manchester Rd. (upstream side).	461
	(Downstream side)	458
Missouri River	U.S. Highway 67 (upstream side).	437
	Interstate Highway 70 (downstream side).	456
	U.S. Highways 40 and 67 (upstream side).	467
Mississippi River	Jefferson Barracks Bridge at Lindergh Blvd. (upstream side).	421
	Confluence with Missouri River.	435

(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: June 20, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-18031 Filed 6-29-78; 8:45 am]

[4210-01]

[Docket No. FI-3559]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Bellefontaine Neighbors, 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 Bellefontaine Neighbors, 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 Bellefontaine Neighbors, 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 Bellefontaine Neighbors are available for review at the Building Office, City Hall, Bellefontaine Neighbors, 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 Bellefontaine Neighbors, St. Louis 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 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
Maline Creek	2,600 ft downstream of confluence of Calumet Creek.	433
	2,050 ft downstream of confluence of Calumet Creek.	436
	1,000 ft downstream of confluence of Calumet Creek.	438
	Confluence of Calumet Creek.	440
	Just upstream of Bellefontaine Rd.	442
	2,300 ft upstream of Bellefontaine Rd.	443
	At confluence of Stormwater Creek.	444
	At western corporate limits.	446
Calumet Creek	At confluence of Maline Creek.	440
	350 ft downstream of the Chicago Burlington & Quincy RR.	440
	Just upstream of the Chicago Burlington & Quincy RR.	446
Stormwater Creek	At confluence with Maline Creek.	444
	At Forest Home Dr	444
	325 ft upstream of Forest Home Dr.	445
	550 ft upstream of Forest Home Dr.	448
	950 ft upstream of Forest Home Dr.	450
Watkins Creek	500 ft downstream of Lilac Ave.	459
	Just upstream of Lilac Ave.	463
	700 ft upstream of Lilac Ave.	464
	550 ft downstream of Belgrove Rd.	466
	Just downstream of Belgrove Rd.	468
	1,750 ft upstream of Belgrove Rd.	472
	3,300 ft upstream of Belgrove Rd.	478

(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: June 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-18032 Filed 6-29-78; 8:45 am]

[4210-01]

[Docket No. FI-2974]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of New Windsor, Orange County, N.Y.

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 New Windsor, Orange County, N.Y. 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 New Windsor, Orange County, N.Y.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of New Windsor, Orange County, N.Y., are available for review at Town Hall, New Windsor, N.Y.

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 the final determinations of flood elevations for the town of New Windsor, Orange County, N.Y.

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
Moodna Creek	Southern corporate limits.	10
	Upstream of Route 9W	11
	Downstream of Forge Hill Rd.	44
Tributary 1	Upstream of Caesars Lane.	45
	Downstream of driveway bridge at 156 Caesars Lane.	73
Tributary 2	Confluence with Moodna Creek.	11
	Upstream of Route 9W	38
Quassick Creek	Upstream of River Rd. Bridge.	8
	Upstream of Mill St. Bridge.	60
	Upstream of Walsh Rd. Bridge.	102

(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: June 9, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-18033 Filed 6-29-78; 8:45 am]

[4210-01]

[Docket No. FI-4072]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Groveland, Livingston County, N.Y.

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 Groveland, Livingston County, N.Y. 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 Groveland, Livingston County, N.Y.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Groveland, Livingston County, N.Y., are available for review at the Town Clerk's Office, Danville-Groveland Station Road, Mount Morris, N.Y.

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 the final determinations of flood elevations for the town of Groveland, Livingston County, N.Y.

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
Keshequa Creek	Confluence with Canasega Creek.	570
	ConRail (upper side)	574
	Sonyea Rd	592
	Utility bridge	595
	Private road (50 ft upstream of utility bridge).	597
	Abandoned railroad	611
	Corporate limits	635

(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: June 9, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-18034 Filed 6-29-78; 8:45 am]

[4210-01]

[Docket No. FI-3452]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Olean, Cattaraugus County, N.Y.

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 Olean, Cattaraugus County, N.Y. 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 Olean, Cattaraugus County, N.Y.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Olean, Cattaraugus County, N.Y., are available for review at the display table, City Clerk's Office, Municipal Building, Olean, N.Y.

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 the final determinations of flood elevations for the city of Olean, Cattaraugus County, N.Y.

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
Allegheny River	Downstream corporate limits.	1,422
	South Union St	1,425
	Upstream corporate limits.	1,427
Olean Creek	ConRail and State St	1,426
	Main St	1,428
	Upstream corporate limits.	1,432
Kings Brook	Route 417	1,423
	Griffin St	1,426
	ConRail	1,434
	Brook St	1,449
Two Mile Creek	North 28th St	1,413
	Buffalo St	1,418
	Route 17	1,422
	Homer St	1,427

(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 17, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-18035 Filed 6-29-78; 8:45 am]

[4210-01]

[Docket No. FI-3417]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Huntington, Suffolk County, N.Y.

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 Huntington, Suffolk County, N.Y. 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 Huntington, Suffolk County, N.Y.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Huntington, Suffolk County, N.Y., are available for review at the Huntington Town Hall, in the lobby, 227 Main Street, Huntington, N.Y.

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 the final determinations of flood elevations for the town of Huntington, Suffolk County, N.Y.

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, above mean sea level
Long Island Sound	Cold Spring Harbor	12
	Eatons Neck	12
	Centerport Harbor	12
	Northport Harbor	12
	Crab Meadow	11
	Huntington Harbor	12

(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 17, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-18036 Filed 6-29-78; 8:45 am]

[4210-01]

[Docket No. FI-3593]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Village of Dansville, Livingston County, N.Y.

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 Dansville, Livingston County, N.Y. 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 Dansville, Livingston County, N.Y.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the village of Dansville, Livingston County, N.Y., are available for review at Room No. 6, North Dansville Town Hall, 14 Clara Barton Street, Dansville, N.Y.

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 the final determinations of flood elevations for the village of Dansville, Livingston County, N.Y.

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 above mean sea level
Mill Creek	Genessee Expressway	677
	Clara Barton Ave	691
	Knox St	716
	Gibson St	765
	South corporate limits	778
Bradner Creek	North Clinton St	665
	Morey Ave	686
	Van Campen St	692
	William St	697
	Seward St	713
	Leonard St	732
	Park St	737
Brewery Creek	Morey Ave	684
	William St	695
	Seward St	722
	Liberty St	745

(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 17, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-18037 Filed 6-29-78; 8:45 am]

[4210-01]

[Docket No. FI-3258]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Uinta County, Wyo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Uinta County, Wyo. 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 Uinta County, Wyo.

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

able for review at Uinta County Courthouse, Evanston, Wyo.

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 the final determinations of flood elevations for Uinta County, Wyo.

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
Blacks Fork	State Highway Bridge No. 30S.	6,645
	Bridge (unnamed road)	6,627
Groshon Creek	State Highway No. 30S Box Culvert.	6,665
Little Black Fork	Interstate 80 and State Highway Bridge No. 30S.	6,659

(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: June 20, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-18038 Filed 6-29-78; 8:45 am]

[4410—06]

Title 28—Judicial Administration

CHAPTER III—FEDERAL PRISON INDUSTRIES, DEPARTMENT OF JUSTICE

PART 301—INMATE ACCIDENT COMPENSATION

Increase in Compensation Awards

AGENCY: Federal Prison Industries, Justice.

ACTION: Final rule.

SUMMARY: This document contains a final rule concerning awards paid to former federal prison inmates for injuries sustained while working in prison. This amendment provides that after July 1, 1978, all payments will be based on current minimum wage, rather than on the minmum wage in effect at the time of the claimant's release from prison.

DATE: This amendment is effective on July 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Curtis Sitterson, phone number 202-724-3062.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Attorney General by 18 U.S.C. 4126 and delegated by the Attorney General by 28 CFR 0.99 and by the Board of Directors of Federal Prison Industries, Inc., part 301 of chapter III of title 28, Code of Federal Regulations, § 301.21, is hereby amended, as set forth below.

As this amendment enlarges rather than restricts payments to claimants under Inmate Accident Compensation Procedures, the relevant provisions of the Administrative Procedures Act (5 U.S.C., 553) requiring notice of proposed rulemaking, opportunity for public participation and delay in effective date are inapplicable.

Under this new provision, all payments will be based on current minimum wage. Thus, as the minimum wage increases, so will each monthly payment to every claimant increase, regardless of the time of release from prison. Under prior section 301.21, all awards were based on minimum wage at time of release, so that no adjustments were made to awards already in effect when the minimum wage increased. It should be noted that this amendment is not retroactive, so that no adjustment will be made for payments made prior to the effective date of this amendment, July 1, 1978.

In accordance with the spirit of the public policy set forth in 5 U.S.C. 553, interested persons may submit written comments, suggestions, data or arguments to the Associate Commissioner, Federal Prison Industries, Inc., 320 First Street NW., Washington, D.C. 20534. Material thus submitted will be evaluated in the same manner as if this document were a proposal.

In consideration of the foregoing, part 301 of title 28, Code of Federal Regulations, § 301.21, is amended to read as follows:

§ 301.21 Establishing the amount of the award.

In determining the amount of accident compensation to be paid, consideration will be given to the permanency and severity of the injury and its resulting effect on the work capacity of the inmate in connection with employment after release. The provisions of the Federal Employees' Compensation Act shall be followed when applicable. The minimum wage prescribed by the Fair Labor Standards Act applicable at the time of each periodic payment shall be used as the wage basis in determining the amount of compensation. In no event shall compensation be paid in greater amount than that provided in the Federal Employees' Compensation Act.

(18 U.S.C. 4126; 28 CFR 0.99)

Dated: June 26, 1978.

NORMAN A. CARLSON,
Commissioner, Federal Prison Industries, Inc.

[FR Doc. 78-18321 Filed 6-29-78; 8:45 am]

[4510-27]

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

PART 4—LABOR STANDARDS FOR FEDERAL SERVICE CONTRACTS

AGENCY: Employment Standards Administration, Labor.

ACTION: Final rule.

SUMMARY: This document changes the names of statutes, organizations, agencies, and responsible officials which are referred to incorrectly in the current regulation. This change is necessitated because of changes in organizational, agency, and statute titles.

EFFECTIVE DATE: June 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Dorothy P. Come, Director, Division of Government Contract Regulations, Wage and Hour Division, Room S3518, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210, telephone 202-523-7541.

SUPPLEMENTARY INFORMATION: Part 4 of 29 CFR sets forth regula-

tions pertaining to the McNamara-O'Hara Service Contract Act of 1965. This document merely reflects organizations' and responsible officials' title changes and does not involve any substantive changes in the regulations.

This document was prepared under the direction and control of Xavier M. Vela, Administration, Wage and Hour Division.

No notice or public hearing is required as these changes merely incorporate into part 4 of 29 CFR the correct titles of statutes, organizations, and individuals. As amended regulations part 4, title 29, Code of Federal Regulations is changed as follows:

§ 4.4 [Amended]

1. In §§ 4.4(c) and 4.4(e), the term "Office of Government Contract Wage Standards" shall be substituted for "Office of Special Wage Standards."

§§ 4.4, 4.5, 4.6, 4.8, 4.10 [Amended]

2. In §§ 4.4(a), 4.5(a)(1), 4.6(b)(2), 4.8, and 4.10(b)(4), the term "Office of Government Contract Wage Standards, Wage and Hour Division" shall be substituted for "Office of Special Wage Standards."

§§ 4.5, 4.6 [Amended]

3. In §§ 4.5(c), 4.6(b)(3), and 4.6(g), the term "Wage and Hour Division," shall be inserted before "Employment Standards Administration."

§ 4.1b [Amended]

4. Section 4.1b(b), is deleted because this document makes the changes referenced in that section.

§ 4.133 [Amended]

5. In § 4.133(b), the term "Office of Government Contract Wage Standards" shall be substituted for "Office of Government Contracts Wage Standards, WSA."

§ 4.164 [Amended]

6. In § 4.164(b)(2), the term "Office of Government Contract Wage Standards, Wage and Hour Division, Employment Standards Administration" shall be substituted for "Office of Government Contracts Wage Standards, Workplace Standards Administration."

§ 4.1 [Amended]

7. In § 4.1, the term "Part 1925" is substituted for "Part 1516."

§§ 4.52, 4.170 [Amended]

8. In §§ 4.52 and 4.170(b), "workers' compensation" is substituted for "workmen's compensation."

§§ 4.122, 4.123, 4.181 [Amended]

9. In §§ 4.122, 4.123(a), and 4.181 (b), (b)(1), (b)(2), and (b)(3), "Contract Work Hours and Safety Standards Act" is substituted for "Contract Work Hours Standards Act."

10. Section 4.1b(a) (2) and (3) is amended to read:

§ 4.1b Definitions and use of terms.

* * * * *

(2) "Administrator" means the Administrator of the Wage and Hour Division, or his authorized representative as set forth in this part. In the absence of the Wage-Hour Administrator, the Deputy Administrator of the Wage and Hour Division, is designated to act for him under this part. Except as otherwise provided in this part, the Assistant Administrator for Government Contract Wage Standards is the authorized representative of the Administrator for the performance of functions relating to the making and effectuation of wage determinations under the Service Contract Act of 1965, as amended, and this part.

(3) "Office of Government Contract Wage Standards" or "OGCWS" means the organizational unit in the Wage and Hour Division, Employment Standards Administration, to which is assigned the performance of functions of the Secretary under the Service contract Act of 1965 as amended.

* * * * *

11. Section 4.3(c) is amended to read:

§ 4.3 Register of wage determinations.

* * * * *

(c) Wage determinations included in the register will be available for public inspection during business hours at the Office of Government Contract Wage Standards, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, and copies will be made available on request at Regional Offices of the Wage and Hour Division.

12. Section 4.101 is amended to read:

§ 4.101 Official rulings and interpretations in this subpart.

The purpose of this subpart is to provide, pursuant to the authority cited in § 4.104, official rulings and interpretations with respect to the application of the McNamara-O'Hara Service Contract Act for the guidance of the agencies of the United States and the District of Columbia which may enter into and administer contracts subject to its provisions, the persons desiring to enter into such contracts with these agencies, and the contractors, subcontractors, and employees who perform work under such contracts. This subpart supersedes all prior rulings and interpretations issued under the act to the extent, if any, that they may be inconsistent with rules herein stated. Principles governing the application of the act as set forth in this subpart are clarified or amplified in particular instances by illustrations and examples based on specific fact situations. Since such illustrations and examples cannot and are not intended to be exhaustive, no inference should be drawn from the fact that a subject or illustration is omitted. If doubt arises, inquiries with respect to matters other than safety and health standards should be directed to the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, D.C. 20210, or to any regional office of the Wage and Hour Division. Safety and health inquiries should be addressed to the Assistant Secretary for Occupational Safety and Health, U.S. Department of Labor, Washington, D.C. 20210, or to any OSHA regional office. A full description of the facts and any relevant documents should be submitted if an official ruling is desired.

13. Section 4.191 (a), (b), (c), and (d) are amended to read:

§ 4.191 Complaints and compliance assistance.

(a) Any employer, employee, labor or trade organization, or other interested person or organization may report to any office of the Wage and Hour Division (or to any office of the Occupational Safety and Health Administration, in instances involving the safety and health provisions), a violation, or apparent violation of the act, or of any of the rules or regulations prescribed thereunder. Such offices are also available to assist or provide information to contractors or subcontractors desiring to insure that their practices are in compliance with the act. Information furnished is treated confidentially.

(b) A report of breach or violation relating solely to safety and health requirements may be in writing and addressed to the Regional Administrator of an Occupational Safety and Health Administration Regional Office, U.S. Department of Labor, or to the Assistant Secretary for Occupational Safety and Health, U.S. Department of Labor, Washington, D.C. 20210.

(c) Any other report of breach or violation may be in writing and addressed to the Assistant Regional Administrator of a Wage and Hour Division's regional office, U.S. Department of Labor, or to the Administrator of the Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210.

(d) In the event that an Assistant Regional Administrator for the Wage and Hour Division, Employment Standards Administration, is notified of a breach or violation which also involves safety and health standards, the Regional Administrator of the

Employment Standards Administration shall notify the appropriate Regional Administrator of the Occupational Safety and Health Administration who shall with respect to the safety and health violation take action commensurate with his responsibilities pertaining to safety and health standards.

* * * * *

Signed at Washington, D.C., on this 27th day of June 1978.

WILLIAM L. SMITH,
Acting Deputy Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc. 78-18302 Filed 6-29-78; 8:45 am]

[4510-30]

PART 89—SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM

Poverty-Level Economic Eligibility Criteria Increase

AGENCY: Department of Labor.

ACTION: Final rule.

SUMMARY: The Department of Labor is amending its Senior Community Service Employment Program (SCSEP) regulations to increase the poverty-level economic eligibility criteria. These amendments are designed to include otherwise eligible older Americans with incomes slightly above the poverty level.

EFFECTIVE DATE: July 1, 1978. Comments must be received on or before August 30, 1978.

ADDRESSES: Send comments to: Lamond Godwin, Administrator, Office of National Programs, U.S. Department of Labor, 601 "D" Street NW., Washington, D.C. 20213.

FOR FURTHER INFORMATION CONTACT:

Margaret Fishman, Office of National Programs, U.S. Department of Labor, 601 "D" Street NW., Washington, D.C. 20213. Telephone: 202-376-6232.

SUPPLEMENTARY INFORMATION: The Senior Community Service Employment Service Program (SCSEP) is authorized under Title IX of the Older American Amendments of 1975. The program is designed to provide, foster, and promote useful, part-time activities for unemployed low-income persons who are 55 years or older.

Congress is currently considering amendments to Title IX of the Older Americans Act which in pertinent part would establish a statutory income eligibility criterion at 125 percentum of the poverty level. This is in contrast to the poverty-level criterion adopted by the Department of Labor in implementing the "low income" standard of the existing law. Proponents of this amendment have noted that frequently individuals with incomes slightly above the poverty level are in greater need of employment than individuals with incomes at or below the poverty level because such individuals may not receive the additional benefits which accompany the various income maintenance programs for the poor. The increase in the income eligibility criterion would also enable more older Americans to benefit from the program.

The Department recognizes that these are compelling reasons for adjusting its eligibility criteria to include otherwise eligible Older Americans with incomes slightly above the poverty level. Moreover, this change is in keeping with the existing Title IX provisions. The legislative history behind the statute's current "low income" criterion demonstrates an intent to direct SCSEP funds towards individuals living in poverty, or on the borderline of poverty, who experience difficulties in obtaining employment.

The SCSEP program year begins on July 1, and the appropriation for the new grant cycle has been increased to accommodate an expanded program. It is therefore vital to move as rapidly as possible to implement these changes to SCSEP, concurrent with the new program year.

This revision of the Department's regulations falls within the exception to the rulemaking provisions of the Administrative Procedure Act for regulations which involve "a matter relating to * * * public property, loans, grants, benefits, or contracts". (5 U.S.C. 553(a)(2)). Furthermore, the Department finds that it is in the public interest to publish these regulations in final form so that the increased program funds will be more effectively put to the use intended by Congress. This finding constitutes a waiver of the Department's regulation at 29 CFR 2.7. Nevertheless, in keeping with the spirit of 29 CFR 2.7, comments may be submitted during the 60-day period subsequent to the effective date of these amendments. Comments must be in writing and submitted to Lamond Godwin, Administrator, Office of National Programs, U.S. Department of Labor, 601 "D" Street NW., Washington, D.C. 20213. Eligible organizations, however, should plan their programs to comply with these rules when they become effective.

Accordingly, 29 CFR, Subtitle A, is amended as follows:

§ 89.3 [Amended]

1. In § 89.3 the definition of "economically disadvantaged person" is deleted.

§ 89.19 [Amended]

2. At the end of paragraph (b)(3)(i), the words "economically disadvantaged as defined in § 89.3" are changed to "members of a family which receives regular cash welfare payments or whose annual income in relation to family size does not exceed 125 percentum of the poverty level determined in accordance with criteria established and updated by the U.S. Office of Management and Budget."

3. In § 89.19, paragraph (b)(3)(ii)(B) is amended by adding a comma and the words "125 percentum of" immediately following the figure "$500."

Signed at Washington, D.C., this 27th day of June 1978.

RAY MARSHALL,
Secretary of Labor.

[FR Doc. 78-18325 Filed 6-29-78; 8:45 am]

[4510-27]

CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 528—ANNULMENT OR WITHDRAWAL OF CERTIFICATES FOR THE EMPLOYMENT OF STUDENT-LEARNERS, APPRENTICES, MESSENGERS, HANDICAPPED-WORKERS, STUDENT-WORKERS, AND FULL-TIME STUDENTS IN AGRICULTURE, INSTITUTIONS OF HIGHER EDUCATION, OR RETAIL OR SERVICE ESTABLISHMENTS AT SUBMINIMUM WAGE RATES

Administrative Changes

AGENCY: Employment Standards Administration, Labor.

ACTION: Final rule.

SUMMARY: It is necessary to revise regulations part 528 to reflect the current titles of officials within the Wage and Hour Division. In addition, references to the masculine gender have been eliminated and programs added since the last revision have been included.

EFFECTIVE DATE: June 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Arthur H. Korn, Director, Division of Special Minimum Wages, Wage and Hour Division, U.S. Department of Labor, 200 Constitution Avenue NW., Room C4316, Washington, D.C. 20210, 202-523-8727.

SUPPLEMENTARY INFORMATION: Part 528 of title 29, Code of Federal Regulations, is hereby amended to make three general changes. First: The previous references to "Regional Director," "supervising investigator,"

and "District Director" have been changed to reflect changes in job titles within the Wage and Hour Division. The new terms used are Assistant Regional Administrator, Caribbean Director, and area director, reflecting current usage. Second: Previous references to the masculine gender have been replaced with sex-neutral designations. Third: The categories of employers to which the subminimum wage program applies have been expanded to include institutions of higher education to reflect amendments to the Fair Labor Standards Act in 1974. This change makes clear that the regulations governing the annulment or withdrawal of subminimum wage certificates apply to such employers, as well as to agricultural and retail and service employers. Accordingly, §§ 528.2, 528.3, 528.4, 528.5, and 528.7 are amended as required.

This document was prepared under the direction and control of Herbert J. Cohen, Assistant Administrator, Wage and Hour Division. Because these changes are not substantive but merely in the nature of corrections, there is no requirement to publish for comment or delay the effective date.

1. Section 528.2 of part 528, title 29, Code of Federal Regulations is amended to read as follows:

§ 528.2 Definition of terms.

As used in the regulations contained in this part, the term:

(a) "Withdrawal" shall mean termination of validity of a certificate with prospective effect from the time of the action of withdrawal.

(b) "Annulment" shall mean withdrawal of a certificate with retroactive effect to the date of issuance.

(c) "Authorized representative" shall mean: (1) The Assistant Regional Administrators for the Wage and Hour Division (who are authorized to redelegate this authority) within their respective regions, and (2) the Caribbean Director of the Wage and Hour Division for the area covered by the Caribbean office.

(d) "Area director" shall include any area director of the Wage and Hour Division.

2. Section 528.3 of part 528, title 29, Code of Federal Regulations is amended to read as follows:

§ 528.3 Withdrawal and annulment of certificates.

(a) An authorized representative may withdraw a certificate from any employer within that representative's region who, acting under color of any certificate or application for the employment of learners, handicapped workers, student workers, student learners, apprentices, messengers, or full-time students in agriculture, retail, or service establishments, or in institutions of higher education at subminimum wages under section 14 of the act, fails to comply with the limitations in such certificate or otherwise violates the act.

(b) An authorized representative may annul a certificate affected by mistake in its issuance if the employer knowingly induced or knowingly took advantage of the mistake. Where the employer did not knowingly induce the mistake but knowingly took advantage of it, a new certificate shall be issued by the authorized representative if, and on such terms as, such certificate would have been issued had there been no mistake limited in its term from the date of issuance to the date of annulment of the annulled certificate.

(c) A certificate may be withdrawn in the public interest by a representative authorized to issue such type of certificate whenever any part of the exemption it provides is no longer necessary to prevent curtailment of opportunities for employment. If appropriate, a more limited replacement certificate may be issued by the authorized representative.

3. Section 528.4 of part 528, title 29, Code of Federal Regulations is amended to read as follows:

§ 528.4 According opportunity to demonstrate or achieve compliance.

Prior to instituting proceedings for withdrawal of a certificate under paragraph (a) of § 528.3, except in cases of willfullness, an area director shall mail a letter to the employer setting forth alleged facts or conduct which may warrant withdrawal of the certificate, and fixing a time and a place for a conference at which the employer shall be accorded an opportunity to show that no cause for withdrawal under § 528.3(a) exists or that compliance has been achieved by paying wages improperly withheld and by taking steps adequate to insure that new cause for annulment or withdrawal will not occur. By written report to the appropriate authorized representative, a copy of which shall be mailed to the employer, the area director shall concisely summarize the conference and shall include conclusions as to whether the employer demonstrated or achieved compliance. If the authorized representative is satisfied that the employer either demonstrated or achieved such compliance, no proceedings shall be instituted under § 528.3(a) for the withdrawal of the certificate.

4. Section 528.5 of part 528, title 29, Code of Federal Regulations is amended to read as follows:

§ 528.5 Proceedings for withdrawal or annulment.

The representative authorized to withdraw or annul a certificate under § 528.3 shall institute proceedings by a letter mailed to the employer and, where appropriate, to the apprenticeship agency (in the case of apprentice certificates) or the responsible school official (in the case of student-learner certificates), setting forth alleged facts which may warrant such annulment or withdrawal and advising the employer that such an annulment or withdrawal of the scope provided in § 528.7 will take effect at a time specified unless facts are presented which convince the authorized representative that such action should not be taken. The letter shall advise such person, agency, or official of the right to respond by mail or to appear by or with counsel or by other duly qualified representative at a specified time and place. If there is no timely objection to the withdrawal or annulment thus proposed, it shall be deemed effective according to the terms of the letter instituting the annulment or withdrawal proceeding without the necessity of any further action. If objection to the annulment or withdrawal as proposed is made within the specified time the further proceedings shall be as informal as practicable commensurate with orderly dispatch and fairness. Department of Labor investigation files or reports or portions thereof may be considered in such proceedings to the extent they are made available for examination during the proceedings. If objection to the proposed annulment or withdrawal is made by such specified time, the authorized representative shall, after considering all pertinent matters presented, mail a letter to the employer and, where appropriate, to the apprenticeship agency or the responsible school official, setting out that representative's findings of specific pertinent facts and conclusions and that representative's order concerning the proposed annulment or withdrawal. In proceedings instituted for annulment, the order may provide for withdrawal instead of annulment if the proof warrants such withdrawal but fails to support adequately the annulment. Such an order shall be deemed issued and effective according to its terms when mailed.

5. Section 528.7 of part 528, title 29, Code of Federal Regulations is amended to read as follows:

§ 528.7 Effect of order of annulment or withdrawal.

Except as otherwise expressly provided in such order, any order of annulment or withdrawal under paragraph (a) or (b) of § 528.3 shall be effective to terminate all certifications to which the regulations in this part apply in effect at the establishment where the cause for withdrawal arose or where the annulled certificate had effect. After such annulment or withdrawal, such employer shall be ineligi-

ble to obtain or exercise the privileges granted in such a certificate until that employer satisfies the issuing representative that that employer will not again give cause for annulment or withdrawal if a certificate is issued.

(Sec. 14, 52 Stat. 1068, as amended (29 U.S.C. 214); Secretary's Order No. 16-75, dated November 25, 1975 (40 FR 55913); and Employment Standards Order No. 76-2, dated February 23, 1976 (41 FR 9016).)

Signed at Washington, D.C., this 23d day of June 1978.

XAVIER M. VELA,
Administrator, Wage and Hour Division, Department of Labor.

[FR Doc. 78-18310 Filed 6-29-78; 8:45 am]

[4510-27]

PART 530—EMPLOYMENT OF HOMEWORKERS IN CERTAIN INDUSTRIES

Administrative Changes

AGENCY: Employment Standards Administration, Labor.

ACTION: Final rule.

SUMMARY: This regulation is being amended to reflect changes in the section numbers of certain other regulations affecting homeworkers. This revision also provides for the elimination of references to the masculine gender.

EFFECTIVE DATE: June 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Arthur H. Korn, Director, Division of Special Minimum Wages, Wage and Hour Division, U.S. Department of Labor, C-4316, Washington, D.C. 20210, 202-523-8727.

SUPPLEMENTARY INFORMATION: Part 530 of Title 29, Code of Federal Regulations is hereby amended to change cross references to certain other regulations which have been renumbered. Specifically, the previous reference in § 530.2 to § 525.1 has been changed to § 525.2. This section contains the definition of the term "sheltered workshop." Moreover the previous reference in § 530.12 to § 516.24 has been changed to § 516.31. The section contains the recordkeeping requirements for industrial homework. Part 530 has also been amended to replace previous references to the masculine gender with sex-neutral designations. Accordingly, amendments are being made to §§ 530.2, 530.4, 530.10, 530.12, and 530.13.

This document was prepared under the direction and control of Herbert J. Cohen, Assistant Administrator, Wage and Hour Division.

Because these changes are not substantive but merely in the nature of corrections, there is no requirement to publish for comment or delay the effective date.

1. Section 530.2 of Part 530, Title 29, Code of Federal Regulations is amended to read as follows:

§ 530.2 Restriction of homework.

No work in the industries defined in paragraphs (d) through (j) of § 530.1 shall be done in or about a home, apartment, tenement, or room in a residential establishment unless a special homework certificate issued and in effect pursuant to this part has been obtained for each homeworker or unless the homeworker is so engaged under the supervision of a Sheltered Workshop, as defined in § 525.2 of this chapter.

2. Section 530.4 of Part 530, Title 29, Code of Federal Regulations, is amended to read as follows:

§ 530.4 Terms and conditions for the issuance of certificates.

(a) Upon application by the homeworker and the employer on forms provided by the Wage and Hour Division, certificates may be issued to the applicant employer authorizing the employment of a particular worker in industrial homework in a particular industry, provided that the application is in proper form and sets forth facts showing that the worker:

(i) * * *

(ii) Is unable to leave home because the worker's presence is required to care for an invalid in the home; and

* * * * *

3. Section 530.10 of Part 530, Title 29, Code of Federal Regulations is amended to read as follows:

§ 530.10 Delegation of authority to grant, deny, or cancel a certificate.

The Administrator may from time to time designate and appoint members of the Administrator's staff or State agencies as authorized representatives with full power and authority to grant, deny, or cancel homework certificates.

4. Section 530.12 of Part 530, Title 29, Code of Federal Regulations is amended to read as follows:

§ 530.12 Special provisions.

* * * * *

(b) *Jewelry manufacturing industry.** * *

(1) That each employer of one or more Indian homeworkers engaged in making hand-fashioned jewelry on these Indian reservations shall submit in duplicate to the regional office of the Wage and Hour Division for the region in which the employer's place of business is located, on April 1, August 1, and December 1 of each year, the name and address of such employee engaged during the preceding 4-month period in making hand-fashioned jewelry on Indian reservations;

(2) That each employer of one or more Indian homeworkers engaged in making hand-fashioned jewelry on these Indian reservations shall file copies of the piece rates in duplicate with the regional office of the Wage and Hour Division for the region in which the employer's place of business is located on April 1, August 1, and December 1 of each year, and

(3) That each employer of one or more Indian homeworkers engaged in making hand-fashioned jewelry on these Indian reservations shall keep, maintain, and have available for inspection by the Administrator or the Administrator's authorized representative at any time, records and reports showing with respect to each of the homeworkers engaged in making hand-fashioned jewelry on these Indian reservations, the following information:

* * * * *

These records shall be kept by each employer for each of the employer's homeworkers engaged in making hand-fashioned jewelry on Indian reservations, as provided in this section, in lieu of the records required under §§ 516.2 and 516.31 of this chapter: *Provided, however,* That nothing in this section shall relieve an employer from maintaining all other records required by part 516 of this chapter.

5. Section 530.13 of Part 530, Title 29, Code of Federal Regulations is amended to read as follows:

§ 530.13 Petition for amendment of regulations.

Any person wishing an amendment, addition, or revision of any of the terms of the foregoing regulations may submit in writing to the Administrator a petition setting forth the changes desired and reasons for proposing them. If upon inspection of the petition, or upon the Administrator's own motion, the Administrator believes that reasonable cause for amendment of the rules and regulations appears, the Administrator will, unless it is impractical, unnecessary, or contrary to the public interest to do so, either schedule a hearing with due notice to interested persons or make other provisions to afford interested persons opportunity to present their veiws in support of or in opposition to the proposed changes.

(Sec. 11, 52 Stat. 1066 (29 U.S.C. 211). Secretary's Order No. 16-75, dated November 25, 1975 (40 FR 55913), and Employment Standards Order No. 76-2, dated February 23, 1976 (41 FR 9016).)

Signed at Washington, D.C., this 23d day of June 1978.

XAVIER M. VELA,
Administrator, Wage and Hour Division, Department of Labor.

[FR Doc. 78-18147 Filed 6-29-78; 8:45 am]

[1505-01]

PART 575—WAIVER OF CHILD LABOR PROVISIONS FOR AGRICULTURAL EMPLOYMENT OF 10- AND 11-YEAR-OLD MINORS IN HAND HARVESTING OF SHORT SEASON CROPS

Correction

In FR Doc. 78-17239, appearing at page 26562 in the issue of Wednesday, June 21, 1978, the following changes should be made:

1. On page 26563, the seventh line of the second column should read, "period of time when the school for the district" and the 14th line of the second full paragraph of column three should read, "state. Others indicated that 4 weeks".

2. On page 26566, second column, the second line of the definition for "Secretary" should read, "Labor, United States Department of".

3. On page 26567, first column, closing quotation marks should appear after the word "of" in the fourth line of § 575.5(d).

4. On page 26568, second column, the first line of § 575.8(j) should read, "(j) A waiver shall be effective for the".

[4510-27]

PART 870—RESTRICTION ON GARNISHMENT

Updating of Regulation To Reflect Effect of Fair Labor Standards Amendments of 1977

AGENCY: Employment Standards Administration, Labor.

ACTION: Final rule.

SUMMARY: Restrictions on garnishment are directly related to the Fair Labor Standards Act minimum wage which the Fair Labor Standards Amendments of 1977 has increased. This document revises part 870 to reflect the new restrictions on garnishment resulting from the increased Fair Labor Standards Act minimum wage. Further, amendments to the Consumer Credit Protection Act by the Tax Reduction and Simplification Act of 1977 resulted in the laws of Virginia and Kentucky no longer being similar to the Federal law, as amended. Virginia has amended its law to conform to the CCPA, Kentucky has not. Accordingly, Kentucky's exemption has been revoked.

DATE: This document is effective on June 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Paul G. Campbell, Director, Division of Minimum Wage and Hour Standards, Office of Fair Labor Standards, Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210, telephone 202-523-7043.

SUPPLEMENTARY INFORMATION: Section 303(a)(2) of the Consumer Credit Protection Act, 15 U.S.C. 1673, protects from garnishment any sum less than 30 times the FLSA section 6(a)(1) minimum hourly wage. With the increase in the minimum wage to $2.65 per hour on January 1, 1978, this amount was increased to $79.50 per week. With the annual increases this amount will be increased accordingly. This will also result in changes when an employee is paid bi-weekly, semi-monthly and monthly.

This document amends § 870.10 to reflect these changes. The CCPA was amended by Pub. L. 95-30, the Tax Reduction and Simplification Act of 1977, effective June 1, 1977, providing limitations on amounts subject to garnishment for the support of any person. The laws of the State of Kentucky are not similar to the CCPA as amended.

Section 870.57 is therefore amended by deleting the exemption for the State of Kentucky from the provisions of sections 303(a) and 303(b) of the CCPA since the garnishment laws of Kentucky no longer provide restrictions on the amount of wages that may be garnished for the support of any person substantially equal to the restrictions provided by section 303(b)(2) of the CCPA.

As these amendments merely reflect the changes in the law, publication of a proposal with opportunity for comment is not required, as it would serve no useful purpose. The change in the regulation is made effective immediately as it is drafted in such a manner that the increased figures in the regulation resulting from the FLSA section 6(a)(1) minimum wage increases go into effect when the FLSA minimum wage increases from year to year.

This document was prepared under the direction and control of Herbert J. Cohen, Assistant Administrator, Office of Fair Labor Standards, Wage and Hour Division, U.S. Department of Labor.

Accordingly, 29 CFR Part 870 is amended as follows:

1. Section 870.10 is revised by amending paragraphs (b), (c), and (d) as follows:

§ 870.10 Maximum part of aggregate disposable earnings subject to garnishment.

* * * * *

(b) * * *

(1) If an individual's disposable earnings for a workweek or lesser period are $79.50 (30×$2.65) or less, his/her earnings may not be garnished in any amount. The amount which may not be garnished is 30 times the Fair Labor Standards Act minimum wage. When the minimum wage increases, this amount will also increase. On January 1, 1979, the minimum wage increases to $2.90, on January 1, 1980, it increases to $3.10; and on January 1, 1981, it increases to $3.35. Accordingly, the amount of disposable weekly earnings which may not be garnished will increase to $87 on January 1, 1979; to $93 on January 1, 1980; and to $100.50 on January 1, 1981.

(2) If an individual's disposable earnings for a workweek or lesser period are more than $79.50, but less than $106, only the amount above $79.50 is subject to garnishment. As the $106 figure is in fact 40 times the Fair Labor Standards Act minimum wage of $2.65, this figure will increase to $116 on January 1, 1979; to $124 on January 1, 1980; and to $134 on January 1, 1981.

(3) If an individual's disposable earnings for a workweek or lesser period are $106 or more, 25 percent of his/her disposable earnings is subject to garnishment. As pointed out in subparagraph (2), of this paragraph, the $106 figure is increased to $116 on January 1, 1979; to $124 on January 1, 1980; and to $134 on January 1, 1981.

(c) Pay for a period longer than 1 week. In the case of disposable earnings which compensate for personal services rendered in a pay period longer than 1 workweek, the weekly statutory exemption formula must be transformed to a formula applicable to such earnings providing equivalent restrictions on wage garnishment.

* * * * *

(3) Disposable earnings for individuals paid weekly, biweekly, semi-monthly, and monthly may not be garnished unless they are in excess of the following amounts:

Date	Minimum rate	Weekly amount	Biweekly amount	Semi-monthly amount	Monthly amount
Jan. 1, 1978	$2.65	$79.50	$159.00	$172.25	$344.50
Jan. 1, 1979	2.90	87.00	174.00	188.50	377.00
Jan. 1, 1980	3.10	93.00	186.00	201.50	403.00
Jan. 1, 1981	3.35	100.50	201.00	217.75	435.50

(4) If the disposable earnings are less than the following figures, only the difference between the appropriate figures set forth in paragraph (c)(3) of this section and the appropriate figure of the following figures may be garnished.

Date	Minimum rate	Weekly amount	Biweekly amount	Semi-monthly amount	Monthly amount
Jan. 1, 1978	$2.65	$106.00	$212.00	$229.67	$459.32
Jan. 1, 1979	2.90	116.00	232.00	251.33	502.67
Jan. 1, 1980	3.10	124.00	248.00	268.67	537.33
Jan. 1, 1981	3.35	134.00	268.00	290.33	580.67

For example, in January of 1978, if an individual's disposable earnings for a biweekly pay period are $205, the difference between $159 and $205 (i.e., $46) may be garnished.

(5) If disposable earnings are in excess of the figures stated in paragraph (c)(4) of this section, 25% of the disposable earnings may be garnished.

(d) *Date wages paid or payable controlling.* The date that disposable earnings are paid or payable, and not the date the Court issues the garnishment order, is controlling in determining the amount of disposable earnings that may be garnished. Thus, a garnishment order issued in November 1977, providing for withholding from wages over a period of time, based on exemptions computed at the $2.30 per hour minimum wage then in effect, would be modified by operation of the change in the law so that wages paid after January 1, 1978, would be subject to garnishment during 1978 only to the extent described in paragraphs (b) and (c) of this section on the basis of a minimum rate of $2.65 per hour. This principle is applicable at the time of each further increase in the minimum wage, i.e., January 1, of the years 1979, 1980, and 1981.

2. Section 870.57 is revised by deleting present paragraph (a) and relettering paragraph (b) as paragraph (a) to read as follows:

§ 870.57 Exemptions.

(a) *State of Virginia.* Effective June 30, 1978, garnishments issued under the laws of the State of Virginia are exempt from the provisions of sections 303(a) and 303(b) of the CCPA under the following additional conditions: (1) Whenever garnishments are ordered in the State of Virginia which are not deemed to be governed by section 34-29 of the Code of Virginia, as amended, and the laws of another State are applied, sections 303(a) and 303(b) of the CCPA shall apply to such garnishments according to the provisions thereof; and (2) whenever the earnings of any individual subject to garnishment are withheld and a suspending or supersedeas bond is undertaken in the course of an appeal from a lower court decision, sections 303(a) and 303(b) of the CCPA shall apply to the withholding of such earnings under this procedure according to the provisions thereof.

* * * * *

Signed at Washington, D.C., on this 23d day of June, 1978.

XAVIER M. VELA,
Administrator.

[FR Doc. 78-18148 Filed 6-29-78; 8:45 am]

[4510-26]

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

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Occupational Exposure to Inorganic Arsenic; Corrections

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

ACTION: Final rule; corrections

SUMMARY: This notice announces corrections to the permanent inorganic arsenic standard which appeared in the FEDERAL REGISTER on May 5, 1978 (43 FR 19584).

EFFECTIVE DATE: June 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Gail Brinkerhoff, Office of Compliance Programs, OSHA, Third Street and Constitution Avenue NW., Room N-3112, Washington, D.C. 20210, telephone 202-523-8034.

SUPPLEMENTAL INFORMATION: On May 5, 1978, an occupational safety and health standard for exposure to inorganic arsenic, with an accompanying explanation, was published in the FEDERAL REGISTER (43 FR 19584, FR Doc. 78-12170) as 29 CFR 1910.1018. There were a number of minor typographical errors and inadvertent omissions in the May 5, 1978 document. This document corrects only those errors and omissions which were in the Inorganic Arsenic Standard and appendices section of the May 5, 1978 document.

Accordingly, FR Doc. 78-12170 is corrected as follows:

§ 1910.1018 [Corrected]

1. On page 19626 the heading for Table II is corrected to read "Table II—Respiratory protection for inorganic arsenicals (such as arsenic trichloride [2] and arsenic phosphide) with significant vapor pressure".

2. On page 19626, third column, the first line is corrected to read "perform a quantative face fit test at".

3. On page 19626, third column, § 1910.1018(h)(5)(i), line 9, "no" is corrected to "not".

4. On page 19626, third column, § 1910.1018(h)(5)(iii), the second line is corrected to read "ployee required to wear air-purifying respirators".

5. On page 19626, third column, before § 1910.1018(j), the following line is inserted, "(i) [Reserved.]".

6. On page 19626, third column, § 1910.1018(j)(1), second line of text, the word "form" is corrected to "from".

7. On page 19627, § 1910.1018(j)(1)(iii) first column, the second line is corrected to read "ments of § 1910.133(a)(2)-(a)(6); and".

8. On page 19627, first column, § 1910.1018(j)(2), seventh line, the word "exposure" is corrected to "exposures".

9. On page 19627, first column, § 1910.1018(j)(2)(vii), ninth line, the colon is corrected to a period.

10. On page 19627, first column, § 1910.1018(j)(2)(vii), the twelfth line is corrected to read "local, state or Federal regulations."

11. On page 19628, first column, § 1910.1018(n)(5)(i), the second line is corrected to read "appendices;".

12. On page 19628, second column, § 1910.1018(o)(1)(ii)(A), the second line is corrected to read "Appendix A;".

13. On page 19628, second column, § 1910.1018(o)(2)(i), fourth and fifth lines, the word "appendixes" is changed to read "appendices".

14. On page 19628, third column, § 1910.1018(q), the fourth line is corrected to read "record of all monitoring required by".

15. On page 19628, third column, § 1910.1018(q)(1)(ii)(E), third line, the word "employees" is corrected to read "employee's".

16. On page 19629, first column, § 1910.1018(q)(3)(i), the fourth line is

corrected to read "paragraph (q) of this section to the ".

17. On page 19629, second column, § 1910.1018(t), first line, the word "Appendixes" is corrected to read "Appendices".

18. On page 19629, second column, § 1910.1018(u)(4), the third line is corrected to read "(g)(2) as a result of initial monitoring".

19. On page 19629, third column, §1910.1018(u)(6), fifteenth line, after the sentence "Completion of compliance plan." the words "Optional use of powered air-purifying respirators." are inserted.

20. On page 19631, first column, appendix C, paragraph II. B., seventh line, the word "construction" is corrected to "constriction".

(Secs. 4, 6, 8, 84 Stat. 1592, 1593, 1599 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order 8-76 (41 FR 25059); 29 CFR Part 1911.)

Signed at Washington, D.C., this 27th day of June 1978.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc. 78-18323 Filed 6-29-78; 8:45 am]

[4510-26]

Correction

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

ACTION: Final rule; corrections.

SUMMARY: Due to inadvertence, the section heading and some of the paragraphs in 29 CFR 1910.19 have not been recorded properly in the Code of Federal Regulations. This document corrects these errors. As these corrections involve no substantive changes in the provisions of the standards, there is no need for notice or public procedures under section 6 of the Occupational Safety and Health Act of 1970 (84 Stat. 1593; 29 U.S.C. 655) or under 5 U.S.C. 553. Accordingly, 29 CFR 1910.19 is corrected as set forth below.

EFFECTIVE DATE: June 30, 1978.

In 29 CFR Part 1910, § 1910.19 is amended by adding a new section heading, by designating the existing material as paragraph (a), by adding paragraph (b), and by adding paragraph headings to paragraphs (d), (e), and (f). As amended, the complete text of § 1910.19 reads as follows:

§ 1910.19 Special provisions for air contaminants.

(a) *Asbestos dust.* Section 1910.1001 shall apply to the exposure of every employee to asbestos dust in every employment and place of employment covered by §§ 1910.12, 1910.13, 1910.14, 1910.15, or 1910.16, in lieu of any different standard on exposure to asbestos dust which would otherwise be applicable by virtue of any of those sections.

(b) *Vinyl chloride.* Section 1910.1017 shall apply to the exposure of every employee to vinyl chloride in every employment and place of employment covered by §§ 1910.12, 1910.13, 1910.14, 1910.15, or 1910.16, in lieu of any different standard on exposure to vinyl chloride which would otherwise be applicable by virtue of any of those sections.

(c) *Acrylonitrile.* Section 1910.1045 shall apply to the exposure of every employee to acrylonitrile in every employment and place of employment covered by §§ 1910.12, 1910.13, 1910.14, 1910.15, or 1910.16, in lieu of any different standard on exposure to acrylonitrile which would otherwise be applicable by virtue of any of those sections.

(d) *Benzene.* Section 1910.1028 shall apply to the exposure of every employee to benzene in every employment and place of employment covered by §§ 1910.12, 1910.13, 1910.14, 1910.15, or 1910.16, in lieu of any different standard on exposure to benzene which would otherwise be applicable by virtue of any of those sections.

(e) *Inorganic arsenic.* Section 1910.1018 shall apply to the exposure of every employee to inorganic arsenic in every employment covered by §§ 1910.12, 1910.13, 1910.14, 1910.15, or 1910.16, in lieu of any different standard on exposure to inorganic arsenic which would otherwise be applicable by virtue of any of those sections.

(f) *Cotton dust.* Section 1910.1043 shall apply to the exposure of every employee to cotton dust in every employment covered by § 1910.12, in lieu of any different standard on exposure to cotton dust which would otherwise be applicable by virtue of that section.

(Secs. 6, 8, 84 Stat. 1593, 1599; 29 U.S.C. 655, 657; Secretary of Labor's Order No. 8-76 (41 FR 25059); 29 CFR Part 1911.)

Signed at Washington, D.C., this 27th day of June 1978.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc. 78-18356 Filed 6-29-78; 8:45 am]

[1505-01]

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Occupational Exposure to Cotton Dust

Correction

FR Doc. 78-17232 appearing at page 27350 in the FEDERAL REGISTER of Friday, June 23, 1978 at 43 FR 27350 contains a typographical error in the file line.

On page 27418, third column, the file line which is 25 lines from the top of the page should read:

"FR Doc. 78-17232 Filed 6-19-78; 11:53 am"

[4510-26]

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Occupational Exposure to Cotton Dust; Corrections

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

ACTION: Final rule; corrections.

SUMMARY: This notice announces corrections to the permanent cotton dust standard which appeared in the FEDERAL REGISTER on June 23, 1978 (43 FR 27350).

EFFECTIVE DATE: June 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Gail Brinkerhoff, Office of Compliance Programs, OSHA, Third Street and Constitution Avenue NW., room N-3112, Washington, D.C. 20210, telephone 202-523-8034.

SUPPLEMENTARY INFORMATION: On June 23, 1978, an occupational safety and health standard for exposure to cotton dust, with an accompanying explanation, was published in the FEDERAL REGISTER (43 FR 27350, FR Doc. 78-17232) as 29 CFR 1910.1043. There were a number of minor typographical errors and inadvertent omissions in the June 23, 1978 document. This document corrects only those errors and omissions which were in the Cotton Dust Standard and Appendices portion, at 43 FR pages 27394 through 27418 of the June 23, 1978 document.

Accordingly, F.R. Doc. 78-17232 is corrected as follows:

§ 1910.1043 [Corrected].

1. Page 27394, column 3, paragraph (a)(3), line 14, "employers" is corrected to read "employer".

2. Page 27394, column 3, paragraph (a)(3), line 16 is corrected to read "are 'as safe and healthful as' those re-".

3. Page 27395, column 2, paragraph (c)(2), line 8, "any" is corrected to read "an".

4. Page 27395, column 2, paragraph (d)(1)(iii)(*a*), line 3, "15um" is corrected to read "15 microns".

5. Page 27395, column 2, paragraph (d)(1)(iii)(*b*), line 1, "Replicates" is corrected to read "replicate".

6. Page 27395, column 2, paragraph (d)(1)(iii)(*c*), line 1, "Is" is corrected to read "are".

7. Page 27395, column 3, paragraph (e)(1), line 1, "engineering" is corrected to read "Engineering".

8. Page 27395, column 3, paragraph (e)(3)(i), line 4, the words "as soon as possible" are deleted.

9. Page 27395, column 3, paragraph (e)(3)(iii), line 3, the words "of the compliance program" are inserted after the word "completion".

10. Page 27396, column 1, paragraph (f)(1)(iv), line 2, "(g)(1)(i)" is corrected to read "(g)(1)".

11. Page 27396, column 2, Table I, item (c), line 1, "50" is corrected to read "100".

12. Page 27396, column 2, Table I, item (d), line 1, "50" is corrected to read "100".

13. Page 27396, column 2, Table I, item (d)(4), line 3, "which" is corrected to read "with".

14. Page 27396, column 2, paragraph (f)(2)(iii), line 5, "shall, permit" is corrected to read "shall provide and permit".

15. Page 27397, column 1, paragraph (h)(2), line 5 is corrected to read "surveillance. For new employees this".

16. Page 27397, column 1, paragraph (h)(3)(ii)(*a*), line 2, "of predicted," is corrected to read "of the predicted value,".

17. Page 27397, column 2, paragraph (h)(5)(i)(*c*), line 7, "and he cannot" is corrected to read "and where the employee cannot".

18. Page 27397, column 3, line 16, "(i)" is corrected to read "(ii)".

19. Page 27397, column 3, paragraph (i)(1)(ii) (as corrected), line 3, the words "and shall be reported" are deleted.

20. Page 27397, column 3, line 26, "(ii)" is corrected to read "(iii)".

21. Page 27397, column 3, line 31, "(iii)" is corrected to read "(iv)".

22. Page 27397, column 3, paragraph (j), line 2, "signs" is corrected to read "sign".

23. Page 27397, column 3, paragraph (k)(1)(ii)(c), line 1, "name" is corrected to read "names"; line 2, "classification" is corrected to read "classifications".

24. Page 27398, column 1, paragraph (k)(2)(ii)(*f*), line 3, "paragraphs" is corrected to read "paragraph".

25. Page 27398, column 1, paragraph (k)(3)(iii), line 2, "as will" is deleted and "indicate" is corrected to read "indicating".

26. Page 27398, column 2, paragraph (m)(2)(iv), line 4, "September" is corrected to read "March"; on line 5, "(iv)" is corrected to read "(vi)".

27. Page 27398, column 2, paragraph (m)(2)(vi), line 1, "This" is corrected to read "The", and the word "initial" is deleted.

(Secs. 6, 8, 84 Stat. 1593, 1599 (29 U.S.C. 655, 657); Secretary of Labor's Order 8-76 (41 FR 25059); 29 CFR Part 1911).

Signed at Washington, D.C., this 28th day of June, 1978.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc. 78-18414 Filed 6-29-78; 8:45 am]

[4510-26]

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

PART 1928—OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR AGRICULTURE

Occupational Exposure to Cotton Dust in Cotton Gins

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

ACTION: Final standard; Corrections.

SUMMARY: This document corrects certain provisions of the final standard for Occupational Exposure to Cotton Dust in Cotton Gins, which appeared in the FEDERAL REGISTER of Friday, June 23, 1978 (43 FR 27418), and provides for the reprinting of the standard in the occupational safety and health standards for agriculture.

EFFECTIVE DATE: June 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Gail Brinkerhoff, Office of Compliance Programs, OSHA, Room N-3112, 200 Constitution Avenue NW., Washington, D.C. 20210, telephone 202-523-8034.

SUPPLEMENTARY INFORMATION: On June 23, 1978, an occupational safety and health standard for exposure to cotton dust in cotton gins, with an accompanying explanation, was published in the FEDERAL REGISTER (43 FR 27418, FR Doc. 78-17233) as 29 CFR 1910.1046. In addition, certain amendments were made to 29 CFR Part 1928. There were a number of minor typographical errors and inadvertant ommissions in the June 23, 1978 document. This document corrects only those errors which were in the Cotton Dust in Cotton Gins Standard and Appendices, at pages 27434 through 27463 in the June 23, 1978 document.

Accordingly, FR Doc. 78-17233 is corrected as follows:

§ 1910.1046 [Corrected].

1. Page 27434, column 2, line 65, "§ 1910.1046a" is corrected to read "§ 1910.1046".

2. Page 27434, column 2, the section number is corrected to read "§ 1910.1046".

3. Page 27434, column 3, paragraph (b), line 8, "surface" is corrected to read "surfaces".

4. Page 27435, column 1, paragraph (d)(2)(i), line 3, "or" is deleted.

5. Page 27435, column 1, paragraph (d)(2)(ii), line 4, "or" is corrected to read "and".

6. Page 27435, column 3, paragraph (c)(6)(ii), line 3, "diagnosis" is corrected to read "diagnoses".

7. Page 27435, column 3, paragraph (e)(8)(i), line 5, "(f)" is corrected to read "(e)".

8. Page 27436, column 2, pararaph (g)(1), line 1, the word "*General.*" is inserted after "(1)".

9. Page 27436, column 2, paragraph (g)(2), line 1, the words "*Spanish speaking employees*" are inserted after "(2)".

10. Page 27436, column 2, paragraph (h)(1)(ii)(*f*), lines 4-5, "employees: *Provided*, that" is corrected to read "employees, provided that".

11. Page 27436, column 2, line 45, "(ii)" is corrected to read "(iii)".

12. Page 27436, column 3, paragraph (j), line 1, "(1)" is deleted.

§ 1928.21 [Amended]

13. Page 27463, column 3, § 1928.21(a)(5) is deleted because it is being superseded by a new § 1928.113. See item 14 below.

§ 1928.113 [Added]

14. A new Subpart I—Toxic and Hazardous Substances, consisting at this time of § 1928.113, *Exposure to cotton dust in cotton gins*, is added to Part 1928. The text of § 1928.113 is identical to the text of § 1910.1046 as published in the FEDERAL REGISTER of Friday, June 23, 1978 (43 FR 27434), and corrected in this document.

(Secs. 6, 8, 84 Stat. 1593, 1599 (29 U.S.C. 655, 657); Secretary of Labor's Order 8-76 (41 FR 25059); 29 CFR Part 1911.)

Signed at Washington, D.C., this 28th day of June 1978.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc. 78-18408 Filed 6-29-78; 10:33 am]

[3810-71]

Title 32—National Defense

CHAPTER VI—DEPARTMENT OF THE NAVY

PART 700—UNITED STATES NAVY REGULATIONS

Miscellaneous Deletions; Correction

AGENCY: Department of the Navy, Department of Defense.

ACTION: Correction.

SUMMARY: In making miscellaneous deletions of parts and sections of Chapter VI of 32 CFR 700.712 had been inadvertently cited as "§ 700.12." Accordingly, the Department of the Navy is correcting this erroneous section citation.

FOR FURTHER INFORMATION CONTACT:

Lt. Jesse J. Graham II, JAGC, USNR, Regulations Branch Attorney (Code 133.1), Office of the Judge Advocate General, Department of the Navy, Washington, DC 20370, telephone 202-694-5267.

SUPPLEMENTARY INFORMATION: After an extensive review of 32 CFR Chapter VI with an eye toward making the CFR a more useful and understandable publication, the Department of the Navy deleted certain regulations, which did not affect the public, from the CFR. In deleting sections from Part 700, § 700.712 was inadvertently cited as "§ 700.12." Accordingly, the following correction is made:

In FR Doc. 78-11026 appearing at page 17355 in the FEDERAL REGISTER for Monday, April 24, 1978, in the sixth line of paragraph 1, which amended 32 CFR by deleting sections from part 700, the cite "§ 700.12" is corrected to "§ 700.712."

Dated: June 28, 1978.

P. A. WILLE,
Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Administrative Law).

[FR Doc. 78-18154 Filed 6-29-78; 8:45 am]

[3710-92]

Title 33—Navigation and Navigable Waters

CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

PART 209—ADMINISTRATIVE PROCEDURES

Authorization for Exploratory Drilling in the Gulf of Santa Catalina, Calif.

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Final rule.

SUMMARY: This is the final regulation to prescribe the policy, practice, and procedures to be followed in connection with applications for exploratory drilling in the Gulf of Santa Catalina, Pacific Ocean, off of Los Angeles-Long Beach Harbors, Calif. Department of the Army authorization for work or structures on the Outer Continental Shelf is required by law.

EFFECTIVE DATE: June 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Charles M. Holt, Chief, Navigation Branch, Los Angeles District, U.S. Army Corps of Engineers, 213-688-4933, or Mr. Ralph Eppard, Regulatory Functions Branch, Office of the Chief of Engineers, Washington, D.C. 20314, 202-693-5070.

SUPPLEMENTAL INFORMATION: A notice of intent to establish guidelines, along with a preliminary draft of guidelines, was published in the notices section of 41 FR 198, 44715, on October 12, 1976, and in a public notice issued by the Los Angeles district engineer on October 21, 1976. On June 7, 1977, we published a notice of proposed rulemaking in the FEDERAL REGISTER soliciting comments on the guidelines. In addition, a public notice containing the proposed guidelines was distributed by the Los Angeles district engineer on June 7, 1977. Comments were received from the following:

The Resources Agency of California.
Council of American Master Mariners.
Get Oil Out.
Pacific Merchant Shipping Association.
Port of Los Angeles.
Texaco.
U.S. Coast Guard, 11th District.
U.S. Geological Survey.
U.S. National Marine Fisheries.
U.S. Navy, Long Beach Shipyard.

Several of the issues raised in the comments were covered in notice of proposed rulemaking and accordingly are omitted from the following discussion:

a. Texaco stated the proposed rule is unclear regarding whether first-in-time refers to first application or first vessel onsite, and that the procedures for scheduling and distribution of drilling time are in need of improvements. Response: First-in-time refers to the first application received by the district engineer for exploratory work. Any subsequent applications would be issued in the order received. In view of the limited number of drilling vessels available and our experience up to now, we do not anticipate any serious problems with scheduling.

b. The Commander, 11th Coast Guard District advises that "Class I buoy or buoys" should be changed to "Class I private aids to navigation." Response: We have made this change.

c. The U.S. Geological Survey advised that the proposed rules are acceptable for exploratory drilling, but impractical for development work. Response: These guidelines are directed toward exploratory work only.

All comments are available for public inspection at the Office of the Los Angeles District Engineer, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

After consideration of all relevant matter submitted, the regulations governing issuance of Department of the Army authorizations for exploratory drilling in the Gulf of Santa Catalina, Calif., are hereby established as set forth below:

§ 209.138a Authorization for exploratory drilling in the Gulf of Santa Catalina, Calif.

(a) Department of the Army authorization is required pursuant to section 4(f) of the Outer Continental Shelf Lands Act of 1953 (67 Stat. 462; 43 U.S.C. 1333(f)) in coastal waters and the water covering the Outer Continental Shelf. The determination whether or not to issue a Department of the Army authorization for structures on the Outer Continental Shelf related to exploration of minerals is based upon the proposed activities' effect on navigation and national security. All other matters concerning offshore drilling, including environmental considerations, are the responsibility of the Department of the Interior.

(b) The following rules have been developed jointly by the Los Angeles district engineer and the 11th Coast Guard District, in consultation with the Bureau of Land Management and the U.S. Geological Survey for drilling in the Gulf of Santa Catalina:

(1) All drilling with a single tract will be covered by a single application.

(2) Where practicable, applications shall be submitted at least 120 days in advance of drilling for tracts where drilling is expected to be accomplished within the traffic separation scheme, the precautionary zone or within 2 nautical miles of a traffic lane.

(3) Applications shall include the location of any known proposed drilling site and the estimated start and com-

pletion dates for each. Updated information on the plan shall be furnished as soon as available. One individual (and alternate) shall be designated by the applicant as responsible for maintaining close liaison with all involved agencies.

(4) Where it is not feasible to perform exploratory work from outside the traffic lanes or ¼ mile buffer zones, or precautionary zone, authorizations will include the following conditions:

(i) Exploratory vessels within a traffic lane will, to the degree practicable, be sited near traffic lane boundaries.

(ii) Exploratory vessels within one traffic lane, or in the precautionary zone, shall be separated by at least 8 nautical miles in the direction of the lane axis.

(iii) Exploratory vessels located within the traffic lanes, or the precautionary zone, shall not have their pendant buoys within 3,000 yards from the pendant buoys of any other vessel.

(iv) Exploratory rigs and vessels engaged in offshore development may have no cables, anchors, buoys, or other associated equipment within the traffic lanes, ¼ mile buffer zones, or the precautionary zone, at a depth of less than 100 feet, unless such equipment is marked with class I private aids to navigation in accordance with current Federal regulations.

(67 Stat. 462 (43 U.S.C. 1333(f)).)

Dated: June 20, 1978.

MICHAEL BLUMENFELD,
Deputy Under Secretary of the Army.

[FR Doc. 78-18239 Filed 6-29-78; 8:45 am]

[3410-11]

Title 36—Parks, Forests and Public Property

CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

PART 261—PROHIBITIONS

Permits for the Pine River Area; Interim Regulation and Request for Comments

AGENCY: Forest Service, USDA.

ACTION: Interim regulations applicable to Region 9, Eastern Region, and request for comments.

SUMMARY: This interim regulation requires that using or occupying certain Manistee National Forest lands abutting the Pine River in Michigan for the purpose of placing any floatable object or craft in or on the river will require users to obtain a permit. Permits will include conditions of use developed to promote the protection of the National Forest lands located within the Pine River Watershed, to enhance river area qualities, and to provide for the safety and health of all users of National Forest land located within the area abutting the river. After 90 days, the regulations will be issued as permanent, or modified, depending upon comments received.

DATES: Effective date June 30, 1978. Comments must be received on or before August 29, 1978.

ADDRESS: Send comments to: USDA, Forest Service, Attention: Deputy Regional Forester for Resources, 633 West Wisconsin Avenue, Milwaukee, Wis. 53203.

FOR FURTHER INFORMATION CONTACT:

Robert C. Ziegler, 414-291-3841.

SUPPLEMENTARY INFORMATION: The number of people annually floating, boating, and canoeing the Pine River has increased from 13,000 in 1966 to 121,000 in 1977. A proportional increase in the use of National Forest lands adjacent to the river for purposes of launching, retrieving, and storing watercraft has occurred during this same period. The intensity of this increased usage has produced highly undesirable adverse environmental and social impacts on both the National Forest lands adjacent to the river and members of the public using those lands. Other problems related to public health, safety, and the protection of public property have also developed.

The Pine River is a tributary to the Manistee River system which was designated for potential addition to the National Wild and Scenic Rivers System by 1975 congressional amendment to Section 5 of the Wild and Scenic Rivers Act (Pub. L. 90-542). There is an immediate need to control existing river area use if the Pine River Watershed's high quality and the health and safety of the public user are to be maintained. This action provides for a regulatory means of insuring the protection needed by the river area resources and establishing the conditions for enhancement of public health and safety. There is immediate need for the regulations as the warmer weather increases use in the river area. The proposal will be issued in the form of interim regulations for 90 days during which time comments may be submitted. After 90 days, the regulations will be issued as permanent, or modified, depending upon comments received.

INTERIM REGULATIONS

Pursuant to 36 CFR 261.70 the Regional Forester, Region 9, Eastern Region, Forest Service, United States Department of Agriculture, has determined that advance notice of proposed rule making and public participation therein relative to the interim regulations hereinafter set forth is impractical, unnecessary, or contrary to the public interest. Accordingly, the following interim regulations prohibiting acts or omissions within the areas of the Manistee National Forest described below, for the purpose of protecting public property and public health and safety, and establishing reasonable rules of public conduct, are hereby issued with the concurrence of the Chief of the Forest Service, U.S. Department of Agriculture. The prohibitions set forth below become effective on June 30, 1978, and shall remain effective for not more than 90 days unless readopted as permanent regulations as hereinafter proposed.

REQUEST FOR COMMENTS

Notice is hereby given that the Department of Agriculture, by and through the Regional Forester, Region 9, Eastern Region, Forest Service, is considering readopting the interim regulations set forth below, 36 CFR 261.78, as permanent regulations pursuant to the provisions of 36 CFR 261.70. The readoption would be for the purpose of protecting the public property and public health and safety, and establishing reasonable rules of public conduct on those areas identified in the interim regulations.

It is proposed that said interim regulations being published below become permanent regulations.

All persons wishing to submit written comments pertaining to the proposed new permanent section (36 CFR 261.78), may do so by submitting them to the U.S. Department of Agriculture, Forest Service, Attention: Deputy Regional Forester for Resources, 633 West Wisconsin Avenue, Milwaukee, Wis. 53203, on or before August 29, 1978.

All written submissions made pursuant to this notice will be available for public inspection in the Office of the Director, 633 West Wisconsin Avenue, Milwaukee, Wis. 53203, during regular business hours (7 CFR Part 1.27(b)).

Title 36 CFR Chapter II, Part 261 Subpart C is amended by adding a new interim regulation, § 261.78 as follows:

§ 261.78 Regulations applicable to Region 9, Eastern Region, as defined in § 200.2.

Using or occupying any area of the Manistee National Forest, unless authorized by permit, abutting the Pine River between a point commencing one mile downstream from Lincoln Bridge to a point one-half mile upstream from Stronach Dam for the purpose of entering, leaving, or going upon the river, in, on, or upon any floatable object of any kind or description during specific dates set forth annually and posted in such locations and manner as to reasonably bring the

closure and dates to the attention of the public.

STEVE YURICH,
Regional Forester.

[FR Doc. 78-18362 Filed 6-28-78; 2:24 pm]

[3510-16]

Title 37—Patents, Trademarks, and Copyrights

CHAPTER I—PATENT AND TRADEMARK OFFICE, DEPARTMENT OF COMMERCE

PART 1—RULES OF PRACTICE IN PATENT CASES

PART 5—SECRECY OF INVENTIONS

Revised Patent Interference Rules

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Final rule.

SUMMARY: These regulations prescribe certain requirements for patent interference proceedings which have not been specifically or clearly covered by existing provisions of the rules. The existing provisions on public availability of interference files is clarified. A proposal made earlier to eliminate attachments to preliminary statements in interferences is not adopted.

EFFECTIVE DATE: August 1, 1978.

ADDRESS: Comments on the proposal are available for public inspection in Room 11E10, Crystal Plaza Building 3, 2021 Jefferson Davis Highway, Arlington, Va.

FOR FURTHER INFORMATION CONTACT:

Ian A. Calvert, Chairman, Board of Patent Interferences, Patent and Trademark Office, by telephone at 703-557-3625, or by mail marked to his attention and addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

SUPPLEMENTARY INFORMATION:

INTERFERENCE PRACTICE

On November 30, 1976, notice of proposed rulemaking regarding the revision of sections 1.205, 1.207, 1.215, 1.216, 1.217, 1.222, 1.223, 1.225, 1.245, 1.247, 3.44, 3.45, and 5.3 of, and the addition of new section 1.246 to, title 37 of the Code of Federal Regulations was published in the FEDERAL REGISTER (41 FR 52486). Interested persons were asked to comment and a period extending from the date of publication of the proposed rule changes to March 4, 1977, was allocated for such purpose. Eighteen comments were received. The comments are available for public inspection at the address given above.

In view of strong objection to the removal of requirements in §§ 1.215, 1.216, 1.217, 1.222, 1.223, 3.44, and 3.45 for documents to be attached to preliminary statements, the proposed amendments to these rules are not being adopted. The consensus of the comments submitted was that the documents required by the present rules can be most useful in promoting an early settlement of interferences. A sentence is added to § 1.223(c) to incorporate into the rules the existing policy that the content of attachments to preliminary statements normally is not considered by the Office. *Reddy* v. *Davis*, 187 USPQ 386 (Commr. Pat. and Tm. 1975). The sentence that was proposed for § 1.217 relative to the signing of statements is adopted as a new last sentence in § 1.217(1).

New § 1.205(c) is being adopted with a change from the proposal. The paragraph as proposed provided for a notice to be placed in the file of a patent and sent to the patentee when claims are copied by an applicant from the patent. Three commenters suggested that a second notice should be placed in the patent file and sent to the patentee if a decision is made not to declare an interference. A sentence is being added to paragraph (c) to adopt this suggestion.

One of the commenters opposed § 1.205(c) on the ground that the market value of a patent will be reduced if a notice is placed in the file that claims have been copied. It is believed that the provision for a second notice when an interference is not declared responds to this objection. One commenter suggested that the notice to the patentee under § 1.205(c) should identify the party copying the patent claims or the attorney representing that party. This suggestion is outside the scope of the proposal and is not adopted. The amendment that was proposed to section 5.3 is adopted in order to provide a cross-reference to new paragraph 1.205(c).

No adverse comments were received relative to the proposed revisions of §§ 1.207, 1.225, 1.245, and 1.247, and the addition of new § 1.246. These proposals are being adopted. Section 1.225 is divided into paragraphs and the order of the sentences is changed from the proposal for clarity. Section 1.287(c) is amended to refer to new § 1.246 instead of § 1.245. With regard to the revision of section 1.247(b), the word "expected" is corrected to read "excepted."

FILES OPEN TO PUBLIC

The second sentence of § 1.11(a) is being amended to make clear that the file of an interference involving an issued patent is open to the public if the interference is terminated without an award of priority by the Board of Patent Interferences, as well as being open when there is an award of priority. The amendment adds the phrase "or after termination if no such award is made" in the second sentence. The language that was used in § 1.11(a) prior to March 1, 1977, was clear on this point. The second sentence of § 1.11(a) was broadened effective March 1, 1977 (42 FR 5593, 955 O.G. 1054), however, to make interference files available to the public at an earlier date. In making this change the rule inadvertently was worded so that it is susceptible to the interpretation that the file of an interference is not open to the public if the interference is terminated without an award of priority. The published record shows that the Patent and Trademark Office did not intend this meaning. The Office has continued to grant public access to such files since the March 1977 amendment.

Since the change in § 1.11(a) merely clarifies the rule and is consistent with existing policy, notice and public procedure prior to adoption of the change are deemed unnecessary.

TEXT OF RULES ADOPTED

As announced in the notice published in the FEDERAL REGISTER of November 30, 1976 (41 FR 52486) the Patent and Trademark Office determined that these rules do not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Orders 11821 and 11949 which were in effect at that time.

In consideration of the comments received and pursuant to the authority contained in section 6 of Title 35 of the United States Code, parts 1 and 5 of title 37 of the Code of Federal Regulations are hereby amended as set forth below. This text will be reproduced in the Patent and Trademark Office's Official Gazette in about a month with additions indicated by arrows and deletions indicated by brackets to help readers identify the changes.

1. In § 1.11 paragraph (a) is revised to read:

§ 1.11 Files open to the public.

(a) After a patent has been issued, the specification, drawings, and all papers relating to the case in the file of the patent are open to inspection by the general public, and copies may be obtained upon paying the fee therefor. After an award of priority by the Board of Patent Interferences as to all parties, or after termination if no such award is made, the file of any interference which involved a patent, or an application on which a patent has issued, is similarly open to public inspection and procurement of copies. See § 2.27 for trademark files.

* * * * *

2. § 1.205 a new paragraph (c) is added to read:

§ 1.205 Interference with a patent; copying claims from patent.

* * * * *

(c) A notice that one or more claims of a patent have been copied or substantially copied by an applicant will be placed in the file of the patent, and a copy of said notice will be sent to the patentee. However, the identity of the applicant will not be disclosed to the patentee unless an interference is declared. If a final decision is made not to declare an interference, a notice to that effect will also be placed in the file of the patent and sent to the patentee.

3. In § 1.207 paragraph (b) is revised to read:

§ 1.207 Preparation of interference papers and declaration of inteference.

* * * * *

(b) A patent interference examiner will institute and declare the interference by forwarding notices to the several parties to the proceeding. Each notice shall include the name and residence of each of the other parties and those of his attorney or agent, and of any assignee, and will identify the application of each opposing party by serial number and filing date, or in the case of a patentee by the number and date of the patent. The notices shall also specify the issue of the interference, which shall be clearly and concisely defined in only as many counts as may be necessary to define the interfering subject matter (but in the case of an interference with a patent all the claims of the patent which can be made by the applicant should constitute the counts), and shall indicate the claim or claims of the respective cases corresponding to the count or counts. If the primary examiner has indicated that the patent or application of any party included in the interference is entitled to the benefit of the filing date of any prior applications as to the subject matter in issue, the notices shall so state and shall specify such prior applications. Except as noted in paragraph (e) of this section, the notices shall also set a schedule of times for taking various actions as follows:

(1) For filing the preliminary statements required by § 1.215 and serving notice of such filing, not less than 2 months from the date of declaration.

(2) For each party who files a preliminary statement to serve a copy thereof on each opposing party who also files a preliminary statement as required by § 1.215(b), not less than 15 days after the expiration of the time for filing preliminary statements.

(3) For filing motions under § 1.231, not less than 4 months from declaration.

4. Section 1.217 is revised to read:

§ 1.217 Contents of the preliminary statement; invention made abroad.

(a) When the invention was made abroad the facts specified by § 1.216(a) (1) to (6) are not required, and in lieu thereof there should be stated:

(1) When the invention was introduced into this country by or on behalf of the party, giving the circumstances with the dates connected therewith which are relied upon to establish the fact and, when appropriate, including allegations of activity in this country of the nature of that represented by § 1.216(a) (1) to (6) and documentary attachments if the allegations relate to a drawing or written description. Such statement may be signed or sworn to, or made in the form of a declaration, either by the inventor or by one authorized to make the statement and having knowledge of the facts alleged therein.

(2) If a party is entitled to the benefit of the second sentence of 35 U.S.C. 104, he must so state and his preliminary statement must include allegations of activity abroad corresponding to those required by § 1.216 (a) (1) to (6).

5. In § 1.223 paragraph (c) is revised to read:

§1.223 Effect of statement.

* * * * *

(c) If a party to an interference fails to file a statement, testimony will not be received subsequently from him to prove that he made the invention at a date prior to his effective filing date. If a party alleges in his statement a date of first drawing or first written description but does not attach a copy of such drawing or written description as required by § 1.216(b), he will be restricted to his effective filing date as to that allegation unless such copy is admitted by motion under § 1.222. The content of a drawing or written description attached to the statement normally will not be considered by the Office.

* * * * *

6. Section 1.225 is revised to read:

§ 1.225 Failure of junior party to file statements or to overcome filing date of senior party.

(a) If a junior party to an interference fails to file a preliminary statement, or if his statement fails to overcome the effective filing date of the application of another party, judgment on the record will be entered against such junior party unless he has filed a proper motion under § 1.231, within the time set for such motions, seeking some action in the interference. If such motion has been timely filed but does not result in action in the interference which removes the basis for a judgment on the record, such judgment will be entered unless the motion related to a matter which may be reviewed at final hearing under § 1.258, and within 30 days of the decision denying his motion, or a later time set by the patent interference examiner, the junior party concerned requests that final hearing be set to review such matter. Also, such a junior party may within such 30 day period, or time set, request a final hearing to review such a matter raised by his opposition to a motion under § 1.231(a) (2), (3), (4), or (5) which was granted over his opposition.

(b) Such a junior party will not be permitted to take testimony except on granting of a motion accompanied by showing of good cause, which should normally include names of proposed witnesses and affidavits or declarations by them giving their expected testimony.

(c) If, as a result of a decision on motion, the original senior party is deprived of the benefit of an earlier filed application and is thereby made a junior party and if in addition he relies solely on said earlier filed application in his preliminary statement, he stands in the same position as a junior party whose statement fails to overcome the effective filing date of the senior party as in the first sentence of § 1.225(a).

7. Section 1.245 is revised to read:

§ 1.245 Extension of time.

Extensions of time in any case not otherwise provided for may be had by stipulation of the parties, subject to approval, or on motion duly brought, sufficient cause being shown for such extension.

8. A new § 1.246 is added to read:

§ 1.246 Late papers.

A motion or other paper belatedly filed will not normally be considered except upon a showing, under oath or in the form of a declaration (§ 1.68), of sufficient cause as to why such motion or paper was not timely presented.

9. Section 1.247 is revised to read:

§ 1.247 Service of papers.

(a) Every paper filed in the Patent and Trademark Office in interference proceedings must be served upon the other parties in the manner provided in § 1.248, except the following:

(1) Preliminary statements at the time of filing but see § 1.215 (b) and (c).

(2) Documentary exhibits introduced at the taking of a deposition.

(3) Certified transcripts of testimony under § 1.276 (but copies of the record must be served (§ 1.253) (a)).

(4) Statutory disclaimers under 35 U.S.C. 253.

(b) The specification in certain sections that a designated paper must be served does not imply that other papers, not excepted above need not be served. However, the requirement for service of designated papers may be waived under particular circumstances and service may be required of other designated papers which need not ordinarily be served. Proof of service must be made before the paper will be considered in the interference by the Office. A statement of the attorney, attached to or appearing in the original paper when filed, clearly stating the time and manner in which service was made will be accepted as prima facie proof of service.

§ 1.287 [Amended]

10. In § 1.287, paragraph (c), first sentence, "§ 1.245" is changed to "§ 1.246."

§ 5.3 [Amended]

11. In § 5.3, paragraph (b), at the end of the paragraph, "See § 1.205(c)." is added.

Dated: June 5, 1978.

LUTRELLE F. PARKER,
Acting Commissioner of Patents.

Approved: June 20, 1978.

JORDAN J. BARUCH,
Assistant Secretary for Science and Technology.

[FR Doc. 78-18198 Filed 6-29-78; 8:45 am]

[6560-01]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER A—GENERAL

[FRL 914-5]

PART 1—STATEMENT OF ORGANIZATION AND GENERAL INFORMATION

Revision

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: Part 1 has been revised to update the statement of organizational structure, functions, and responsibilities.

EFFECTIVE DATE: June 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Douglas M. MacMillan, Director, Management and Organization Division, Office of Administration, U.S. Environmental Protection Agency, Washington, D.C. 20460, 202-755-0844.

SUPPLEMENTARY INFORMATION: This revision reflects various organization changes, such as the shifting of program responsibility from one Assistant Administrator to another, name changes, and reorganizations within programs. The EPA Organization and Functions Manual, which presents a detailed picture of Agency structure, is available as indicated in § 1.5 below. Since this rule was prepared simply to reflect the Agency's current structure, there was no proposed rule with solicitation of public comment.

Dated: June 26, 1978.

BARBARA BLOM,
Acting Administrator.

Part 1 of Chapter I is revised to read as follows:

Subpart A—Introduction

Sec.
1.1 Creation and authority.
1.3 Purpose and function.
1.5 Organization and general information.
1.7 Location of principal offices.

Subpart B—EPA Headquarters

1.21 General.
1.23 Office of the Administrator.
1.25 Staff Offices.
1.27 Office of the Assistant Administrator for Air, Noise and Radiation.
1.29 Office of the Assistant Administrator for Water and Waste Management.
1.31 Office of the Assistant Administrator for Enforcement.
1.33 Office of the Assistant Administrator for Planning and Management.
1.35 Office of the Assistant Administrator for Research and Development.
1.36 Office of the Assistant Administrator for Toxic Substances.

Subpart C—EPA Field Installations

1.41 Regional Offices.

AUTHORITY: 5 U.S.C. 552.

Subpart A—Introduction

§ 1.1 Creation and authority.

Reorganization Plan 3 of 1970, established the U.S. Environmental Protection Agency in the executive branch as an independent agency, effective December 2, 1970.

§ 1.3 Purpose and functions.

The U.S. Environmental Protection Agency permits coordinated and effective governmental action to assure the protection of the environment by abating and controlling pollution on a systematic basis. Reorganization Plan 3 of 1970 transferred to EPA a variety of research, monitoring, standard setting, and enforcement activities related to pollution abatement and control to provide for the treatment of the environment as a single interrelated system. Complementary to these activities are the Agency's coordination and support of research and antipollution activities carried out by State and local governments, private and public groups, individuals, and educational institutions. EPA reinforces efforts among other Federal agencies with respect to the impact of their operations on the environment.

§ 1.5 Organization and general information.

(a) The U.S. Environmental Protection Agency's basic organization consists of headquarters and 10 regional offices. EPA headquarters in Washington, D.C. maintains overall planning, coordination, and control of EPA programs. Regional Administrators head the regional offices and are responsible directly to the Administrator for the execution of the regional programs of the Agency within the boundaries of their regions.

(b) EPA Management Directives System contains definitive statements of EPA's organization, policies, procedures, assignments of responsibility, and delegations of authority. Copies are available for public inspection and copying at the Management and Organization Division, 401 M Street SW., Washington, D.C. 20460. Information can be obtained from the Office of Public Awareness at a regional office.

(c) EPA conducts procurement pursuant to the Federal Property and Administrative Services Act, the Federal Procurement Regulations, and implementing EPA regulations.

§ 1.7 Location of principal offices.

(a) The EPA headquarters is in Washington, D.C. The mailing address is 401 M Street SW., Washington, D.C. 20460.

(b) The addresses of and States served by the EPA regional offices (see 1.41) are:

(1) Region I, Environmental Protection Agency, Room 2203, John F. Kennedy Federal Building, Boston, Mass. 02203. (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.)

(2) Region II, Environmental Protection Agency, Room 1009, 26 Federal Plaza, New York, N.Y. 10007. (New Jersey, New York, Puerto Rico, and the Virgin Islands.)

(3) Region III, Environmental Protection Agency, Curtis Building, Sixth and Walnut Street, Philadelphia, Pa. 19106. (Delaware, Maryland, Pennsylvania, Virginia, West Virginia, and the District of Columbia.)

(4) Region IV, Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Ga. 30308. (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.)

(5) Region V, Environmental Protection Agency, 230 South Dearborn

Street, Chicago, Ill. 60604. (Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin.)

(6) Region VI, Environmental Protection Agency, First International Building, 1201 Elm Street, Dallas, Tex. 75270. (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.)

(7) Region VII, Environmental Protection Agency, 1735 Baltimore Avenue, Kansas City, Mo. 64108.(Iowa, Kansas, Missouri, and Nebraska.)

(8) Region VIII, Environmental Protection Agency, Lincoln Tower, 1860 Lincoln Street, Denver, Colo. 80203. (Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming.)

(9) Region IX, Environmental Protection Agency, 215 Fremont Street, San Francisco, Calif. 94105. (Arizona, California, Hawaii, Nevada, American Samoa, Trust Territories of the Pacific Islands, Guam, Wake Island, and the Northern Marianas.)

(10) Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Wash. 98101. (Alaska, Idaho, Oregon, and Washington.)

Subpart B—Headquarters

§ 1.21 General.

EPA Headquarters is comprised of (a) the Office of the Administrator; (b) eight staff offices which advise the Administrator on EPA activities and programs with respect to their assigned areas of responsibility; and (c) six operational offices, each headed by an Assistant Administrator and responsible for a major EPA functional or program area.

§ 1.23 Office of the Administrator.

The Environmental Protection Agency is headed by an Administrator who is appointed from civilian life by the President by and with the consent of the Senate. The Administrator is responsible to the President for providing overall supervision to the Agency. He is assisted by a Deputy Administrator who is appointed from civilian life by the President by and with the consent of the Senate. The Deputy Administrator assists the Administrator in the discharge of his duties and responsibilities and serves as Acting Administrator in the absence of the Administrator.

§ 1.25 Staff offices.

(a) *Office of Administrative Law Judges.* The Office of Administrative Law Judges, under the supervision of the Chief Administrative Law Judge is responsible for presiding over and conducting formal hearings in accordance with sections 556 and 557 of title 5 of the United States Code (formerly the Administrative Procedure Act) and other hearings, and issuance of initial decisions, if appropriate, in such proceedings. The office provides supervision of the Administrative Law Judges in certain Agency regional offices who operate as a component of the Office of Administrative Law Judges. The Office provides the Agency Hearing Clerk.

(b) *Office of Civil Rights.* The Office of Civil Rights, under the supervision of a Director, serves as the principal adviser to the Administrator with respect to EPA's civil rights program. The office develops policies, procedures, and regulations to implement the Agency's civil rights responsibilities and provides direction to regional and field Directors of Civil Rights. The office implements and monitors the Agency's equal employment opportunity program; provides advice and guidance to EPA program officials and Regional Administrators on EEO matters; serves as advocate for furthering of career opportunities for minorities and women; and processes complaints of discrimination for Agency disposition. The office assures: (1) Maximum participation of minority business enterprises under EPA contracts and grants; (2) equal employment opportunity under Agency contracts and construction contracts under Agency grants; (3) compliance with the Davis-Bacon and related acts; (4) compliance with the nondiscrimination on account of age and physical handicap provisions of laws affecting Agency programs; and (5) that services or benefits dispensed under any program or activity receiving Agency financial assistance are dispensed on a nondiscriminatory basis.

(c) *Office of Federal Activities.* The Office of Federal Activities, under the supervision of a Director, develops and recommends policies and procedures for national programs dealing with environmental problems arising from Federal facilities and federally supported or authorized activities. The office develops internal policies and strategies for carrying out EPA's responsibilities for controlling environmental pollution from Federal facilities and from federally authorized or supported activities. It develops policies and procedures for the processing of environmental impact statements submitted to EPA and coordinates the review of those impact statements on actions having a high degree of national controversy, visibility, or significance. It develops policies and procedures for preparation of impact statements on EPA's own activities. It provides a clearinghouse mechanism for receiving inquiries or requests from Federal agencies for consultation and technical assistance. It reviews other Federal agencies' policies and procedures for correcting environmental problems at Federal facilities and recommends changes where appropriate. It develops policy guidance and provides oversight of the Agency's education and manpower development program. The office collaborates with the Office of the Assistant Administrator for Enforcement and the regional offices in assuring compliance by Federal activities with applicable environmental standards.

(d) *Office of International Activities.* The Office of International Activities, under the supervision of an Associate Administrator, provides leadership to and collaborates with the Agency planning and resources management officials and with program managers in the development of international programs and activities designed to further the overall mission of the Environmental Protection Agency, subject to U.S. foreign policy objectives established by the President and the Secretary of State. The office develops policies, procedures, and agreements for the conduct of international activities, and coordinates the conduct of all Agency international activities, assuring that adequate program, scientific, and technical inputs are provided.

(e) *Office of Legislation.* The Office of Legislation, under the supervision of a Director, serves as the principal point of congressional contact with the Agency. The office reviews and advises the Administrator and other Agency officials on all legislative proposals originating within or affecting the Agency. It prepares, reviews, and obtains clearance of proposed legislation and reports on legislation; performs legislative drafting services; coordinates preparation of testimony; and reviews transcripts of hearings. The office maintains an effective liaison with the Congress on Agency actions of interest to the Congress, and, as necessary, maintains liaison with Agency regional and field officials, other Government agencies, and public and private groups having an interest in legislative matters affecting the Agency. It assures prompt response to the Congress on all inquiries relating to activities of the Agency.

(f) *Office of Public Awareness.* The Office of Public Awareness, under the supervision of a Director, is responsible for providing newsworthy information to the various communications media regarding actions taken or planned by the Agency. It is responsible for providing direction to the Agency's community relations, public participation, and environmental education and information programs. The office develops and produces publications and other materials necessary to inform the general public, State and local governments, and concerned and/or affected groups about the Agency's mission. It supports, encourages, and promotes public participation in the development, revision, and enforcement of environmental quality standards related to the Agency's program responsibilities.

(g) *Office of Regional and Intergovernmental Operations.* The Office of Regional and Intergovernmental Operations facilitates communications between the Administrator/Deputy Administrator and the Regional Administrators and provides a headquarters secretariat for the Regional Administrators in dealing with intergovernmental organizations and State control agencies. The office coordinates the efforts of principal headquarters organizational components dealing with broad-gauged and issue-oriented intergovernmental and regional problems to assure a concerted effort by the headquarters and regional offices in maximizing the value of intergovernmental activities for environmental programs. It works with the regional administrators and headquarters program offices on a continuing basis to develop and encourage the adoption of improved methods for dealing effectively with State and local governments and communities on specific EPA program initiatives.

(h) *Office of General Counsel.* The General Counsel serves as the principal legal adviser to the Administrator and as chief law officer of the Agency. The Office, including the regional counsels, which are under the supervision of the General Counsel, provides legal opinions, legal counsel, and litigation support; and assists and advises in the formulation and administration of the Agency's policies and programs.

§ 1.27 Office of the Assistant Administrator for Air, Noise, and Radiation.

The Assistant Administrator for Air, Noise, and Radiation serves as principal adviser to the Administrator in matters pertaining to air, noise, and radiation programs, and shall be responsible for the management of the air, noise, and radiation programs of the Agency, including; program policy development and evaluation; environmental and pollution sources standards development; program policy guidance and overview, technical support and evaluation of regional air, noise, and radiation program activities; development of programs for technical assistance and technology transfer; and selected demonstration programs. The Offices of Air Quality Planning and Standards; Mobile Source Air Pollution Control; Noise Abatement and Control; and Radiation Programs program activities of the Office of Assistant Administrator.

(a) *Office of Air Quality Planning and Standards.* The Office of Air Quality Planning and Standards, under the supervision of the Deputy Assistant Administrator for Air Quality Planning and Standards, is responsible for developing national standards for air quality, emission standards for new stationary sources, and emission standards for hazardous pollutants; for developing national programs, technical policies, regulations, guidelines, and for assessing the national air pollution control program and the success in achieving air quality goals; for providing assistance to the States, industry and other organizations through manpower training activities and technical information; for providing technical direction and support to regional offices and other organizations; for evaluating regional programs with respect to State implementation plans and strategies, technical assistance, and resource requirements and allocations for air-related programs; for developing and maintaining a national air programs data system, including air quality, emissions and other technical data; and for providing effective technology transfer through the translation of technological developments into improved control program procedures.

(b) *Office of Mobile Source Air Pollution Control.* The Office of Mobile Source Air Pollution Control, under the supervision of the Deputy Assistant Administrator for Mobile Source Air Pollution Control, is responsible for characterizing emissions from mobile sources and developing programs for their control, including assessment of the status of control technology; for developing and recommending emission standards and related test procedures for mobile sources; for carrying out a regulatory compliance program to insure adherence of mobile sources to standards; and for carrying out surveillance activities with respect to mobile source emissions.

(c) *Office of Noise Abatement and Control.* The Office of Noise Abatement and Control, under the supervision of the Deputy Assistant Administrator for Noise Abatement and Control, is responsible for developing noise protection criteria, standards, and policies; developing methodologies for measuring and controlling noise exposure; developing research requirements for the Agency's noise control and abatement programs; coordinates all Federal noise control programs, including evaluating all other Federal agency standards and regulations, existing and proposed, with respect to noise to determine if such standards protect the public health and welfare; provides technical assistance to States, through EPA's regional offices, and to other agencies having noise control and abatement programs; establishes and directs, through the regional offices and with appropriate headquarters inputs, national surveillance and monitoring systems for measuring noise levels in the environment; evaluates and assesses the impact of new and developing noise control technology; assists in the training of personnel, such as for State noise control and abatement programs; and maintains liaison with other public and private organizations interested in environmental noise control.

(d) *Office of Radiation Programs.* The Office of Radiation Programs, under the supervision of the Deputy Assistant Administrator for Radiation Programs, is responsible for the radiation activities of the Agency, including development of radiation protection criteria, standards, and policies; measurement and control of radiation exposure; and research requirements for radiation programs. It provides technical assistance to States through EPA regional offices and other agencies having radiation protection programs, establishes and directs a national surveillance and investigation program for measuring radiation levels in the environment, evaluates and assesses the impact of new and developing radiation technology on man and the environment, assists in the training of personnel for radiation protection programs in the States and for other purposes, maintains liaison with other public and private organizations interested in environmental radiation.

§ 1.29 Office of the Assistant Administrator for Water and Waste Management.

The Assistant Administrator for Water and Waste Management serves as principal adviser to the Administrator in matters pertaining to water and hazardous materials programs, and is responsible for the management of the water and solid waste programs of the Agency, including program policy development and evaluation, environmental and pollution sources standards development, program policy guidance and overview, technical support, and evaluation of regional water and solid waste management, development of programs for technical assistance and manpower development, and selected demonstration programs. The Offices of Water Planning and Standards, Water Program Operations, Drinking Water, and Solid Waste perform program activities of the Office of Assistant Administrator.

(a) *Office of Water Planning and Standards.* The Office of Water Planning and Standards, under the supervision of the Deputy Assistant Administrator for Water Planning and Standards, is responsible for developing an overall program strategy for the achievement of water pollution abatement. It assures the coordination of all national water-related activities within this water program strategy, and monitors national progress toward the achievement of water quality goals. The office is responsible for the development of effluent guidelines and water quality standards, and other pollutant standards, regulations, and guidelines. The office exercises overall

responsibility for the development of effective State and regional water quality planning and control agencies. It is responsible for the development and maintenance of a centralized water programs data system including compatible water quality, discharger, and program data files.

(b) *Office of Water Program Operations.* The Office of Water Program Operations, under the supervision of the Deputy Assistant Administrator for Water Program Operations, is responsible for developing national programs, technical policies, regulations, and guidelines for water pollution control in the areas of municipal wastewater treatment, construction grants for treatment plants, municipal point source abatement and control, oil and hazardous materials spills, and other water related activities. Specifically, the Office of Water Program Operations articulates EPA strategies for implementing legislative mandates in the municipal wastewater treatment field; provides national direction for interstate, State, and local authorities in the planning, design, and construction of municipal wastewater treatment systems; provides technical direction and support to regional offices and other organizations; and evaluates regional programs with respect to municipal point source abatement and control, oil and hazardous materials spills prevention and response, ocean-related technical activities, construction grants, and manpower development for water related activities.

(c) *Office of Drinking Water.* The Office of Drinking Water, under the supervision of the Deputy Assistant Administrator for Drinking Water, is responsible for the drinking water activities of the Agency, including implementation strategy. This Office establishes policies and standards, and develops regulations and guidelines for drinking water quality and treatment requisite to protect the public health and welfare, and to protect existing and future underground sources of drinking water; provides guidance and technical information to State agencies, local utilities, and Federal facilities through the regional offices on program phasing and implementation; evaluates the national level of compliance with the regulations. The office plans and develops policy guidance for response to national, regional and local emergencies; reviews and evaluates, with regional offices, technical data for the designation of sole-source aquifers; designs a national program of public information; identifies research needs and develops monitoring requirements for the national drinking water program; and develops national accomplishment plans.

(d) *Office of Solid Waste.* The Office of Solid Waste, under the supervision of the Deputy Assistant Administrator for Solid Waste, is responsible for providing program policy direction to and evaluation of solid waste management activities throughout the Agency; establishes, monitors, and evaluates solid waste research requirements for the Agency; and carries out resource recovery, hazardous waste, and waste systems management activities.

§ 1.31 Office of the Assistant Administrator for Enforcement.

The Assistant Administrator for Enforcement serves as the principal adviser to the Administrator in matters pertaining to the enforcement of standards for environmental quality, and is responsible for the conduct of enforcement activities on an agencywide basis. This Office is responsible for the conduct of Agency activities for enforcement of environmental quality standards, including the gathering and preparation of evidential data and conduct of enforcement proceedings. The Deputy Assistant Administrators for Water Enforcement, General Enforcement, and Mobile Source and Noise Enforcement perform the functions and activities of the Assistant Administrator for Enforcement.

(a) *Office of Water Enforcement.* The Office of Water Enforcement, under the supervision of the Deputy Assistant Administrator for Water Enforcement, provides program policy direction to the water quality enforcement, drinking water enforcement, and National Pollution Discharge Elimination System (NPDES) program activities of the Agency, including direct supervision of those enforcement activities reporting directly to the Office of Water Enforcement and technical program direction to the regional water enforcement activities. It develops agencywide objectives and programs for water enforcement and permit activities, including the development of procedures, regulatory material, guidelines, criteria, and policy statements designed to bring about actions by individuals, private enterprise, and governmental bodies to improve the quality of the water.

(b) *Office of General Enforcement.* The Office of General Enforcement, under the supervision of the Deputy Assistant Administrator for General Enforcement, provides program policy direction to Agency enforcement activities in the stationary sources of air pollution, radiation, pesticides, solid waste, and toxic substances program areas. The Office develops agencywide objectives and programs for general enforcement activities, including the development of procedures, regulatory materials, guidelines, criteria, and policy statements designed to bring about actions by individuals, private enterprise, and governmental bodies in the areas of stationary sources of air pollution, radiation, pesticides, toxic substances, and solid waste.

(c) *Office of Mobile Source and Noise Enforcement.* The Office of Mobile Source and Noise Enforcement, under the supervision of the Deputy Assistant Administrator for Mobile Source and Noise Enforcement, provides program policy direction to Agency enforcement activities in the mobile sources of air pollution and noise abatement program areas. The Office develops agencywide objectives and programs for enforcement activities, including the development of procedures, regulatory materials, guidelines, criteria, and policy statements designed to bring about actions by individuals, private and governmental bodies in the areas of mobile sources of air pollution and noise abatement.

§ 1.33 Office of the Assistant Administrator for Planning and Management

The Assistant Administrator for Planning and Management is responsible on an agencywide basis for planning overall program activities; managing the Agency's resources; developing and conducting a comprehensive audit program; developing and conducting administrative programs and systems; developing and conducting comprehensive occupational safety and health programs, and representing the Administrator in dealings with other Federal agencies in areas including Government fiscal, management, and administrative activities. The Deputy Assistant Administrators for Administration, Planning and Evaluation, and Resources Management, and the Director of Audit, perform the functions and activities of the Office of Assistant Administrator.

(a) *Office of Administration.* The Office of Administration, under the supervision of the Deputy Assistant Administrator for Administration, is responsible for development and conduct of programs for organization and management systems, control, and services; personnel policies, procedures, and operations; personnel, physical, and document security and inspections; emergency preparedness; management information systems, automatic data processing management and operations; facilities and space management; contracting and procurement services; general administrative and support services; and other areas of administrative management, including records management, committee management, directives systems, and an Agency library system.

(b) *Office of Planning and Evaluation.* The Office of Planning and Evaluation, under the supervision of the Deputy Assistant Administrator for Planning and Evaluation, is responsible for development and conduct of programs for long-range and strategic planning; compiling reports to the

Congress and the President on Agency programs and activities; systems analysis of Agency programs and activities, including the development, initiation, and monitoring of new and redirected Agency programs and goals; coordinating the Agency's environmental standards and regulations development process; economic and industrial analysis of the impact of abatement regulations and programs on firms, industries, and functional and geographic sectors; policy development processes; program progress measurement; and planning policy direction, needs assessment, program review.

(c) *Office of Resources Management.* The Office of Resources Management, under the supervision of the Deputy Assistant Administrator for Resources Management, is responsible for resources management, including developing and administering a zero-base-budgeting system in accordance with Office of Management and Budget directives; budget formulation, preparation, and execution, including funding allotments and allocations; and financial management and services; including developing and maintaining accounting systems, fiscal controls, systems for payroll and disbursement, and grants policies and procedures.

(d) *Office of Audit.* The Office of Audit, under the supervision of a Director, is responsible for development and conduct of a comprehensive audit program for the Agency, including the conduct of internal and external audits of Agency programs and the provision of an independent appraisal for the Administrator and other Agency officials of the program, financial, and administrative operations of the Agency.

§ 1.35 Office of the Assistant Administrator for Research and Development.

The Assistant Administrator for Research and Development serves as the principal science adviser to the Administrator, and is responsible for the development, direction, and conduct of a national research, development, and demonstration program in: Pollution sources, fate, and health and welfare effects; pollution prevention and control and waste management and utilization technology; environmental sciences; and monitoring systems. The Office participates in the development of Agency policy, standards, and regulations. The Office provides for dissemination of scientific and technical knowledge, including analytical methods, monitoring techniques, and modeling methodologies. It serves as coordinator for the Agency's policies and programs concerning carcinogenesis and related problems. The Office assures appropriate quality control and standardization of analytical measurement and monitoring techniques (for which he is assigned responsibility) utilized by the Agency; and exercises review and concurrence responsibilities on an agencywide basis in all budgeting and planning actions involving monitoring which require Headquarters approval. The Deputy Assistant Administrators for Monitoring and Technical Support; Energy, Minerals and Industry; Air, Land, and Water Use; and Health and Ecological Effects perform the functions and activities of the Office of the Assistant Administrator.

(a) *Office of Monitoring and Technical Support.* The Office of Monitoring and Technical Support, under the supervision of the Deputy Assistant Administrator for Monitoring and Technical Support, is responsible for planning, managing, and evaluating a comprehensive program for: (1) The development of reference or standard environmental monitoring, methods and systems; (2) the development of agencywide quality assurance programs including standardization of analytical methods and sampling techniques, and quality control; (3) the provision of technical support to the Agency utilizing the unique equipment and personnel expertise available in the Office of Research and Development; and (4) the provision of regional services and regional liaison between the EPA regional offices and the Office of Research and Development.

(b) *Office of Energy, Minerals, and Industry.* The Office of Energy, Minerals, and Industry, under the supervision of the Deputy Assistant Administrator for Energy, Minerals, and Industry, is responsible for planning, managing, and evaluating a comprehensive program for the: (1) Assessment of the environmental and socio-economic impacts of energy and mineral resource extraction, processing, conversion, and utilization systems, and of their industrial operations; (2) development and demonstration of cost-effective methods for control and management of operations with environmental impacts associated with the extraction, processing, conversion, transmission and utilization of energy (except transportation utilization), and mineral resources, and with industrial processing and manufacturing facilities; (3) identification and evaluation of alternatives, including conservation measures, for these systems and operations; and (4) coordination on intra- and interagency health, ecological and control technology research and demonstration activities associated with the environmental aspects of energy systems.

(c) *Office, of Air, Land, and Water Use.* The Office of Air, Land, and Water Use, under the supervision of the Deputy Assistant Administrator for Air, Land, and Water Use, is responsible for planning, managing, and evaluating a comprehensive program for the: (1) Development and demonstration of cost-effective methods for the prevention or management of pollutant discharge or waste disposal into the environment, except those related to energy, mineral, or industrial processes; (2) development and demonstration of methods for the management of the impact of land and water use activities on air and water quality; (3) development and demonstration of optimum methods for the total environmental management of pollutants which originate from multiple sources and are transported to exert their effects through one or more media; (4) development of models and other methods for linking source emission to exposure; (5) development of new methods, equipment, and procedures for detecting, identifying and measuring pollutants; (6) development of optimum mechanisms for implementing environmental control or management methods; (7) assessment of the environmental and socio-economic impacts of land, water, and air pollution control and management activities; and (8) the development and demonstration of such specific items as: Treatment technology for public water supplies; methods for disposal of hazardous wastes, and alternative methods of pest control.

(d) *Office of Health and Ecological Effects.* The Office of Health and Ecological Effects, under the supervision of the Deputy Assistant Administrator for Health and Ecological Effects, is responsible for planning, managing, and evaluating a comprehensive research program for the: (1) Development of health and ecological data needed for the establishment of standards and criteria or guidelines for those components of the environment in which specific pollutants or activities may require control; (2) determination of the fate, transport, and exposure effect, in relation to the ecosystem, of environmental pollutants, singly and in combination; (3) development and verification of methods and models for analyzing the socio-economic impact of overall environmental degradation and alternative control strategies, which includes preparation of multi-media assessments of available scientific and technical information on specific pollutants; and (4) comprehensive assessment of the environmental and socio-economic impacts of existing and proposed policies and standards; and (5) coordination of the Agency's policies and programs related to carcinogens and similar agents.

§ 1.36 Office of Toxic Substances.

The Assistant Administrator for Toxic Substances is responsible for development of Agency strategies for implementation and integration of the pesticides and the toxic substances programs under applicable Federal

statutes; developing and operating Agency programs and policies for assessment and control of pesticides and toxic substances; developing recommendations for Agency priorities for research, monitoring, regulatory, and information-gathering activities relating to pesticides and toxic substances; developing scientific, technical, economic, and social data bases for the conduct of hazard assessments and evaluations in support of toxic substances and pesticides activities; providing toxic substances and pesticides program guidance to EPA Regional Offices; and monitoring, evaluating, and assessing pesticides and toxic substances program operations in EPA Headquarters and Regional Offices.

(a) *Office of Pesticide Programs.* The Office of Pesticide Programs, under the supervision of the Deputy Assistant Administrator for Pesticide Programs, is responsible for pesticide activities of the Agency, including development of strategic plans for the control of the national environmental pesticide situation for application by the Office of Pesticide Programs, other EPA components, other Federal agencies, or by State, local, and private sectors; establishment of tolerance levels for pesticide residues which occur in or on food and the registration of pesticides; monitoring of pesticide residue levels in food, humans, and nontarget fish and wildlife and their environments; review of pesticide formulations and relevant data for efficacy and hazard; establishment of sales or use restrictions; investigations of pesticide accidents and incidents; establishment of guidelines and standards for product examination; preparation of model legislation for use by States and others in the development of more effective pesticide control programs; provision of program policy direction to technical and manpower training activities in the pesticide area; development of research needs and monitoring requirements for the pesticide program and related areas; and review of impact statements dealing with pesticides.

(b) *Office of Chemical Control.* The Office of Chemical Control, under the supervision of the Deputy Assistant Administrator for Chemical Control, is responsible to the Assistant Administrator for the planning, evaluation, and operation of the toxic substances regulatory control program established under the Toxic Substances Control Act (TSCA), including identifying and initiating needed actions to provide for regulatory restrictions on the manufacture, processing, distribution, use, and disposal of chemical substances and mixtures under sections 5 and 6; performing or ensuring the performance of scientific, economic, and technological assessments in support of such regulatory actions; holding informal hearings on proposed regulations under section 6; developing procedural rules for implementation of section 5; and receiving manufacturing and processing notices, coordinating reviews, and initiating and providing for necessary regulatory actions under section 5.

(c) *Office of Testing and Evaluation.* The Office of Testing and Evaluation, under the supervision of the Deputy Assistant Administrator for Testing and Evaluation, is responsible to the Assistant Administrator for the planning and operation of the program for identifying and evaluating the hazards that chemical substances and mixtures may present to health and the environment, including, developing methodologies for performing hazard/risk evaluations and criteria for acquiring and assessing pertinent scientific data; establishing and implementing policies and procedures for requiring testing under section 4 of TSCA, including testing to establish basic chemical and physical properties and to determine health and environmental effects, developing and evaluating test protocols, guidelines, other contents of section 4 rules, and selecting chemicals to be tested; conducting hazard/risk assessments in support of regulatory actions, including actions to prohibit or limit the manufacturing, processing, use, and disposal of existing chemicals, under sections 6 and 7 of TSCA; and providing expertise, as needed, to the Office of Chemical Control by performing hazard assessments in support of new chemical evaluations and regulatory actions under section 5.

(d) *Offices of Program Integration and Information.* The Office of Program Intergration and Information, under the supervision of the Deputy Assistant Administrator for Program Integration and Information, is responsible to the Assistant Administrator for promoting integration of the Agency's toxic substances activities in accordance with policies and procedures established by the Toxic Substances Priorities Committee (TSPC); coordinating relationships between toxic substances program offices and EPA Regional Offices; and establishing and operating toxic substances information management programs and policies. Activities directed towards promoting integration of toxic substances control activities include developing an agencywide system to indentify and characterize toxic substances problems; developing procedures to establish the Agency's toxic substances priority action list; developing procedures to coordinate and integrate the Agency's toxic substances research, monitoring, risk assessment, standard-setting and public participation activities; coordinating with other Federal agencies to identify significant toxic substance problems and to foster an integrated Federal approach to such problems; developing and implementing procedures, under section 9, to ensure that actions taken under TSCA are coordinated with the Agency's actions under other statutory authorities and with regulatory actions of other Federal agencies; and coordinating the Agency's response to environmental and health crises (other than spills and other discharges) involving chemicals. Responsibility for managing the toxic substances information program includes developing and implementing programs for the acquisition and dissemination of information on toxic substances under sections 8 and 10(b) of TSCA; reviewing the adequacy of toxic substances data management systems and toxics data management policies, regulations, and issues; and developing monitoring programs to generate scientific data.

Subpart C—EPA Field Installations

§ 1.41 Regional Offices.

Regional Adminstrators head regional offices and are responsible to the Administrator for the execution of the regional programs of the Agency within the boundaries of their regions. The Regional Administrators serve as the Administrator's principal representatives in the regions in contacts and relationships with Federal, State, interstate and local agencies, industry, academic institutions, and other public and private groups. They are responsible for accomplishing national program objectives within their regions as established by the Administrator, Deputy Administrator, Assistant Administrators, and heads of headquarters staff offices. They develop, propose and implement an approved regional program for comprehensive and integrated environmental protection activities.

[FR Doc. 78-18330 Filed 6-29-78; 8:45 am]

[6560-01]

SUBCHAPTER B—GRANTS AND OTHER FEDERAL ASSISTANCE

[FRL 920-2]

PART 30—GENERAL GRANT REGULATIONS AND PROCEDURES

PART 33—SUBAGREEMENTS

Miscellaneous Amendments

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency is issuing these amendments to incorporate in our general grant regulations (40 CFR Parts 30 and 33) certain technical amendments and administrative changes required

for implementation of Office of Management and Budget Circulars A-110 and A-102 and changes to the Federal Property Mangement Regulations. We have amended some sections to reflect existing practices and delegations of authority. We have clarified language in the affected sections where possible as well as reduced and simplified grantee administrative requirements. We are publishing these amendments as final rules so that they will be included in the July 1, 1978, revision and codification of title 40 of the Code of Federal Regulations.

DATES: Effective date: June 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Evelyn T. Thornton, Grants Administration Division (PM-216), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, telephone 202-755-0860.

1. Section 30.101 is amended by revising paragraphs (a) and (g) and by adding a new paragraph (h) as follows:

§ 30.101 Authority.

* * * * *

(a) Clean Water Act, as amended (33 U.S.C. §§ 1251 et seq.).

* * * * *

(g) Federal Grant and Cooperative Agreement Act of 1977 (41 U.S.C. 501); and

(h) Toxic Substances Control Act (15 U.S.C. 2601).

1A. Section 30.105 is amended by designating the existing paragraph as paragraph (a) and by adding a new paragraph (b) as follows:

§ 30.105 Applicability and scope.

(a) Parts 30 through 34 * * * to this subchapter.

(b) Assistance agreements designated as grants or cooperative agreements under the Federal Grant and Cooperative Agreement Act shall be subject to part 30 and other provisions of this subchapter which are applicable to grants.

2. Section 30.130 is amended by changing the address for Regions IV, VI, and IX as follows:

§ 30.130 Grant Information.

* * * * *

IV—345 Courtland Street NE., Atlanta, Ga. 30308 * * *

VI—First International Building, 1201 Elm Street, Dallas, Tex. 75270 * * *

IX—215 Fremont Street, San Francisco, Calif. 94105 * * *

* * * * *

3. Section 30.135-22 is revised to read as follows:

§ 30.135-22 Subagreement.

A written agreement between an EPA grantee and another party (other than another public agency) and any tier of agreement thereunder for the furnishing of services, supplies, or equipment necessary to complete the project for which a grant was awarded. These agreements include contracts and subcontracts for personal and professional services, agreements with consultants, and purchase orders.

4. Section 30.220 is amended by revising the parenthetical phrase at the end of the first sentence as follows:

§ 30.220 Consolidated grants.

* * * * *

* * * with one or more Federal agencies (e.g., Joint Funded Assistance). Application for * * *

* * * * *

5. Section 30.225-3 is amended by revising paragraph (b) to read as follows:

§ 30.225-3 Allowability of costs.

* * * * *

(b) Indirect costs are not allowable for foreign grants unless an established or provisional indirect cost rate is in effect at the time of grant award. In the case of a U.S. grantee performing only a part of a project in a foreign country, indirect costs are allowed for that part of the work performed in the United States.

6. Section 30.305-2 is amended by adding two new programs to paragraph (a) as follows:

§ 30.305-2 Notification of intent (A-95, Part I)

* * * * *

(a) * * *

(17) 66.700 Pesticides enforcement and applicator training and certification grant program.

(18) 66.438 Water pollution control State management assistance grants.

* * * * *

7. Section 30.305-5 is amended by revising paragraph (a) to read as follows:

§ 30.305-5 Programs requiring State plans and jointly funded projects (A-95 Part III).

(a) *Applicability.* This section applies to air pollution control program grants, water pollution control State and interstate program grants, solid and hazardous waste management program support grants, State public water system supervision program grants, State underground water source protection program grants, safe drinking water State and local program development grants, and environmental protection consolidated grants-program support to the extent they involve State plans.

* * * * *

8. Section 30.315-1 is amended by adding a sentence at the end of paragraph (a) as follows:

§ 30.315-1 Signature.

(a) Applications must * * * if approved. At least one copy of the application must have an original signature.

* * * * *

§ 30.315-2 [Amended]

9. Section 30.315-2 is amended by adding another form at the end of the list as follows:

Type of application	Type of applicant	
	Other than State and local	State and local government agencies
* * * * *		
Water pollution control State management assistance grants.	Not applicable.	EPA Form 5700-31.

10. Section 30.345-4 is revised to read as follows:

§ 30.345-4 Costs incurred prior to execution.

Except as may be otherwise provided by statute or this subchapter, costs may not be incurred prior to the execution of the grant agreement by both parties thereto. However, costs incurred after the date of execution of the grant agreement by the EPA grant award official are allowable, if (a) there is explicit provision in the grant agreement, and (b) the agreement is executed without change by the grantee.

11. Section 30.400, a new section is added as follows:

§ 30.400 General grant conditions.

It shall be a condition of every EPA grant award that the grantee comply with the applicable provisions of this subchapter and special conditions in the grant agreement (see § 30.425).

12. Section 30.405-2 is amended by revising the last sentence to read as follows:

§ 30.405-2 Uniform Relocation Assistance and Real Property Acquisition Policies Act.

* * * Grantees must assure that any acquisition of interest in real property or any displacement of persons, busi-

nesses, or farm operations is conducted in compliance with the requirements of the act and the regulations.

13. Section 30.410-2, a new section is added as follows:

§ 30.410-2 Executive Order 11988.

Executive Order 11988 dated May 24, 1977, provides that each Federal agency shall evaluate the potential effects of any actions it may take in a floodplain. Any action taken on a floodplain shall seek to reduce the risk of flood loss to minimize potential harm to people and property and to restore and preserve the natural and beneficial values served by the floodplain.

14. Section 30.410-5, a new section is added as follows:

§ 30.410-5 Executive Order 11990.

Executive Order 11990 dated May 24, 1977, provides that each Federal agency, to the extent permitted by law, shall avoid undertaking or providing assistance for new construction located in wetlands unless the head of the agency finds that there is no practicable alternative to such construction, and that the proposed action includes all practicable measures to minimize harm to wetlands.

15. Section 30.420-4(e) is amended by deleting the first fourteen words, from "It" through "applicant," and substituting the following:

§ 30.420-4 Conflict of interest.

* * * * *

(e) It shall be improper for a grant to be awarded, or for a subagreement to be awarded or approved, when the grant applicant or proposed contractor employs a person * * *

* * * * *

16. Section 30.430 is revised to read as follows:

§ 30.430 Noncompliance.

Noncompliance with the provisions of this subchapter or of the grant agreement shall be cause for any one or more of the following sanctions, as determined appropriate by the grant award official, upon the recommendation of the Project Officer, subject to consultation with the Office of General Counsel:

(a) The grant may be terminated or annulled under § 30.920 of this subchapter;

(b) Project costs directly related to the noncompliance may be disallowed;

(c) Payment otherwise due to the grantee may be withheld (see § 30.615-3 of this subchapter);

(d) Project work may be suspended under §30.915 of this subchapter;

(e) A noncomplying grantee may be found nonresponsible or ineligible for future Federal assistance or a noncomplying contractor may be found nonresponsible or ineligible for approval for future contract award under EPA grants;

(f) An injunction may be entered or other equitable relief afforded by a court of appropriate jurisdiction;

(g) Such other administrative or judicial action may be instituted as may be legally available and appropriate.

17. Section 30.610 is amended by revising the first sentence in paragraph (a), redesignating paragraph (b)(6) to read (b)(7) and by adding a new paragraph (b)(6) as follows:

§ 30.610 Rebudgeting of funds.

(a) *Notice.* Prompt notification of all rebudgeting in excess of $1,000 is required under § 30.900(b). * * *

* * * * *

(b) Prior approval required. * * *

* * * * *

(6) Any transfer of funds allotted for training allowances (direct payments to trainees);

(7) Rebudgeting which * * *

* * * * *

18. Section 30.610 is amended by revising paragraphs (b)(1) and (2) to read as follows:

§ 30.610 Rebudgeting of funds.

* * * * *

(b) *Prior approval required.* * * *

(1) Where the total Federal share exceeds $100,000 and the cumulative amount of transfers among cost categories or program elements exceeds or is expected to exceed $10,000 or 5 percent of the budget period costs, whichever is greater.

(2) Where the total Federal share is $100,000 or less, and the cumulative amount of transfers among cost categories or program elements exceeds or is expected to exceed 10 percent of such budget period costs.

19. Section 30.615-1(a) is amended by revising the parenthetical phrase at the end of the sentence as follows:

§ 30.615-1 Method of payment.

(a) * * * on a reimbursable basis (see §§ 35.845, 35.937-10, 35.938-6, and 35.945).

* * * * *

20. Section 30.615-2 is amended by revising paragraph (b) to read as follows:

§ 30.615-2 Cash depositories.

* * * * *

(b) Grantees are encouraged to use minority-owned banks (a bank which is owned by at least 50 percent minority group members). A list of minority owned banks can be obtained from the Office of Minority Business Enterprise, Department of Commerce, Washington, D.C. 20230.

21. Section 30.615-3 is revised to read as follows:

§ 30.615-3 Withholding of funds.

(a) It is EPA policy that full and prompt payment be made to the grantee for eligible project costs. Except as otherwise provided by this subchapter, the EPA grant approving official may only authorize the withholding of a grant payment where he determines in writing that a grantee has failed to comply with project objectives, grant award conditions, or EPA reporting requirements. Under such conditions, the EPA grant award official will inform the grantee by written notice that payments will not be made for obligations incurred after a specified date until the conditions are corrected. Such withholding shall be limited to that amount necessary to assure compliance.

(b) The grant approving official may authorize withholding of payment to the extent of any indebtedness to the United States, unless he determines that collection of the indebtedness will impare accomplishment of the project objectives and that continuation of the project is in the best interest of the United States.

22. Section 30.620 is amended by adding to paragraph (a) the following:

§ 30.620 Grant related income.

(a) "Grant related income" means * * * reports or studies) except as otherwise provided by statute or the grant agreement.

* * * * *

23. Section 30.620-3 is revised to read as follows:

§ 30.620-3 Interest earned on grant funds.

(a) All grantees except those listed below must return to EPA all interest earned on Federal funds pending their disbursement for project purposes (see 42 Comp. Gen. 289).

(b) The only grantees exempt from this requirement are:

(1) A State and any agency or instrumentality of a State, pending their disbursement for project purposes (Section 203 of the Intergovernmental Cooperation Act of 1968, 42 U.S.C. 4201 et seq.); and

(2) A tribal organization (sections 102, 103, or 104 of the Indian Self Determination Act, Pub. L. 93-638).

§ 30.635-6 [Reserved]

24. Section 30.635-6 is amended by deleting the section in its entirety and

designating that section as "Reserved."

25. Section 30.645 is amended by deleting the initial two words "The grantee" in paragraph (a) and substituting the phrase "Except as is otherwise provided in 40 CFR 35.936-14, the grantee." In addition, delete paragraph (b), subparagraphs (b)(1) and (b)(2) and substitute a new paragraph (b) as follows:

§ 30.645 Force account work.

(a) Except as is otherwise provided in 40 CFR 35.936-14, the grantee * * *

(b) The Project Officer, with the concurrence of the EPA grant approving official, may authorize in writing the use of the force account method in lieu of contracting if he determines, based on the grantee's certification, that the grantee possesses the necessary competence required to accomplish such work and (1) the work can be accomplished more economically by the use of the force account method, or (2) emergency circumstances so dictate.

* * * * *

26. Section 30.705 is amended by deleting the first ten words from "Allowability" through "following" and substituting the following:

§ 30.705 Allowable costs.

Project costs shall be allowable if payment is authorized by applicable statutory provisions and the following conditions are met:

(a) The costs must * * *

* * * * *

27. Section 30.705-1, a new section is added as follows:

§ 30.705-1 Payment to consultants.

For all grants awarded by EPA, the maximum daily rate paid to consultants retained by EPA, grantees, or contractors and subcontractors of grantees will not exceed the maximum daily rate for GS-18. This limitation applies only to consultation services of designated individuals with specialized skills who are paid at a daily or hourly rate. Contracts negotiated with engineering or other firms under §§ 35.510-5 and 35.937-5 are not affected. This rate does not include transportation and subsistence costs for travel performed, which will be paid in accordance with the normal travel reimbursement practices. (SOURCE: The Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1978, Pub. L. 95-119, dated October 4, 1977.)

28. Section 30.715-2 is amended by revising paragraph (a) and adding a new paragraph (c) as follows:

§ 30.715-2 Indirect costs.

(a) EPA uses the latest available negotiated rate as a basis for computing indirect costs for the applicant. In those cases where the indirect cost budgeted in the grant agreement is based on a provisional rate, the actual indirect costs may be adjusted only as follows:

(1) If a final rate is established and that rate is less than the provisional rate, the indirect costs will be adjusted downward.

(2) If a final rate is greater than the provisional rate, the grantee may transfer funds from the direct cost categories to indirect costs; however, payment may not exceed the total approved grant amount.

* * * * *

(c) The following guidelines are to be used for determining the allowability and reimbursement of indirect costs claimed by a grantee:

(1) For indirect costs to be allowable under a grant, they must be provided for in the grant agreement.

(2) Provisional indirect cost rates may be used for billing purposes under EPA grants. Fixed or predetermined indirect cost rates may also be used where there is advance agreement between the grantee and the grant award official.

(3) A separate indirect cost proposal must be prepared for each fiscal year for which the grantee desires to claim indirect costs. However, there are different requirements for State agencies than for local agencies with respect to the submission of indirect cost proposals to the Federal Government: (i) All State unit indirect cost proposals must be submitted to the cognizant Federal agency within 6 months after the close of each fiscal year; and (ii) local unit indirect cost proposals must be retained but need not be submitted for approval unless required for a pending grant award or requested by the cognizant Federal agency or its authorized representative. Pertinent financial records which substantiate the claim for indirect cost reimbursement must be retained by the grantee. If the required data is not retained and made available to the auditor upon his request at the time he initiates his audit of grant costs, the claim for indirect costs will be disallowed for that year.

(4) The audit of an indirect cost proposal will provide the basis for determining acceptable indirect cost rates.

29. Section 30.720 paragraph (c) is revised to read as follows:

§ 30.720 Cost sharing.

* * * * *

(c) Contributions to cost sharing are allowable only if they: Are verifiable from the grantee's records; are not included as cost sharing or matching contributions for any other federally assisted program; are otherwise properly allocable to the project; constitute allowable project costs; are not paid by the Federal Government under another assistance agreement unless authorized under the other agreement and the laws and regulations it is subject to and; are provided for in the approved budget.

* * * * *

30. Section 30.725-4 is amended by changing the dollar amount in paragraph (a) from $100,000 to read $150,000 as follows:

§ 30.725-4 Requirements.

(a) * * * EPA funds in excess of $150,000 for the budget period.

* * * * *

§ 30.800 [Amended]

31. Section 30.800 is amended by revising paragraph (h) to read as follows:

* * * * *

(h) Audits to be made by the grantee or at his direction to determine, at a minimum, the fiscal integrity of financial transactions and reports, and the compliance with the terms of the grant agreement. Such audits shall be made by qualified individuals who are sufficiently independent of those who authorize the expenditure of Federal funds. Audits should be made in accordance with generally accepted auditing standards published by the General Accounting Office, Standards for Audit of Governmental Organizations, Programs, Activities, and Functions. It is not required that each grant awarded a grantee be audited. Generally, examination should be conducted on an organization-wide basis. The grantee will schedule such audits with reasonable frequency, usually annually, but not less frequently than once every 2 years, considering the nature, size and complexity of the activity. The grantee shall provide EPA with a copy of audits made by the grantee or at his direction.

* * * * *

32. Section 30.805 is amended by revising paragraph (c) to read as follows:

§ 30.805 Records.

* * * * *

(c) The grantee and contractors of grantees shall preserve and make their records available to EPA, the Comptroller General of the United States, Department of Labor, or any authorized representative until expiration of 3 years, except that (1) if any litiga-

tion, claim, or audit is started before the expiration of the 3-year period, the records shall be retained until all litigations, claims, or audit findings involving the records have been resolved, (2) records for nonexpendable property acquired with Federal funds shall be retained for 3 years after its final disposition, and (3) when records are transferred to or maintained by EPA, the 3-year retention requirement is not applicable to the grantee. The 3-year retention period starts (i) from the date of submission of the final financial status report for project grants, or, for grants which are awarded annually, from the date of the submission of the annual financial status report, (ii) from the date of approval of the final payment request for the last project of a construction grant for WWT works, and (iii) for such longer period, if any, as is required by applicable statute or lawful requirement, or by paragraphs (c)(2) (i) or (ii) of this section.

* * * * *

33. Section 30.810-1 is amended by adding the words "the unit" before "acquisition cost" in the second sentence of paragraph (a) as follows:

§ 30.810-1 Definitions.

* * * * *

(a) * * * Other charges such as the cost of installation, transportation, taxes, duty, or protective in-transit insurance, shall be included or excluded from the unit acquisition cost in accordance with the grantee's regular accounting practices.

* * * * *

34. Section 30.810-4 is amended by adding the words "$10,000 or more per unit" in the second sentence as follows:

§ 30.810-4 Title of property.

* * * For all property with an acquisition cost of $10,000 or more per unit the grantee * * *

35. Section 30.810-5 is amended as follows:

(a) Revise paragraph (d)(2)(ii) by substituting the language below;

(b) Add a new paragraph (d)(3) as follows:

§ 30.810-5 Real property.

* * * * *

(d) * * *
(1) * * *
(2) * * *
(i) * * *

(ii) Sell the property under guidelines provided by EPA, using proper sales procedures that provide for competition to the extent practicable and result in the highest possible return, and, except as provided in § 30.810-5(d)(3), pay the Federal Government an amount computed by applying the Federal percentage of participation in the net cost of the project to the proceeds from sale (after deducting actual and reasonable selling and fix-up expenses, if any, from the sales proceeds), or

* * * * *

(3) In the case of real property purchased in part with EPA funds allotted for purposes set forth in § 35.940-3(a), the grantee, at the direction of the Project Officer, may sell the real property under procedures approved by EPA and may retain the amount of the Federal interest, as determined in § 30.810-5(d)(2)(ii), to be used solely for paying the eligible costs (in accordance with § 35.940) of the upgrading, expansion, replacement, or reconstruction of treatment works associated with the project.

36. Section 30.820 is amended by revising paragraph (b) to read as follows:

§ 30.820 Audit.

* * * * *

(b) A final audit shall be requested by the grant award official after the submission of or the due date of the final financial status report under § 30.635-3. Any settlement made prior to the final audit is subject to adjustment based on the audit. Grantees and subcontractors of grantees shall preserve and make their records available under § 30.805.

37. Section 30.900-1, paragraph (c) is amended to read as follows:

§ 30.900-1 Formal grant amendments.

* * * * *

(c) * * * the reduction of the grant amount under § 35.556 of this subchapter, any * * *

* * * * *

38. Section 30.920-3 is amended by adding a new paragraph (d) as follows:

§ 30.920-3 Grant termination by EPA.

* * * * *

(d) *Method of Termination.* The preferred method of grant termination shall be by mutual agreement through a bilaterally executed grant agreement providing for payment of termination costs. However, if such agreement is not feasible, then the grant award official may unilaterally terminate the grant, in whole or in part.

39. Section 30.920-5 is amended by adding the word "unilaterally" in the first line of paragraph (a) between "may" and "annual" and by adding new subparagraphs (4) and (5) as follows:

§ 30.920-5 Annulment of Grant.

(a) The grant award official may unilaterally annul the grant * * *

* * * * *

(4) The grantee has inordinately delayed completion of the project without good cause; or

(5) The grantee has failed to achieve the project purpose (e.g., preparation of a research report) or to utilize the project (e.g., construction) to the extent that the fundamental purpose of the grant is frustrated.

40. Section 30.1100 is revised to read as follows:

§ 30.1100 Final Disputes Decision.

(a) Any dispute arising under a grant, or any preaward dispute authorized by this subchapter (see, for example, §§ 35.236 and 35.960), shall be decided, at the request of the applicant or grantee, by the Grant Approving Official or by the Project Officer (with the concurrence of the Grant Approving Official).

(b) Each final decision must adequately notify the recipient in writing (with proof of delivery) that the decision is a final decision which shall become final and conclusive, unless timely appealed. The following paragraph or alternate language approved by the Office of General Counsel must be utilized as the final paragraph of each final decision letter:

> This is a final Disputes decision by me, the Grant Approving Official. Under applicable EPA regulations (see particularly Subpart J or 40 CFR Part 30), this decision will be final and conclusive *unless, within thirty (30) days from the date of receipt* of this decision, a brief written notice of appeal, addressed to the Administrator, Environmental Protection Agency (Attention: Office of General Counsel), is mailed by certified mail (return receipt requested) or otherwise delivered to [insert name and address of either the Grant Approving Official or the Project Officer, as appropriate]. (You will be notified of further procedural requirements applicable to your appeal by a subsequent letter.) Your notice of appeal need only indicate that an appeal is intended, refer to this final decision by date, and briefly state the ultimate reasons why the decision is considered to be erroneous.

(c) An EPA official who receives a notice of appeal from a final decision should preserve the envelope in which the appeal was transmitted and other data evidencing the date of mailing of the notice of appeal (or the date of receipt, if the notice was otherwise delivered) and should promptly forward such information and the original of the notice of appeal to the Office of the General Counsel.

41. Section 30.1130, is a new section added as follows:

§ 30.1130 Delegation of authority.

The General Counsel is authorized to appoint hearing examiners to hear and decide grant appeals from final dispute determinations under this subpart.

42. Section 30.1150 is revised to read as follows:

§ 30.1150 Appeal procedures.

The procedures for grant appeals under this subpart shall be those designated by the General Counsel. A copy of such procedures may be obtained from the Office of General Counsel.

43. Section 33.005 is revised to read as follows:

§ 33.005 Definitions.

As used in this part, the term subagreement shall have the meaning set forth below. Other words and terms not defined below shall have the meaning given to them in § 30.135 (Definitions) of this subchapter.

Subagreement. A written agreement between an EPA grantee and another party (other than another public agency) and any tier of agreement thereunder for the furnishing of services, supplies, or equipment necessary to complete the project for which a grant was awarded. These agreements include contracts and subcontracts for personal and professional services, agreements with consultants, and purchase orders.

44. Section 33.142, a new section is added as follows:

§ 33.142 Payment to consultants.

For all grants awarded by EPA, the maximum daily rate paid to consultants retained by EPA, grantees, or contractors and subcontractors of grantees will not exceed the maximum daily rate for GS-18. This limitation applies to consultation services of designated individuals with specialized skills who are paid at a daily or hourly rate. Contracts negotiated with engineering or other firms under §§ 33.510-5 and 35.937-5 are not affected. This rate does not include transportation and subsistence costs for travel performed, which will be paid in accordance with the normal travel reimbursement practices. (SOURCE: The Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1978, Pub. L. 95-119, dated October 4, 1977.)

45. Section 33.410-4 is revised to read as follows:

§ 33.410-4 Bid guarantee; performance bonds.

(a) For construction contracts and subcontracts exceeding $100,000, each bidder must furnish, as a minimum, a bid guarantee equivalent to five percent of the bid price. In addition, the contractor awarded the contract must furnish performance and payment bonds, each of which shall be in an amount not less than 100 percent of the contract price. For contracts or subcontracts in excess of $100,000 EPA may authorize the grantee to use its own bonding policies and requirements if EPA determines, in writing, that the Government's interest is adequately protected.

(b) For contracts and subcontracts of $100,000 or less, use its own bonding policies and requirements for bid guarantees, performance and payment bonds.

(c) Where bonds are required, as specified in this section, the bonds shall be obtained from companies holding certificates of authority as acceptable sureties (31 CFR Part 223).

46. Section 33.510-5(d) is revised to read as follows:

§ 33.510-5 Negotiation.

* * * * *

(d) Negotiations shall be conducted in accordance with State or local procedures.

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

(The Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.); The Clean Air Act, as amended (42 U.S.C. 1857 et seq.); The Solid Waste Disposal Act, as amended (42 U.S.C. 3251 et seq.); The Safe Drinking Water Act (42 U.S.C. 300j-1, 300j-2, 300j-3); Sec. 301 et seq. of the Public Health Service Act, as amended (42 U.S.C. 241, 242b, 243, and 246); Sec. 20 and 23 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 135); and, The Grant Act (42 U.S.C. 1891 et seq.).)

Dated: June 26, 1978.

BILL DRAYTON,
Assistant Administrator for Planning and Management.

[FR Doc. 78-18328 Filed 6-29-78; 8:45 am]

[6560-01]

[FRL 897-2]

PART 79—REGISTRATION OF FUEL AND FUEL ADDITIVES

Deregistration of Oil and Oil Additives

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The United States Court of Appeals for the District of Columbia Circuit has invalidated the Environmental Protection Agency's regulation requiring registration of motor oil additives. In compliance with the court's decision, the fuel and fuel additive registration regulation is hereby amended to bring this regulation in conformance with that court's decision.

EFFECTIVE DATE: This rule is effective on June 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Dr. Thomas Hauser, Director, Environmental Monitoring and Support Laboratory (MD-75), Environmental Protection Agency, Research Triangle Park, N.C. 27711, 919-629-2106. Manufacturers of motor oil and motor oil/additives who have registered their products under 40 CFR Part 79 and wish to have their data returned may request so by writing to the above address.

SUPPLEMENTARY INFORMATION: The Environmental Protection Agency hereby serves notice that motor oil and motor oil additives will no longer be registered under the fuel and fuel additives registration regulations. This action removes language from the Agency's regulations that was invalidated by the Court in *Lubrizol Corp. v. EPA*, 562 F.2d 807 (D.C. Cir. 1977). Consequently, the Agency finds good cause to dispense with notice and public rulemaking proceedings, which are deemed unnecessary. Furthermore, because this amendment removes a restriction only, and one which has been invalidated, it is effective immediately.

In the Clean Air Act Amendments of 1977, which were not before the Court in *Lubrizol*, Congress enacted a requirement that EPA promulgate regulations providing for testing of fuels and fuel additives that are registered or to be registered under section 211(a) of the Act. (section 222(a), Pub. L. 95-95, 91 Stat. 762-763 (Aug. 7, 1977), adding a new section 211(e) to the Clean Air Act (42 U.S.C. 7545(e))). The authoritative legislative history of this provision states that—

* * * the (House) Committee, in repeating the terms "fuel" and "fuel additives" intended that these terms be construed broadly, as with existing section 211, to include any substance that is intentionally put into a vehicle's motor, either directly or indirectly, and which is combusted in the engine. In terms of the potential effect on pollution control devices or on public health, it matters not whether any such substance makes its way from the engine to the gas tank or is put directly into the engine.

(H.R. Rep. No. 95-294, 95th Cong., 1st Sess. 309 (May 12, 1977).)

Since motor oil additives are intentionally put into vehicle motors and combusted in vehicle engines, the Agency expects that its proposed testing regulations under section 211(e) will include motor oil additives among the

regulated substances. Since the testing regulations apply only to substances which are required to be registered under section 211(a), the Agency likewise expects the proposal on testing regulations to include a proposal that motor oil additives be registered under section 211(a). Public comment will be invited when the proposal is published.

NOTE.—The Environmental protection Agency has determined that this document does not contain a major proposal or a substantial revision requiring preparation of an Economic Impact Assessment under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107, or under section 317 of the Clean Air Act, as amended (42 U.S.C. 7617).

Dated: June 22, 1978.

BARBARA BLUM,
Acting Administrator.

40 CFR 79.31(a) is revised to read as follows:

§ 79.31 Additives.

(a) All additives produced or sold for use in motor vehicle gasoline and/or motor vehicle diesel fuel are hereby designated. The Act defines the term "motor vehicle" to mean any self-propelled vehicle designed for transporting persons or property on a street or highway. For purposes of this registration, however, additives specifically manufactured and marketed for use in motorcycle fuels are excluded.

* * * * *

(Secs. 211, 301(a) of the Clean Air Act, as amended (40 U.S.C. 7545, 7601(a)).)

[FR Doc. 78-18208 Filed 6-29-78; 8:45 am]

[6560-01]

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 920-3; OPP-260030]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Editorial Amendments

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

ACTION: Final rule.

SUMMARY: This rule makes nontechnical changes in certain pesticide regulations. The amendments to the regulations are on the initiative of the Agency. This rule editorially amends 40 CFR 180.209, 180.300, and 180.1001.

EFFECTIVE DATE: Effective on June 30, 1978.

FOR FURTHER INFORMATION, CONTACT:

Mr. Edward Gross, Federal Register Section, Technical Services Division (HN-569), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, D.C. 20460, 202-755-4854.

SUPPLEMENTARY INFORMATION: 1. On June 10, 1976, an order was published in the FEDERAL REGISTER (41 FR 23386) establishing tolerances for residues of terbacil in or on alfalfa forage and alfalfa hay at 50 parts per million (ppm). This number was a misprint. The correct number, 5 ppm, is now being substituted.

2. On July 11, 1973, an order was published in the FEDERAL REGISTER (38 FR 18442) establishing a tolerance of 2 ppm for residues of ethephon in or on pineapples and deleting the previous tolerance of 0.1 ppm (negligible residue) on pineapples. However, the 0.1 ppm tolerance did not get deleted from the Code of Federal Regulations.

Subsequently, an order on December 12, 1974 (39 FR 43290) established a negligible residue tolerance for residues of ethephon in or on coffee beans. Similarly, this tolerance was inadvertently omitted from the regulations and is now being added.

In addition, the spelling of the chemical name of ethephon is incorrect and is being corrected.

3. On August 12, 1977, an order was published in the FEDERAL REGISTER (42 FR 40909) which incorrectly cited an inert ingredient in 40 CFR 180.1001(c) to be deleted. (The ingredient had been amended by a previous order published in the FEDERAL REGISTER of July 2, 1976 (41 FR 27356).)

The inert ingredient "α-Alkyl(C_6-C_{10})hydroxypoly(oxypropylene) block polymer with polyoxyethylene: polyoxypropylene content averages 3 moles; polyoxyethylene content averages 5-12 moles" is now being deleted.

Therefore, 40 CFR 180.209, 180.300, and 180.1001 are amended as set forth below. Since these changes merely clarify and editorially amend existing regulations, notice and public rulemaking procedures under the Administrative Procedure Act 5 U.S.C. 553(b)(B) are not prerequisite to the promulgation of this regulation. This order becomes effective on June 30, 1978.

Dated: June 23, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

1. Section 180.209 is amended in paragraph (b) by revising alfalfa forage and alfalfa hay to read as follows:

§ 180.209 Terbacil; tolerances for residues.

* * * * *

(b) * * *

Commodity:	*Parts per million*
Alfalfa, forage	5
Alfalfa, hay	5

* * * * *

2. Section 180.300 is amended by revising the first word in the third line of the text and by revising the paragraph "0.1 part per million (negligible residue) * * *", as follows:

§ 180.300 Ethephon; tolerances for residues.

* * * ((2-chloroethyl)phosphonic) * * *

* * * * *

0.1 part per million (negligible residue) in or on coffee beans.

§ 180.1001 [Amended]

3. Section 180.1001(c) is amended by deleting the item "α-Alkyl(C_6-C_{10})hydroxypoly(oxypropylene) block polymer with polyoxyethylene: * * *" as follows:

Section 180.1001 *Exemptions from the requirement of a tolerance* is amended in paragraph (c) by deleting the item "α-Alkyl(C_6-C_{10})hydroxy poly(oxypropylene) block polymer with polyoxyethylene: posyoxypropylene content average 3 moles; polyoxyethylene content averages 5-12 moles * * *" from the list of items in the table.

(Sec. 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 34ba).)

[FR Doc. 78-18205 Filed 6-29-78; 8:45 am]

[6560-01]

[FRL 920-4; PP 6F1691/R146]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Aqueous Extract of Seaweed Meal

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

ACTION: Final rule.

SUMMARY: This rule establishes an exemption from the requirement of a tolerance for residues of the plant growth regulator aqueous extract of seaweed meal. The request was submitted by Atlantic & Pacific Research, Inc. This amendment to the regulations eliminates the need to establish a maximum permissible level for residues of the aqueous extract of seaweed meal.

EFFECTIVE DATE: June 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert Taylor, Product Manager (PM) 25, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW, Washington, D.C. 20460, 202-426-2632.

SUPPLEMENTARY INFORMATION: On November 12, 1975, notice was given (40 FR 52757) that Atlantic & Pacific Research, Inc., P.O. Box 14366, West Palm Beach, Fla. 33408, had filed a pesticide petition (PP 6F1691) with the EPA. This petition proposed that 40 CFR Part 180 be amended to establish a regulation exempting the plant growth regulator aqueous extract of seaweed meal from the requirement of a tolerance for residues in or on the raw agricultural commodities oranges, potatoes, sugar beets, and tomatoes. No comments were received in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed exemption from the requirement of a tolerance included an acute oral lethal dose (LD^{50}) study on albino rats with an LD^{50} greater than 15,380 mg/kg and an eye irritation study. All other toxicology studies and requirements, including long- and short-term feeding studies and a three-generation reproduction study, were waived by the Deputy Assistant Administrator for Pesticide Programs in accordance with the provisions of 40 CFR 162.8 as communicated in a memorandum on January 19, 1978. The requirement of an adequate analytical method for enforcement purposes is also waived. These requirements are waived because aqueous extract of seaweed meal is a derivative of a human food. The marine algae species (*Laminaria digitata, Laminaria hyperbored, Fucus, serratus,* and *Ascophyllum nodosum*) from which the product is derived are identical to, or closely related to, species used for human consumption and as livestock and poultry feeds. The product, then, which is derived from these species, would not appear to present an unacceptable hazard to humans (and fish and wildlife) since the algae are used as a normal human dietary item. Furthermore, it is reasonable to assume no adverse environmental effects from an extract of a nontoxic plant material containing only natural materials of a nature common to members of the plant kingdom and subject to the usual known routes of natural degradative processes.

No tolerance or exemption from the requirement of a tolerance has previously been established for residues of the extract. There are no data considered desirable but lacking; thus, no steps are being taken to obtain additional data. No regulations are pending against continued registration of the product nor are there any other relevant considerations for establishment of the exemption.

The subject material is considered useful for the purpose for which an exemption from the requirement of a tolerance is sought, and it is concluded that the exemption from the requirement of a tolerance established by amending 40 CFR Part 180 will protect the public health. It is concluded, therefore, that the exemption from the requirement of a tolerance be established as set forth below.

Any person adversely affected by this regulation may, on or before July 31, 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 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 June 30, 1978, 40 CFR Part 180, is amended as set forth below.

(Sec. 408(d)(2), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)(2)).)

Dated: June 23, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

40 CFR Part 180, Subpart D, is amended by adding the new § 180.1042 to read as follows:

§ 180.1042 Aqueous extract of seaweed meal; exemption from the requirement of a tolerance.

Aqueous extract of seaweed meal derived from *Laminaria digitata, Laminaria hyperborea, Fucus serratus,* and *Ascophyllum nodosum* is exempted from the requirement of a tolerance when used as a plant growth regulator in or on the raw agricultural commodities oranges, potatoes, sugar beets, and tomatoes.

[FR Doc. 78-18225 Filed 6-29-78; 8:45 am]

[3410-98]

Title 41—Public Contracts and Property Management

CHAPTER 4—DEPARTMENT OF AGRICULTURE

PROCUREMENT

Miscellaneous Amendments

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This rule amends the Agriculture Procurement Regulations by making various organizational name changes reflecting a number of recent internal reorganizations within the Department of Agriculture.

EFFECTIVE DATE: June 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Douglas I. Metzger, Procurement Division, Office of Operations and Finance, U.S. Department of Agriculture, Washington, D.C. 20250, phone: 202-447-7527.

SUPPLEMENTARY INFORMATION: This amendment involves matters relating to agency management and contracting and, therefore, is not subject by law to the notice and public rulemaking procedures under 5 U.S.C. 553. This amendment is subject to the Secretary's Statement of Policy (36 FR 13804) of July 20, 1971. As this amendment reflects organizational name changes, no useful purpose would be served by public participation. Therefore, in accordance with the Secretary's Policy Statement, it is found for good cause that notice and other public rulemaking procedures with respect to this amendment are impracticable and unnecessary.

PART 4-1—GENERAL

§ 4-1.008 [Amended]

1. In § 4-1.008 change "Extension Service" to read "Science and Education Administration, Extension," and "Office of Operations, Procurement Division," to read "Office of Operations and Finance, Procurement Division (Procurement Operations Branch)."

2. Section 4-1.601-1(a) is revised to read as follows:

§ 4-1.601-1 Definitions.

(a) The "Debarring Officer" is the agency or department official authorized by the Secretary to invoke debarment or suspension actions under this subpart. The Director, Office of Operations and Finance, is the Debarring Officer for the Department (Department Debarring Officer) in connection with all procurement and contracting under the Federal and Agricultural Procurement Regulations. Debarment authority for the following activities has been delegated by the Department Debarring Officer to the appropriate agency.

(1) Forest Service—Timber sales pursuant to 16 U.S.C. 476.

(2) Food Safety and Quality Service—School lunch and surplus removal pursuant to 42 U.S.C. 1755 and 7 U.S.C. 612c.

* * * * *

PART 4–3—PROCUREMENT BY NEGOTIATION

3. Section 4-3.211 is revised to read as follows:

§ 4-3.211 Experimental, developmental or research work.

Pursuant to the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 257(b)), determinations under § 1-3.211 of this title shall be made by the Chief, Procurement Division, Office of Operations and Finance, for requirements not exceeding $25,000; otherwise, the case shall be referred to the Director, Office of Operations and Finance for review and referral to the Secretary.

4. Section 4-3.214 is revised to read as follows:

§ 4-3.214 Negotiation after advertising.

Authority to negotiate under § 1-3.214 of this title is subject to prior approval of the Chief, Procurement Division, Office of Operations and Finance.

§ 4-3.5007 [Amended]

5. In § 4-3.5007, "Agricultural Research Service" is changed to read "Budget Office, Science and Education Administration."

PART 4–4—SPECIAL TYPES AND METHODS OF PROCUREMENT

§ 4-4.5022 [Amended]

6. In § 4-4.5022, change "National Agricultural Library" and "NAL" to read "Science and Education Administration, Technical Information Systems."

§ 4-4.5090 [Amended]

7. In § 4-4.5090, change "Procurement, Grants and Agreements Management Staff, Office of Operations" to read "Office of Operations and Finance, Procurement Division (Procurement Operations Branch)."

PART 4–18—PROCUREMENT OF CONSTRUCTION

§ 4-18.705-8 [Amended]

8. In § 4-18.705-8 change the "Office of Investigation" and "OI" to read "Office of the Inspector General."

9. Chapter 4 of these regulations is further amended by changing, wherever they appear in the chapter, the following organizational names:

(a) "Office of Operations," "Office of Plant and Operations," "Office of Budget and Finance," "Office of Management and Finance," and "Office of Automated Data Services" are changed to read "Office of Operations and Finance."

(b) "Procurement and Contract Management Division," "Contracts and Supply Management Staff," and "Procurement, Grants and Agreements Management Staff" are changed to read "Procurement Division."

(c) "Agricultural Research Service" is changed to read "Science and Education Administration, Federal Research."

(d) "Economic Management Support Center" is changed to read "Economics, Statistics and Cooperatives Service."

(e) "Central Supply Branch," "Central Supply Section," and "Central Supply Section, Service Operations Division" are changed to read "Central Supply."

(f) "Office of Communication" is changed to read "Office of Governmental and Public Affairs."

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

Done at Washington, D.C., this 27th day of June 1978.

JOHN E. CARSON,
Acting Director,
Office of Operations and Finance.

[FR Doc. 78-18309 Filed 6-29-78; 8:45 am]

[3410-98]

PART 4–2—PROCUREMENT BY FORMAL ADVERTISING

Protests Against Award of Contracts

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This rule amends the Agriculture Procurement Regulations by revising the section covering protests against award of contracts. Because of inconsistencies between the Agriculture Procurement Regulations and the Federal Procurement Regulations which imply that protests filed with the Comptroller General may properly be forwarded through the Contracting Officer, there is a potential for delay in filing. This amendment corrects or clarifies existing policy on handling protests by the contracting agency to avoid such delays.

EFFECTIVE DATE: June 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Douglas I. Metzger, Procurement Division, Office of Operations and Finance, U.S. Department of Agriculture, Washington, D.C. 20250, phone: 202-447-7527.

SUPPLEMENTARY INFORMATION: This amendment involves matters relating to agency management and contracting and, therefore, is not subject by law to the notice and public rule making procedures under 5 U.S.C. 553. This amendment is subject to the Secretary's Statement of Policy (36 FR 13804) of July 20, 1971. As this amendment corrects or clarifies existing policy no useful purpose would be served by public participation. Therefore, in accordance with the Secretary's Policy Statement, it is found for good cause that notice and other public rule making procedures with respect to this amendment are impracticable and unnecessary.

1. Section 4-2.407-8 is revised to read as follows:

§ 4-2.407-8 Protests against award.

(a) *General.* (1) Protests against award may be filed with the contracting officer for resolution by the contracting agency in accordance with § 1-2.407-8 of this title or with the General Accounting Office for resolution in accordance with the Bid Protest Procedures of the General Accounting Office (4 CFR Part 20). Protests to the General Accounting Office should be addressed and sent directly to the General Counsel, General Accounting Office, Washington, D.C. 20548, Attention: Bid Protest Control Unit.

(2) When a protest has been filed with the contracting officer, the written final decision to the protestor required by § 1-2.407-8(a)(1) of this title shall include a paragraph substantially as follows:

> This decision shall be final and conclusive unless a further written notice of protest is filed with the General Accounting Office in accordance with the Bid Protest Procedures of the General Accounting Office (4 CFR Part 20).

If the contracting officer is in doubt as to the proper resolution of a protest filed with the procuring agency, advice should be obtained from the Office of Operations and Finance or the Office of the General Counsel.

(3) When a protest has been filed with the General Accounting Office, any administrative reports requested by the General Accounting Office concerning the protest should be prepared and forwarded through agency channels to the Office of Operations and Finance. The Office of Operations and Finance will transmit the report to the General Accounting Office. Contracting Officers may obtain assistance from the Office of Operations and Finance or the Office of General Counsel in the handling of protests filed with the General Accounting Office.

(b) *Protests after award.* Protests received after award will be handled in accordance with § 1-2.407-8 and § 4-2.407-8 of this title insofar as possible. The contracting officer should determine whether performance under the contract should be suspended or allowed to continue while the protest is being resolved, based on the urgency of the requirement, level of completion, merits of the protest, or other factors.

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

Done at Washington, D.C. this 22d day of June 1978.

JOHN E. CARSON,
Acting Director, Office of Operations and Finance.

[FR Doc. 78-18308 Filed 6-29-78; 8:45 am]

[8230-01]

CHAPTER 19—INTERNATIONAL COMMUNICATION AGENCY

PART 19-1—GENERAL

AGENCY: International Communication Agency.

ACTION: Final rule.

SUMMARY: This rule amends Chapter 19 to reflect the Agency's name change from the United States Information Agency to the International Communication Agency pursuant to the authority of Reorganization Plan No. 2 of December 13, 1977, and Executive Order 12048 of March 27, 1977. In addition the rule provides updated policy and procedure with respect to cost-reimbursed air travel, blanket purchase agreements, imprest fund authority, bidders mailing lists, and designates responsibility for administration of the minority business enterprise program.

DATE: June 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Daniel C. Drullard, Chief, Policy and Procedures Branch, Contract and Procurement Division, International Communication Agency, Washington, D.C. 20547, 202-755-4610.

SUPPLEMENTARY INFORMATION:

Chapter 19 of Title 41, Code of Federal Regulations is amended as follows:

1. In Chapter 19 wherever the terms shown in the first column appear they shall be changed to read as shown in the second:

Old term	*New term*
United States Information Agency OR U.S. Information Agency	International Communication Agency
USIA	ICA
he/him/his	he/she; him/her; his/her

2. Section 19-1.102 is revised to read as follows:

§ 19-1.102 Authority.

The International Communication Agency Procurement Regulations are prescribed by the Director of the International Communication Agency pursuant to the authority of the Reorganization Plan No. 2 of December 13, 1977, and Executive order 12048 of March 27, 1978, and the Federal Property and Administrative Services Act of 1949 as amended.

3. Section 19-1.103(e) is revised to read as follows:

§ 19-1.103 Relationship of Chapter 19 to the FPR and other procurement instructions.

* * * * *

(e) Procurement instructions necessary to implement or supplement the FPR and Chapter 19, will be issued by the Chief of the Contract and Procurement Division, Office of Administrative Services (MGT/AC). These instructions together with the FPR and Chapter 19, constitute the International Communication Agency Procurement Regulations (IAPR).

4. Section 19-1.108-2(a) is revised to read as follows:

§ 19-1.108-2 Procedure.

* * * (a) In individual cases, deviations from the FPR and IAPR shall be authorized by the Chief of the Contract and Procurement Division (MGT/AC). This authority may not be redelegated.

* * * * *

5. Section 19-1.254 is deleted.

§ 19-1.254 [Revoked]

§§ 19-1.255, 19-1.256, and 19-1.257 [Redesignated]

6. Sections 19-1.255 and 19-1.256 renumbered as §§ 19-1.254 and 19-1.255; § 19-1.255 renumbered to 19-1.254 and revise "USIS" to read "ICA"; § 19-1.256 renumbered to § 19-1.255; § 19-1.257 renumbered to § 19-1.256.

7. Section 19-1.258 is deleted.

§ 19-1.258 [Revoked]

§ 19-1.302-3 [Amended]

8. Section 19-1.302-3 (Amended).

In § 19-1302-3(b)(1) delete the phrase "and does not include Assistant Director," and add period after "Agency" in the last sentence.

In § 19-1302(b)(2) the first sentence should read:

(2) The Agency may purchase, rent, license, or otherwise acquire materials in which Agency employees have a financial interest, only after obtaining a determination and supporting findings signed by the Director that such procurement is based upon the most compelling reasons, such as cases when the needs of the Agency cannot reasonably be otherwise supplied.

§ 19-1.602 [Amended]

9. Section 19-1.602 (Amended).

In § 19-1.602 the first sentence should read:

"The Policy and Procedures Branch of the Contract and Procurement Division will maintain a consolidated list as indicated in 1-1.602 of this title."

§ 19-1.604 [Amended]

10. Section 19-1.604 (Amended).

In § 19-1.604 the first sentence should read:

"Personnel of the Agency who find that a firm or an individual should be added to the Debarred, Suspended, or Ineligible Bidders List, as indicated in Subpart 1-1.6 of this title, shall notify the Chief, Policy and Procedures Branch promptly."

11. Subpart 19-1.13 (New Addition).

Subpart 19-1.13—Minority Business Enterprises

§ 19-1.1302 Agency program.

The Chief, Contract and Procurement Division is designated as being responsible for administering the procurement minority business enterprise program in accordance with Subpart 1-1.13 of this title.

§ 19-1.5305 [Amended]

12. § 19-1.5305 (Amended).

In § 19-1.5305 the first sentence of paragraph (a) is revised to read as follows:

"(a) Any properly qualified Government employee or group of employees, may be designated to act as the Authorized Representative of the Contracting Officer."

§ 19-2.205-1 [Amended]

13. In § 19-2.205-1 the reference to the "Contract and Review Staff" is amended to read the "Policy & Procedures Branch." The reference to Agency Form IA-407A is amended to read IA-407."

§ 19-205-5 [Revoked]

14. § 19-2.205-5 Release of bidders mailing lists. (Delete.)

§ 19-2.403 [Amended]

15. In § 19-2.403 (b) and (c) references to the Contract Review and Procedures Staff changed to the Policy and Procedures Branch.

§ 19-3.450 [Amended]

16. In § 19-3.450 delete the word "Agency" in the second line.

17. § 19-2.407-7 is revised to read as follows:

§ 19-2.407-7 Statement and certificate of award.

When an award is to be made to other than the low bidder, the names of all low bidders and the amounts of their bids shall be listed on Standard Form 1036 or similar Agency form. The Contracting Officer shall also state the reason for rejection of each lower bid and acceptance of the higher offer.

18. Section 19-3.604-6(a) is revised to read as follows:

§ 19-3.604-6 Procurement and payment.

(a) Small purchases utilizing imprest funds may be made only by employees designated as having such authority in accordance with the Agency's Manual of Operations and Administration.

* * * * *

19. Section 19-3.606-5(b) is revised to read as follows:

§ 19-3.606-5 Agency implementation.

* * * * *

(b) Blanket purchase arrangements will be in writing, and may be in the form of a purchase order which will ordinarily cover the vendor's complete line of merchandise or services available at his/her published list prices less any obtainable discounts, limited in time to one fiscal year and in amount by $10,000 or less. More than one arrangement may be advisable where the volume of purchases warrants such competitive arrangements. Charge tickets will be made for each order and delivered to the responsible office with receipt of the goods indicated thereon by the receiving office. Monthly invoices will be compared by the responsible office with delivery receipts prior to certification for payment. A copy of the blanket purchase agreement is to be filed with the appropriate paying office.

20. § 19-15-5000 is revised to read as follows:

§ 19-15.5000 Cost-reimbursed air travel.

It is the policy of the Agency to require the use of less-than-first-class air accommodations for all cost-reimbursed travel and that the lowest class accommodations available are utilized in order to reduce government travel costs. Exceptions to this policy are to be in accordance with the limitations set forth in the Federal Travel Regulations.

§ 19-15.5000-1 [Revoked]

21. § 19-15.5000-1 Use of American and foreign airlines. (Delete.)

§ 19-16.851 [Amended]

22. In § 19-16.851 the last sentence is deleted.

§ 19-16.860-4 [Revoked]

23. § 19-16.860-4 Certificate of Export, IAL-368 (Delete).

§ 19-16.860-5 [Redesignated]

24. § 19-16.860-5 renumbered to 19-16.860-4.

§ 19-16.860-6 [Revoked]

25. § 19-860-6 Contract Financial Report (Delete).

JAMES T. MCILWEE,
Chief, Contract and Procurement Division.

[FR Doc. 78-18314 Filed 6-29-78; 8:45 am]

[4510-27]

CHAPTER 50—PUBLIC CONTRACTS, DEPARTMENT OF LABOR

PART 50-202—MINIMUM WAGE DETERMINATIONS

Adjustment to Wage Increases Provided Under the Fair Labor Standards Act Amendments of 1977

AGENCY: Employment Standards Administration, Labor.

ACTION: Final wage determination.

SUMMARY: The Walsh-Healey Public Contracts Act requires payment of minimum wages on Federal and District of Columbia contracts for the manufacture or furnishing of materials, supplies, articles, and equipment in any amount exceeding $10,000. The department has historically issued wage determinations under the Walsh-Healey Act which required the payment of a wage not less than the Fair Labor Standards Act minimum wage, whether or not the contract was covered by the Fair Labor Standards Act. The Fair Labor Standards Amendments of 1977 increased the minimum wage required to be paid under the Fair Labor Standards Act. Therefore, the existing Walsh-Healey Act wage determinations which are below the Fair Labor Standards Act minimum wage are amended by increasing the wage to the current Fair Labor Standards Act minimum wage.

DATE: This amended wage determination is effective June 30, 1978.

FOR FURTHER INFORMATION CONTACT:

George E. Rivers, Counsel for Contract Labor Standards, General Legal Services, Office of the Solicitor, Room N2458, New Department of Labor Building, Washington, D.C. 20210, telephone 202-523-8303.

SUPPLEMENTARY INFORMATION:

Some of the prevailing minimum wage determinations for the bituminous coal industry currently in effect under section 1(b) of the Walsh-Healey Public Contracts Act as amended (41 U.S.C. 35, et seq.) provide minimum wages higher than $2.65 per hour. Other such determinations for that industry, and for all industries generally, based on outdated evidence, provide minimum wages of less than $2.65 per hour.

Effective January 1, 1978, the Fair Labor Standards Amendments of 1977 (Pub. L. 95-151) required the payment of a minimum wage of not less than $2.65 per hour, except as otherwise specifically provided, by every employer to each of his employees who is engaged in commerce or in the production of goods for commerce (as those terms are broadly defined in that Act), or is employed in certain enterprises so engaged, who does not come within one of the Act's specific exemptions. Further increases in the minimum wage have been legislated which will go into effect on January 1, 1979, 1980, and 1981.

A proposal to amend the Walsh-Healey wage determinations was published in the FEDERAL REGISTER on March 24, 1978 at 43 FR 12337. This document provided for the holding of a hearing, as provided in section 10(b) of the Walsh-Healey Act, 41 U.S.C. 43a(b), upon request of any interested party. No request for a hearing or comments were received. Accordingly, I find as follows:

Based upon data obtained in over 39 years of investigation and litigation, including administration and enforcement of nine previous statutory minimum wage increases under the Fair Labor Standards Act of 1938, economic studies and statutory reports to the Congress, I find under section 7(d) of the Administrative Procedure Act (5 U.S.C. 556(d)), that the application of and compliance with this requirement is such as to raise to $2.65 per hour (the current section 6(a)(1) FLSA minimum wage effective on January 1, 1978) any level of lower minimum wages in any of the groups of industries currently operating in any locality in which materials, supplies, articles, or equipment are to be manufactured or furnished under any contracts subject to the Walsh-Healey Public Contracts Act, and further to raise the minimum rate to $2.90 per hour effective January 1, 1979, to $3.10 per hour effective January 1, 1980, and to $3.35 per hour effective January 1, 1981.

Accordingly, I hereby make a final prevailing minimum wage determination under section 1(b) of the Walsh-Healey Public Contracts Act (41 U.S.C. 35(b)) which will be effective as to all contracts subject to the Act, bids which are invited, offers which are solicited, or negotiations otherwise commenced on or after the effective date of this wage determination. I find that the prevailing minimum wage is $2.65 per hour in all those groups of industries currently operating in each locality in which the materials, supplies, articles, or equipment are to be manufactured or furnished under such contracts, except those particular or similar industries for which minimum wage determinations higher than $2.65 per hour have been made. Under § 50-202.3, provision has been made for the employment of learners, student learners, apprentices, and handi-

capped workers at lesser rates to the same extent that such employment is permitted under the Fair Labor Standards Act. I further increase said Walsh-Healey Act minimum wage determinations to keep pace with the FLSA minimum wage increases in 1979, 1980, and 1981.

Section 50-202.16(c) permits an averaging of wages paid to bituminous coal miners who are paid on an incentive basis. That is, if the average incentive wage earned by a group of bituminous coal miners is equal to or greater than the Walsh-Healey Act minimum wage, the contractor is in compliance with the Walsh-Healey Act even though some bituminous coal miners earn less than the Walsh-Healey Act minimum wage.

When this section was issued, there was no reasonable prospect that any bituminous coal miner would ever make less than the FLSA minimum wage in that the spread between the FLSA minimum wage and Walsh-Healey Act minimum wage was substantial. With recurring increases of the FLSA minimum wage and no new wage determinations issued under the Walsh-Healey Act this is no longer true. As this averaging provision is not an authorization to violate the Fair Labor Standards Act, it can apply only when, and only to the extent that, the Walsh-Healey Act minimum wage exceeds the FLSA minimum wage. Only a few wage minimums now exceed $2.65 and none exceed $2.90. The provision is, accordingly, of no practical value and, therefore, I delete paragraph (c) of § 50-202.16.

This document was prepared under the direction and control of Xavier M. Vela, Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor.

Accordingly, I amend the wage determination in §§ 50-202.2 and 50-202.16 of Title 41 as follows:

1. Section 50-202.2 is amended as follows:

§ 50-202.2 Minimum wages in all industries except to the extent to which a higher minimum rate is provided in Subpart C.

In all industries, except to the extent to which a higher minimum wage is provided in Subpart C, the minimum wage applicable to employees described in § 50-201.102 of this chapter shall be not less than $2.65 per hour commencing January 1, 1978, $2.90 per hour commencing January 1, 1979, $3.10 per hour commencing January 1, 1980 and $3.35 per hour commencing January 1, 1981. As all minimum wages in Subpart C are less than $2.90 per hour, Subpart C is rescinded as of January 1, 1979.

2. Section 50-202.3 is amended to read as follows:

§ 50-202.3 Learners, student learners, apprentices, and handicapped workers.

Learners, student learners, apprentices, and handicapped workers may be employed at less than the minimum wage prescribed in § 50-202.2 to the same extent such employment is permitted under section 14 of the Fair Labor Standards Act.

3. Section 50-202.16 is amended by revising paragraph (b) and deleting paragraph (c) as follows:

§ 50-202.16 Bituminous coal industry.

* * * * *

(b) *Minimum wages.* The minimum wage for employees (other than auxiliary workers) engaged in the production or furnishing of bituminous coal (including lignite) shall be not less than the amount indicated for each area as follows:

* * * * *

District 9. Kentucky: Not less than that minimum wage prescribed in § 50-202.2.

* * * * *

District 13. Southeastern (Alabama, Georgia, and Tennessee): Not less than that minimum wage prescribed in § 50-202.2.

District 14. Arkansas-Oklahoma: Not less than that minimum wage prescribed in § 50-202.2.

District 15. Southwestern (Kansas, Texas, Missouri, and Oklahoma): Not less than that minimum wage prescribed in § 50-202.2.

* * * * *

District 21. North Dakota-South Dakota: Not less than that minimum wage prescribed in § 50-202.2.

* * * * *

(c) [Reserved.]

* * * * *

Signed at Washington, D.C., on this 23d day of June 1978.

XAVIER M. VELA,
Administrator.

[FR Doc. 78-18145 Filed 6-29-78; 8:45 am]

[6820-33]

CHAPTER 51—COMMITTEE FOR PURCHASE FROM BLIND AND OTHER SEVERELY HANDICAPPED

PART 51-5—PROCUREMENT REQUIREMENTS AND PROCEDURES

Military Resale Commodities

AGENCY: Committee for Purchase From the Blind and Other Severely Handicapped.

ACTION: Final rule.

SUMMARY: This rule revises the Committee's regulations on military resale commodities regarding the stockage and sale in military commissary stores of certain types of items procured from commercial sources which are comparable to military resale commodities on the Committee's procurement list. This revision will permit limited competition in military commissary stores on a selective basis for certain of the 900-series military resale commodities.

DATE: This revision is effective June 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. C. W. Fletcher, Executive Director, Committee for Purchase From the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Va. 22201, telephone 703-557-1145.

SUPPLEMENTARY INFORMATION: The Committee, on Friday, December 23, 1977, published a proposed revision of paragraph 51-5.6(b) of its regulations regarding military resale commodities. Comments were requested by January 30, 1978. Three military departments, the Monarch Crown Corp., a division of the Bristol Meyers Corp., and the American Logistics Association submitted comments on the proposed change. The military departments generally objected to the proposed change on the basis that commissary customers should be permitted the freedom of selection in the products available to them. The Monarch Crown Corp. and the American Logistics Association suggested that the regulations be modified to provide a freedom of choice to commissary patrons.

As the result of discussions among the National Industries for the Blind, the military departments, and the Committee, a joint policy statement was developed which would permit limited competition in military commissary stores on a selective basis for certain of the 900-series military resale commodities. Under the policy each military department will: (1) Establish mandatory lists of military resale commodities which should be stocked in their commissary stores when space permits, (2) issue guidance to commissary store personnel to take actions which will result in the maximum sales potential of military resale commodities, and (3) institute procedures to control the introduction of items which will be sold in competition with the military resale commodities. The proposed rule has been changed to reflect the provisions of the joint policy statement.

In paragraph (a) the words "Armed Forces commissaries" have been

changed to "military commissary stores" to bring the terminology in agreement with the revised wording in paragraphs (b), (c), and (d).

Accordingly section 51-5.6 is revised as follows:

§ 51-5.6 Military resale commodities.

(a) Purchase procedures for ordering military resale commodities are contained in instructions issued by the designated central nonprofit agency and are available upon request from that agency. Military commissary stores, Armed Forces exchanges and like activities of other Government departments and agencies (authorized resale outlets) shall request the central nonprofit agency to designate the workshop to which orders shall be forwarded.

(b) Authorized resale outlets shall stock military resale commodities in as broad a range as is practicable. Authorized resale outlets may stock items procured from commercial sources which are comparable to a military resale commodity, provided the military resale commodity is also stocked, except that in military commissary stores military resale commodities in the 900-series normally shall be stocked exclusively. The stocking of commercial items in military commissary stores which are comparable to 900-series military resale commodities shall be restricted to those individual items, on a store-by-store basis, for which there is significant customer demand.

(c) Each military department shall, after consultation with the Committee:

(1) Establish mandatory lists of military resale commodities to be stocked in commissary stores.

(2) Require the stocking in commissary stores of military resale commodities in both the 500- and 900-series in as broad a range as is practicable.

(3) Issue guidance to commissary store personnel to take those actions required to achieve the maximum sales potential of military resale commodities.

(4) Establish policies and procedures which reserve at a level not lower than its military commissary service headquarters the authority to grant exceptions to the exclusive stocking of 900-series military resale commodities.

(d) Each military department shall provide the Committee a copy of each directive which relates to the stocking of military resale commodities in commissary stores, including exceptions authorizing the stocking of commercial items in competition with 900-series military resale commodities.

(e) The prices of military resale commodities include delivery to destination or, in the case of destinations overseas (including Alaska and Hawaii), to designated depots at ports of embarkation.

AUTHORITY: Section 2, Pub. L. 92-28, 85 Stat. 80 (41 U.S.C. 47(d)).

Effective date: June 30, 1978.

E. R. ALLEY, Jr.,
Acting Executive Director.

[FR Doc. 78-18355 Filed 6-29-78; 8:45 am]

[6730-01]

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

[General Order 7; Docket No. 73-64]

PART 528—SELF-POLICING SYSTEMS

Extension of Effective Date

AGENCY: Federal Maritime Commission.

ACTION: Extension of effective date of final rules.

SUMMARY: Final Commission rules regarding ocean carrier self-policing activities and reporting requirements (43 FR 18175; April 26, 1978) are to become effective September 15, 1978 instead of July 1, 1978. The extension is needed for the purpose of affording the Commission time for analysis of petitions for reconsideration but more importantly to provide affected parties time to comply with the rules prior to their effective date.

DATES: Effective September 15, 1978.

FOR FURTHER INFORMATION CONTACT:

Francis C. Hurney, Secretary, Federal Maritime Commission, Room 11101, 1100 L Street NW., Washington, D.C. 20573, 202-523-5725.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-18324 Filed 6-29-78; 8:45 am]

[7035-01]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Service Order No. 1231; Amdt. No. 6]

PART 1033—CAR SERVICE

Consolidated Rail Corp. Authorized To Operate Over Tracks of Louisville and Nashville Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Amendment No. 6 to Service Order No. 1231).

SUMMARY: Amendment No. 6 to Service Order No. 1231 extends Service Order No. 1231 until December 31, 1978. Service Order No. 1231 authorizes the Consolidated Rail Corp. to operate over tracks abandoned by the Louisville & Nashville Railroad at Brazil, Ind., for the purpose of providing rail service to shippers served by those tracks. The involved tracks are to be sold to Consolidate Rail Corp.

DATES: Effective 11:59 p.m., June 30, 1978. Expires 11:59 p.m., December 31, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

Decided: June 21, 1978.

Upon further consideration of Service Order No. 1231 (41 FR 8480, 15414, 27729, 42 FR 3310, 34520, and 43 FR 762), and good cause appearing therefor:

It is ordered, § 1033.1231 Service Order No. 1231 (Consolidated Rail Corp. Authorized to operate over tracks of Louisville & Nashville Railroad Co.) is amended by substituting the following paragraph (f) for paragraph (f) thereof:

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

Effective date. This amendment shall become effective at 11:59 p.m., June 30, 1978.

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

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

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

NANCY L. WILSON,
Acting Secretary.

[FR Doc. 78-18152 Filed 6-29-78; 8:45 am]

[7035-01]

[Revised Service Order No. 1308; Amdt. No. 2]

PART 1033—CAR SERVICE

Distribution of Covered Hopper Cars

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order, (Amendment No. 2 to Revised Service Order No. 1308).

SUMMARY: The Union Pacific is unable to furnish individual shippers with lots of 25 or 50 jumbo covered hopper cars for three consecutive shipments of grain from Kansas and Nebraska origins to destinations on the west coast. Revised Service Order No. 1308 waives the three-consecutive-trip provision of the applicable tariff, enabling the Union Pacific to make a more equitable distribution of its supply of covered hopper cars among all potential users of these cars. Amendment No. 2 extends the order an additional 2 months.

DATES: Effective 11:59 p.m., June 30, 1978. Expires 11:59 p.m., August 31, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Decided June 21, 1978.

Upon further consideration of Revised Service Order No. 1308 (43 FR 12693 and 19049), and good cause appearing therefor:

It is ordered, § *1033.1308 Revised Service Order No. 1308* (Distribution of covered hopper cars) is amended by substituting the following paragraph (e) for paragraph (e) thereof:

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

Effective date. This amendment shall become effective at 11:59 p.m., June 30, 1978.

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

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

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

NANCY L. WILSON,
Acting Secretary.

[FR Doc. 78-18153 Filed 6-29-78; 8:45 am]

[7035-01]

[S. O. No. 1316, Amdt. No. 1]

PART 1033—CAR SERVICE

Chicago and North Western Transportation Co. Authorized to Operate Over Tracks of Chicago, Milwaukee, St. Paul and Pacific Railroad Co. at Appleton, Wis.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Amendment No. 1 to Service Order No. 1316).

SUMMARY: The tracks of the Chicago, Milwaukee, St. Paul and Pacific Railroad Co. (Milw.) between Menasha, Wis., and Appleton, Wis., have deteriorated and can no longer be used forcing the termination of rail service to shippers in Appleton served by the Milw. The Chicago and North Western Transportation Co. (CNW) connects with the Milw. in Appleton and is able to provide service to those shippers by operations over the tracks of the Milw. in Appleton. Service Order No. 1316 authorizes the CNW to operate over tracks of the Milw. in Appleton, Wis., for the purpose of providing continued railroad service to shippers served by those tracks. Amendment No. 1 extends this order for an additional 2 months.

DATES: Effective June 30, 1978. Expires August 31, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The amendment is printed in full below.

Decided June 23, 1978.

Upon further consideration of Service Order No. 1316 (43 FR 14668), and good cause appearing therefor:

It is ordered, § 1033.1316 Service Order No. 1316 Chicago and North Western Transportation Co. authorized to operate tracks of Chicago, Milwaukee, St. Paul and Pacific Railroad Co. at Appleton, Wis. is amended by substituting the following paragraph (e) for paragraph (e) thereof:

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

Effective date. This amendment shall become effective at 11:59 p.m., June 30, 1978.

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

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

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

NANCY L. WILSON,
Acting Secretary.

[FR Doc. 78-18289 Filed 6-29-78; 8:45 am]

[7035-01]

SUBCHAPTER C—ACCOUNTS, REPORTS AND RECORDS

[Docket No. 36366]

PART 1201—UNIFORM SYSTEM OF ACCOUNTS

Subpart B—Branch Line Accounting System Report and Amendments to the Branch Line Accounting System

MISCELLANEOUS AMENDMENTS

AGENCY: Rail Services Planning Office (RSPO), Interstate Commerce Commission.

ACTION: Amendments to regulations.

SUMMARY: On January 11, 1978, the Rail Services Planning Office (RSPO), reissued the Branch Line Accounting System regulations to conform with the revised Uniform System of Accounts for Railroad Companies. At that time RSPO invited comments from persons who believed substantive changes had been made to the regulations; these comments are discussed in this report. Additional comments were made by the parties which constitute petitions to reopen the regulations for substantive change; these are identified and included in this report.

DATE: Changes are retroactive to January 1, 1978.

FOR FURTHER INFORMATION CONTACT:

James Wells, Chief, Cost Evaluation Branch, Rail Services Planning Office, Interstate Commerce Com-

mission, Washington, D.C., 202-254-7552.

SUPPLEMENTARY INFORMATION: Three statements were received in response to the RSPO request for comments on substantive changes to the restatement of the Branch Line Accounting System (BLAS) regulations. Published at 43 FR January 11, 1978, at page 1732, and 43 FR January 25, 1978, at page 3365.

The Association of American Railroads (AAR) expressed concern about an inconsistency regarding the costing of specific types of freight cars for on-branch and off-branch purposes. For on-branch costing purposes, the breakout of car types is the same as those for which individual data are reported in the revised annual report, form R-1. These car types are those specified by the Commission in Ex parte No. 334 (Car Service Compensation—Basic Per Diem Charges—Formula Revision in Accordance with the Railroad Revitalization and Regulatory Reform Act of 1976). The on-branch costs for freight cars are developed for 15 types of freight cars. Section 940(B)(2) requires reporting of the total costs for these 15 car types. For off-branch costing purposes, 24 car types are required rather than 15.

At this time, the revised costing procedure that is being developed by the ICC to replace the current rail form A cost formula is not completed. Until such time as the revised formula is available, the current rail form A will be used for determining off-branch costs. We do not believe that this is a burden on the carriers because off-branch costs are based on the most recent rail form A. At the present time, the 1977 rail form A is the most recent. This rail form A uses the "old" Uniform System of Accounts, which develops costs for 24 car types. We expect that the new costing procedure will be developed before the time when carriers must calculate off-branch costs based on data collected in 1978 under the new USOA. When the revised costing procedure is completed, we will reexamine this issue. Until that time, no change will be made to the Branch Line Accounting System regarding this item.

The AAR's second point relates to account 510, which was printed as "Miscellaneous net income." This should be corrected to read "Miscellaneous rent income."

The New York State Department of Transportation (NYDOT) suggested that section 930(c), Publication of Data, be amended to allow the designated State agency copies of all supporting data for the requested branch lines free of charge. Under the present regulations, the requesting agency must pay the reasonable cost of reproducing the data. It is important to note here that the State agencies have free access to the data; the only issue in question is whether the agencies should pay for copies of the data. With the number of lines for which requests potentially could be filed and the amount of data that would have to be reproduced for each line, RSPO believes that a requirement to provide free copies would be an unreasonable burden to place upon the carriers.

NYDOT also requested an addition to the regulations to establish a 30-day compliance period for all data requests. When considering the number of lines for which data could be requested, a mandatory reply period of 30 days would be unreasonable. If a request were received by ConRail for data relating to all subsidized lines, it would be almost impossible to reply within 30 days. Although, we would expect the railroads normally to respond well within a 30-day period, we will not make such a requirement part of the BLAS regulations.

NYDOT's comments described an inconsistency between the BLAS and the regional subsidy standards (Ex parte 293 (Sub No. 2)) relating to the inclusion of subsidy payments as revenue. Subsidy payments are included in the regional standards as revenues attributable, but are omitted from BLAS. Two areas must be discussed in addressing this comment. First, in order to clarify any misunderstanding as to the types of subsidy payments that are to be included, we will restate that, in order to qualify for inclusion as revenue, a subsidy payment must have existed prior to the present agreement and would cease if service on the line were discontinued. In a sense, this is the same as any nonoperating freight or miscellaneous revenue which contributes to the overall viability of the line. Second, NYDOT is correct that these subsidy payments were omitted from section 940(A) and 950(a). These sections will be amended, with section 940(A) including preexisting subsidy payments as a revenue element and section 950(a) giving a description of this item.

ConRail raised two points in its submission. First, ConRail explained that its subsidy agreements for the 1978 calendar year will reflect both the "old" and the "new" accounting systems, as most of ConRail's freight subsidy agreements run from April 1 of one year to March 31 of the next. The annual report, form R-6, requires a submission of data reflecting all system diagram map lines, including (as category 4) lines operated under subsidy.

In amending the subsidy standards, we permitted the continued use of the "old" standards for the remainder of the term of the current agreement. Thus, ConRail is collecting data under the "old" system for 3 months and under the "new" system for 9 months on those lines it operates under subsidy. However, its remaining system diagram map lines (categories 1, 2, and 3), must be reported under the "new" system for the entire year.

The form R-6 is only the vehicle that reports data accumulated under the appropriate set of regulations, 49 CFR Part 1121 or Part 1125. ConRail, and any other carriers which are in the same situation, could file two separate form R-6 reports covering 1978, as follows:

(1) A two-part form R-6 report covering subsidized lines (category 4), presenting 3-month totals under the "old" BLAS and 9-month totals under the "new" BLAS, and

(2) A form R-6 report covering remaining lines (categories 1, 2, and 3) using the "new" BLAS for the entire year.

ConRail's second point is that the detailed supporting records for individual branch lines will not reflect the new Uniform System of Accounts (USOA). ConRail pointed out that the ICC, in its Accounting Series Circular No. 168, dated January 25, 1978, stated that the ICC will not, in the foreseeable future, require a railroad to code its base source documents with the new account numbers. The ICC did, however, state that a clear audit trail must be maintained from the amounts reported in the annual report to the base documents. Therefore, the amounts recorded in the form R-6 must be traceable to the base documents. The ICC stated only that the source documents themselves did not have to have the new account numbers recorded on them. RSPO does not believe that ConRail's statement accurately reflects the intent of the ICC's explanation.

Part 1201 Subpart B of Subchapter C of Chapter X of Title 49 of the Code of Federal Regulations is amended by making the changes set forth below to the regulations issued on January 11, 1978:

§ 940 [Amended]

(1) Section 940(A) "Attributable revenue" shall be amended as follows: "Account 510 Miscellaneous net income" is revised to read: "Account 510 Miscellaneous rent income"; and immediately below "Account 519 Miscellaneous income" the following is added: "Account 599 Subsidy payments from preexisting contracts".

§ 950 [Amended]

(2) The following new account is added to section 950(a): "Account 599 Subsidy payments from preexisting contracts. This account shall include all payments made to the operating carrier of a subsidized line that (1) existed prior to the commencement of operations under a subsidy operating agreement and (2) would cease if freight service on the line were discontinued.".

These amendments are effective retroactively to January 1, 1978.

This decision does not significantly affect the quality of the human environment.

Issued June 27, 1978, by Alan M. Fitzwater, Director, Rail Services Planning Office.

By the Commission.

NANCY WILSON,
Acting Secretary.

[FR Doc. 78-18238 Filed 6-29-78; 8:45 am]

[4310-55]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, INTERIOR

SUBCHAPTER B—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE

PART 20—MIGRATORY BIRD HUNTING

Final Frameworks for Selecting Open Season Dates for Hunting Migratory Game Birds in Alaska and Puerto Rico and Doves and Pigeons in the Virgin Islands for the 1978-79 Season

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule prescribes final frameworks (i.e. the outside limits for dates and times when shooting may begin and end, and the number of birds that may be taken and possessed) from which wildlife conservation agency officials in Alaska, Puerto Rico, and the Virgin Islands may select season dates for hunting certain migratory birds during the 1978-79 season. Selected season dates will then be transmitted to the U.S. Fish and Wildlife Service (hereinafter the Service) for publication in the FEDERAL REGISTER as amendments to §§ 20.101 and 20.102 of 50 CFR Part 20.

DATES: Effective on June 30, 1978. Season selections due from Alaska, Puerto Rico, and the Virgin Islands by July 26, 1978.

ADDRESS: Season selections from Alaska, Puerto Rico, and the Virgin Islands to Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

John P. Rogers, Chief, Office of Migratory Bird Management, Department of the Interior, Washington, D.C. 20240, 202-254-3207.

SUPPLEMENTARY INFORMATION: On February 14, 1978, the Service published for public comment in the FEDERAL REGISTER (43 FR 6275) a proposal to amend 50 CFR Part 20, with a comment period ending May 16, 1978. That document dealt with the establishment of seasons, limits and shooting hours for migratory game birds under §§ 20.101 through 20.107 of Subpart K of 50 CFR Part 20. On May 25, 1978, the Service published for comment in the FEDERAL REGISTER (43 FR 22421) a second document in the series consisting of a supplemental proposed rulemaking dealing specifically with a number of supplemental or modified proposals and clarification or correction of minor portions of the earlier document. On June 28, 1978, the Service published for comment in the FEDERAL REGISTER (43 FR 28012) a third document in the series consisting of a supplemental proposed rulemaking providing outer limits for dates and times when shooting may begin and end, and the number of birds that may be taken and possessed for early season migratory bird hunting regulations. This final rulemaking is the fourth in a series of proposed and final rulemaking documents for migratory bird hunting regulations and deals specifically with final frameworks for the 1978-79 season from which wildlife conservation agency officials in Alaska, Puerto Rico and the Virgin Islands may select season dates for hunting certain migratory game birds in Alaska and Puerto Rico, and Zenaida doves and scaly-naped pigeons in the Virgin Islands.

A public hearing was held in Washington, D.C., on June 21, 1978, as announced in the FEDERAL REGISTER dated February 14, 1978 (43 FR 6275) and May 25, 1978 (43 FR 22421), and proposed hunting regulations for Alaska, Puerto Rico, and the Virgin Islands were discussed. The public was invited to participate in the hearing and/or submit written statements.

COMMENTS ON PROPOSED RULEMAKING

Interested persons were given until June 21, 1978, to comment on the May 25 proposed rulemaking. They were also invited to participate in the June 21 public hearing. No specific comments were received on the Service's proposals for migratory game birds in Alaska. Altogether, three comments addressed the proposed regulations in Puerto Rico and three related to proposals for the Virgin Islands regulations.

Comments regarding the proposed Puerto Rican regulations were confined to better describing the area in which no dove and pigeon hunting is contemplated for protection of the Puerto Rican plain pigeon. The boundary for the additional area to be closed for protection of the endangered pigeon was based upon data supplied by the Puerto Rican Plain Pigeon Recovery Team, as part of the section 7, Endangered Species Act, review.

In the supplemental proposed rulemaking published in the FEDERAL REGISTER dated May 25, 1978, at page 22425, the Service noted a recommendation by the Virgin Islands Department of Natural Resources and Cultural Affairs that no hunting season be established on the scaly-naped pigeon (*Columba squamosa*) on St. Thomas Island. This was to afford greater protection to the white-crowned pigeon (*Columba leucocephala*), a species described under Territorial regulations as "endangered." The species has not been so designated under the Endangered Species Act of 1973. The Service concurred with the recommendation and proposed in the FEDERAL REGISTER dated May 25, 1978 (43 FR 22421) not to establish a season for the scaly-naped pigeon on St. Thomas Island.

The Service subsequently received additional information having a bearing on the issue. A statement from the Virgin Islands Sportsmen's Association provided the following information:

1. Scaly-naped and white-crowned pigeons can be readily differentiated when flying by size, flight pattern, and color.

2. Hunting pressure on St. Thomas Island is extremely light; for the 1977-78 season only 33 hunting licenses were issued.

3. The two species tend to frequent different areas. Scaly-naped pigeons typically inhabit upland forests whereas white-crowned pigeons live along mangrove shorelines.

In consideration of these views, and recognition that a long-term study of doves and pigeons in the Virgin Islands is only half completed, Territorial officials recommended that scaly-naped pigeon hunting on St. Thomas Island be permitted as during the 1977-78 season. The Service concurs in the recommendation.

NEPA CONSIDERATION

The Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES 75-54) was filed with the Council on Environmental Quality on June 6, 1975, and notice of availability was published in the FEDERAL REGISTER on June 13, 1975 (40 FR 25241).

ENDANGERED SPECIES ACT CONSIDERATION

Section 7 of this act provides that, "The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act." and "by taking

such action necessary to insure that actions authorized, funded, or carried out * * * do not jeopardize the continued existence of such endangered and threatened species or result in the destruction or modification of habitat of such species * * * which is determined to be critical." Consequently, the Service reviewed all migratory bird regulations being contemplated this year for Alaska, Puerto Rico, and the Virgin Islands and concluded that none of the proposals, if implemented, would result in jeopardizing the continued existence of any species designated as endangered or threatened under the act or adversely modify their critical habitats or habitats that may be determined as critical in the future. Likewise, the proposed regulations are not contrary to the Service's obligation to conserve endangered and threatened species. As in the past, hunting regulations this year are designed, among other things, to remove or alleviate chances of conflict between seasons for migratory game birds and the protection and conservation of endangered and threatened species. Examples of such consideration include closures of designated areas in Puerto Rico for the Puerto Rican plain pigeon (*Columba inornata wetmorei*) and the Puerto Rican parrot (*Amazona vittata*) and in Alaska for the Aleutian Canada goose (*Branta canadensis leucopareia*). As a result of section 7 consultation, the size of the closure area for the Puerto Rican plain pigeon is being enlarged this year.

Regulations Promulgation

The rulemaking process for migratory bird hunting must, by its nature, operate under severe time constraints. However, the Service is of the view that every attempt should be made to give the public the greatest possible opportunity to comment on the regulations. Thus, when the proposed rulemaking was published on February 14, the Service established what it believed was the longest period possible for public comment. In doing this, the Service recognized that at the period's close, time would be of the essence. That is, if there were a delay in the effective date of these regulations after this final rulemaking, the Service is of the opinion that the governments of Alaska, Puerto Rico, and the Virgin Islands would have insufficient time to select their season dates, shooting hours, and bag limits; to communicate those selections to the Service; and finally to establish and publicize the necessary regulations and procedures to implement their decisions.

The Service therefore finds that "good cause" exists; within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act, and these frameworks will, therefore, take effect immediately upon publication.

Therefore, the Service, under authority of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 701-711), prescribes final frameworks setting forth the species to be hunted, the daily bag and possession limits, the shooting hours, the season lengths, the earliest opening and latest closing season dates, and special closures, from which officials of the Alaska Department of Fish and Game, Puerto Rico Department of Natural Resources, and the Virgin Islands Department of Conservation and Cultural Affairs may select open season dates. Upon receipt of season selections from Alaska, Puerto Rico, and the Virgin Islands officials, the Service will publish in the Federal Register final rulemaking amending 50 CFR 20.101 and 20.102 to reflect seasons, limits, and shooting hours for these areas for the 1978-79 season.

Authorship

The primary author of this proposed rulemaking is Henry M. Reeves, Office of Migratory Bird Management, working under the direction of John P. Rogers, Chief.

Final Frameworks for Selecting Open Season Dates for Hunting Migratory Birds in Alaska, 1978-79

(All dates inclusive)

Between September 1, 1978 and January 26, 1979, Alaska may select seasons on waterfowl, snipe, and cranes, subject to the following limitations:

1. Shooting hours between one-half hour before sunrise until sunset may be selected for all species.

2. *Season lengths:*

A. In the Pribilof and Aleutian Islands, except Unimak Island, an open season of 107 consecutive days for ducks, geese, and brant. In the Kokiak (State game management unit 8) area, an open season of 107 days for ducks, geese, and brant, and the season may be split without penalty.

B. Exception: The season is closed on Canada geese from Unimak Pass westward in the Aleutian Island chain.

C. In the remainder of Alaska including Unimak Island, an open season of 107 consecutive days for ducks, geese, and brant.

D. An open season for snipe concurrent with the duck season.

E. An open season for sandhill cranes concurrent with the duck season.

3. *Bag and Possession Limits:*

A. *Ducks*—Except as noted, a basic daily bag limit of 7 and a possession limit of 21 ducks. Daily bag and possession limits in the North Zone are 10 and 30, and the Gulf Coast Zone they are 8 and 24, respectively. In addition to the basic limit, there is a daily bag limit of 15 and a possession limit of 30 scoter, eider, oldsquaw, harlequin, and American and red-breasted mergansers, singly or in the aggregate of these species.

B. *Geese*—A basic daily bag limit of 6 and a possession limit of 12, of which not more than 4 daily and 8 in possession may be white-fronted or Canada geese, singly or in the aggregate of these species. In addition to the basic limit, there is a daily bag limit of 6 and a possession limit of 12 Emperor geese.

C. *Brant*—A daily bag limit of 4 and a possession limit of 8.

D. *Snipe*—A daily bag limit of 8 and a possession limit of 16.

E. *Sandhill cranes*—A daily bag limit of 2 and a possession limit of 4.

Final Frameworks for Selecting Open Season Dates for Hunting Migratory Birds in Puerto Rico, 1978-79

(All dates inclusive)

Doves and Pigeons. An open season of 60 days between September 1, 1978, and January 15, 1979, may be selected for hunting Zenaida, mourning and white-winged doves, and scaly-naped pigeons in Puerto Rico.

Shooting hours may extend from one-half hour before sunrise until sunset daily.

The daily bag and possession limit for doves of the species named herein is 10 singly or in the aggregate.

The daily bag and possession limit for scaly-naped pigeons is 5.

No open season is prescribed for pigeons on Mona Island in order to give the reduced population of white-crowned pigeon (*Columba leucocephala*) a chance to recover.

No open season is prescribed for doves and pigeons on Culebra Island.

Special Closure for Protection of the Puerto Rican Parrot

No season is prescribed for doves and pigeons in those areas of the municipalities of Rio Grande and Loiza delineated as follows: All lands lying east of Route 186 (from the town of El Verde in the north to the southernmost extent of Route 186) to the boundary of the Luquillo Experimental Forest; (2) all lands between Route 186 and Route 956 extending from an east-west line through the town of El Verde, south; (3) all lands lying west of Route 186 for one (1) kilometer from the juncture of Routes 186 and 956 south to the southernmost point on Route 186; and (4) all lands within the Caribbean National Forest boundary, whether private or public lands. The purpose of these closures is to afford protection to the Puerto Rican parrot (*Amazona vittata*), presently listed as an endangered species under the Endangered Species Act of 1973.

SPECIAL CLOSURE FOR PROTECTION OF THE PLAIN PIGEON

The hunting of doves and pigeons of any species is prohibited in all of Cidra Municipality and in portions of Aguas Buenas, Caguas, Cayey, and Comerio Municipalities as encompassed within the following boundary: Beginning on Highway 172 as it leaves the Municipality of Cidra on the west edge, north to Highway 156, east on Highway 156 to Highway 1, south on Highway 1 to Highway 765, south on Highway 765 to Highway 763, south on Highway 763 to the Rio Guavate, west along Rio Guavate to Highway 1, southwest on Highway 1 to Highway 14, west on Highway 14 to Highway 729, north on Highway 729 to Cidra Municipality, and westerly, northerly, and easterly along the Cidra Municipality boundary to the point of beginning. The purpose of this closure is to protect the Puerto Rican plain pigeon (*Columba inornata*), locally known as Paloma Sabanero, which is known to be present in the above locale in small numbers and which is listed presently as an endangered species under the Endangered Species Act of 1973. *Ducks, Coots, Gallinules, and Snipe.* A season of 55 consecutive days between December 1, 1978, and January 31, 1979, may be selected for hunting ducks, coots, common gallinules and common snipe.

Shooting hours may extend from one-half hour before sunrise until sunset daily.

The limits for ducks are 4 daily and 8 in possession except that the season is closed on ruddy ducks (*Oxyura jamaicensis*), and the Bahama pintail (*Anas bahamensis*), which is protected by the Commonwealth of Puerto Rico.

The limits for coots are 6 daily and 12 in possession.

The limits for common gallinules are 6 daily and 12 in possession. The season is closed on purple gallinules (*Porphyrula martinica*).

The limits for common snipe are 6 daily and 12 in possession.

No open season for ducks, coots, gallinules, and snipe is prescribed on Culebra Island.

FINAL FRAMEWORKS FOR SELECTING OPEN SEASON DATES FOR HUNTING MIGRATORY BIRDS IN THE VIRGIN ISLANDS, 1978-79

(All dates inclusive)

Doves and Pigeons. An open season of 60 days between September 1, 1978, and January 15, 1979, may be selected for hunting Zenaida doves throughout the Virgin Islands and scaly-naped pigeons on the island of St. Thomas only.

Shooting hours may extend from one-half hour before sunrise until sunset daily.

The daily bag and possession limits are 10 Zenaida doves and 5 scaly-naped pigeons.

No open season is prescribed for waterfowl, ground or quail doves, or other pigeons in the Virgin Islands.

LOCAL NAMES FOR CERTAIN BIRDS

Zenaida dove (*Zenaida aurita*)—mountain dove.

Bridled quail dove (*Geotrygon mystacea*)—Barbary dove, partridge (protected).

Ground dove (*Columbina passerina*)—stone dove, tobacco dove, rola, tortolita (protected).

Scaly-naped pigeon (*Columba squamosa*)—red-necked pigeon, scaled pigeon.

ECONOMIC IMPACT REVIEW: The Service has determined that this document does not contain a major rulemaking requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

Issued in Washington, D.C., June 26, 1978.

LYNN A. GREENWALT,
Director, United States Fish and Wildlife Service.

JUNE 26, 1978.

[FR Doc. 78-18192 Filed 6-29-78; 8:45 am]

[4310-55]

PART 20—MIGRATORY BIRD HUNTING

Amendment to Regulations Describing Nontoxic Shot Zones for Waterfowl Hunting Seasons Commencing in 1978 in Texas, New York, Illinois, and California

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule amends the descriptions of nontoxic shot zones for waterfowl hunting which were published on February 28, 1978 (43 FR 8144-8149). This rule applies to waterfowl hunting seasons commencing in 1978. Subsequent to the publication of nontoxic shot zones on February 28, 1978, discussions with States have resulted in decisions to modify descriptions of zones in four of the States affected by the nontoxic shot regulations for 1978. The amendments will reduce the size of zones in Texas and New York, and permit shooting tests to be conducted within zones in Illinois and California.

EFFECTIVE DATE: June 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert I. Smith, Special Projects Coordinator, Office of Migratory Bird Management, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, 202-254-3207.

SUPPLEMENTARY INFORMATION: This amendment relieves a restriction on waterfowl hunting in New York and Texas in 1978 by reducing the size of the areas included within the nontoxic shot zones in these two States. It amends the descriptions of zones in Illinois and California to permit both lead shot and steel shot to be used experimentally in shooting tests.

The reasons for these changes are as follows:

1. The State of New York has determined, as a result of studies conducted in the fall of 1977, that geese feeding in uplands and sea ducks are eating lead shot at a relatively low rate. Consequently, the State requested that nontoxic shot zones in New York include only water and areas within 150 yards of water, and exclude areas defined in State regulations as sea duck zones.

2. The State of Texas has requested that the nontoxic zone for that State be reduced in size until additional studies can be completed.

3. Shooting tests which compare the effectiveness of various steel shot and lead shot loads in bagging geese will be conducted in Illinois and California. Hunters at certain locations in these two States will be asked to use unmarked shotgun shells. The hunter's shooting activity that day will be observed and recorded. At three locations in Illinois and one location in California some of these hunters will be given lead loaded shotshells. The regulations are amended to allow this testing to occur.

Service has determined that since this amendment relieves a restriction, allows the States time to formulate State regulations, and allows time for adjustments in the distribution of ammunition, the notice and public comment procedure required by 5 U.S.C. 553(b) is impracticable and not in the public interest. The Service further finds the 5 U.S.C. 553(d) does not apply. Accordingly, 50 CFR Part 20 is amended by revising § 20.108 as described below.

§ 20.108 [Amended]

(1) The description of nontoxic shot zones for New York (43 FR 8146) is revised to read:

NEW YORK

All waters (including bays, lakes, ponds, marshes, swamps, rivers, streams, and ocean waters) of Nassau and Suffolk Counties and that portion of New York west of Interstate Highway 81 and north of the New York Thruway (Interstate Highway 90) and within a 150-yard zone of land in the above area adjacent to the margins of such waters. Drainage ditches and temporary sheet water more than 150 yards from the waters described above are excluded from the nontoxic shot requirement. Areas described as sea duck zones in waterfowl regulations of

the State of New York are excluded from the nontoxic shot requirements.

(2) The description of the nontoxic shot zone for the State of Texas (43 FR 8148) is revised to read:

TEXAS

J. D. Murphree Wildlife Management Area and Sea Rim State Park in Jefferson County.

(3) The description of nontoxic shot zones for the State of Illinois (43 FR 8147) is amended by adding the following Item 5:

ILLINOIS

* * * * *

5. On areas located on the Union County Wildlife Management Area, Horseshoe Lake in Alexander County, and Crab Orchard National Wildlife refuge, where shooting tests will be conducted by the Illinois Department of Conservation, lead shot can be used in addition to steel shot by participants in the tests.

(4) The description of nontoxic shot zones for the State of California (43 FR 8148) is amended by adding the following Item 3:

CALIFORNIA

* * * * *

3. On the area located on Tule Lake National Wildlife Refuge, where a shooting test will be conducted by the U.S. Fish and Wildlife Service, lead shot can be used in addition to steel shot by participants in the test.

NOTE.—The 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.

This final rule was authored by Robert I. Smith, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, 202-254-3207.

Dated: June 27, 1978.

LYNN A. GREENWALT,
Director, U.S. Fish and Wildlife Service.

[FR Doc. 78-18322 Filed 6-29-78; 8:45 am]

[4310-55]

PART 33—SPORT FISHING

Opening of Pocasse National Wildlife Refuge, S. Dak., to Sport Fishing.

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to sport fishing of Pocasse National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: Effective August 20, 1978 through December 31, 1978.

FOR FURTHER INFORMATION CONTACT:

Refuge Manager, Sand Lake NWR, Columbia, S. Dak. 57433, 605-885-6320.

SUPPLEMENTARY INFORMATION:

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

Sport fishing is permitted on Pocasse National Wildlife Refuge, S. Dak., only on the areas designated by signs as being open to fishing. These areas comprising 600 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colo. 80225. Sport fishing shall be in accordance with all State Regulations, subject to the following condition:

1. The use of boats is permitted northwest of Highway 10 only, boats are not permitted southeast of Highway 10.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas which are set forth in Title 50, Code of Federal Regulations, Part 33.

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.

SAM WALDSTEIN,
Refuge Manager.

MAY 19, 1978.

[FR Doc. 78-18193 Filed 6-29-78; 8:45 am]

[3510-22]

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 216—REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS

Prohibition of Take Incidental to Commercial Fishing Operations—Northern Common Dolphin

AGENCY: National Marine Fisheries Service.

ACTION: Notice of prohibition of take of the northern stock of common dolphin incidental to commercial fishing operations.

SUMMARY: A prohibition on taking the northern stock of common dolphin (*Delphinus delphis*) is being implemented because observer records show that the 1978 quota for that stock has been exceeded. Common dolphin may not be taken incidental to fishing operations north of a line drawn between 18° N., 102°30' W. and 8° N., 114° W., and then west along 8° N. latitude from 8° N., 114° W., pursuant to the general permit issued to the American Tunaboat Association, category 2; encircling gear, purse seining involving the intentional taking of marine mammals.

DATES: The effective date of this notice is July 7, 1978.

ADDRESSES: Observer records may be reviewed at the office of the Director, Southwest Region, 300 South Ferry Street, Terminal Island, Calif., telephone 213-548-2575.

FOR FURTHER INFORMATION CONTACT:

William P. Jensen, Marine Mammal Program Manager, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C. 20235, telephone 202-634-7461.

SUPPLEMENTARY INFORMATION: 50 CFR 216.24(d) (2)(i)(A), (3) and the permit issued to the American Tunaboat Association for 1978, impose a limit of one-hundred twenty (120) mortalities of the northern stock of common dolphin in 1978. The Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, has determined that this limit has been exceeded. Therefore, further taking of the northern stock of common dolphin will be prohibited except as provided for in 50 CFR 216.24(d)(2)(i)(C) (accidental take policy), and notice of the effective date of this prohibition is hereby published in accordance with 50 CFR 216.24(d)(2)(i)(B).

Dated: June 27, 1978.

WINIFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

[FR Doc. 78-18195 Filed 6-29-78; 8:45 am]

[3510-22]

PART 285—ATLANTIC TUNA FISHERIES

Purse Seine Season Reopening

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Final rulemaking.

SUMMARY: The National Marine Fisheries Service amends the regula-

tions regarding fishing for Atlantic bluefin tuna. These amended regulations reopen the purse seine fishing season for school-size Atlantic bluefin tuna at 0600 hours e.d.t., June 29, 1978.

EFFECTIVE DATE: 0600 hours e.d.t., June 29, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. William Gordon, Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, Mass. 01930, telephone: 617-281-3600.

SUPPLEMENTARY INFORMATION: On June 21, 1978, a notice of final rulemaking concerning the Atlantic bluefin tuna fishery was published in the FEDERAL REGISTER (43 FR 26581). 50 CFR, §285.13 established a total annual quota for school-size Atlantic bluefin tuna at 1,000 short tons (910 metric tons). Of the total annual quota of 1,000 short tons, 800 short tons were made available for capture during the open season, and 200 short tons were reserved to be taken at any time during the year incidental to conducting a scientific bluefin tuna tagging project.

On June 26, 1978, a notice was published in the FEDERAL REGISTER at 43 FR 27547. This notice announced that the season would be closed at 0001 hours e.d.t., June 24, 1978, for the taking of school-size Atlantic bluefin tuna by purse seine vessels. Based on projections of average catch and the fleet vessel capacity the quota of 800 short tons should have been reached by midnight June 24. Adverse weather conditions and other factors prevented the fleet from reaching this quota. Records of the National Marine Fisheries Service indicate that as of June 26, 1978, only 644 short tons were taken leaving 156 short tons unharvested. Consequently, for good cause, the Assistant Administrator for Fisheries has determined that the season for taking school-size Atlantic bluefin tuna by purse seine vessels shall be reopened at 0600 hours e.d.t., on June 29, 1978, until the remaining portion of the 800 short tons quota is reached.

Issued at Washington, D.C., and dated June 27, 1978.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

[FR Doc. 78-18371 Filed 6-28-78; 2:24 pm]

[3510-12]

CHAPTER VI—FISHERY CONSERVATION AND MANAGEMENT, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 651—ATLANTIC GROUNDFISH, COD, HADDOCK, AND YELLOWTAIL FLOUNDER

Final Regulations

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Final regulations.

SUMMARY: These are final regulations implementing the February 1978 fishery management plan for Atlantic groundfish (FMP) prepared by the New England Fishery Management Council. They were published as proposed regulations on March 31, 1978, and implemented on an emergency basis immediately (43 FR 13578). Two proposed amendments, based on Council FMP amendments, were published April 10 (43 FR 14968) and on April 24 (43 FR 17361) and were implemented on an emergency basis immediately. With two minor changes, the proposed regulations as amended are now promulgated as final.

DATES: These regulations are effective July 1, 1978.

FOR FURTHER INFORMATION CONTACT:

William G. Gordon, Regional Director, Northeast Region, National Marine Fisheries Service, Federal Building, 14 Elm Street, Gloucester, Mass. 01930, telephone 617-281-3600.

SUPPLEMENTAL INFORMATION: The March 31 regulations were amended twice, to change the directed fishery for cod to a limited one, and to change the formula for calculating landing restrictions for the various classes of vessels. The comment period on these regulations ended June 2, 1978. Four public hearings were held in May to receive comments on the cod and haddock optimum yields and on the allocations of those catches among user groups. There was very little comment on these topics, as interest was focused on FMP amendments proposed by the council March 23, which were undergoing simultaneous comment and hearing procedures.

Two necessary changes in the proposed regulations did become apparent during the comment period. One is the definition of the Gulf of Maine in §651.2. While the dividing line of 42°20′ N. lat. generally separates the Gulf of Maine from Georges Bank and southern New England, the Gulf of Maine traditionally has included the area south of 42°20′ N. lat. which is west of 70°00′ W. long. and bounded by the northern shore of Cape Cod. The definition has been altered to correspond with the historic practice and to insure compatibility of data.

The second change comes from the New England council's clarification of its intention to allow the Assistant Administrator maximum flexibility in adjusting landing restrictions under §651.7(e). The proposed regulation required the Assistant Administrator for Fisheries, NOAA, (Assistant Administrator) to wait until 40 percent of the quarterly quota had been taken, or 45 days had passed, to adjust the restrictions during each quarter. The final regulation allows the Assistant Administrator to adjust landing restrictions at any time during the quarter, in order to spread the available quotas over the year and to allow each vessel class an opportunity to take its share of the catch.

From April 1 to April 30, landing restrictions for cod and haddock were based on pounds of fish per day of a fishing trip, for four classes of vessels. The amendment published April 24 (43 FR 17361) changed the classes of vessels and limited landing of cod and haddock to certain amounts per week. An "over-run" provision for trawl vessels also was added. The amounts published April 24 are reprinted below at §651.7 (a) and (d), but they are not the landing restrictions currently in effect. Pursuant to §651.7(e), the Assistant Administrator adjusted the landing restrictions effective May 7 (43 FR 19429) and has announced another adjustment to be effective July 2 (43 FR 27548). The table below (table 1) summarizes the landing restrictions in effect after April 30:

TABLE 1.—*Landing restrictions after Apr. 30*

Vessels [1]	Limits [2]	Overruns
HADDOCK		
Apr. 30 to May 6:		
0 to 60	7,000	5,000
61 to 125	14,000	5,000
125 plus	20,000	5,000
Fixed gear	16,000	
May 7 to July 1:		
0 to 60	3,500	2,500
61 to 125	7,000	2,500
125 plus	10,000	2,500
Fixed gear	8,000	
July 2 until revised:		
0 to 60	1,000	500
61 to 125	1,500	500
125 plus	5,000	1,000
Fixed gear	8,000	
COD (GULF OF MAINE)		
Apr. 30 to May 6:		
0 to 60	7,000	5,000
61 to 125	14,000	5,000

COD (GULF OF MAINE)—Continued

125 plus	20,000	5,000
Fixed gear	16,000	.....
May 7 to July 1:		
0 to 60	4,900	3,500
61 to 125	9,800	3,500
125 plus	14,000	3,500
Fixed gear	8,000	.....
July 2 until revised:		
0 to 60	2,000	500
61 to 125	1,000	500
125 plus	3,000	1,000
Fixed gear	8,000	.....

COD (GEORGES BANK AND SOUTHERN NEW ENGLAND)

Apr. 30 to May 6:		
0 to 60	7,000	5,000
61 to 125	14,000	5,000
125 plus	20,000	5,000
Fixed gear	16,000	.....
May 7 to July 1:		
0 to 60	4,900	3,500
61 to 125	9,800	3,500
125 plus	14,000	3,500
Fixed gear	13,000	.....
July 2 until revised:		
0 to 60	1,000	500
61 to 125	1,500	1,000
125 plus	7,000	2,000
Fixed gear	13,000	.....

	Limits [2]

YELLOWTAIL FLOUNDER (WEST OF 69° W. LONGITUDE)

Apr. 1 to May 6	5,510 or 10 pct. of all fish on board, whichever is greater.
May 7 until revised.	2,250.

YELLOWTAIL FLOUNDER (EAST OF 69° W. LONGITUDE)

Apr. 1 to May 6	5,510 or 10 pct. of all fish on board, whichever is greater.
May until revised	5,510.

[1] Gross registered tons.
[2] Pounds per week.

Another adjustment was made during the quarter, pursuant to § 651.3(b)(2). On May 3 (43 FR 19060), the second, third, and fourth quarter quotas were revised to reflect the overages of cod, haddock, and yellowtail flounder (west of 69° W. long.) caught during the first quarter. The following table (table 2) compares the original quotas with the revised quotas now in effect:

TABLE 2.—*Comparison of Apr. 1 and May 3 quotas*

	Limits [1]	
	Apr. 1	May 3
HADDOCK		
Apr. 1 to June 30	3,160	2,591
July 1 to Sept. 30	1,660	1,092
Oct. 1 to Dec. 31	1,930	1,362
COD (GULF OF MAINE)		
Apr. 1 to June 30	1,760	1,629
July 1 to Sept. 30	1,420	1,289
Oct. 1 to Dec. 31	1,420	1,290
COD (GEORGES BANK AND SOUTHERN NEW ENGLAND)		
Apr. 1 to June 30	6,130	5,596
July 1 to Sept. 30	5,630	5,096
Oct. 1 to Dec. 31	5,640	5,106
YELLOWTAIL FLOUNDER (WEST OF 69° W. LONGITUDE)		
Apr. 1 to June 30	830	800
July 1 to Sept. 30	760	730
Oct. 1 to Dec. 31	960	928

[1] Metric tons.

The Assistant Administrator has determined that the emergency situation described in the March 31 publication of these regulations continues. Therefore, good cause exists to make these regulations effective July 1, pursuant to the exception stated in 5 U.S.C. 553(d).

NOTE.—A supplement to the Environmental Impact Statement covering the February 1978 FMP has been filed with the Environmental Protection Agency.

NOTE.—The National Marine Fisheries Service has prepared an economic analysis on the February 1978 FMP, pursuant to Executive Orders 11821 and 11949.

Signed in Washington, D.C., this 27th day of June 1978.

JACK W. GEHRINGER,
Acting Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

Sec.
651.1 Purpose.
651.2 Definitions.
651.3 Catch quotas.
651.4 Size restrictions.
651.5 Closed areas.
651.6 Gear restrictions.
651.7 Landing restrictions.
651.8 Closed seasons.
651.9 Reports and records.
651.10 Licensing provisions.
651.11 Vessel identification.

AUTHORITY: 16 U.S.C. 1801 et seq., as amended.

§ 651.1 Purpose.

Regulations of this section shall apply to vessels of the United States fishing for haddock (*Melanogrammus aeglefinus*), cod (*Gadus morhua*), and yellowtail flounder (*limanda ferruginea*) beginning July 1, 1978, in that portion of the Atlantic Ocean in which the United States exercises exclusive fishery authority.

§ 651.2 Definitions.

Act—means the Fishery Conservation and Management Act of 1976, 16 U.S.C. 1801 et seq., as amended.

Assistant Administrator—means the Assistant Administrator for fisheries or a designee.

Authorized officer—means:

(a) Any commissioned, warrant or petty officer of the Coast Guard;

(b) Any certified enforcement or special agent of the National Marine Fisheries Service;

(c) Any officer designated by the head of any Federal or State agency which has entered into an agreement with the Assistant Administrator or the Commandant of the Coast Guard to enforce the provisions of the Act; or

(d) Any Coast Guard personnel accompanying and acting under the direction of any person described in subparagraph (1) of this paragraph.

Commercial catch—means fish caught by any method other than rod and reel.

Fishery conservation zone (FCZ)—means the area adjacent to the United States which, except where modified to accommodate international boundaries, encompasses all waters from the seaward boundary of each of the coastal states to a line on which each point is 200 nautical miles from the baseline from which the territorial sea of the United States is measured.

Fishing—means:

(a) The catching, taking, or harvesting of fish;

(b) The attempted catching, taking, or harvesting of fish;

(c) Any other activity which can reasonably be expected to result in the catching, taking, or harvesting of fish; or

(d) Any operations at sea in support of, or in preparation for, any activity described above.

The term "fishing" does not include scientific research activity which is conducted by a scientific research vessel.

Fishing vessel—means any vessel, boat, ship, or other craft which is used for, equipped to be used for, or of a type which is normally used for:

(a) Fishing; or

(b) Aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to, preparation, supply, storage, refrigeration, transportation, or processing.

Foreign fishing—means fishing by a vessel other than a vessel of the United States.

Gulf of Maine—means that portion of the Northwest Atlantic Ocean north of 42°20′ N. lat., plus that area south of 42°20′ N. lat. which is west of 70°00′ W. long. and which is bounded on the south by the northern shore of Cape Cod.

Recreational catch—means fish caught by rod and reel.

Regional Director—means the Regional Director, Northeast Region, National Marine Fisheries Service, Feder-

al Building, 14 Elm Street, Gloucester, Mass. 01930, telephone 617-281-3600.

Secretary—means the Secretary of Commerce or a designee.

Vessel of the United States—means:

(a) A vessel documented or numbered by the Coast Guard under United States law; or

(b) A vessel, under 5 net tons, which is registered under the laws of any State.

§ 651.3 Catch quotas.

(a) Catch quotas for 1978 for vessels of the United States for haddock, cod, and yellowtail flounder are as follows:

(1) *Haddock.* Commercial and recreational catch—8,000 metric tons. Based upon actual and projected landings of 4,410 mt. during the first two quarters the remaining catch quota is divided as follows:

Quarter:	*Catch quota*[1]
July 1 to Sept. 30	1,660
Oct. 1 to Dec. 31	1,930

[1]Metric tons.

(2) *Cod.* (i) Commercial catch—3,160 metric tons for the Gulf of Maine and 10,730 metric tons for Georges Bank and southern New England. Based upon actual and projected landings of 3,160 for the Gulf of Maine and 10,730 for southern New England during the first two quarters the remaining catch quota is divided as follows:

Quarter	Catch quota[1]	
	Gulf of Maine	Georges Bank and southern New England
July 1 to Sept. 30	1,420	5,630
Oct. 1 to Dec. 31	1,420	5,640

[1]Metric tons.

(ii) Charter and headboat fishery—2,500 metric tons for the Gulf of Maine. This quota is not divided into quarterly increments.

(3) *Yellowtail flounder.* Commercial and recreational catch—4,400 metric tons east of 69° W. long. and 3,700 mt. west of 69° W. long. Based upon actual and projected landings of 2,450 for east of 69° W. long. and 1,980 for west of 69° W. long. during the first two quarters the remaining catch quota is divided as follows:

Quarter	Catch quota[1]	
	East of 69° W.	West of 69° W.
July 1 to Sept. 30	1,150	760
Oct. 1 to Dec. 31	800	960

[1]Metric tons.

(b) The Administrator may adjust quarterly quotas upon publication in the FEDERAL REGISTER, in the following circumstances:

(1) When a quarterly quota is not reached, to add the surplus onto quotas in subsequent quarters:

(2) When a quarterly quota is exceeded to deduct the overage from quotas in subsequent quarters.

§ 651.4 Size restrictions.

(a) It shall be unlawful to take or possess haddock or cod in a length less than 16 inches (406 mm), measured from the tip of the snout to the end of the tail. *Provided, however,* That commercial fishing vessels may have on board up to a maximum of 10 percent by weight of each species aboard of fish that are less than the minimum size. *Provided, also,* That recreational fishing vessels may have on board not more than two cod and/or haddock per angler per trip less than the minimum size.

(b) It shall be the responsibility of masters of vessels taking cod and haddock in the FCZ to ensure compliance with this size restriction by their crew, paying passengers, and other persons on board.

§ 651.5 Closed areas.

(a) It shall be unlawful to use fishing gear other than pelagic fishing gear (i.e., purse seines or midwater trawls) during March, April, and May in areas bounded by rhumb lines connecting the corrdinates in the order listed in the following two areas:

(1) 69°55′ W., 42°10′ N; 69°10′ W., 41°10′ N.; 68°30′ W., 41°35′ N.; 68°45′ W., 41°50′ N.; 69°00′ W., 41°50′ N.

(2) 67°00′ W., 42°20′ N.; 67°00′ W., 41°15′ N.; 65°40′ W., 41°15′ N.; 65°40′ W., 42°00′ N.; 66°00′ W., 42°20′ N.

(b) The provisions of paragraph (a) of this section shall not apply:

(1) To vessels that fish in area (1) with hooks having a gape of not less than 1.18 inches (3 cm);

(2) To vessels that fish in either area (1) or (2) or both with:

(i) Pot gear designed and used to take lobster; or

(ii) Dredges designed and used to take scallops.

(c) It shall be unlawful for any person fishing in the above areas to attach any protective device to pelagic fishing gear or to employ any means that would, in effect, make it possible to fish for demersal species.

§ 651.6 Gear restrictions.

(a) It shall be unlawful to fish for haddock, cod, or yellowtail flounder with trawl nets having, in any part of the net other than the cod end, meshes of dimensions less than 4½ inches (114 mm), and having, in the cod end of the nets, meshes of dimensions less than 5⅛ inches (130 mm). These mesh sizes relate to netting when measured wet after use.

(b) Mesh sizes are measured by a flat wedge-shaped gage having a taper of 2 centimeters in 8 centimeters and a thickness of 2.3 millimeters, inserted into the meshes under a pressure or pull of 5 kilograms. The mesh size of a net shall be the average of the measurements of any series of 20 consecutive meshes, at least 10 meshes from the landings, and when measured at the cod end of the net, beginning at the after end and running parallel to the long axis.

(c) This mesh size regulation will not apply to vessels taking haddock, cod, or yellowtail founder as by-catch so long as such vessels do not have on board (either at sea or at the time of off-loading) cod, haddock, or yellowtail flounder in amounts in excess of 5,510 pounds (2.5 metric tons) for each species or 10 percent by weight of all fish on board such vessel for each species, whichever is greater.

(d) It shall be unlawful for any person to attach any device or use any method that would have the effect of reducing the mesh sizes authorized in paragraph (a) of this section; except that chafing gear may be employed on the underside of trawl nets fished in contact with the bottom.

§ 651.7 Landing restrictions.

(a) For each weekly period (0001 hours Sunday through 2400 hours Saturday), no person or vessel may land haddock or cod in amounts greater than the following:

(1) For vessels under 60 gross registered tons: 7,000 pounds landed weight of each species.

(2) For vessels of 61–125 gross registered tons: 14,000 pounds landed weight of each species.

(3) For vessels over 125 gross registered tons: 20,000 pounds landed weight of each species.

(4) For vessels of any size using fixed gear (hooks or gill nets): 16,000 pounds landed weight of each species.

(b) If a vessel is at sea in more than 1 weekly period, the cod and haddock on board the vessel may, at the option of the vessel operator, be considered landed in the weekly period in which they were actually caught if the vessel operator maintains a log book recording the amounts of cod and haddock caught each day. If such a log book is not maintained, all cod and haddock shall be counted against the landing restriction of the weekly period in which they were landed.

(c) Any licensed trawl vessel may land up to 5,000 pounds of either cod or haddock in excess of the quantity of cod or haddock permitted to be landed under paragraphs (a) and (b) of this section. Any excess quantity so landed shall be deducted from the weekly trip limitation during the week immediately following such landing.

(d) It shall be unlawful for any person or vessel to land more than 5,510 pounds of yellowtail flounder per

trip, or 10 percent by weight of all fish on board, whichever is greater.

(e) The Assistant Administrator may adjust the landing restrictions in paragraphs (a) and (d) of this section, upon publication in the FEDERAL REGISTER, for the following purposes:

(1) To spread fishing effort over the entire year;

(2) To reduce the need for quarterly or annual closures;

(3) To allow each of the vessel classes in paragraph (a) of this section to harvest its historic percentage of the catch.

(f) To accomplish the purposes stated in paragraph (e) of this section, the Assistant Administrator may adjust the landing restrictions by varying amounts for each vessel class, after consideration of the following factors:

(1) Landings for the current and previous quarters;

(2) Projected harvests;

(3) Geographic and seasonal availability of fish;

(4) Traditional and anticipated fishing patterns;

(5) Number of vessels of each class in the fishery;

(6) Capability of vessels to fish in other locations or for other species;

(7) Status of unregulated species in the trawl fishery; and

(8) Incidental catch of cod and haddock during fishing for unregulated species.

§ 651.8 Closed seasons.

(a) The Assistant Administrator shall announce the closure of the season for haddock, cod, or yellowtail flounder by publication in the FEDERAL REGISTER, specifying the time and date for the termination of that fishery. The closure is determined in the following manner: When the total quarterly quota of haddock, cod, or yellowtail flounder is taken, the Assistant Administrator may announce that all taking of that species shall cease for that quarter, by publication in the FEDERAL REGISTER. During the period in which taking is prohibited, the crew of a vessel must sort a catch containing such prohibited species and return them to the sea immediately, with a minimum of injury regardless of their condition. It shall be a rebuttable presumption that any species found on board a vessel following the publication of the announcement prohibiting the taking of that species was caught and retained in violation of this part.

(b) It shall be unlawful to land any species for which the taking has been prohibited.

§ 651.9 Reports and records.

(a) *Dealers.* (1) All persons, individuals, firms, or corporations, at any port or place within the United States, that buy or receive from U.S. vessels or from a carrier licensed as a common carrier, engaged in either interstate or intrastate commerce, any haddock, cod, or yellowtail flounder taken by any fishing vessel, shall make and shall furnish to an authorized officer within 72 hours after buying or receiving such species, a complete record of each purchase, on forms supplied by the Regional Director.

(2) All persons buying or receiving any haddock, cod, or yellowtail flounder at sea for transport to any port of the United States must maintain records identical to those required under paragraph (a)(1) of this section.

(3) The possession by any person, firm, or corporation of haddock, cod, or yellowtail flounder which such person, firm, or corporation knows, or should have known, to have been taken by a vessel of the United States without a valid license, is prohibited.

(b) *Owner or master.* (1) In the case of a commercial fishing vessel licensed under §651.10 and taking any haddock, cod, or yellowtail flounder, the owner or master of vessels of 100 gross tons or more must maintain an accurate log of fishing operations showing date, type and size of gear used, position fished, duration of fishing time, length of tow, time of gear set, and the estimated weight in pounds of each species taken at 12-hour intervals.

(2) In the case of vessels of less than 100 gross tons licensed under § 651.10 and taking haddock, cod, or yellowtail flounder, the owner or master may be required to maintain the logbook for sampling purposes at the option of the Regional Director.

(3) In the case of vessels licensed under § 651.10 and carrying passengers for hire, the owner or master shall maintain a logbook. The logbook shall contain a factual record on a daily basis of the number of crew and passengers fishing, the location (by geographical or loran coordinates) fished, and the total daily catch recorded by the approximate number and weight of haddock, cod, or yellowtail flounder. The logbook shall record the exact number of haddock and cod of less than minimum legal size caught and retained on the vessel.

(4) The logbooks required by this paragraph shall be available for inspection by an authorized officer. The logbook shall be presented for examination and subsequent return to the master or owner of the vessel upon proper demand by an authorized officer at any time. Such logbooks must be retained by the owner or master of the vessel for 1 year after the date of the last entry in the logbook.

§ 651.10 Licensing provisions.

(a) No vessel may, without a license:

(1) Take any haddock, cod, or yellowtail flounder within the FCZ, or

(2) Transport, or deliver for sale, any haddock, cod, or yellowtail flounder taken within the FCZ.

(b) The owner or operator of a vessel may obtain the appropriate license by furnishing, on the registration form provided by the Regional Director, information specifying the names and addresses of the vessel owner and master, the name of the vessel, official number, fishery or fisheries, fish hold capacity (to the nearest 100 pounds) and the homeport of the vessel. The registration form shall be submitted, in duplicate, to the Regional Director, who shall issue the requested license, without fee, for an indefinite term. New licenses will be issued to replace lost or mutilated licenses. A license shall expire whenever vessel ownership changes, or when the owner or master of the vessel changes the fishery or fisheries of such vessel. Application for a new license, because of a change in vessel ownership or a change in the fishery or fisheries of the vessel, must be filed with the Regional Director no later than 10 days following the change on a form provided by the Regional Director.

(c) The license issued by the National Marine Fisheries Service must be carried, at all times, on board the vessel for which it is issued. Such license, the vessel, its gear, equipment, and catch shall be subject to inspection, at reasonable times, by an authorized officer.

(d) Licenses issued under this part may be revoked by the Assistant Administrator for violations of this part.

§ 651.11 Vessel identification.

(a) Each fishing vessel subject to this part over 25 feet (7.62 m.) in length shall display its official number on the port and starboard sides of the deckhouse or hull, and on an appropriate weather deck so as to be visible from above.

(b) The identifying markings shall be permanently affixed to the vessel in contrasting block Arabic numerals at least 18 inches (45.72 cm.) for vessels over 65 feet (19.8 m.), and at least 10 inches (25.4 cm.) in height for all other vessels over 25 feet (7.62 m.) in length.

(c) The length of vessels shall be that reflected by Coast Guard records. The official number is the documentation number issued by the Coast Guard or the certificate of number issued by a State or the Coast Guard for undocumented vessels.

(d) The operator of each vessel shall:

(1) Keep the identifying markings clearly legible and in good repair; and

(2) Insure that no part of the vessel, its rigging or its fishing gear obstructs the view of the markings from an enforcement vessel or aircraft.

(e) Vessels carrying fishing parties on a per capita basis or by charter must use markings that meet the above requirements, except for the requirement that they be permanently affixed. These nonpermanent markings must be displayed in conformity with the above requirements when the vessels are engaged in the groundfish fishery.

[FR Doc. 78-18315 Filed 6-29-78; 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.

[3410-34]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[7 CFR Part 330]

FEDERAL PLANT PEST REGULATIONS; GENERAL; PLANT PESTS; SOIL, STONE, AND QUARRY PRODUCTS; GARBAGE

Notice of Proposed Rulemaking

AGENCY: Animal and Plant Health Inspection Service, USDA,

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the section of the Federal Plant Pest regulations which was designed to control garbage which poses a threat of the introduction of injurious plant pests and livestock or poultry diseases into the United States. The provision which excepts "garbage that has not been outside the territorial limits of the United States and Canada," as presently worded, appears to except from regulation garbage aboard any vessel or aircraft which is generated within the territorial limits of the United States regardless of where the stores from which the garbage was derived were obtained. Such exception was not intended. The intent of the proviso was to except from the regulations the garbage derived from stores obtained only in the continental United States or Canada aboard vessels or aircraft that move solely between ports in the continental United States or between ports in the United States and Canada. The purpose of this proposal is to amend the regulation to clarify its intent and to make certain editorial and style changes in the regulation for clarity and ease of understanding.

It is further proposed to amend the definition of "Continental United States" to clarify that the term means the 49 States located on the continent of North America and the District of Columbia.

Also, it is proposed to amend the definition of United States to include the Northern Marinan Islands because of its recent political union with the United States.

DATE: Comments must be received on or before July 20, 1978.

ADDRESS: Submit written data, views, or arguments to: E. E. Crooks, Regulatory Support Staff, Animal and Plant Health Inspection Service, Plant Protection and Quarantine Programs, U.S. Department of Agriculture, Hyattsville, Md. 20782.

FOR FURTHER INFORMATION CONTACT:

E. E. Crooks, 301-436-8249.

SUPPLEMENTARY INFORMATION: All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 633, Hyattsville, Md. 20782, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays), in a manner convenient of the public business (7 CFR 1.27(b)).

These proposed amendments to the regulations are designed to strengthen the Department's control over garbage which poses a threat of the introduction of injurious plant pests and livestock or poultry diseases into the United States. Recent outbreaks of African swine fever in several foreign countries appear to have been caused and spread by contaminated garbage. Under the circumstances, it appears that this rulemaking proceeding should be expedited. Accordingly, the Department is limiting the period for public comment on these proposed regulations to 20 days.

A document was published in the FEDERAL REGISTER on September 6, 1974 (39 FR 32319) which amended the Federal Plant Pest regulations by revising, among other things, the definition of garbage (7 CFR 330.100(u)) and by revising the regulations on storage and movement of garbage on certain means of conveyance (7 CFR 330.400). The revised regulations established strict control over the handling of garbage and associated material on or unloaded from certain means of conveyance arriving in the United States. These controls were intended to be established for means of conveyance that had aboard any garbage derived from, or containing, any waste material from fruits, vegetables, meats, or other plant or animal material which originated outside of the territorial limits of the United States or Canada. Garbage derived from such plant or animal material poses a threat of the introduction and dissemination in the United States of injurious plant pests and livestock or poultry diseases. This is because plant pests and animal diseases occur in other parts of the world which do not occur or are not widely prevalent or distributed within and throughout the United States and which, if introduced into the United States, could have disastrous results.

Contained in the amendment was a provision that excepted from regulation "garbage that has not been outside the territorial limits of the United States and Canada." Read literally, this provision excepts from regulation garbage aboard any vessel or aircraft which is generated within the territorial limits of the United States regardless of where the stores from which the garbage was derived were obtained. However, such exception was not intended, and the regulations should only except from coverage garbage derived from stores obtained only in the continental United States or Canada on board means of conveyance moving between ports within the continental United States or between ports in the continental United States and Canada. It was not the intent to except from regulation garbage from any other sources. Because of the close working relationships between Animal and Plant Health Inspection Service officials and Canadian Department of Agriculture officials, and our knowledge of the disease and pest situation in Canada, it is known that garbage derived from Canadian stores presents little or no risk of spreading plant pests or livestock or poultry diseases to the United States.

The definition for "United States" (7 CFR 330.100(i)) currently lists Guam as being included in the definition, but does not list the Northern Mariana Islands. Therefore, pursuant to Pub. L. 94-241 (90 Stat. 263 et seq.) and Presidential Proclamation 4534, it is proposed that the Northern Mariana Islands be included in the definition of United States.

The definition for "Continental United States" currently reads "The States and the District of Columbia" and was included in the regulations (7 CFR 330.100(j)) before Hawaii became a State. It is therefore proposed to update the definition of "Continental United States" to mean "The 49 States located on the continent of North America and the District of Columbia" for purposes of clarification. This proposed change of the definition would not affect the substance of any regulation currently in effect and not addressed in this proposal. Other editorial and style changes are being proposed for clarity and ease of understanding.

Accordingly, it is proposed to amend Part 330—Federal Plant Pest Regulations as set forth below:

1. In § 330.100, paragraphs (i) and (j) would be amended to read as follows:

§ 330.100 Definitions.

* * * * *

(i) *United States.* The States, the District of Columbia, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands of the United States.

(j) *Continental United States.* The 49 States located on the continent of North America and the District of Columbia.

2. In § 330.400, the second sentence in paragraph (a) would be deleted and the following inserted in lieu thereof:

§ 330.400 Garbage; quarantine, regulations on storage, and movement on certain means of conveyance.

(a) * * * Garbage which is on or unloaded from any means of conveyance arriving in the places listed below is subject to general surveillance for compliance with this section by Animal and Plant Health Inspection Service inspectors and to such disposal measures as authorized by section 105 of the Federal Plant Pest Act (7 U.S.C. 150dd), section 10 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 164a), section 2 of the Act of February 2, 1903, as amended (21 U.S.C. 111), and section 306 of the Act of June 17, 1930, as amended (19 U.S.C. 1306), to prevent the dissemination of plant pests and livestock or poultry diseases:

(1) The United States from any place outside thereof (except garbage derived from stores obtained only in the continental United States or Canada on board vessels or aircraft that move solely between continental United States ports or between continental United States ports and Canadian ports); (2) The continental United States from Hawaii or any territory or possession; (3) Any territory or possession from any other territory or possession or from Hawaii; and (4) Hawaii from any territory or possession.

(Sec. 106, 71 Stat. 33 (7 U.S.C. 150ee); secs. 8 and 9, 37 Stat. 318, as amended (7 U.S.C. 161, 162); sec. 102, 59 Stat. 735, as amended (7 U.S.C. 147a); sec. 306, 46 Stat. 689, as amended (19 U.S.C. 1306); sec. 2, 32 Stat. 792, as amended (21 U.S.C. 111); sec. 11, 23 Stat. 32, as added at 58 Stat. 734, as amended (21 U.S.C. 114a); 76 Stat. 663 (7 U.S.C. 450); secs. 101, 102, 83 Stat. 852, 853 (42 U.S.C. 4331, 4332); 39 FR 32319-32321; 37 FR 28464, 28477; 38 FR 19141.)

Comments submitted should bear a reference to the date and page numbers of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., this 27th day of June 1978.

NOTE.—The Plant Protection and Quarantine programs, Animal and Plant Health Inspection Service, has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order No. 11821 and OMB Circular A-107.

JAMES O. LEE, Jr.,
Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service.

[FR Doc. 78-18320 Filed 6-29-78; 8:45 am]

[3410-02]

Agricultural Marketing Service

[7 CFR Part 947]

IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

Proposed Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed regulation would require fresh market shipments of potatoes grown in Modoc and Siskiyou Counties in California and all counties in Oregon except Malheur County to be inspected and meet minimum grade, size, cleanliness, pack, and maturity requirements. The regulation should promote orderly marketing of such potatoes and keep less desirable sizes and qualities from being shipped to consumers.

DATE: Comments due July 15, 1978.

ADDRESSES: Comments should be sent to: Hearing Clerk, Room 1077-S, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written comments shall be submitted, and they will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202-447-6393.

SUPPLEMENTARY INFORMATION: Marketing Agreement No. 114 and Order No. 947, both as amended, regulate the handling of potatoes grown in designated counties of California and Oregon. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The Oregon-California Potato Committee, established under the order, is responsible for its local administration.

This notice is based upon recommendations made by the committee at its public meeting in Beaverton, Oreg., on June 15, 1978.

The grade, size, maturity, pack, cleanliness, and inspection requirements recommended herein are the same as those issued during the last season. They are necessary to prevent potatoes of low quality or undesirable sizes from being distributed to fresh market outlets. These specific proposals would benefit consumers and producers by standardizing and improving the quality of the potatoes shipped from the production area, thereby promoting orderly marketing and would tend to effectuate the declared policy of the act.

The Committee recommends that potatoes grown in and shipped from District No. 5 be a minimum of 2 inches or 4 ounces and beginning August 1 that Norgolds be a minimum 2¼ inches in diameter. All handlers in District 5 desired this amendment because it makes size requirements in their district conform to those in effect under Marketing Order 946 covering the State of Washington. District No. 5 borders on Washington. Washington handlers are their direct competitors, and potatoes move freely across the State line.

Exceptions would be provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable.

Inspection requirements would be modified for certain handlers whose facilities are located far enough from major production areas to cause a substantial financial burden in maintaining a full-time Federal-State inspector.

A specified quantity of potatoes would be exempt from maturity requirements in order to permit growers to make test diggings without loss of the potatoes so harvested.

Shipments would be permitted to certain special purpose outlets without regard to minimum grade, size, cleanliness, maturity, pack and inspection requirements: *Provided*, That safeguards were met to prevent such potatoes from reaching unauthorized outlets. Certified seed would be so exempt, subject to the safeguard provisions only when shipped outside the district where grown.

Shipments for uses as livestock feed within the production area or to specified adjacent areas would likewise be exempt; a limit to the destinations of such shipments would be provided so that their use for the purpose specified would be reasonably assured. Shipments of potatoes between Districts 2 and 4 for planting, grading, and storing would be exempt from requirements because these two areas are homogenous and have no natural division. Other districts are more clearly separated and do not have this problem. For the same reason, potatoes grown in District 5 may be shipped without regard to the afore-

said requirements to the counties of Adams, Benton, Franklin and Walla Walla in the State of Washington, and Malheur County, Oreg., for grading and storing. Since no purpose would be served by regulating potatoes used for charity purposes, such potatoes are exempt. Also potatoes for most processing uses are exempt under the legislative authority for this part.

Requirements for export shipments differ from those for domestic markets. While the standard quality requirements are desired in foreign markets, smaller sizes are more acceptable. Therefore, different requirements for export shipments are proposed.

The proposal is as follows:

§ 947.336 [Removed]

1. Termination of regulations: Handling regulation § 947.336, as amended, effective August 22, 1977, through October 15, 1978 (42 FR 37820 and 41403) shall be terminated upon the effective date of this section.

2. Section 947.337 is added to read as set forth below.

§ 947.337 Handling regulation.

During the period July 20, 1978, through October 15, 1979, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) through (f) of this section or unless such potatoes are handled in accordance with paragraphs (g) and (h), or (i) of this section.

(a) *Grade requirements.*—All varieties: U.S. No. 2, or better grade.

(b) *Size requirements.*—All varieties: 1⅞ inches minimum diameter except potatoes from District No. 5 shall be 2 inches minimum diameter or 4 ounces minimum weight, and beginning August 1, 1978, such Norgolds shall be 2¼ inches minimum diameter. However, potatoes for export may be 1½ inches minimum diameter.

(c) *Cleanliness requirements.*—All varieties and grades: As required in the United States Standards for Grades of Potatoes, except that U.S. Commercial may be no more than "slightly dirty."

(d) *Maturity (skinning) requirements.*—(1) Round and White Rose varieties: Not more than "Moderately skinned."

(2) Other Long Varieties (including but not limited to Russet, Burbank, and Norgold): Not more than "slightly skinned."

(3) Not to exceed a total of 100 hundredweight of potatoes may be handled during any seven day period without meeting these maturity requirements. Prior to shipment of potatoes exempt from the above maturity requirements, the handler shall obtain from the committee a Certificate of Privilege.

(e) *Pack.*—Potatoes packed in 50-pound cartons shall be U.S. No. 1 grade or better, except that potatoes that fail to meet the U.S. No. 1 grade only because of hollow heart and/or internal discoloration may be shipped: *Provided,* The lot contains not more than 10 percent damage by hollow heart and/or internal discoloration, as identified by USDA Color Photograph E (Internal Discoloration, U.S. No. 2, Upper Limit), POT-CP-9, May, 1972, or not more than 5 percent serious damage by internal defects.

(f) *Inspection.*—(1) Except when relieved by paragraphs (g), (h) or (i) of this section and subparagraph (2) of this paragraph, no person shall handle potatoes without first obtaining inspection from an authorized representative of the Federal-State Inspection Service.

(2) Handlers making shipments from facilities located in an area where inspection costs would otherwise exceed one and one-half times the current per-hundredweight inspection fee, are exempt from on site inspection: *Provided,* Such handler has made application to the committee for inspection exemption on forms supplied by the committee: *And provided further,* That such handler signs an agreement with the committee to report each shipment on a daily basis and pay the committee a sum equal to the current inspection fee.

(3) For the purpose of operation under this part each required inspection certificate is hereby determined, pursuant to § 947.60(c) to be valid for a period of not to exceed 14 days following completion of inspection as shown on the certificate. The validity period of an inspection certificate covering inspected and certified potatoes that are stored in mechanically refrigerated storage within 14 days of the inspection shall be 14 days plus the number of days that the potatoes were held in refrigerated storage.

(4) Any lot of potatoes previously inspected pursuant to § 947.60 and certified as meeting the requirements of this part is not required to have additional inspection under § 947.60(b) after regrading, resorting, or repacking such potatoes, if the inspection certificate is valid at the time of regrading, resorting, or repacking of the potatoes.

(g) *Special purpose shipments.*—The minimum grade, size, cleanliness, maturity, pack and inspection requirements set forth in paragraphs (a) through (f) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(1) Certified seed, subject to applicable safeguard requirements of paragraph (h) of this section.

(2) Livestock feed: However, potatoes may not be handled for such purposes if destined to points outside of the production area, except that shipments to the counties of Benton, Franklin, and Walla Walla in the State of Washington and to Malheur County, Oreg., may be made, subject to the safeguard provisions of paragraph (h) of this section.

(3) Planting in the district where grown. Further, potatoes for this purpose grown in District No. 2 or District No. 4 may be shipped between those two districts.

(4) Grading or storing under the following provisions:

(i) Between districts within the production area for grading or storing if such shipments meet the safeguard requirements of paragraph (h) of this section.

(ii) Potatoes grown in District No. 2 or District No. 4 may be shipped for grading or storing between those two districts without regard to the safeguard requirements of paragraph (h) of this section.

(iii) Potatoes grown in District No. 5 may be shipped for grading and storing to points in the counties of Adams, Benton, Franklin and Walla Walla in the State of Washingon, or to Malheur County, Oreg., without regard to the safeguard provisions of paragraph (h) of this section.

(5) Charity: Except that shipments for charity may not be resold if they do not meet the requirements of the marketing order, and that shipments in excess of 5 hundredweight per charitable organization shall be subject to the safeguard provisions of paragraph (h) of this section.

(6) Starch manufacture.

(7) Canning, freezing, prepeeling, and "other processing" (except starch manufacturing), as hereinafter defined (including storage for such purposes).

(h) *Safeguards.*—(1) Each handler making shipments of certified seed outside the district where grown pursuant to paragraph (g) shall obtain from the committee a certificate of privilege, and shall furnish a report of shipments to the committee on forms provided by it.

(2) Each handler making shipments of potatoes pursuant to subparagraphs (2), (4) (i), and (5) of paragraph (g) of this section shall obtain a certificate of privilege from the committee, and shall report shipments at such intervals as the committee may prescribe in its administrative rules.

(3) Each handler making shipments pursuant to subparagraph (7) of paragraph (g) of this section may ship such potatoes only to persons or firms designated as manufacturers of potato products by the committee, in accordance with its administrative rules.

(i) *Minimum quantity exemption.*—Any person may handle not more than 19 hundredweight of potatoes on any day without regard to the inspection

requirements of § 947.60 and to the assessment requirements of § 947.41 of this part except no potatoes may be handled pursuant to this exemption which do not meet the requirements of paragraphs (a), (b), (c), (d), and (e) of this section. This exemption shall not apply to any part of a shipment which exceeds 19 hundredweight.

(j) *Definitions.*—(1) The terms "U.S. No. 1," "U.S. Commercial," "U.S. No. 2," "moderately skinned," and "slightly skinned" shall have the same meaning as when used in the U.S. Standards for Grades of Potatoes (7 CFR 2851.1540-2851.1566) including the tolerances set forth therein.

(2) The term "slightly dirty" means potatoes that are not damaged by dirt.

(3) The term "prepeeling" means the commercial preparation in a prepeeling plant of clean, sound, fresh potatoes by washing, peeling or otherwise removing the outer skin, trimming, sorting, and properly treating to prevent discoloration preparatory to sale in one or more of the styles of peeled potatoes described in § 2852.2422 United States Standards for Grades of Peeled Potatoes (7 CFR 2852.2421-2852.2433).

(4) The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, or starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or applying material to prevent oxidation does not constitute "other processing."

(5) Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 114, as amended, and this part.

Dated: June 27, 1978.

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

[FR Doc. 78-18311 Filed 6-29-78; 8:45 am]

[3410-15]

Rural Electrification Adminstration

[7 CFR Part 1701]

RURAL TELEPHONE PROGRAM

Proposed New REA Specification PE-76 for Modular Telephone Set Hardware

AGENCY: Rural Electrification Adminstration.

ACTION: Proposed rule.

SUMMARY: REA proposes to issue REA Bulletin 345-81 to announce the issuance of a new REA Specification PE-76 for Modular Telephone Set Hardware. This specification has been developed to cover the electrical and physical requirements for modular plugs and jacks and associated hardware for use with the standard telephone sets as described in REA Specification PE-41 and the flat oval telephone cords described in REA specification PE-75. The effect of this specification will be to standardize modular telephone set hardware and provide for uniform performance characteristics. On issuance of REA Bulletin 345-81, Appendix A to Part 1701 will be modified accordingly.

DATE: Public comments must be received by REA no later than July 31, 1978.

ADDRESS: Persons interested in the new specification may submit written data, views, or comments to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Telephone Operations and Standards Division during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Mr. Claude F. Buster, Jr., Chief, Station Equipment and Protection Branch, Telephone Operations and Standards Division, Room 1347, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number 202-447-3173.

SUPPLEMENTARY INFORMATION: Notice is hereby given that pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to issue REA Bulletin 345-81. A copy of the proposed new REA Bulletin 345-81 and the proposed new REA Specification PE-76 may be secured in person or by written request from the Director, Telephone Operations and Standards Division.

Dated: June 21, 1978.

C. R. BALLARD,
Assistant Administrator, Telephone.

[FR Doc. 78-17967 Filed 6-29-78; 8:45 am]

[3410-07]

Farmers Home Administration

[7 CFR Part 1980]

[FmHA Instruction 1980-E]

GUARANTEED LOAN PROGRAMS

Business and Industrial Loan Program

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Farmers Home Administration (FmHA) proposes to amend its regultions pertaining to the citizenship requirements. The change would permit foreign businesses where the work force is predominately American to qualify for the business and industrial loan program. The effect of the change would be to expand the program to include foreign owned businesses.

DATE: Comments must be received on or before July 31, 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:

Darryl H. Evans, Loan Specialist, telephone 202-447-4150.

SUPPLEMENTARY INFORMATION: The Farmers Home Administration (FmHA) is revising § 1980.403 of Subpart E of Part 1980, Chapter XVIII, Title 7, Code of Federal Regulations (42 FR 12145). The revision will permit all U.S. citizens or aliens to be eligible for business and industrial loans. However, if the applicant is 51-percent-foreign owned, 85 percent of the employees will have to be rural residents who are U.S citizens or those legally admitted for permanent residency. Under previous regulations, FmHA only permitted loans to be made or guaranteed to individuals who were U.S. citizens or resided in the United States after being legally admitted for permanent residency. It was required that 51 percent of the outstanding interest in any corporation or organization type applicant be owned by either U.S. Citizens or those who reside in the United States after being legally admitted for permanent residency. Since the major objective of the business and industrial loan program is to provide economic development and employment in rural America, the FmHA believes that the fact that foreign business located in this country would not adversely affect rural development. The FmHA has received numerous requests for financial assistance from foreign owned companies which are willing to locate in eligible rural areas and provide employment opportunities otherwise unavailable. Lenders have expressed a desire to lend to foreign businesses and have received numerous requests from foreign businesses located adjacent to U.S. borders. The agency has conducted a survey of its field offices to determine if such inquiries were valid. Of those polled 25 percent of the States

indicated foreign inquiries had been received. Approximately 76 foreign applicants requested assistance for $124 million. The FmHA was concerned, however, that if it eliminated all restrictions on foreign companies, such companies would locate in rural areas and might bring their own employees into the country. Therefore, the proposed amendment requires such foreign owned companies to hire at least 85 percent U.S. citizens or those who reside in the United States after being legally admitted for permanent residence. This requirement will assure the use of available unemployed persons in rural areas.

Accordingly, § 1980.403, is revised to read as follows:

It is proposed to revise § 1980.403 to read as follows:

§ 1980.403 Citizenship of applicants.

Loans may be made or guaranteed to applicants who are either U.S. citizens or aliens. However, no loan(s) will be made or guaranteed to an applicant when 51 percent or more of it's ownership (if a corporation, its common stock and stock which is convertible to common stock) is foreign owned, unless 85 percent of such applicant's staff and employees will, on a continuing basis, consist of rural residents who are citizens of the United States or reside in the United States after being legally admitted for permanent residence. This continuing requirement will be made part of the loan agreement and the applicant will certify at time of loan closing that this requirement has been met to the lender if a guaranteed loan or FmHA if an insured loan. Lender and FmHA may verify the particulars of any certifications made by the applicants.

(7 U.S.C. 1989; order of Secretary of Agriculture, 7 CFR 2.23; order of Assistant Secretary of Agriculture for Rural development, 7 CFR 2.70.)

Dated: June 21, 1978.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc. 78-18246 Filed 6-29-78; 8:45 am]

[3410-37]

Food Safety and Quality Service

[7 CFR Part 2852]

Grapefruit Juice [1]

United States Standards for Grades

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would remove the factor of color for determining the quality grade of grapefruit juice. Also, this proposal would: Combine several standards for grapefruit juice into one standard; introduce a new format; and bring the standards in line with the new Chapter for the Food Safety and Quality Service in the Code of Federal Regulations. This proposed rule is being done at the request of the public. Its effect would be to provide only chemical analyses, flavor and visual defects as a basis for the quality evaluation of grapefruit juice.

DATE: Comments must be received on or before August 29, 1978.

ADDRESS: Comments should be sent to: Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. Comments will be available for public inspection at the same address during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Thomas E. Crider, Agricultural Marketing Specialist, Processed Products Branch, Fruit and Vegetable Quality Division, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-6247.

SUPPLEMENTAL INFORMATION: On October 12, 1977, an advance notice of proposed rulemaking was published in the FEDERAL REGISTER, soliciting views and comments from interested persons. In response to this notice, 100 letters and cards were received from grapefruit juice processors, individual consumers, parents, boards of education and other interested persons.

The advance notice outlined the normal maturity-natural color relationship of grapefruit. These conditions occur in fully-ripened white-fleshed grapefruit—the juice is more amber color and less bright while the flavor is generally considered at its peak. In pink-fleshed grapefruit and red-fleshed grapefruit, a similar natural color change occurs at the peak of the grapefruit flavor. The current standards assign a lower quality grade to the grapefruit juice which is less bright, even though the flavor is at its peak.

The advance notice cited several options that were available to update the U.S. standards for grapefruit juice. Of these options, 98 of the 100 persons' comments, urged that color be removed as a factor in the quality grade of grapefruit juice. These comments, even though the majority were testimonials of success with specific diets for hyperactive children and children with learning disabilities, stated that color is primarily a "cosmetic" factor and should not have priority over the natural nutrition and flavor of foods. The other two comments stated that color should be retained in the quality standards, but should be given less importance.

In consideration of all of the comments, it is appropriate to recognize the effort of the persons who expressed their views. In response to these views, notice is given of a proposed rule to revise the U.S. Standards for Grades of Grapefruit Juice (7 CFR 2852.1221-2852.1232) issued under the authority of the Agricultural Marketing Act of 1946, Secs. 203, 205, 60 Stat. 1087, as amended 1090, as amended; (7 U.S.C. 1622, 1624).

The proposed rule would remove color as a factor of quality in the U.S. Standards for Grades of Grapefruit Juice. However, individual processors, buyers or other persons could evaluate color by electronic colorimeter, visual comparison or any other suitable method referenced in their specifications. In addition, this proposed rule would: Change the format of the standards; reference Chapter XXVIII, Part 2852, for the Food Safety and Quality Service in the Code of Federal Regulations; and combine all of the existing U.S. standards for grapefruit juice into one easy-to-read standard (7 CFR 2852.3481-2852.3491; 7 CFR 2852.6121-2852.6133 would be deleted).

This proposed rule invites views and comments from all interested persons.

The rule proposed is:

Sec.

2852.1221 Product description.
2852.1222 Styles.
2852.1223 Color types.
2852.1224 Definitions of terms.
2852.1225 Sample unit size.
2852.1226 Grades.
2852.1227 Factors of quality.
2852.1228 Classification of defectives.
2852.1229 Tolerance for defectives.
2852.1230 Sample size.
2852.1231 Compliance with quality requirements.
2852.1232 Methods of analyses.

§ 2852.1221 Product description.

"Grapefruit Juice" is the unfermented juice obtained from sound, mature grapefruit (Citrus paradisi Macfadyen). The juice is properly prepared to assure a clean and wholesome product. It is processed by good commercial practice to assure preservation through normal marketing channels to include:

(a) *"Grapefruit juice"* which is processed by heat or refrigeration from freshly extracted, single strength grapefruit juice. The Brix, insoluble solids, Brix-acid ratio and flavor may be adjusted by good commercial practice to any normal range of mature grapefruit, including the addition of grapefruit concentrate.

(b) *"Reconstituted grapefruit juice"* which is processed by heat or refrig-

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

eration from grapefruit juice concentrate to which water has been added. The Brix, insoluble solids, Brix-acid ratio and flavor may be adjusted by good commercial practice to any normal range of mature grapefruit, including the addition of freshly extracted, single strength grapefruit juice.

(c) *"Frozen concentrated grapefruit juice"* which is processed by freezing concentrated grapefruit juice. After initial concentration, the Brix, insoluble solids, Brix-acid ratio and flavor may be adjusted by good commercial practice, including the addition of freshly extracted grapefruit juice, so that, upon reconstituting, the concentrate yields a juice with the normal range of mature grapefruit.

(d) *"Concentrated grapefruit juice for manufacturing"* which is processed by heating, refrigerating or freezing concentrated grapefruit juice. Any safe and suitable ingredient(s) permissible under the Federal Food, Drug and Cosmetic Act may be used, including preservatives and citrus oils to standardize flavor.

§ 2852.1222 Styles.

(a) Unsweetened.
(b) Sweetened with nutritive carbohydrate sweeteners.

§ 2852.1223 Color types.

(a) White or amber.
(b) Pink.
(c) Red.
(d) Mixture of any of the above.

§ 2852.1224 Definitions of terms.

(a) *Acceptable Quality Level (AQL).* The maximum percent defective that, for purposes of acceptance sampling, can be considered satisfactory as a process average.

(b) *Acid.* The percent, by weight, of total acidity (calculated as anhydrous citric acid).

(c) *Brix-acid ratio.* The proportion of sucrose to acid.

(d) *Brix value.* The sucrose value.

(e) *Coagulation.* The presence of thick jelly-like curds or coarse granulation in the grapefruit juice.

(f) *Defect.* Juice cells, pulp, seeds or portions of seeds, specks, particles of membrane, core, peel or any other attribute or abnormality in excess of that normally found in grapefruit juice (or reconstituted grapefruit juice).

(g) *Defective.* A sample unit which fails specific requirements for one or more factors.

(h) *Flavor*—(1) *"Good flavor"* means a flavor that is:

(i) Grapefruit juice—fine, distinct and substantially typical of freshly extracted grapefruit juice. The grapefruit juice may be only slightly affected by the process, packaging or storage conditions.

(ii) Reconstituted grapefruit juice—fine, distinct and substantially typical of freshly extracted grapefruit juice. The grapefruit juice may be only slightly affected by the process, packaging or storage conditions.

(iii) Frozen concentrated grapefruit juice—(reconstituted prior to tasting) fine, distinct and substantially typical of freshly extracted grapefruit juice with not more than a trace of bitterness.

(iv) Concentrated grapefruit juice for manufacturing — (reconstituted prior to tasting) typical of reconstituted concentrated grapefruit juice from properly processed and concentrated grapefruit juice. The flavor is practically free from traces of scorching, caramelization, oxidation and terpene.

(2) *"Reasonably good flavor"* means a flavor that is:

(i) Grapefruit juice—materially but not seriously affected by bitterness, terpenic, processing, storage or container flavors.

(ii) Reconstituted grapefruit juice—materially but not seriously affected by bitterness, terpenic, processing, storage or container flavors.

(iii) Frozen concentrated grapefruit juice—(reconstituted prior to tasting) fairly typical of freshly extracted grapefruit juice, no more than slightly affected by bitterness, and is free from abnormal flavors of any kind.

(iv) Concentrated grapefruit juice for manufacturing — (reconstituted prior to tasting) no more than slightly affected by scorching, caramelization or oxidation. It may have a trace of terpene, but is free from any other abnormal flavors.

(i) *Foreign property.* Any characteristic of the grapefruit juice which is indicative of poor fruit quality, improper processing, improper storage conditions, or any other condition which would cause the grapefruit juice to have an unpleasant or offensive drinking quality.

(j) *Free and suspended pulp.* The particles of membrane, core, peel, and other similar material that separate from suspension by centrifuging.

(k) *Gelation.* The formation of gel in the grapefruit juice which may range from lumps to a semisolid which retains the shape of the container.

(l) *Reconstituted juice.* The product obtained by mixing thoroughly 1 part by volume of concentrated grapefruit juice with a specified volume of water.

(m) *Reconstitutes properly.* Upon reconstituting, the concentrate dissolves readily. Approximately 250 ml of the reconstituted juice, after standing 4 hours at a temperature of not less than 20°C (68°F) in a clear glass cylinder (about 3.2 cm (1¼ in) in diameter), may have a noticeable separation of suspended material and a resulting zone of greater clarity, which may be definitely turbid, but may not be clear or transparent.

(n) *Recoverable oil.* The volume of oil that may be recovered from grapefruit juice as determined by the "Official Methods of Analysis of the Association of Official Analytical Chemists."

(o) *Sample unit.* A portion of the product used for inspection.

(p) *Terpene (or terpenic).* A flavor found present in specific oils and resins.

§ 2852.1225 Sample unit size.

Compliance with the requirements of these standards is based on the following:

(a) The entire contents of a container; or

(b) A representative portion of the contents of a container.

§ 2852.1226 Grades.

(a) *"U.S. Grade A"* is the quality of grapefruit juice that meets the prerequisite and analytical factors of tables I through IV for the applicable product description.

(b) *"U.S. Grade B"* is the quality of grapefruit juice that meets the prerequisite and analytical factors of tables I through IV for the applicable product description.

(c) *"Substandard"* is the quality of grapefruit juice that fails to meet the requirements of grade B.

TABLE I

GRAPEFRUIT JUICE

Factors	U.S. Grade A		U.S. Grade B	
Prerequisite				
Appearance	Fresh grapefruit juice		Fails to meet grade A	
Coagulation	None		Slight	
Defects	Slightly detract		Materially detract	
Flavor	Good		Reasonably good	
Foreign property	None		None	
Analytical	Unsweetened	Sweetened	Unsweetened	Sweetened
Brix:				
Minimum	9.0°	11.5°	9.0°	11.5°
Brix-acid ratio:				
Minimum	8:1	9:1	7:1	9:1
Maximum	14:1	14:1	None	None
Free and suspended pulp: (percent by weight)				
Maximum	10		15	
Recoverable oil: (percent by volume)				
Maximum	0.020		0.025	

TABLE II

RECONSTITUTED GRAPEFRUIT JUICE

Factors	U.S. Grade A		U.S. Grade B	
Prerequisite				
Appearance	Fresh grapefruit juice		Fails to meet grade A	
Coagulation	None		Slight	
Defects	Slightly detract		Materially detract	
Flavor	Good		Reasonably good	
Foreign property	None		None	
Reconstitution	Reconstitutes properly		Reconstitutes properly	
Analytical	Unsweetened	Sweetened	Unsweetened	Sweetened
Brix:				
Minimum	10.0°	11.5°	10.0°	11.5°
Brix-acid ratio:				
Minimum	8:1	9:1	7:1	9:1
Maximum	14:1	14:1	None	None
Free and suspended pulp: (percent by weight)				
Maximum	10		15	
Recoverable oil: (percent by volume)				
Maximum	0.020		0.025	

TABLE III

FROZEN CONCENTRATED GRAPEFRUIT JUICE

Factors	U.S. Grade A		U.S. Grade B	
Prerequisite				
Appearance	Fresh grapefruit juice (reconstituted juice)		Fails to meet grade A	
Defects:				
Juice cells	Slightly detract		Materially detract	
Seeds or portions of seeds: Pass through round perforations 3.2 mm (0.125 in) in diameter	Slightly detract		Materially detract	
Fail to pass through round perforations 3.2 mm (0.125 in) in diameter	Practically none		Practically none	
Other defects	Slightly detract		Materially detract	
Flavor	Good		Reasonably good	
Foreign property	None		None	
Reconstitution	Reconstitutes properly		Reconstitutes properly	
Analytical				
	Unsweetened	Sweetened	Unsweetened	Sweetened
Brix value of finished concentrate:				
Minimum	38.0°	38.0° 1/	38.0°	38.0° 1/
Maximum	42.0°	48.0°	42.0°	48.0°
Brix-acid ratio:				
Minimum	9:1	10:1	7:1	8:1
Maximum	14:1	13:1	16:1	13:1

TABLE III (continuation)

FROZEN CONCENTRATED GRAPEFRUIT JUICE

Factors	U.S. Grade A	U.S. Grade B
Analytical (continuation)		
Free and suspended pulp: (percent by weight-reconstituted juice)		
Maximum	10	10
Recoverable oil: (percent by volume-reconstituted juice)		
Minimum	0.008	None
Maximum	0.020	0.020

1/ The finished concentrate shall contain at least 3.4 pounds of soluble grapefruit solids per gallon.

TABLE IV

CONCENTRATED GRAPEFRUIT JUICE FOR MANUFACTURING

Factors	U.S. Grade A	U.S. Grade B
Prerequisite		
Defects:		
Juice cells	Slightly detract	Materially detract
Seeds or portions of seeds:		
Pass through round perforations 3.2 mm (0.125 in) in diameter	Slightly detract	Materially detract
Fail to pass through round perforations 3.2 mm (0.125 in) in diameter	Practically none	Practically none
Other defects	Slightly detract	Materially detract
Flavor	Good	Reasonably good
Foreign property	None	None
Gelation	Slightly	Materially
Reconstitution	Reconstitutes properly	Reconstitutes properly
Analytical		
Brix-acid ratio:		
Minimum	6:1	5.5:1

TABLE IV (continuation)

CONCENTRATED GRAPEFRUIT JUICE FOR MANUFACTURING

Factors		U.S. Grade A	U.S. Grade B
Analytical (continuation)			
		Brix value of finished concentrate	
		Minimum Brix value	Maximum Brix value
Dilution factor: 1/			
1 plus 3	---	37.5°	40.1°
1 plus 4	---	45.5°	48.3°
1 plus 5	---	52.7°	56.0°
1 plus 6	---	59.6°	63.2°
Free and suspended pulp: (percent by weight-reconstituted juice) Maximum		10	12

1/ If the finished concentrate is of dilution factors other than "1 plus 3" to "1 plus 6," the reconstituted juice (reconstituted as prescribed by the processor or by the label on the container) shall have a Brix of at least 10.5°.

§ 2852.1227 Factors of quality.

The grade of a lot of grapefruit juice is based on compliance with requirements for the following:

(a) Prerequisite factors; and

(b) Analytical factors.

§ 2852.1228 Classification of defectives.

Each sample unit which fails a specific requirement for one or more analytical factors is classfied as follows:

Defective	Minor	Major
Fails grade A but meets grade B	X	
Fails grade B		X

§ 2852.1229 Tolerances for defectives.

	Grade A		Grade B
	Minor	Major	Major
AQL 1/	6.5	0	6.5

1/ AQL expressed as percent defective.

§ 2852.1230 Sample size.

The sample size to determine compliance with requirements of these standards shall be as specified in the sampling plans and procedures in the "Regulations Governing Inspection and Certification of Processed Fruits and Vegetables and Related Products" (§§ 2852.1-2852.83).

§ 2852.1231 Compliance with quality requirements.

A lot of grapefruit juice is considered as meeting the requirements for quality if:

(a) The prerequisite factors specified in § 2852.1226 are met; and

(b) The Acceptable Quality Level (AQL) for defectives is not exceeded.

§ 2852.1232 Methods of analyses.

(a) *Acid.* Titrate with standard sodium hydroxide solution with phenolphthalein as the indicator. Calculate total acidity as anhydrous citric acid.

(b) *Brix.* Determine in accordance with the refractometric method for sugars and sugar products of the "Official Methods of Analysis of the Association of Official Analytical Chemists." Brix may be determined by any other method which gives equivalent results. The brix for concentrated grapefruit juice must be corrected for acid as referenced in table V.

TABLE V.—*Corrections for obtaining brix value* [1]

	Correction [2]
Anhydrous citric acid (percent by weight):	
2.0	0.39
2.2	.43
2.4	.47
2.6	.51
2.8	.54
3.0	.58
3.2	.62
3.4	.66
3.6	.70
3.8	.74
4.0	.78
4.2	.81
4.4	.85
4.6	.89
4.8	.93
5.0	.97

[1] Source: "Refractometric Determination of Soluble Solids in Citrus Juices," by J. W. Stevens and W. E. Baier, from the analytical edition of Industrial and Engineering Chemistry, vol. II, p. 447, Aug. 15, 1939.

[2] To be added to the refractometric sucrose value to obtain degree Brix value.

(c) *Free and suspended pulp.* (1) Skim the floating fruit cells and pulp from the sample unit of reconstituted grapefruit juice or single strength grapefruit juice; and

(2) Fill enough 50 ml graduated centrifuge tubes with skimmed grapefruit juice to balance the head and place them in a suitable centrifuge. Adjust the speed of the centrifuge according to the diameter of the tube, as indicated in table VI, and centrifuge for 10 minutes. "Diameter" means the overall distance between the bottoms of opposing centrifuge tubes in operating position. After centrifuging, read the top of the layer of pulp in the tube. Use milliliters and multiply by 2 to determine the percentage of pulp.

TABLE VI

	Approximate RPM
Diameter (centimeters):	
25.4 (10 in)	1,609
26.7 (10.5 in)	1,570
27.9 (11 in)	1,534
29.2 (11.5 in)	1,500
30.1 (12 in)	1,468
31.8 (12.5 in)	1,438
33.0 (13 in)	1,410
34.3 (13.5 in)	1,384
35.6 (14 in)	1,359
36.8 (14.5 in)	1,336
38.1 (15 in)	1,313
39.4 (15.5 in)	1,292
40.6 (16 in)	1,271
41.9 (16.5 in)	1,252
43.2 (17 in)	1,234
44.5 (17.5 in)	1,216
45.7 (18 in)	1,199
47.0 (18.5 in)	1,182
48.3 (19 in)	1,167
49.5 (19.5 in)	1,152
50.8 (20 in)	1,137

(d) *Recoverable oil*—(1) *Reagents*—(i) *Standard bromide-bromate solution*—prepare and standardize to 0.099N in accordance with Standard Solutions in the current edition of the AOAC.[1] For use, add 1 volume of standard solution to 3 volumes of water to make 0.0247N solution. 1 ml of 0.0247N solution supplies bromide to react with 0.00085 g, or 0.0010 ml of d-limonene. The solutions are stable for 6 months.

(ii) *2-propanol*—Reagent grade ACS (American Chemical Society).

(iii) *Dilute hydrochloric acid*—prepare by adding 1 volume of concentrated acid to 2 volumes of water.

(iv) *Methyl orange indicator*—0.1 percent in water.

(2) *Apparatus*—(i) *Electric heater*—recessed refractory top, 500-750 watts.

(ii) *Still, all glass*—500 ml distillation flask with 24/40 standard taper neck; 200 mm Graham condenser with 28/15 receiving socket and drip tip; connecting bulb and adapter.

(iii) *Burette*—10 ml or 25 ml graduated to 0.1 ml with easily controllable flow to permit both rapid and dropwise titration.

(3) *Determination.* (i) Pipette 25 ml of well-mixed reconstituted juice or single strength juice into the distillation flask containing carborundum chips or glass beads, and add 25 ml of 2-propanol.

(ii) Distill into a 150 ml beaker. Continue distilling until solvent ceases to reflux, then remove the flask from the heater.

(iii) Add 10 ml of dilute hydrochloric acid and 1 drop of indicator.

(iv) Titrate with dilute bromate solution while stirring. The major portion of the titrant may be added rapidly, but the endpoint must be approached at about 1 drop per second. Endpoint is reached when the color disappears.

(v) Determine the reagent blank by titrating three separate mixtures of 25 ml 2-propanol and 10 ml of dilute hydrochloric acid with indicator—without refilling the burette. Divide the total milliliter of titrant used by three to obtain the average blank. Subtract the average blank thus obtained from the milliliter of titrant used to titrate the distillate.

(vi) Multiply the remainder by 0.004 to obtain the percent recoverable oil by volume in the juice sample.

NOTE.—The Food Safety and Quality 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.

Dated: June 26, 1978.

ROBERT ANGELOTTI.

[FR Doc. 78-18055 Filed 6-29-78; 8:45 am]

[1] Association of Official Analytical Chemists. Address: Box 540, Benjamin Franklin Station, Washington, D.C. 20044.

[3410-34]

Animal and Plant Health Inspection Service

[9 CFR Part 94]

Garbage

Proposed Rulemaking Regarding Storage and Movement on Certain Means of Conveyance

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the section of the Veterinary Services regulations which was designed to control garbage which poses a threat of the introduction of injurious plant pests and livestock or poultry diseases into the United States. The provision which excepts "garbage that has not been outside the territorial limits of the United States and Canada," as presently worded, appears to except from regulation garbage aboard any vessel or aircraft which is generated within the territorial limits of the United States, regardless of where the stores from which the garbage was derived were obtained. Such exception was not intended. The intent of the proviso was to except from the regulations the garbage derived from stores obtained only in the continental United States or Canada aboard vessels or aircraft that move solely between ports in the continental United States or between ports in the United States and Canada. The purpose of this document is to revise the regulation to clarify its intent and to make certain editorial and style changes in the regulation for clarity and ease of understanding.

DATE: Comments on or before July 20, 1978.

ADDRESS: Written comments to Deputy Administrator, USDA, APHIS, VS, Federal Building, Room 821, Hyattsville, Md. 20782.

FOR FURTHER INFORMATION CONTACT:

Dr. James D. Roswurm, USDA, APHIS, VS, Federal Building, Room 819, Hyattsville, Md. 20782, 301-436-8499.

SUPPLEMENTARY INFORMATION: All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 821, Hyattsville, Md. 20782, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27 (b)). these proposed amendments to the regulations are designed to strengthen the Department's control over garbage which poses a threat of the introduction of injurious plant pests and livestock or poultry diseases into the United States. Recent outbreaks of African swine fever in several foreign countries appears to have been caused and spread by contaminated garbage. Under the circumstances, it appears that this rulemaking proceeding should be expedited. Accordingly, the Department is limiting the period for public comment on these proposed regulations to 20 days.

A document was published in the FEDERAL REGISTER on September 6, 1974 (39 FR 32322-32324) which amended the regulations concerning prohibited and restricted importations due to various diseases of livestock and poultry by revising, among other things, the definition of garbage (9 CFR 94.5(d)(1)) and be revising the regulations on storage and movement of garbage on certain means of conveyance (9 CFR 94.5).

The revised regulations established strict control over the handling of garbage and associated material on or unloaded from certain means of conveyance arriving in the United States. These controls were intended to be established for means of conveyance that had aboard any garbage derived from, or containing, any waste material from fruits, vegetables, meats, or other plant or animal material which originated outside of the territorial limits of the United States or Canada. Garbage derived from such plant or animal material poses a threat of the introduction and dissemination in the United States of injurious plant pest and livestock or poultry diseases. This is because plant pests and animal diseases occur in other parts of the world which do not occur or are not widely prevalent or distributed within the throughout the United States and which, if introduced into the United States, could have disastrous results.

Contained in the amendment was a provision that excepted from regulation "garbage that has not been outside the territorial limits of the United States and Canada". Read literally, this provision excepts from regulation garbage aboard any vessels or aircraft which is generated within the territorial limits of the United States regardless of where the stores from which the garbage was derived were obtained.

However, such exception was not intended, and the regulations should only except from coverage garbage derived from stores obtained only in the continental United States or Canada on board means of conveyance moving between ports within the continental United States or between ports in the continental United States and Canada. It was not the intent to except from regulation garbage from any other source. Because of the close working relationships between Animal and Plant Health Inspection Service officials and the Canadian Department of Agriculture officials, and our knowledge of the disease and pest situation in Canada, it is known that garbage derived from Canadian stores presents little or no risk or spreading plant pests or livestock or poultry diseases to the United States.

The definitions for "United States" and "Territories or possessions" (9 CFR 94.6(d) (7) and (8)) currently lists Guam as being included in the definition, but does not list the Northern Mariana Islands. Therefore, pursuant to Pub. L. 94-241 (90 Stat. 263 *et seq.*) and Presidential Proclamation 4534, it is proposed that the Northern Mariana Islands be included in the definition of United States. It is also proposed that a new definition of continental United States be added to mean the 49 States on the continent of North America and the District of Columbia.

Accordingly, Part 94, Title 9, Code of Federal Regulations, would be amended in the following respects:

1. In § 94.5, paragraph (a) would be amended to read:

§ 94.5 Garbage; regulations on storage and movement on certain means of conveyance.

(a) Garbage which is on or unloaded from any means of conveyance arriving in the places listed below is subject to general surveillance for compliance with this section by Animal and Plant Health Inspection Service inspectors and to such disposal measures as authorized by section 105 of the Federal Plant Pest Act (7 U.S.C. 150dd), section 10 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 164a), section 2 of the act of February 2, 1903, as amended (21 U.S.C. 111), and section 306 of the act of June 17, 1930, as amended (19 U.S.C. 1306), to prevent the dissemination of plant pests and livestock or poultry diseases:

(1) The United States from any place outside thereof (except garbage derived from stores obtained only in the continental United States or Canada on board vessels or aircraft that move solely between continental United States ports or between continental United States ports and Canadian ports);

(2) The continental United States from Hawaii or any territory or possession;

(3) Any territory or possession from any other territory or possession or from Hawaii; or

(4) Hawaii from any territory or possession.

§ 94.5 [Amended]

2. In § 94.5(d), subparagraphs (7) and (8) would be amended by inserting "the Northern Mariana Islands," immediately after "Guam," and before "Puerto Rico".

3. In § 94.5(d), a new subparagraph (9) would be added to read as follows:

(d) * * *

(9) "Continental United States" means the 49 States located on the continent of North America and the District of Columbia.

Comments submitted should bear a reference to the date and page number of this issue in the FEDERAL REGISTER.

Done at Washington, D.C., this 9th day of June 1978.

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

R. P. JONES,
Acting Deputy Administrator, Veterinary Services.

[FR Doc. 78-18313 Filed 6-29-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

Office of General Counsel

[10 CFR Part 212]

NATURAL GAS LIQUIDS AND NATURAL GAS LIQUIDS PRODUCTS PRICE REGULATIONS

Request for Comment

AGENCY: Department of Energy, Office of General Counsel.

ACTION: Notice of Request for Comment.

SUMMARY: Notice is hereby given that, pursuant to 10 CFR Part 205, Subpart F, the Interpretations and Rulings Division of the Office of General Counsel, Department of Energy (DOE), is considering a request for Interpretation submitted by the Atlantic Richfield Oil Co. (ARCO). The request for Interpretation concerns the computation of maximum lawful prices pursuant to Part 212, Subparts E and K, of natural gas liquids and natural gas liquid products. Because the treatment of the issues summarized below may have a substantial impact on the pricing practices of many firms which sell natural gas liquids and natural gas liquid products, the DOE wishes to solicit comments from any party who believes it may be affected by the determination of the issues presented in this request for Interpretation.

DATE: Comments to be submitted by Friday, July 28, 1978.

ADDRESS: Comments should be submitted to: James Randolph Myers, Department of Energy, Office of General Counsel, Interpretations and Rulings Division, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

James Randolph Myers, Department of Energy, Room 1117, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461 202-566-9070.

SUPPLEMENTARY INFORMATION: The issues presented for resolution by ARCO are:

I. Do sales of natural gas liquids and natural gas liquid products between affiliated entities constitute first sales under 10 CFR Part 212, Subpart K? See generally, *Continental Oil Company*, Interpretation 1978-29, 43 FR (issued June 2, 1978).

II. Is the tax component of the interstate gas sales price to be included in the calculation of increased cost of natural gas shrinkage? See generally, 10 CFR 212.162.

III. For the purpose of computing increased costs of natural gas shrinkage, should inlet gas volumes be measured at the plant inlet master meter or at the wellhead when the gas is purchased at the wellhead by the gas plant operator? See generally, Ruling 1975-18, 40 FR 55860 (December 2, 1975).

IV. Where the cost of natural gas shrinkage in the current month is less than such costs in May 1973, should decreased cost of natural gas shrinkage be calculated and applied so as to reduce available increased product cost in current month calculations of maximum lawful prices? See generally, *Proposed Amendments to Subpart K, Part 212*, section F(2), 42 FR 29490, (June 9, 1977).

Interested parties are invited to submit their views and comments on these matters. Comment on these issues should include references to all relevant pronouncements of the DOE and its predecessor agencies. See 10 CFR 205.83(b). In the case of firms subject to the regulations at issue here, it would be helpful if the comments included a description of how these issues have been and are being treated.

A file containing all information and data filed in conjunction with ARCO's request for interpretation is available for public inspection and copying at the Freedom of Information Reading Room, Room 2107, 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.

Written comments regarding the ARCO request will be accepted and considered if filed by Friday, July 28, 1978. All submissions should be made in three copies, and should be received no later than July 28, 1978. Comments should be identified both on the outside envelope and on the material submitted with the designation "Comments on ARCO Request for Interpretation."

Any information or data considered by the party furnishing it to be confidential must be so identified, and submitted in writing in accordance with the procedures set forth in 10 CFR 205.9(f). The DOE Office of General Counsel reserves the right to determine the confidential status of the information or data, and to treat such information according to its determination, subject to the procedures set forth in § 205.9(f)(2).

Issued in Washington, D.C., June 23, 1978.

WILLIAM P. DAVIS,
Deputy Director of Administration.

[FR Doc. 78-18327 Filed 6-29-78; 8:45 am]

[6714-01]

FEDERAL DEPOSIT INSURANCE CORPORATION

[12 CFR Part 336]

EMPLOYEE RESPONSIBILITIES AND CONDUCT

Proposed Rules

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Proposed rule.

SUMMARY: These proposed provisions amend the FDIC regulations relating to employee conduct, and are designed to avoid conflicts of interest, or the appearance of conflicts. The proposed amendments (1) prohibit senior policymakers from obtaining certain credit; (2) establish guidelines concerning ownership of bank-related securities; (3) greatly increase the number of employees required to file disclosure statements; (4) establish formal guidelines for processing these statements; and (5) unite in one regulation the various disclosure systems employed by the FDIC.

DATES: Written comments must be received on or before July 31, 1978.

ADDRESSES: Direct written comments to the Office of the Executive Secretary, Federal Deposit Insurance Corporation, Washington, D.C. 20429.

FOR FURTHER INFORMATION CONTACT:

Mark Rosen, Attorney, Legal Division, Federal Deposit Corporation, Washington, D.C. 20429, 202-389-4637.

SUPPLEMENTARY INFORMATION: Executive Order 11222, May 8, 1965, recognized the need to maintain unusually high standards of integrity, impartiality, and conduct by Government employees. The Executive Order prescribed general standards of conduct and authorized the Civil Service Commission to promulgate more detailed regulations. The Civil Service Commission in turn required all Federal Agencies to develop regulations concerning employee conduct, and to collect statements of financial interests and employment from certain employees. Part 336 of the FDIC rules and regulations was enacted to comply with these requirements.

After reviewing Part 336, the FDIC has determined that in some cases further amplification and guidelines are required. Certain additional restrictions have been added to insure that conflicts of interest, or the appearance of conflicts are prevented, and the number of employees filing disclosure forms would be greatly increased by these proposed regulations. It is also important to note that these proposals complement existing provisions in Part 336.

The highlights of these proposals include: 1. Section 336.735-11(b)(5) restated the prohibitions contained in 18 U.S.C. 212 and 213 against examiners accepting extensions of credit from State nonmenber banks and their affiliates. In many cases regional counsel, FDIC attorneys assigned to regional offices, make sensitive decisions involving State nonmember banks, much as examiners do. Similarly, senior level personnel make decisions which have economic impact on banks. Section 336.735-11(b)(5) would be amended to extend credit prohibitions to these additional employees. The new prohibitions are the same as those applicable to examiners, except that credit cards obtained from banks other than insured State nonmember banks would be permissible, whether or not the issuing bank was affiliated with an insured State nonmember bank.

2. Section 336.735-13(a)(1)-(5) formalizes FDIC policy concerning retention of interests in financial institutions. No employee may, directly or indirectly, purchase securities of an insured bank or its affiliates while employed by the FDIC. However, if the interest was obtained prior to employment or through circumstances beyond the employee's control (such as inheritance), the employee may be granted permission to retain the interest if it is so small as to not compromise the employee's integrity and judgment, and the employee is disqualified from all decisions having an economic impact on the bank in question.

In the past determinations as to whether employees could retain bank securities were made by the Board of Directors. In an effort to centralize financial disclosure matters in one office, the Ethics Counselor would now be responsible for initially reviewing these situations. If approval is not granted divestiture would be required. Prior to divestiture, however, the employee could appeal an adverse determination to the Chairman of the Board of Directors.

3. A new § 336.735-13a requires all employees (whether they are required to file annual disclosure statements or not) to report interests in insured banks or other financial institutions, so that they can be disqualified from decisions relevant to a bank in which they maintain an interest. In the case of employees who are required to file annual disclosure statements, the reporting requirements of this section will ensure that no conflicts or appearance of conflicts develop between annual filings.

4. Section 336.735-31a, in conjunction with § 336.735-34, greatly expands the number of employees required to file detailed annual statements of financial interests and employment. Among those who would be required to file who were not previously required to do so are all commissioned bank examiners, as well as other employees of the Division of Bank Supervision paid at the GS-13 level or above; all employees of the Division of Liquidation paid at the GS-13 level or above; numerous employees involved with assessments or procurement; and all attorneys, Advisors to the Board of Directors, Division Heads and deputies to Division Heads will continue to file as previously.

5. Section 336.735-41 formally adopts procedures which have been recommended to all agencies by the Civil Service Commission for reviewing annual disclosure statements.

The remainder of the changes are largely technical adjustments designed for public and employee clarity and do not require extensive discussion.

Written comments are invited and should be received on or before July 31, 1978, by the Office of the Executive Secretary, Federal Deposit Insurance Corporation, Washington, D.C. 20429. These written comments will be available for inspection during normal business hours. The proposal may be changed in light of the comments received.

It is proposed that Part 336 of 12 CFR be amended as set forth below.

By order of the Board of Directors, June 26, 1978.

FEDERAL DEPOSIT INSURANCE CORPORATION.
ALAN R. MILLER,
Executive Secretary.

1. In § 336.735-2, revise paragraph (d) and add a new paragraph (e) as follows:

§ 336.735-2 Definitions.

* * * * *

(d) "Special Corporation employee" means any employee serving with or without compensation for up to 130 days during any period of 365 days on a full-time or intermittent basis.

(e) "Affiliate" shall have the meaning described in 12 U.S.C. 1828(j).

§ 336.735-3 [Amended]

2. In § 336.735-3, in paragraph (b) substitute "Office of Personnel Management" for "Personnel Division"; amend paragraph (c) by changing "A Counselor" to "An Ethics Counselor", "Deputy Counselors" to "Deputy Ethics Counselors", and "Personnel Division" to "Office of Personnel Management"; and in paragraph (d) change "Counselor" to "Ethics Counselor".

3. In § 336.735-11, revise paragraph (b)(5) to read as follows:

§ 336.735-11 Gifts, entertainment and favors.

* * * * *

(b) * * *

(5) To the acceptance of loans from banks or other financial institutions on customary terms to finance proper and usual activities of employees such as home mortgage loans, except that:

(i) A corporation examiner or assistant examiner may not accept or become obligated on any extension of credit (including credit extended through the use of a credit card) by an insured State nonmember bank or its affiliate.

(ii) An attorney assigned to one of the Corporation's Regional Offices may not accept any gratuity, or accept or become obligated on an extension of credit by an insured State nonmember bank or its affiliate whose principal place of business is within the region in which the attorney is employed.

(iii) An assistant or deputy to the Board of Directors or its individual members, Division or Office heads who report directly to the Board of Directors or the individual members thereof, and the holder or holders of the position immediately subordinate to these Division or Office heads may not accept any gratuity, or accept or become obligated on an extension of credit by an insured State nonmember bank or its affiliate.[1]

(iv) The prohibitions described in (ii) and (iii) above shall not apply to credit extended through the use of a credit card, provided that the credit card is not issued by an insured State nonmember bank.

* * * * *

4. Retitle and revise § 336.735-13 to read as follows:

§ 336.735-13 Financial interests and obligations.

(a) No employee shall have a direct or indirect financial interest or obligation that conflicts, or appears to conflict, with the employee's duties and responsibilities to the Corporation. To avoid conflict or the appearance of conflict:

(1) No employee may own or control, directly or indirectly, any securities of an insured bank or its affiliates without full disclosure to and the approval of the Ethics Counselor. Disclosures will be made in accordance with § 336.735-13a(b).

(2) No employee may purchase directly or indirectly any securities of an insured bank or its affiliates while employed by the Corporation;

(3) The Ethics Counselor may grant an employee approval to retain a direct or indirect interest in the securities of an insured bank or its affiliates

[1] This paragraph includes an individual holding any of the positions on an "acting" or "temporary" basis.

if the employee's interest is considered so small as to not compromise the employee's integrity and judgment and:

(i) The interest was obtained before employment with the Corporation; or

(ii) The interest was obtained through circumstances beyond the employee's control, such as, but not limited to, inheritance, gift, or the acquisition by an insured bank or its affiliate of a non-bank entity in which the employee owned securities.

(4) Any employee whose ownership or controlling interest has been approved by the Ethics Counselor under subparagraph (3) will be disqualified under § 336.735-13a from participating in any decision which could have an economic impact on the bank in question.

(5) In cases where the Ethics Counselsor's approval is not granted, the employee will be required to divest [2] himself or herself of the interest within a reasonable period of time. The time period will be long enough to ensure that the employee does not suffer undue financial hardship as a result of the divestiture. An employee may also obtain review of a denial of approval by the Ethics Counselor prior to any divestiture by requesting such review within 15 days of the dental. This review shall be made by the Chairman of the Board of Directors.

(6) No employee may engage, directly or indirectly in a financial transaction where information regarding the transaction has been obtained primarily through his or her Corporation employment, unless the information is also in the public domain.

(7) In the event a merger, acquisition, or other transaction results in the existence of a credit extension prohibited by § 336.735-11(b)(5) (i), (ii), or (iii), the obligation will be removed. Whenever possible, consideration will be given to minimizing any financial loss to the employee. Before removal of the obligation, the employee will be disqualified under § 336.734-13a from participating in decisions having an economic impact on any insured State nonmember bank which is affiliated with the bank which extended the credit. If the employee is an examiner or assistant examiner he or she will not be permitted to examine an insured State nonmember bank affiliated with the bank which extended the credit.[3]

(8) An examiner or assistant examiner may become obligated on any extension of credit (including credit extended through use of a credit card) by a bank other than an insured State nonmember bank if—

(i) The lending bank is not affilated with an insured State nonmember bank; and

(ii) Full disclosure of the obligation and the date the obligation is fully repaid is made in writing to the Regional Director on an offical Corporation form designated for this purpose. The Regional Director shall also be notified of the repayment of the obligation. In the case of a bank credit card, these disclosure requirements are met if the Regional Director is notified in writing of the date of receipt of the card, the name of the bank acting as principal, and the date of the discontinuance if the card is destroyed or returned to the bank. Regional Directors will forward copies of the disclosures by examiners or assistant examiners to the Ethics Counselor.

(b) This § 336.735-13 does not preclude an employee from having a financial interest or engaging in financial transactions to the same extent as a private citizen not employed by the Corporation so long as the specific activity is not prohibited by law, the Executive Order, this § 336.735-13 or other provisions in this Part 336.

(c) Despite the restrictions in § 336.735-13(a), an employee may own shares in a publicly held mutual fund whose investments are primarily in the securities of nonfinancial corporations. This indirect financial interest in securities of a bank or other financial institution is considered too remote and inconsequential to affect the integrity of the employee's services.

5. Add a new § 336.735-13a to read:

§ 336.735-13a Disqualification from decisionmaking.

(a) An employee with an interest (other than an insured deposit) in a bank or other financial institution which is not prohibited by law, or an interest in bank, financial institution, or other entity which is or may be affected by a particular Corporation decision, will report the interest and be disqualified from participating in any such decision.

(b) Reports of interests required by this section shall be made as follows:

(1) Any employee who files an annual supplementary statement as described in § 336.735-34, and obtains a previously unreported interest subsequent to that filing, will report the interest within thirty days of the acquisition of the interest.

(2) Any employee not required to file an annual supplementary statement will report an interest within thirty days of his or her entrance on duty, or within thirty days of the acquisition of the interest, if acquired subsequent to his or her employment.

(3) Reports will be made on an official Corporation form designated for this purpose.

6. In § 336.735-17, revise paragraph (b) to read:

§ 336.735-17 Gambling, betting and lotteries.

* * * * *

(b) Related to internal solicitations approved by the Corporation for organizational support or welfare funds for employees, or similar Corporation-approved activities.

§ 336.735-18 [Amended]

7. In § 336.735-18, change the last word of the section title from "Government" to "Corporation."

§ 336.735-19 [Amended]

8. In § 336.735-19, add the phrase "prescribing general standards of conduct" to the end of paragraph (a); delete and reserve paragraph (e); and add a new paragraph (t) to read "The prohibition against accepting excessive honorariums (2 U.S.C. 441i)."

9. Retitle and revise § 336.735-31 as follows:

§ 336.735-31 Criteria to determine who must submit statements.

Except as provided in § 336.735-32, statements of employment and financial interest shall be filed by the following employees—

(a) Those paid at a level of the Executive Schedule in subchapter II of chapter 53 of title 5, United States Code.

(b) Positions which meet the following criteria:

(1) Positions the incumbent of which is responsible for making a Corporation decision or taking a Corporation action in regard to:

(i) Contracting or procurement;

(ii) Administering or monitoring grants or subsidies;

(iii) Regulating or auditing a private or other non-federal enterprise; or

(iv) Other activities where the decision or action has an economic impact on the interests of banks or any other non-federal enterprise.

(2) Positions which the Corporation determines require the incumbent to report employment and financial interest in order to carry out the purposes of law, Executive Order, this part, or any other Corporation regulations.

(3) Approval of the Civil Service Commission will be obtained before requiring the incumbent of a position below the GS-13 level to file a statement under this section.

10. Retitle and revise § 336.735-31a as follows:

---

[2] For purposes of this paragraph, a blind trust may be a form of divestiture. However, the blind trustee must not be related by blood or marriage to the employee and must not be an insured bank or affiliate of an insured bank.

[3] In a letter dated June 27, 1973, the Department of Justice concurred in these procedures and interpretation of the relevant statutes.

§ 336.735-31a Corporation employees required to file statements.

(a) The Corporation has determined that all positions enumerated in paragraphs (b) and (c) of this section meet the criteria described in § 336.735-31, and that the holders of these positions are required to file statements of employment and financial interest.

(b) The Ethics Counselor shall file a statement with the Chairman of the Board of Directors.

(c) The following employees shall file statements with the Ethics Counselor:

(1) Assistants to the Board of Directors;

(2) Deputies or Assistants to the individual Directors;

(3) Division and Office Heads who report directly to the Board of Directors or its individual members;

(4) The holder or holders of the position immediately subordinate to a Division or Office Head covered by subparagraph (3) (whether designated as Deputy, Assistant or any other title);

(5) Regional Directors:

(6) Assistant Regional Directors;

(7) Branch or comparable office heads;

(8) All commissioned bank examiners, as well as other employees of the Division of Bank Supervision who do not regularly examine banks but who are paid at or above the GS-13 level;

(9) Employees of the Division of Liquidation paid at or above the GS-13 level;

(10) Assessment Auditors paid at or above the GS-11 level;

(11) Those employees of the Administrative Services Branch and Service Branch paid at the GS-9 level or above who evaluate, recommend, purchase, or contract for equipment, materials and services required by the Corporation;

(12) Employees assigned to the Software and Hardware: Support and Evaluation Section paid at or above the GS-14 level;

(13) Individuals employed by the Corporation as attorneys, whether assigned to the Washington Office of the Legal Division, another Washington Division or Office, a Regional Office or a liquidation office. This paragraph does not include outside attorneys retained by the FDIC, and who are otherwise engaged in the private practice of law.

(d) An employee may object to the Ethics Counselor that his or her position has been improperly included as one requiring the submission of a statement of employment and financial interest. When an objection cannot be resolved or explained satisfactorily to the employee he or she shall be granted a review of the matter through the Corporation's grievance procedure.

11. Revise § 336.735-32 to read:

§ 336.735-32 Employees not required to submit statements.

Members of the Board of Directors are subject to separate reporting requirements under Section 401 of the Executive Order, and file their statements with the Civil Service Commission rather than with an employee of the Corporation under this Part.

12. Revise § 336.735-33 to read:

§ 336.735-33 Time and place for submission of employees' statements.

(a) An employee required to submit a statement of employment and financial interests under § 336.735-31 shall be advised in writing of this obligation by the Office of Personnel Management at least 15 days before the date the report is required.

(b) Employees shall file statements not later than thirty days after the effective date of this revision to Part 336 if employed on or before that effective date, or thirty days after entrance on duty or reassignment or promotion to a covered position.

(c) Notwithstanding any other provision in this section, filing may be required prior to employment or promotion for executive level persons and certain other senior positions.

13. Revise § 336.735-34 to read as follows:

§ 336.735-34 Supplementary statements.

(a) Changes in, or additions to, the information contained in an employee's statement of employment and financial interest shall be reported in a supplementary statement as of June 30 each year. If no changes or additions occur, a report to that effect is required.

(b) Employees required to file these annual supplementary statements must be advised in writing of this obligation, with a copy of the relevant reporting form. Except as otherwise provided by the Board of Directors, a letter to this effect shall be distributed by the Office of Personnel Management no later than June 15th with the instruction that the statement must be returned after July 1st, but no later than July 31st.

(c) The filing of the annual supplementary statement required of certain employees by this section does not authorize any person to engage in any activity or maintain any interest prohibited by law, regulation or order.

§ 336.735-38 [Amended]

14. In the last sentence of § 336.735-38, insert "Chairman of the" prior to "Civil Service Commission".

§ 336.735-40 [Amended]

15. In § 336.735-40 amend paragraph (b) by adding the following sentence after the word "patients": "Special Corporation employees who are relieved of the requirement of filing a statement include, but are not limited to: summer personnel, student interns, and individuals paid out of 'Imprest Funds' to assist in bank liquidations."

16. Revise § 336.735-41 to read as follows:

§ 336.735-41 Reviewing statements and reporting conflicts of interest.

(a) Annual supplementary statements submitted under § 336.735-34 will be reviewed by the Ethics Counselor by August 31. The Ethics Counselor may be assisted in his or her review by the deputy Ethics Counselors referred to in § 336.735-3(c).

(b) When a statement submitted under § 336.735-31 and § 336.735-34, or information from other sources indicates a possible conflict between the interests of an employee or special Corporation employee and the performance of his or her service for the Corporation:

(1) The Ethics Counselor shall investigate the matter and allow the employee or special Corporation employee a reasonable opportunity, orally and in writing, to explain why he or she does not believe a conflict or appearance of conflict exists.

(2) The Ethics Counselor shall attempt to resolve the matter expeditiously.

(3) If an employee is dissatisfied with the Ethics Counselor's proposed resolution, and the matter cannot be resolved by the September 30 following the filing of a required statement, the information concerning the conflict or appearance of conflict shall be reported to the Chairman of the Board of Directors for resolution.

Appendix A [Deleted]

17. Delete Appendix A and its contents.

(12 U.S.C. 1819; 5 CFR 735.104; E.O. 11222)

[FR Doc. 78-18219 Filed 6-29-78; 8:45 am]

[6750-01]

FEDERAL TRADE COMMISSION

[16 CFR Part 455]

SALE OF USED MOTOR VEHICLES

Publication of Presiding Officer's Report Regarding Proposed Trade Regulation Rule

AGENCY: Federal Trade Commission.

ACTION: Publication of Presiding Officer's Report.

SUMMARY: On September 15, 1976, the Presiding Officer published in the FEDERAL REGISTER (41 FR 39337) final notice of the proposed trade regulation rulemaking proceeding. The Presiding Officer's Report, required by the Commission's Rules of Practice for rulemaking (16 CFR 1.13(f)) consisting

of his summary, findings and conclusions with regard to the proposed rule and to those issues designated by him has been made public and placed on Public Record 215-54. A limited number of copies of the Presiding Officer's Report have been printed for distribution. When completed, the staff's report on the rulemaking record and its recommendations to the Commission also will be made public and notice thereof published in the FEDERAL REGISTER. The Presiding Officer's Report has not been reviewed or adopted by either the Bureau of Consumer Protection or the Commission itself and its publication should not be interpreted as reflecting the present views of the Commission or any individual Commissioner.

DATE: The 60-day period which the Rules of Practice for rulemaking (16 CFR 1.13(g)) provide for public comment on both the report by the Presiding Officer and the report of the staff will not commence until the staff's report has been made public and placed on the public record. Therefore, comment on the Presiding Officer's Report alone would be considered premature at this time.

FOR FURTHER INFORMATION CONTACT:

James P. Greenan, Presiding Officer, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, 202-724-1045.

Issued: June 30, 1978.

JAMES P. GREENAN,
Presiding Officer.

[FR Doc. 78-18236 Filed 6-29-78; 8:45 am]

[6560-01]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 561]

[FRL 920-5; FAP 6H5133/P11]

TOLERANCES FOR PESTICIDES IN ANIMAL FEEDS ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Proposed Feed Additive Tolerance for 4-Amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4-triazin-5(4H)-one

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

ACTION: Proposed rule.

SUMMARY: This notice proposes that a tolerance be established for residues of the herbicide 4-amino-6-(1,1-dimethylethyl)-3-(methylthio) - 1,2,4 - triazin-5(4*H*)-one. The proposal was submitted by Mobay Chemical Corp. This amendment to the regulations would establish a maximum permissible level for residues of the subject pesticide in dried tomato pomace.

DATE: Comments must be received on or before July 31, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Mr. Robert Taylor, Product Manager (PM) 25, Registration Division (WH-567), Office of Pesticide Programs, EPA, 202-426-2632.

SUPPLEMENTARY INFORMATION: On July 6, 1976, the EPA published in the FEDERAL REGISTER (41 FR 27776) a notice that Mobay Chemical Corp., Chemagro Agricultural Division, P.O. Box 4913, Hawthorne Road, Kansas City, Mo. 64120, had submitted a petition (FAP 6H5133). This petition proposed that 21 CFR 561.41 be amended by the establishment of a regulation permitting the use of the herbicide 4-amino-6-(1,1-dimethylethyl)- 3 -(methylthio-1,2,4-triazin-5(4*H*) - one and its triazinone metabolites in or on growing tomatoes with a tolerance limitation in dried tomato pulp of 0.2 part million (ppm). (This figure was in error and should have read 2 ppm. The 2 ppm tolerance is being proposed at this time to provide for public comment.) Subsequently, the petitioner amended the petition by changing "dried tomato pulp" to read "dried tomato pomace."

In addition, it is noted that a food additive tolerance was established (21 CFR 193.25) for residues of the subject herbicide in processed potatoes at 3 ppm. Since the feed item processed potato waste is encompassed by this general term, it is concluded that 21 CFR 561.41 should be amended by establishing a tolerance for residues of the subject herbicide in dried processed potato waste at 3 ppm.

The data submitted in the petition and all other relevant material have been evaluated, and it is concluded that the pesticide may be safely used in the prescribed manner when such use is in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973, 89 Stat. 751; 7 U.S.C. 13(a) et seq.). The toxicological data considered in support of the proposed tolerance included rat acute oral lethal dose (LD_{50}) studies, a rabbit teratogenicity study with a no-observable-effect level (NOEL) of 30 milligrams (mg)/kilogram (kg) of body weight (bw) (highest level fed), a rat teratogenicity study with an NOEL of 100 mg/kg bw (highest level fed), a 2-year dog-feeding study with an NOEL of 100 ppm, a 2-year rat feeding study with an NEL of 300 ppm, an 18-month mouse carcinogenicity study (negative at 2,500 ppm) (highest level fed), a three-generation rat reproduction study with an NOEL of 300 ppm, and a mouse mutagenicity study with an NOEL of 20 mg/kg bw (highest level fed).

Tolerances have previously been established (40 CFR 180.332) for residues of the subject herbicide on a variety of raw agricultural commodities at levels ranging from 7 ppm to 0.01 ppm. A feed additive tolerance of 0.3 ppm has also been established (21 CFR 561.41) for residues of the herbicide in sugarcane molasses. The acceptable daily intake (ADI) is 0.15 mg/kg bw/day, based on the 2-year rat feeding study and a 100-fold safety factor. The exposure of humans through dietary intake will not be affected by establishing this feed additive tolerance. An adequate analytical method (gas chromatography with electron-capture detection) is available for enforcement purposes.

There are no data considered desirable but currently lacking to support the proposed tolerance and no pending regulatory actions against continued registration of the herbicide. The established tolerances for residues in eggs and milk are adequate to cover secondary residues resulting from the proposed use as delineated in 40 CFR 180.6(a)(2). The established tolerances for residues in the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep are adequate to cover secondary residues resulting from the proposed use as delineated in 40 CFR 180.6(a)(1).

The pesticide is considered useful for the purpose for which a tolerance is sought, and it is concluded that the tolerance of 2 ppm established by amending 21 CFR 561.41 will protect the public health. Therefore, it is proposed that 21 CFR 561.41 be amended as set forth below. (A related proposed rulemaking document to amend 40 CFR 180.332 by establishing a tolerance for residues of the subject herbicide on tomatoes appears eleswhere in today's FEDERAL REGISTER.)

Any person who has registered, or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients herein may request, on or before July 31, 1978, that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition/document control number, "PP6H5133/P11". 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 section, Room 401, East Tower, 401 M Street SW., from 8:30 a.m. to 4 p.m., Monday through Friday.

Dated: June 22,1978.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

(Sec. 409, Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348).)

It is proposed that Part 561, Subpart A, § 561.41 be revised by reformatting the section into an alphabetized columnar listing and by adding the tolerance of 2 ppm in dried tomato pomace to read as follows:

§ 561.41 4-Amino-6-(1, 1-dimethylethyl)-3-(methylthio)-1,2,4-triazin-5(4*H*)-one.

Tolerances are established for combined residues of the herbicide 4-amino - 6 - (1,1 - dimethylethyl)-3-(methylthio)-1,2,4-triazin-5(4*H*)-one and its triazinone metabolites in the following processed feeds when present therein as a result of application of this herbicide to growing crops:

	Parts per million
Feed:	
Potato waste, processed (dried)	3
Sugarcane molasses	0.3
Tomato pomace, dried	2

[FR Doc. 78-18204 Filed 6-29-78; 8:45 am]

[3710-92]

DEPARTMENT OF DEFENSE

Corps of Engineers

[33 CFR Part 209]

ADMINISTRATIVE PROCEDURE

Port Access Routes in the North Atlantic Ocean

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Proposed rule.

SUMMARY: We are considering a system of Port Access Routes for the approaches to New York Harbor and Delaware Bay, to provide unobstructed passage for vessels through mineral lease areas on the North and Mid-Atlantic Outer Continental Shelf. The intended effect of this action is to insure navigational safety through areas of offshore oil and gas exploration and exploitation.

DATE: Comments must be received on or before August 15, 1978.

ADDRESS: Send Comments to: North Atlantic Division, Corps of Engineers, 90 Church Street, New York, N.Y 10007, Attn: NADCO-OP.

FOR FURTHER INFORMATION CONTACT:

Mr. Gerard Savage at 212-264-7536.

SUPPLEMENTARY INFORMATION: Department of the Army permits are required pursuant to law (67 Stat. 462; 43 U.S.C. 1333(f)) for artificial islands and fixed structures in waters covering the Outer Continental Shelf. The decision of whether or not to issue a permit is based on an evaluation of the impact of the proposed work on navigation and national security.

The Corps of Engineers and the U.S. Coast Guard are considering a system of Port Access Routes (PAR's) for the approaches to New York Harbor and Delaware Bay, to provide unobstructed passage through areas on the North and Mid-Atlantic Outer Continental Shelf leased for oil and gas exploration from the Bureau of Land Management (BLM) of the Department of the Interior. The concept of PAR's is designed to avoid the permanent nature of fairways and would provide an adequate margin of safety for vessel traffic while not unduly constraining oil and gas exploration.

The Port Access Routes were developed by the Coast Guard as an alternative to a proposal by the Council of American Master Mariners (CAMM) to establish permanent shipping safety fairways for the major North Atlantic ports. The concept calls for the establishment of two and four lane Port Access Routes with half of each route maintained free of fixed obstructions at all times. Structures would be permitted in alternate lanes and specifically prohibited in the adjacent lanes to provide for navigational safety. The shipping/exploration lanes would alternate on a biennial basis.

Accordingly, we propose to establish regulations in 33 CFR Part 209 as set forth below:

§ 209.131 Port Access Routes in the North Atlantic Ocean.

(a) Purpose. The Port Access Routes, as described in this section, are established to control the erection of structures therein to provide safe approaches to the entrances to the North Atlantic ports as designated in this section.

(b) Permits. Department of the Army permits are required pursuant to law (67 Stat. 462; 43 U.S.C. 1333(f)) for artificial islands and fixed structures in waters covering the Outer Continental Shelf. The Department of the Army will make a decision to issue or deny permits for the erection of exploratory structures in Port Access Routes upon the review of the structure's effect on navigation and national security. Permits that are issued would be conditioned to authorize oil and gas exploration during specified periods when exploration would not be permitted in adjacent lanes. The permitted and prohibited lanes will normally alternate every 2 years for as long as necessary during exploratory drilling operations. During the second 2-year period production activity will be permitted in lanes where exploration is then prohibited, provided that such production is by slant drilling, subsea completions, or other methods that will keep these lanes free of fixed surface platforms.

(c) Modification of the areas. The Port Access Routes are subject to modification but only after due notification and consideration of the view of interested parties.

(d) The Port Access Routes (PAR's).

(1) New York Harbor.

(i) New York-Nantucket. Four lanes (each lane 3.25 miles wide) beginning as a transition zone extending 10 miles seaward from the easternmost terminus of the eastern approach of the New York traffic separation schemes (points 1 and 2). The transition zone consists of four lanes that expand in width from 2.5 to 3.25 nautical miles (NM). The PAR then continues eastward to the 1,000-fathom curve (points 3 and 4). Where the PAR overlays the TSS eastern approach off Nantucket each lane is 2.5 miles in width in order to exclude the separation zone.

Point, Latitude, and *Longitude.*

1—40°32.3'N—73°04.9'W

2—40°19.3'N—73°05.0'W

3—40°39.8'N—66°36.7'W

4—40°26.6'N—66°55.0'W

(ii) New York-Southeast. Four lanes, each lane 3.25 miles wide beginning as a transition zone extending 10 miles seaward from the easternmost terminus of the southeastern approach of the New York traffic separation scheme (points 5 and 6). The transition zone consists of four lanes that expand in width from 2.5 to 3.25 nautical miles (NM). The PAR then continues eastward to the 1,000-fathom curve (points 7 and 8).

Point, Latitude, and *Longitude*

5—40°26.6'N—73°10.9'W

6—40°09.0'N—73°22.3'W

7—39°59.4'N—71°55.2'W

8—39°15.5'N—72°06.5'W

(2) East Approach. Two lanes (each lane 5 miles wide) beginning as a transition zone extending from the easternmost terminus of the Eastern Approach of the Delaware Bay traffic separation scheme (points 9 and 10 to points 11 and 12, which are joined by an arc with a 10-mile radius from Five Fathom Bank Lighted Horn Buoy F (LLNR 118)). Two 5 mile-wide lanes extend eastward to the 1,000-fathom curve (points 13 and 14).

Point, Latitude, and *Longitude*

9—38°49.8'N—74°34.6'W

10—39°44.8'N—74°34.6'W

11—38°50.2'N—74°22.7'W

12—38°40.4'N—74°25.5'W

13—38°25.6'N—73°11.0'W

14—38°18.0'N—73°21.2'W

(3) Southeast Approach. Two lanes (each lane 5 miles wide) beginning as a similar transition zone (with an arc having a 10-mile radius from Delaware Lighted Horn Buoy D (LLNR 124.01)) extending from the easternmost terminus of the Southeastern Approach of the Delaware Bay traffic separation scheme (points 15 and 16). The PAR would then continue seaward from points 17 and 18 to the 1,000-fathom curve (points 19 and 20).

Point, Latitude, and *Longitude*

15—38°28.8'N—74°39.3'W
16—38°25.8'N—74°44.3'W
17—38°23.4'N—74°30.0'W
18—38°17.4'N—74°40.4'W
19—37°38.2'N—73°47.5'W
20—37°26.1'N—73°52.0'W

(67 Stat. 462; U.S.C. 1333(f).)

NOTE.—The Corps of Engineers has determined that this document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order No. 11821 and OMB Circular A-107.

Dated: June 28, 1978.

Approved:

THORWALD N. PETERSON,
Colonel, Corps of Engineers, Executive Director, Engineer Staff.

[FR Doc. 78-18372 Filed 6-29-78; 8:45 am]

[3510-16]

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[37 CFR Parts 2 and 4]

TRADEMARK APPLICATIONS UNDER SECTION 44 OF THE TRADEMARK ACT OF 1946

Withdrawal of Proposed Rules

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Withdrawal of proposed rules.

SUMMARY: The Patent and Trademark Office hereby withdraws its rule proposals (FR Doc. 77-23095 published in the FEDERAL REGISTER on August 10, 1977, 42 FR 40450; 962 TMOG 2-4, September 6, 1977) regarding applications filed under section 44 of the Trademark Act of 1946.

Under the proposed rules, foreign applicants filing under section 44 (d) or (e) of the Trademark Act of 1946, as amended, 15 U.S.C. 1126, would no longer have been required to allege use of the mark somewhere or to submit specimens or facsimiles demonstrating such use.

The primary consideration for the withdrawal of this rules proposal was the strong objection voiced by several commenters that the proposed rule changes would have placed some United States nationals in a less favorable position than foreign nationals than is the case under the present rules.

EFFECTIVE DATE: June 30, 1978.

FOR FURTHER INFORMATION CONTACT:

J. Paul Williamson, Patent and Trademark Office, 703-557-2521.

SUPPLEMENTARY INFORMATION: A notice was published in the Official Gazette of the United States Patent and Trademark Office on April 30, 1974 (921 OG TM 250) detailing the procedure being followed by this Office in connection with applications filed under section 44 of the Trademark Act of 1946 without specimens and without a statement of use of the mark. That notice is hereby withdrawn and the procedure thereunder terminated. Henceforth, in order to receive a formal filing date, an application under section 44 must include in the application at least one specimen and a statement that the mark has been used.

Those applicants having cases now under suspension in this Office in accordance with the April 1974 Official Gazette notice will be notified individually of the Office policy regarding specimens and use as set out above.

Finally, the withdrawal of this rules proposal should in no way be interpreted as a diminution of the continuing support of the Department of Commerce and this Office for the Trademark Registration Treaty. Under that Treaty it will be possible to treat all applicants, foreign and domestic, equally in regard to initial use requirements for filing an application for trademark registration in the United States Patent and Trademark Office.

Dated: June 16, 1978.

DONALD W. BANNER,
Commissioner of Patents and Trademarks.

Approved:

JORDAN J. BARUCH,
Assistant Secretary for Science and Technology.

[FR Doc. 78-18301 Filed 6-29-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

[FRL 920-6; PPs 6F1783 & 6F1823/P74]

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

Proposed Tolerances for the Pesticide Chemical 4-Amino-6-(1,1-dimethylethyl) - 3 - (methyl thio)-1,2,4-triazin-5(4H)-one

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

ACTION: Proposed rule.

SUMMARY: This notice proposes to amend 40 CFR 180.332 by establishing tolerances for residues of the herbicide 4-amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4-triazin - 5(4*H*)-one. The request was submitted by Mobay Chemical Corp. This amendment to the regulations would establish maximum permissible levels for residues of the subject herbicide on lentils, lentil forage, lentil vine hay, peas, pea forage, pea vine hay, and tomatoes.

DATE: Comments must be received on or before July 31, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Mr. Robert Taylor, Product Manager (PM) 25, Registration Division (WM-567), Office of Pesticide Programs, EPA, 202-426-2632.

SUPPLEMENTARY INFORMATION: On July 6, 1976, notice was given (41 FR 27776) that Mobay Chemical Corp., Chemagro Agricultural Division, P.O. Box 4913, Hawthorne Road, Kansas City, Mo. 64120, had filed a petition (PP 6F1783) with the EPA. Also, on August 5, 1976 (41 FR 32777), the same firm filed PP 6F1823 with the Agency.

PP 6F1783 proposed to amend 40 CFR 180.332 by establishing a tolerance for combined residues of the herbicide 4-amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4 - triazin-5(4*H*)-one and its triazinone metabolites in or on the raw agricultural commodity tomatoes (whole, fresh) at 0.1 part per million (ppm). (A related document proposing the establishment of a feed additive regulation in dried tomato pulp appears elsewhere in today's FEDERAL REGISTER.)

PP 6F1823 proposed to amend 40 CFR 180.332 by establishing tolerances for combined residues of the

subject herbicide and its triazinone metabolites in or on the raw agricultural commodities lentils at 0.05 ppm, lentil forage and peas at 0.1 ppm, and pea forage at 0.5 ppm.

Subsequently, the petitioner amended the petitions by increasing the proposed tolerance on lentil forage from 0.1 ppm to 0.5 ppm; by changing "lentils" to read "lentils (dried);" by adding the new tolerances of 0.05 ppm on lentil vine hay, pea vine hay, and dried peas; and by changing "tomatoes (whole, fresh)" to read "tomatoes."

Because of the increase in the tolerance on lentil forage from 0.1 ppm to 0.5 ppm; the addition of the new tolerances of 0.05 ppm on lentil vine hay, pea vine hay, and dried peas; and the less restrictive wording on the commodity tomatoes, a potential increase in exposure to humans of the subject herbicide is possible. Thus, the tolerances are being proposed at this time to provide an opportunity for public comment.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerances included rat acute oral lethal dose (LD_{50}) studies; a rabit teratogenicity study with a no-observable-effect level (NOEL) of 30 miligrams (mg)/kilogram (kg) of body weight (bw) (highest level fed), a rat teratogenicity study with an NOEL of 100 mg/kg bw (highest level fed); a 2-year dog-feeding study with an NOEL of 100 ppm; a 2-year rat feeding study with an NOEL of 300 ppm, an 18-month mouse carcinogenicity study (negative at 2,500 ppm, the highest level fed); a three-generation rat reproduction study with an NOEL of 300 ppm; and a mouse mutagenicity study with an NOEL of 20 mg/kg bw (highest level tested).

Tolerances have previously been established (40 CFR 180.332) for residues of the subject herbicide on a variety of raw agricultural commodities at levels ranging from 7 ppm to 0.01 ppm. A feed additive tolerance of 0.3 ppm has also been established (21 CFR 561.41) for residues of the herbicide in sugarcane molasses, and the metabolism of the herbicide is adequately understood. The acceptable daily intake (ADI) is 0.15 mg/kg bw/day, based on a 2-year rat feeding study and a 100-fold safety factor. An adequate analytical method (gas chromatography with electron capture detection) is available for enforcement purposes.

There are no data considered desirable but currentlly lacking to support the proposed tolerances and no pending regulatory actions against continued registration of the herbicide.

The established tolerances for residues in the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep are adequate to cover secondary residues resulting from the proposed use as delineated in 40 CFR 180.6(a)(1).

The pesticide is considered useful for the purpose for which tolerances are sought, and it is concluded that the tolerances of 0.5 ppm, 0.1 ppm, and 0.05 ppm established by amending 40 CFR 180.332 will protect the public health.

It is proposed, therefore, that the tolerances 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 July 31, 1978, that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition/document control numbers, "PP6F1783 and 6F1823/P74". 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 Section, Room 401, East Tower, 401 M Street, from 8:30 a.m. to 4 p.m., Monday through Friday.

Dated: June 22, 1978.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

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

It is proposed that Part 180, Subpart C, § 180.332 be amended by alphabetically inserting tolerances of 0.5 ppm on lentil forage and pea forage, 0.1 ppm on peas and tomatoes, and 0.05 ppm on lentiles (dried), lentil vine hay, peas (dried), and pea vine hay in the list of commodities to read as follows:

§ 180.332 4-Amino-6-(1,1-dimethylethly)-3-(methylthio)-1,2,4-triazin-5(4*H*)-one; tolerances for residues.

* * * * *

Commodity:	*Parts per million*
* * * * *	
Lentils (dried)	0.05
Lentils, forage	0.5
Lentils, vine hay	0.05
* * * * *	
Peas	0.1
Peas (dried)	0.05
Peas, forage	0.5
Peas, vine hay	0.05
* * * * *	
Tomatoes	0.1

[FR Doc. 78-18203 Filed 6-29-78; 8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-30]

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

CHILD NUTRITION PROGRAM

Income Poverty Guidelines for Determining Eligibility for Free and Reduced-Price Meals and Free Milk

Pursuant to sections 9 and 17 of the National School Lunch Act, as amended (42 U.S.C. 1758 and 42 U.S.C. 1766), and sections 3 and 4(e) of the Child Nutrition Act of 1966, as amended (42 U.S.C. 1772 and 1773(e)), the income poverty guidelines for determining eligibility of children for free and reduced-price meals in the national school lunch program (7 CFR Part 210), school breakfast program (7 CFR Part 220), child care food program (7 CFR Part 226), and commodity only schools (7 CFR Part 210.15(a)) and for free milk in the special milk program (7 CFR Part 215) during the period July 1, 1978–June 30, 1979, are prescribed by the Secretary in the following tables.

Under the legislation and applicable regulations, schools and institutions which charge for meals separately from other fees, are required to serve free meals and free milk to all children from families whose income is at or below the applicable family size income level indicated by the Secretary's guidelines. Schools, and institutions which charge for meals separately from other fees, are required to serve reduced-price meals to all children from families whose incomes are at or below 95 percent above the applicable family size income levels in the guidelines.

Each State agency is required to prescribe income guidelines for both free and reduced-price meals and free milk by family size, for use by schools and institutions in the State. The State guidelines for free meals and for free milk may not be less than the applicable family size income level prescribed by the Secretary, and may not exceed the Secretary's guidelines by more than 25 percent. The State guidelines for reduced-price meals must be established at 95 percent in excess of the Secretary's guidelines.

For the convenience of State agencies, the tables also show the Secretary's income poverty guidelines when increased by 25 percent and when increased by 95 percent. The increased figures represent the maximum levels to be prescribed by State agencies in determining eligibility for free meals and free milk, and the mandatory level for reduced price meals, respectively. The Secretary's guidelines remain the minimum level for free meals and free milk. Guidelines for the Island of Guam are identical to those established for the State of Hawaii.

INCOME POVERTY GUIDELINES JULY 1, 1978 TO JUNE 30, 1979

Family size	Secretary's guidelines	Guideline levels when increased by	
		25 pct	95 pct
48 STATES, DISTRICT OF COLUMBIA, TERRITORIES EXCLUDING GUAM			
1	$3,350	$4,190	$6,530
2	4,400	5,500	8,580
3	5,450	6,810	10,630
4	6,490	8,110	12,660
5	7,450	9,310	14,530
6	8,410	10,510	16,400
7	9,280	11,600	18,100
8	10,150	12,690	19,790
9	10,940	13,680	21,330
10	11,730	14,660	22,870
11	12,510	15,640	24,390
12	13,290	16,610	25,910
Each additional family member	780	970	1,520
ALASKA			
1	$4,110	$5,140	$8,010
2	5,400	6,750	10,530
3	6,690	8,360	13,050
4	7,970	9,960	15,540
5	9,150	11,440	17,840
6	10,320	12,900	20,120
7	11,390	14,240	22,210
8	12,460	15,580	24,300
9	13,420	16,780	26,170
10	14,380	17,980	28,040
11	15,340	19,180	29,910
12	16,300	20,380	31,780
Each additional family member	960	1,200	1,870
HAWAII AND GUAM			
1	$3,690	$4,610	$7,200
2	4,850	6,060	9,460
3	6,000	7,500	11,700
4	7,150	8,940	13,940
5	8,200	10,250	15,990
6	9,250	11,560	18,040
7	10,210	12,760	19,910
8	11,170	13,960	21,780
9	12,040	15,050	23,480
10	12,910	16,140	25,180
11	13,780	17,230	26,870
12	14,650	18,310	28,560
Each additional family member	870	1,080	1,690

The Secretary's income poverty guidelines are based on the previous year's poverty level adjusted for the change in the Consumer Price Index for the 12-month period ending April 1978. This procedure is specified by section 9 of the National School Lunch Act, as amended (42 U.S.C. 1758). The Consumer Price Index is not computed for the State of Hawaii for the month of April. Therefore, the Secretary's income poverty guidelines for Hawaii and Guam are based upon the change in the Consumer Price Index for Hawaii and Guam for the 12-month period ending March 1978.

"Income," as the term is used in this notice is similar to that defined in the Bureau of the Census report, "Characteristics of the Low-Income Population: 1971," Consumer Income, Current Population Reports, series P-60, No. 86, December 1972. "Income" means income before deductions for income taxes, employees' social security taxes, insurance premiums, bonds, etc. It includes the following:

(1) Monetary compensation for services, including wages, salary, commissions, or fees; (2) net income from nonfarm self-employment; (3) net income from farm self-employment; (4) social security; (5) dividends or interest on savings or bonds, income from estates or trusts, or net rental income; (6) public assistance or welfare payments; (7) unemployment compensations; (8) Government civilian employee, or military retirement, or pensions or veterans' payments; (9) private pensions or annuities; (10) alimony or child support payments; (11) regular contributions from persons not living in the household; (12) net royalties; and (13) other cash income. Other cash income would include cash amounts received or withdrawn from any source including savings, investments, trust accounts, and other resources which would be available to pay the price of a child's meal.

"Income," as the term is used in this notice, does not include any income or benefits received under any Federal program which are excluded from consideration as income by any legislative prohibition, for example, income received by volunteers for services performed in the national older Americans volunteer program as stipulated in the Domestic Volunteer Services Act of 1973, Pub. L. 93-113, Title IV, § 418 (87 Stat. 413, 42 U.S.C. 5058); nor does the term include income used for

the following special hardship conditions which could not be reasonably anticipated or controlled by the household:

(1) Unusually high medical expenses; (2) shelter costs in excess of 30 percent of income as defined herein; (3) special education expenses due to the mental or physical condition of a child; and (4) disaster or casualty losses. Furthermore, the value of assistance to children or their families shall not be considered as income if prohibited by the authorizing legislation, e.g., the National School Lunch Act, the Child Nutrition Act of 1966, and the Food Stamp Act of 1964.

In applying guidelines, school food authorities may consider both the income of the family during the past 12 months and the family's current rate of income to determine which is the better indicator of the need for free and reduced-price meals; *Provided, however,* That children whose parents or guardians become unemployed shall be eligible for free or reduced price meals or free milk during the period of unemployment, if the loss of income causes the current rate of family income to be within the eligibility criteria of the school food authority.

Effective date: This notice shall become effective July 1, 1978.

Dated: June 27, 1978.

CAROL TUCKER FOREMAN,
Assistant Secretary for Food and Consumer Services.

[FR Doc. 78-18252 Filed 6-29-78; 8:45 am]

[3410-15]

Rural Electrification Administration

BASIN ELECTRIC POWER COOPERATIVE, BISMARCK, N. DAK.

Proposed Loan Guarantee

Under the Authority of Pub. L. 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20-22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $1,327,867,000 to Basin Electric Power Cooperative of Bismarck, N. Dak. These loan funds will be used to finance an electric generating station near Beulah, N. Dak., consisting of two 455 MW lignite-fired steam electric generating units; associated 500 kV and 345 kV transmission facilities; mining equipment purchases and mining development costs; and certain related impact alleviation facilities.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed project, including the engineering and economic feasibility studies and the proposed schedule for the advances to the borrower of the guaranteed loan funds from Mr. James L. Grahl, Manager, Basin Electric Power Cooperative, 1717 East Interstate Avenue, Bismarck, N. Dak. 58501.

In order to be considered, proposals must be submitted by July 31, 1978 to Mr. Grahl. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Basin Electric Power Cooperative and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20-22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 23d day of June 1978.

DAVID A. HAMIL,
Administrator, Rural Electrification Administration.

[FR Doc. 78-18288 Filed 6-29-78; 8:45 am]

[3410-16]

Soil Conservation Service

CHARLES FORK PUBLIC WATER-BASED FISH AND WILDLIFE RECREATION RC&D MEASURE, WEST VIRGINIA

Intent Not To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Charles Fork Public Water-Based Fish and Wildlife and Recreation RC&D Measure, Roane County, W. Va.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Craig M. Right, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for construction of facilities to provide public water-based fish and wildlife and recreational opportunities. the planned works of improvement include establishment of one fisherman access site which includes a boat launching ramp, access road, sanitary facilities, and parking area.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Craig M. Right, State Conservationist, Soil Conservation Service, P.O. Box 865, Morgantown, W. Va. 26505, 304-599-7151. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until July 31, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, (16 U.S.C. 590a-f, q).)

Dated: June 23, 1978.

EDWARD E. THOMAS,
Assistant Administrator for Land Resources, Soil Conservation Service.

[FR Doc. 78-18228 Filed 6-29-78; 8:45 am]

[3410-16]

DELTA COUNTY ROADS CRITICAL AREA TREATMENT RC&D MEASURE, MICH.

Intent Not To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Delta County Roads Critical Area Treatment RC&D Measure, Delta County, Mich.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a resut of these findings, Mr. Arthur H. Cratty, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include the installation of approximately 5 acres of

critical area planting which includes land shaping, planting adapted grasses and legumes, mulching, sodding, and fencing and four 12-inch grade stabilization structures. This will be installed on seven road sites in the county. Total construction costs are approximately $63,000; $42,000 RC&D funds and $21,000 local funds.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Arthur H. Cratty, State Conservationist, Soil Conservation Service, 1405 South Harrison Road, East Lansing, Mich. 48823, 517-372-1910, Ext. 242. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until July 31, 1978.

(Catalog of Federal Domestic Asistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, (16 U.S.C. 590 a-f, q).)

Dated: June 23, 1978.

EDWARD E. THOMAS,
Assistant Administrator of Land Resources, Soil Conservation Service.

[FR Doc. 78-18229 Filed 6-29-78; 8:45 am]

[3410-16]

MEDFORD CITY PARK RECREATION RC&D MEASURE, WIS.

Intent Not To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); and the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Medford City Park Recreation RC&D Measure, Taylor County, Wis.

The environmental assessment of this federally assisted action indicates that the project will not cause significant adverse local, regional, or national impacts on the environment. As a result of these findings, Mr. J. C. Hytry, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this measure.

The measure concerns a plan for a water-based recreation development. The planned works of improvement include facilities for picnic sites, water supplies, sanitary facilities, electrical service, access roads, hiking trails, group shelters, playground equipment, parking spaces on about 54 acres of land adjacent to Black River, and a 19-acre mill pond on the Black River.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. J. C. Hytry, State Conservationist, Soil Conservation Service, 4601 Hammersley Road, Madison, Wis. 53711, 608-252-5341. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until July 31, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, (16 U.S.C. 590 a-f, q).)

Dated: June 23, 1978.

EDWARD E. THOMAS,
Assistant Administrator for Land Resources, Soil Conservation Service.

[FR Doc. 78-18230 Filed 6-29-78; 8:45 am]

[3410-16]

PARKERSBURG COMMUNITY COLLEGE LAND DRAINAGE, RC&D MEASURE, WEST VIRGINIA

Intent Not To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Parkersburg Community College Land Drainage RC&D Measure, Wood County, West Virginia.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Craig M. Right, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for drainage of 3 acres of wet soils on the college campus. The planned works of improvement include land smoothing and shaping, surface and subsurface water management structures, and vegetation of disturbed areas.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Craig M. Right, State Conservationist, Soil Conservation Service, 75 High Street, P.O. Box 865, Morgantown, W.Va. 26505, 304-599-7151. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until July 31, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703 (16 U.S.C. 590a-f, q).)

Dated: June 23, 1978.

EDWARD E. THOMAS,
Assistant Administrator for Land Resources, Soil Conservation Service.

[FR Doc. 78-18231 Filed 6-29-78; 8:45 am]

[3410-16]

SYCAMORE TRAILS RC&D AREA, CLOVERDALE COMMUNITY SCHOOLS LAND DRAINAGE RC&D MEASURE, INDIANA

Intent Not To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Cloverdale Community Schools Land Drainage RC&D Measure, Putnam County, Ind.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Buell M. Ferguson, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for land drainage. The planned works of improvement include approximately 11,000 feet of subsurface drains, 600 feet of diversion, and several surface inlets.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Buell M. Ferguson, State Conservationist, Soil Conservation Service, Atkinson Square-West, Suite 2200, 5610 Crawfordsville Road, Indianapolis, Ind. 46224, 317-269-6515. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until July 31, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, (16 U.S.C. 590a-f, q).)

Dated: June 23, 1978.

EDWARD E. THOMAS,
Assistant Administrator of Land Resources, Soil Conservation Service.

[FR Doc. 78-18232 Filed 6-29-78; 8:45 am]

[3410-16]

TIFFIN TRACTS FARM IRRIGATION RC&D MEASURE, MONTANA

Intent Not To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Tiffin Tracts Farm Irrigation RC&D Measure, Ravalli County, Mont.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Van K Haderlie, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project. The original measure plan for this project was approved February 22, 1977. None of the project measures have been constructed. The measure plan is now being revised to expand the project area.

The revised measure concerns a plan for converting three existing diversions and an open ditch irrigation system to one new diversion and gravity sprinkler irrigation system. Booster pumps will be necessary to obtain desired pressures for a portion of the area. The planned works of improvement include a new diversion in Kootenai Creek, approximately 3.7 miles of pressure pipeline and necessary appurtenances. There will be approximately 444 acres of onfarm sprinkler systems, irrigation water management, and pasture management installed.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Van K Haderlie, State Conservationist, Soil Conservation Service, Federal Building, Bozeman, Mont. 59715, 406-587-5271. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until July 31, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590a-f, q).)

Dated: June 23, 1978.

EDWARD E. THOMAS,
Assistant Administrator for Land Resources, Soil Conservation Service.

[FR Doc. 78-18233 Filed 6-29-78; 8:45 am]

[3410-10]

Office of the Secretary

MEAT IMPORT LIMITATIONS

Third Quarterly Estimate

Pub. L. 88-482, approved August 22, 1964 (hereinafter referred to as the act), provides for limiting the quantity of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep, except lamb (TSUS 106.20), which may be imported into the United States in any calendar year. Such limitations are to be imposed when it is estimated by the Secretary of Agriculture that imports of such articles, in the absence of limitations during such calendar year, would equal or exceed 110 percent of the estimated quantity of such articles, prescribed by section 2(a) of the act.

In accordance with the requirements of the act, the following third quarterly estimates for 1978 are published.

1. The estimated aggregate quantity of such articles which would, in the absence of limitations under the act, be imported during calendar year 1978 is 1,492.3 million pounds.

2. The estimated aggregate quantity of such articles prescribed by section 2(a) of the act during the calendar year 1978 is 1,183.9 million pounds.

Since the estimated quantity of imports exceeds 110 percent of the estimated quantity prescribed by section 2(a) of the act, under the act limitations for the calendar year 1978 on the importation of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep (TSUS 106.20) are required to be imposed but may be suspended by the President pursuant to section 2(d) of Pub. L. 88-482.

Done at Washington, D.C., this 22d day of June 1978.

BOB BERGLAND,
Secretary.

[FR Doc. 78-18162 Filed 6-29-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[Docket 32710]

SAN FRANCISCO-RENO-ALBUQUERQUE-TEXAS SERVICE INVESTIGATION

Corrected Notice of Prehearing Conference

Line four of paragraph two should read as follows: "in addition to those set out at ordering paragraph 3 of"

Dated at Washington, D.C., June 26, 1978.

MARVIN H. MORSE,
Administrative Law Judge.

[FR Doc. 78-18254 Filed 6-29-78; 8:45 am]

[6335-01]

CIVIL RIGHTS COMMISSION

OHIO 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 Ohio Advisory Committee (SAC) of the Commission will convene at 10 a.m. and will end at 3:30 p.m. on July 22, 1978, in the Holiday Inn-Downtown Summit and Jefferson Street, Toledo, Ohio 43604.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32d Floor, Chicago, Ill. 60604.

The purpose of this meeting is to finalize projects proposals for fiscal year 1979 and 1980 open discussion with community.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., June 26, 1978.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 78-18253 Filed 6-29-78; 8:45 am]

[3510-25]

DEPARTMENT OF COMMERCE

Industry and Trade Administration

IMPORTERS' TEXTILE ADVISORY COMMITTEE

Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Importers' Textile Advisory Committee will be held on July 19, 1978, at 10:30 a.m. in Room 4833, Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

The Committee was established by the Secretary of Commerce on August 13, 1963, to advise U.S. Government officials of the effects on import markets of cotton, wool and man-made fiber textile agreements.

The agenda for the meeting will be as follows:

1. Review of import trends.
2. Implementation of textile agreements.
3. Report on conditions in the domestic market.
4. Other business.

A limited number of seats will be available to the public on a first-come basis. The public may file written statements with the Committee before or after each meeting. Oral statements may be presented at the end of the meetings to the extent time is available.

Copies of the minutes of the meeting will be made available on written request addressed to the ITA Freedom of Information Officer, Freedom of Information Control Desk, Room 3012, U.S. Department of Commerce, Washington, D.C. 20230.

Telephone requests for the minutes of the meetings and requests for further information concerning the Committee may be directed to Arthur Garel, Director, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-377-5078.

Dated: June 26, 1978.

ARTHUR GAREL,
Director, Office of Textiles.

[FR Doc. 78-18223 Filed 6-29-78; 8:45 am]

[3510-12]

National Oceanic and Atmospheric Administration

FLOWER GARDEN BANKS PROPOSED MARINE SANCTUARY

Availability of White Paper

The Office of Ocean Management of National Oceanic and Atmospheric Administration hereby provides notice of availability of the white paper for the proposed designation of the Flower Garden Banks marine sanctuary, pursuant to Title III of the Marine Protection, Research and Sanctuaries Act.

Title III of the Marine Protection, Research, and Sanctuaries Act of 1972 authorizes the Secretary of Commerce, with the approval of the President, to designate ocean waters as marine sanctuaries for the purpose of preserving or restoring their conservation, recreational, ecological, or esthetic values. The act requires formal consultation with the Secretaries of State, Defense, Interior, Transportation, the Administrator of the Environmental Protection Agency, and other interested agencies prior to designation. The responsibility for implementing the marine sanctuary program has been delegated to the Director of the Office of Ocean Management in the National Oceanic and Atmospheric Administration.

The public response to this document will be a critical factor in the determination by the Director of the Office of Ocean Management, National Oceanic and Atmospheric Administration (NOAA) whether or not to proceed with the designation. If a decision to proceed is made, the Office of Ocean Management will, under the National Environmental Policy Act, prepare draft and final Environmental Impact Statements and hold public hearings on (1) the designation of the marine sanctuary and, (2) the regulations promulgated to protect the sanctuaries resources.

Single copies may be obtained by a written request. Comments on this white paper and any aspect of the proposal to designate the Flower Garden Banks as a marine sanctuary are encouraged. Comments may be sent by July 30, 1978, to:

Dail W. Brown, Office of Ocean Management, 2001 Wisconsin Avenue NW., Washington, D.C. 20235.

Dated: June 28, 1978.

T. P. GLEITER,
Assistant Administrator for Administration.

[FR Doc. 78-18381 Filed 6-29-78; 8:45 am]

[3510-25]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

REPUBLIC OF CHINA

New Official Authorized To Issue Visas and Exempt Certifications for Cotton, Wool and Manmade Fiber Textile Products Exported

JUNE 27, 1978.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Announcing a new official authorized by the Government of the Republic of China to issue export visas and exempt certifications for certain cotton, wool and manmade fiber textile products.

SUMMARY: The Government of the Republic of China has informed the U.S. Government that, effective on August 1, 1978, Mr. L. K. Chao of the Taiwan Textile Federation will succeed Mr. Chiu-Yeh Liu as the offical authorized to issue export visas and exempt certifications for textile products exported to the United States under the terms of the Bilateral Cotton, Wool and Manmade Fiber Textile Agreement of June 8, 1978, between the Governments of the United States and the Republic of China.

EFFECTIVE DATE: Mr. L. K. Chao will begin issuing export visas and exempt certifications on August 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Judith L. McConahy, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230 202-377-5423.

SUPPLEMENTARY INFORMATION: On October 3, 1972 and April 24, 1973 letters from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs were published in the FEDERAL REGISTER (37 FR 20745 and 38 FR 10132), which established, respectively, an export visa requirement for textile products exported to the United States from the Republic of China and a certification for textile products which are exempt from the agreement. One of the requirements is that the visas and certifications must be signed by an official authorized by the Government of the Republic of China. The letter published below transmits to the Commissioner of Customs the name of Mr. L. K. Chao, who is authorized to issue visas and exempt certifications, effective on August 1, 1978. It further provides that shipments of textile products, exported to the United States from the Republic of China before August 1, 1978, shall

not be permitted entry for consumption on and after November 1, 1978, but may be withdrawn from warehouse for consumnption after November 1, 1978, if entered for warehouse before that date, and provided all other visa and exempt certification requirements have been met. A facsimile of the signature of Mr. L. K. Chao is filed as part of the original document with the Office of the Federal Register.

ARTHUR GAREL,
Acting Chairman, Committee for the Implementation of Textile Agreements.

JUNE 27, 1978.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: This directive further amends, but does not cancel, the directive of September 27, 1972 from the Chairman, Committee for the Implementation of Textile Agreements, that directed you to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of certain cotton, wool, and man-made fiber textile products, produced or manufactured in the Republic of China, for which the Government of China had not issued a visa. It also further amends, but does not cancel, the directive of April 19, 1973, which established a certification requirement for entry into the United States for consumption and withdrawal from warehouse for consumption of certain textile products which are exempt from the levels of restraint of the bilateral agreement.

One of the requirements is that the visas and exempt certifications include the signature of an official authorized by the Government of the Republic of China.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of June 8, 1978, between the Governments of the United States and the Republic of China; and in accordance with the provisions of Executive Order No. 11651 of March 3, 1972, as amended by Executive Order No. 11951 of January 6, 1977, the directives of September 27, 1972 and April 19, 1973 are hereby further amended, effective on August 1, 1978, to authorize Mr. L. K. Chao to issue visas and exempt certifications, succeeding Mr. Chiu-Yeh Liu. Shipments of textile products exported before August 1, 1978 that have been authorized by Mr. Chiu-Yeh Liu shall not be permitted entry for consumption on and after Nomvember 1, 1978, but may be withdrawn from warehouse for consumption after November 1, 1978, if entered for warehouse before that date, and provided all other visa and exempt certification requirements have been met.

The actions taken with respect to the Government of the Republic of China and with respect to imports of cotton, wool, and man-made fiber textile products from the Republic of China have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ARTHUR GAREL,
Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 78-18224 Filed 6-29-78; 8:45 am]

[3510-25]

REPUBLIC OF KOREA

Announcing Additional Import Controls on Certain Wool and Man-Made Fiber Textile Products

JUNE 27, 1978.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Controlling certain wool shirts and blouses in category 440 and certain man-made fiber yarns in category 605 from the Republic of Korea at respective levels of 199,999 dozen and 2,571,429 pounds during the 12-month period which began on January 1, 1978.

(A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 3421), March 3, 1978 (43 FR 8828), and June 22, 1978 (43 FR 26773).)

SUMMARY: Under the terms of paragraph 16 of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 23, 1977, as amended, between the Governments of the United States and the Republic of Korea, the Government of the United States has decided to control imports of wool textile products in category 440 and man-made fiber textile products in category 605, produced or manufactured in the Republic Of Korea and exported to the United States during the 12-month period which began on January 1, 1978, in addition to those categories previously designated (see 42 FR 65246).

EFFECTIVE DATE: July 3, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert C. Woods, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, 202-377-5423.

SUPPLEMENTARY INFORMATION: On December 30, 1977, there was published in the FEDERAL REGISTER (42 FR 65246) a letter dated December 27, 1977 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs which established levels of restraint for certain specified categories of cotton, wool, and man-made fiber textile products, produced or manufactured in the Republic of Korea, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the 12-month period which began on January 1, 1978 and extends through December 31, 1978. In accordance with the terms of the bilateral agreement, the U.S. Government has decided also to control imports in categories 440 and 605 during the agreement year which began on January 1, 1978. Accordingly, there is published below a letter from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that imports in these categories be limited to the designated amounts. The levels of restraint have not been adjusted to reflect any imports after December 31, 1977. Adjustments will be made to account for imports during the period beginning on January 1, 1978 and extending through June 30, 1978.

ARTHUR GAREL,
Acting Chairman, Committee for the Implementation of Textile Agreements.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: This directive amends, but does not cancel, the directive issued to you on December 27, 1977 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool, and man-made fiber textile products, produced or manufactured in the Republic of Korea.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of December 23, 1977, as amended, between the Governments of the United States and the Republic of Korea; and in accordance with the provisions of Executive Order No. 11651 of March 3, 1972, as amended by Executive Order No. 11951 of January 6, 1977, you are directed to prohibit, effective on July 3, 1978 and for the 12-month period beginning on January 1, 1978 and extending through December 31, 1978, entry into the United States for consumption and withdrawal from warehouse for consumption of wool textile products in category 440 and man-made fiber textile products in category 605, produced or manufactured in the Republic of Korea, in excess of the following levels of restraint:

Category—12-month level of restraint[1]

440—199,999 dozen.
605—2,571,429 pounds of which not more than 1,303,951 pounds shall be in T.S.U.S.A. number 316.6020.

Wool and man-made fiber textile products in categories 440 and 605 which have been exported to the United States prior to January 1, 1978 shall not be subject to this directive.

---

[1]The levels of restraint have not been adjusted to reflect any imports after December 31, 1977.

Wool and man-made fiber textile products in categories 440 and 605 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

(A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 3421), March 3, 1978 (43 FR 8828) and June 22, 1978 (43 FR 26773).)

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of wool and man-made fiber textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ARTHUR GAREL,
Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 78-18226 Filed 6-29-78; 8:45 am]

[6820-33]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1978

Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Addition to Procurement List.

SUMMARY: This action adds to Procurement List 1978 a service to be provided by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: June 30, 1978.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Va. 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, 703-557-1145.

SUPPLEMENTARY INFORMATION: On April 7, 1978 the Committee for Purchase from the Blind and Other Severely Handicapped published notice (43 FR 14711) of proposed addition to Procurement List 1978, November 14, 1977 (42 FR 59015).

After consideration of the relevant matter presented, the Committee has determined that the service listed below is suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

Accordingly, the following service is hereby added to Procurement List 1978:

SIC 0782

Grounds Maintenance (SH). Cemetery Grounds (including opening and closing graves), Fort Lawton, Wash.

E. R. ALLEY, Jr.,
Acting Executive Director.

[FR Doc. 78-18222 Filed 6-29-78; 8:45 am]

[3810-70]

DEPARTMENT OF DEFENSE

Defense Nuclear Agency (DNA)

SCIENTIFIC ADVISORY GROUP ON EFFECTS (SAGE)

Closed Meeting

NAME OF COMMITTEE: Scientific Advisory Group on Effects (SAGE).

DATES: August 22-25, 1978.

PLACE: Presidio of San Francisco, Calif.

AGENDA: August 22 (0900-1700), August 23 (0830-1700), and August 24 (0830-1800); Presentations, Discussions and Executive Sessions on Nuclear Targeting Policies. August 25 (0830-1200); Executive Sessions on CTB Issues and the DNA FY 79 Program.

The presentations and discussions in the above cited agenda will focus on current and planned RDT&E programs sponsored by the Defense Nuclear Agency (DNA). Executive sessions will be held for the primary purpose of advising the Director, DNA as to the adequacy of ongoing and planned programs. All planned presentations, discussions, and executive sessions will include classified defense information; therefore, under the provisions of sections 552b(c) (1) and (3), Title 5, U.S.C., this meeting is closed to the public.

Any additional information concerning the meeting may be obtained from the undersigned, attention: DDST, Headquarters, Defense Nuclear Agency, Washington, D.C. 20305.

OTTO D. LAURSEN,
LTC, USA,
Scientific Secretary, SAGE.

JUNE 9, 1978.

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

JUNE 26, 1978.

[FR Doc. 78-18221 Filed 6-29-78; 8:45 am]

[3810-71]

Department of the Navy

PRIVACY ACT OF 1974

System of Record Amendment

AGENCY: Department of the Navy.

ACTION: Notification of an amendment of a Navy system of records.

SUMMARY: The Navy proposes to amend an existing system of records subject to the Privacy Act of 1974. The specific changes to the system being amended are set forth below followed by the complete record system in its entirety as amended.

DATES: This record system shall be amended as proposed without further notice on July 31, 1978, unless comments are received on or before July 31, 1978, which would result in a contrary determination and require republication for further comments.

ADDRESS: Send comments to the system manager identified in the record system notice.

FOR FURTHER INFORMATION CONTACT:

Mr. Donald Carr, Office of the Chief of Naval Operations (OP-09B1P), Department of the Navy, The Pentagon, Washington, D.C. 20350, 202-697-1459.

SUPPLEMENTARY INFORMATION: The Department of the Navy notices of systems of records inventory subject to the Privacy Act of 1974 (5 U.S.C. 552a), Pub. L. 93-579, have been published in the FEDERAL REGISTER as follows:

FR Doc. 77-28255 (42 FR 51229) September 28, 1977.
FR Doc. 77-36226 (42 FR 64333) December 22, 1977.
FR Doc. 78-3001 (43 FR 5472) February 8, 1978.
FR Doc. 78-10410 (43 FR 16367) April 18, 1978.

The proposed amendments to this record system published on September 28, 1977, at 42 FR 51256, are not within the purview of the provisions of 5 U.S.C. 552a(o) of the Privacy Act which requires the submission of a new or altered system report.

Dated: June 27, 1978.

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

N00018 10

System name: Child Advocacy Program File (42 FR51256).

Changes:

System name: Delete "Child" and substitute "Family."

System location: In the fourth line of the paragraph add the word "for-

merly" before the word "dispensaries" inside the parenthesis.

Categories of individuals covered by the system: After the word "all" at the beginning of the paragraph delete "children" and substitute "beneficiaries". At the end of the paragraph delete "children" and substitute "beneficiaries".

Categories of records in the system: In the second line of the paragraph delete the word "child" and substitute "family member" * * *. In the third line delete the word "child" and substitute "family" * * *. In the fifth line delete "child" and substitute "family" * * *.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: In the second paragraph, fourth line, delete the word "child" and substitute "family" and in the fifth line delete the word "child" and substitute "family member" * * *. In the fourth paragraph, third line delete the word "child".

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Retrievability: In the second line delete the word "child" and substitute "family member" * * *.

Retention and disposal: At the beginning of the paragraph delete "child" and substitute the word "family" * * *.

Notification procedures: In the second sentence of the paragraph, delete the word "child" and substitute the word "individual" * * *.

N00018 10

System name:

Family Advocacy Program System.

System location:

Central Registry—Chief, Bureau of Medicine and Surgery, Navy Department, Washington, D.C. 20372. Individual case files—Naval regional medical centers, naval hospitals and clinics (formerly despensaries), and duty stations of the military sponsors. (Mailing addresses of duty stations are listed in the DOD directory in the appendix to the component system notice.)

Categories of individuals covered by the system:

All beneficiaries entitled to care at Navy medical and dental facilities whose abuse or neglect is brought to the attention of appropriate authorities, and all persons suspected of abusing or neglecting such beneficiaries.

Categories of records in the system:

Medical records of suspected and confirmed cases of family member abuse or neglect, also, investigative reports correspondence, family advocacy committee reports, followup and evaluative reports, and any other supportive data assembled relevant to individual family advocacy progam files.

Authority for maintenance of the system:

5 U.S.C. 301, 10 U.S.C. 5132, and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Officials and employees duties relating to health and medical treatment of members and former members of the uniformed services, civilians, and dependents receiving medical care under Navy auspices; determining qualifications and suitability of Navy and Marine Corps personnel for various programs, duty assignments, and fitness for continued military service; and performance of research studies of compilation of statistical data.

Officals and employees of other components of the Department of Defense and other departments and agencies of the executive branch of government, in the performance of their offical duties relating to the coordination of family advocacy programs, medical care, and research concerning family member abuse and neglect.

The Attorney General of the United States or his authorized representatives, in connection with litigation or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representatives of the executive branch agencies.

Federal, State, or local government agencies when it is deemed appropriate to utilize civilian resources in the counseling and treatment of individuals or families involved in abuse or neglect or when it is deemed appropriate or necessary to refer a case to civilian authorities for civil or criminal law enforcement.

Authorized officials and employees of the National Academy of Sciences, and private organizations and individuals for authorized health research in the interest of the Federal Government and the public; and authorized surveying bodies for professional certification and accreditation.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records may be stored in file folders, microfilm, magnetic tape, punched cards, machine lists, discs, and other computerized or machine readable media.

Retrievability:

Records are retrieved by name of the abused or neglected family member and the social security number of the sponsor or guardian.

Safeguards:

Records are maintained in various kinds of filing equipment in specified monitored or controlled access rooms or areas. Public access is not permitted. Records are accessible only to authorized personnel who are properly screened and trained, and on a need-to-know basis, only. Computer terminals are located in supervised areas, with access controlled by password or other use code system.

Retention and disposal:

Family advocacy case records are maintained at the activity having cognizance of the case for a period of 5 years and are then destroyed. Central registry records are permanently retained under the control of the Bureau of Medicine and Surgery.

System manager(s) and address:

Central Registry—Chief, Bureau of Medicine and Surgery, Navy Department, Washington, D.C. 20372—and commanding officers of medical treatment facilities under the command of the Chief, Bureau of Medicine and Surgery, where the treatment and reporting occurred.

Notification procedure:

Information requests should be directed to the cognizant system manager(s). Requests should contain the full name of the individual and social security number of the military or civilian sponsor or guardian, date and place of treatment, and alleged reporting of incident. The requester may visit the Office of the Chief, Bureau of Medicine and Surgery, 23d and E Streets NW., Washington, D.C., and the commanding officers of the individual medical treatment facilities to obtain information on whether or not the system contains records pertaining to him or her. Armed Forces identification card or other type of identification bearing the picture and signature of the requester will be considered adequate proof of identity.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the system manager.

Record source categories:

Reports from physicians and other medical department personnel regarding the results of physical, dental, mental, and other examinations, treatment, evaluation, consultation, laboratory, X-ray, and special studies; re-

ports and information from other sources, including educational institutions, medical institutions, law enforcement agencies, public and private health and welfare agencies, and witnesses.

Systems exempted from certain provisions of the act:

Part of this system may be exempt under 5 U.S.C. 552a(k) (2) and (5), as applicable. For additional information, contact the system manager(s).

[FR Doc. 78-18220 Filed 6-29-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

Economic Regulatory Administration

CANADIAN CRUDE OIL ALLOCATION PROGRAM

Supplemental Allocation Notice for April 1 Through June 30, 1978 Allocation Period

In accordance with § 214.32(c) of the Mandatory Canadian Crude Oil Allocation Regulations, 10CFR Part 214, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby issues a supplemental allocation notice to reflect a modification in the export level of Canadian light crude oil for the month of June 1978. The modification of the export level of Canadian light crude oil is due to underliftings in April 1978 and a change in operational constraints for June.

The revised issuance of Canadian crude oil rights for the April 1, 1978, through June 30, 1978, allocation period to refiners and other firms is set forth in the Appendix to this notice. As to this allocation period, the Appendix lists: (1) The name of each refiner and other firm to which rights have been issued; (2) the base period volume [1] of Canadian crude oil for each refiner's first or second priority refinery; (3) the base period volume of Canadian light and heavy crude oil, respectively, for each refiner's first or second priority refinery; (4) the nominations to ERA for Canadian light and heavy crude oil, respectively, of each refiner or other firm; (5) the number of rights for Canadian light and heavy crude oil, respectively, expressed in barrels per day, issued to each such refiner or other firm; and (6) the specific first or second priority refineries for which rights are applicable.

The total volumes of Canadian light crude oil authorized for export to the United States, and therefore subject to allocation under Part 214, for the 3 month allocation period commencing April 1, 1978, will remain at the average level of 55,000 barrels per day (B/D) of Canadian light crude oil. The average export level for Canadian heavy crude oil will remain at 132,000 B/D for April, 102,000 B/D for May, and 95,000 B/D for June. For purposes of determining allocations of Canadian heavy crude oil for the months of May and June, it has been assumed that the average export level will be 98,557 B/D for these 2 months. These volumes were specified in the Allocation Notice for the current allocation period issued on April 10, 1978 (43 FR 16373, April 18, 1978.).

The Canadian National Energy Board (NEB) has advised ERA that of the 10,000 B/D of condensate operationally constrained from Sarnia in the second quarter of 1978, nominations were received and licenses were issued for 2,000 B/D in April and 10,000 B/D in May. In order to bring the average light crude oil export volume to 55,000 B/D for this allocation period, the NEB has authorized the export of an additional 8,000 B/D of light crude oil for June to replace the Sarnia condensate volume of 8,000 B/D that was not lifted in April. Therefore, 63,000 B/D of Canadian light crude oil will be allocated during the month of June 1978. The NEB has further advised that due to changed market conditions in Canada, the operational constraint with respect to the Sarnia condensate will not apply for June 1978.

The NEB has formally advised ERA of the following operational constraint with respect to the export of Canadian light crude oil in the month of June 1978: 50 B/D of light crude oil through the Union Oil pipeline from the Dragon field in Canada to the Thunderbird refinery (second priority) at Cut Bank, Montana.

Pursuant to 10 CFR 214.35, ERA has given effect to this operational constraint in the revised issuance of Canadian crude oil rights for the April 1 through June 30, 1978, allocation period set forth in the Appendix. The Canadian light crude oil rights were computed in accordance with the formulas set forth in the April 18, 1978, allocation notice. The allocation for Consumers power was reduced to conform to its nomination for light crude oil for its Marysville facility. The Canadian light crude oil allocation for Ashland Oil Inc.'s (Ashland) St. Paul Park, Minn., refinery was not increased because Ashland advised ERA that it did not require additional volumes of such crude oil. The allocations for Canadian light crude oil are set forth separately for the month of June 1978 to conform to the NEB's authorized export level for that month.

This notice is issued pursuant to Subpart G of ERA's regulations governing its administrative procedures and sanctions, 10 CFR Part 205. Any person aggrived hereby may file an appeal with the Office of Hearings and Appeals in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed on or before 30 days from the publication of this notice.

Issued in Washington, D.C. on June 26, 1978.

BARTON R. HOUSE,
Assistant Administrator, Fuels Regulation, Economic Regulatory Administration.

[FR Doc. 78-18161 Filed 6-29-78; 8:45 am]

[1] Base period volume for the purposes of this notice means average number of barrels of Canadian crude oil included in a refinery's crude oil runs to stills or consumed or otherwise utilized by a facility other than a refinery during the base period (November 1, 1974, through October 31, 1975) on a barrels per day basis.

APPENDIX

CANADIAN ALLOCATION PROGRAM

RIGHTS - April 1, 1978 to June 30, 1978
(Barrels Per Day)

Priority	Refiner/Refinery	Base Period Volumes: Total Canadian Runs	Base Period Volumes: Canadian Light Crude Oil	Base Period Volumes: Canadian Heavy Crude Oil	Nominations: Light	Nominations: Heavy	Allocation: April-May Light	Allocation: April Heavy	Allocation: June Light	Allocation: May-June Heavy
	AMOCO									
II	Whiting, Ind.	26,751	25,560	1,191	0	0	0	0	0	0
II	Casper, Wyo.	2,991	2,991	0	0	0	0	0	0	0
II	Mandan, N.D.	8,995	8,995	0	0	0	0	0	0	0
II	Sugar Creek, Mo.	317	317	0	0	0	0	0	0	0
	ARCO									
II	Cherry Point, Wash.	34,225	34,225	0	0	0	0	0	0	0
	ASHLAND									
II	Buffalo, N.Y.	36,752	32,033	4,719	0	4,719	0	0 2/	0	0
II	Findlay, Ohio	2,196	33	2,165	0	2,165	0	0 2/	0	0
I	St. Paul Park, Minn.	14,707 1/	13,127 1/	1,580 1/	31,700	34,000	5,215	34,000 2/	5,215	19,460 3/
	DOW CHEMICAL, U.S.A.									
II	Bay City, Mich.	2,767	2,767	0	0	0	0	0	0	0
	CLARK									
II	Blue Island, Ill.	18,764	18,764	0	0	0	0	0	0	0
	CONSUMERS POWER									
I	Essexville, Mich.	13,872	13,872	0	0	0	0	0	0	0
I	Marysville, Mich.	27,306	27,306	0	1,500	0	1,500	0	1,500	0
	CONTINENTAL									
I	Billings, Mont.	25,994	25,994	0	25,994	0	10,326	0	15,188	0
II	Denver, Colo.	4,639	4,639	0	4,638	0	0	0	0	0
II	Ponca City, Ok.	1,188	1,188	0	1,188	0	0	0	0	0
I	Wrenshall, Minn.	20,651	20,651	0	20,651	0	8,204	0	12,066	0
	CRA									
II	Coffeyville, Kan.	318	318	0	0	0	0	0	0	0
II	Phillipsburg, Kan.	173	173	0	0	0	0	0	0	0
II	Scottsbluff, Neb.	401	401	0	0	0	0	0	0	0
	CRYSTAL									
II	Carson City, Mich.	1,104	1,104	0	0	0	0	0	0	0
	ENERGY COOPERATIVE									
II	East Chicago, Ind.	10,804	10,267	537	0	0	0	0	0	0
	EXXON									
I	Billings, Mont.	15,908	15,908	0	16,000	0	6,320	0	9,295	0
	FARMERS UNION									
I	Laurel, Mont.	13,439	13,439	0	13,500	0	5,339	0	7,852	0
	GLADIEUX									
II	Fort Wayne, Ind.	774	774	0	0	0	0	0	0	0
	GULF									
II	Toledo, Ohio	13,253	13,253	0	0	0	0	0	0	0
	HUSKY									
II	Cheyenne, Wyo.	4,865	4,865	0	0	0	0	0	0	0
II	Cody, Wyo.	606	606	0	0	0	0	0	0	0
	KOCH									
I	Pine Bend, Minn.	44,383 1/	3,396 1/	40,987 1/	0	95,000	0	74,383	0 1/	71,097 3/
	LAKE SUPERIOR D.P.									
I	Ashland, Wisc.	125	125	0	0	0	0	0	0	0
	LAKETON									
II	Laketon, Ind.	141	10	131	0	0	0	0	0	0
	LAKESIDE									
II	Kalamazoo, Mich.	1,240	1,240	0	0	0	0	0	0	0
	LITTLE AMERICA									
II	Casper, Wyo.	2,248	2,248	0	0	0	0	0	0	0

Priority	Refiner/Refinery	Base Period Volumes: Total Canadian Runs	Base Period Volumes: Canadian Light Crude Oil	Base Period Volumes: Canadian Heavy Crude Oil	Nominations: Light	Nominations: Heavy	Allocation: April-May Light	Allocation: April Heavy	Allocation: June Light	Allocation: May-June Heavy
	MARATHON									
II	Detroit, Mich.	10,301	10,159	142	25,044	0	0	0	0	0
	MOBIL									
II	Buffalo, N.Y.	24,995	24,995	0	0	4,314	0	0	0	0
II	Ferndale, Wash.	45,444	45,444	0	0	7,844	0	0	0	0
II	Joliet, Ill.	14,606	2,132	12,474	0	12,842	0	10,156	0	0
	MURPHY									
I	Superior, Wisc.	25,625	20,253	5,372	16,000	8,000	8,046	8,000	11,834	8,000
	NCRA									
II	McPherson, Kan.	836	836	0	0	0	0	0	0	0
	PESTER REFINING CO.									
II	El Dorado, Kan.	196	196	0	0	0	0	0	0	0
	PASCO									
II	Sinclair, Wyo.	709	709	0	0	0	0	0	0	0
	PHILLIPS									
II	Great Falls, Mont.	1,222	1,222	0	2,500	0	0	0	0	0
II	Kansas City, Kan.	3,352	3,105	247	0	0	0	0	0	0
	ROCK ISLAND									
II	Indianapolis, Ind.	1,063	1,063	0	0	0	0	0	0	0
	SHELL									
II	Anacortes, Wash.	55,919	55,919	0	0	0	0	0	0	0
II	Wood River, Ill.	8,673	8,673	0	0	0	0	0	0	0
	SUN									
II	Toledo, Ohio	16,427	16,427	0	0	0	0	0	0	0
	SOHIO									
II	Toledo, Ohio	29,182	29,182	0	0	0	0	0	0	0
	TENNECO									
II	Chalmette, La.	1,767	1,767	0	0	0	0	0	0	0
	TEXACO									
II	Anacortes, Wash.	41,229	41,229	0	60,000	0	0	0	0	0
II	Casper, Wyo.	1,380	1,380	0	4,500	0	0	0	0	0
II	Lockport, Ill.	1,244	1,244	0	26,000	0	0	0	0	0
	THE REFINERY CORP.									
II	Commerce City, Colo.	174	174	0	0	0	0	0	0	0
	THUNDERBIRD									
II	Cut Bank, Mont.	554	554	0	50 4/	0	50 4/	0	50 4/	0
	TOTAL PETROLEUM									
II	Alma, Mich.	9,727	3,020	6,707	0	8,000	0	5,461	0	0
	TEXAS AMERICAN									
II	West Branch, Mich.	2,011	2,011	0	0	0	0	0	0	0
	UNION OIL OF CALIF.									
II	Lemont, Ill.	11,711	11,711	0	10,000	20,000	0	0	0	0
	UNITED REFINING									
II	Warren, Pa.	9,917	9,789	128	2,000 4/	0	2,000 4/	0	0	0
	WYOMING REFINING CO.									
II	New Castle, Wyo.	676	676	0	0	0	0	0	0	0
	TOTAL PRIORITY I	202,010	154,071	47,939	125,345	137,000	44,950	116,383	62,950	98,557
	TOTAL PRIORITY II	469,029	440,588	28,441	135,920	53,000	2,050	15,617	50	0
	TOTAL I&II	671,039	594,659	76,380	261,265	190,000	47,000	132,000	63,000	98,557

1/ Adjusted.
2/ Requested limit of 34,000 B/D on heavy crude oil allocation for three refineries.
3/ Adjustments to base period volumes not given effect in allocation of Canadian heavy crude oil.
4/ Operational constraint.

[3128-01]

CANADIAN CRUDE OIL ALLOCATION PROGRAM

Allocation Notice for the July 1 Through September 30, 1978, Allocation Period

In accordance with the provisions of the mandatory Canadian Crude Oil Allocation Regulations, 10 CFR Part 214, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby publishes the allocation notice specified in § 214.32 for the allocation period commencing July 1, 1978.

The issuance of Canadian crude oil rights for the July 1, 1978, allocation period to refiners and other firms is set forth in the appendix to this notice. As to this allocation period, the appendix lists: (1) The name of each refiner and other firm to which rights have been issued; (2) the base period volume[1] of Canadian crude oil for each first or second priority refinery; (3) the base period volume of Canadian light and heavy crude oil, respectively, for each first or second priority refinery; (4) the nominations to ERA for Canadian light and heavy crude oil, respectively, of each refiner or other firm; (5) the number of rights for Canadian light and heavy crude oil, respectively, expressed in barrels per day, issued to each such refiner or other firm; and (6) the specific first or second priority refineries for which rights are applicable.

The issuance of Canadian crude oil rights is made pursuant to § 214.31, which provides that rights may be issued to refiners or other firms that own or control a first or second priority refinery based on the number of barrels of Canadian light and heavy crude oil, respectively, included in the refinery's volume of crude oil runs to stills or consumed or otherwise utilized by a facility during the base period, November 1, 1974, through October 31, 1975. These calculations have been made and are shown on a barrels per day basis.

The listing contained in the appendix also reflects any adjustments made by ERA to base period volumes to compensate for reductions in volumes due to unusual or nonrecurring operating conditions or to reflect current operating conditions as provided by § 214.31(d).

Based on its review of the affidavits, supplemental affidavits and reports filed pursuant to Subpart D of Part 214, and other information available to the agency, ERA has designated each refinery or other facility listed in the appendix as a first or second priority refinery as defined in § 214.21. If a refinery or other facility has not been designated as a priority refinery by ERA, such refinery or other facility is not entitled to process or otherwise consume Canadian crude oil subject to allocation under the program.

In a notice of request for public comment and at a public conference held May 31, 1978, in St. Paul, Minn., the ERA announced that it was considering changing the priority designation (from first to second priority status) of Koch Refining Co.'s refinery at Pine Bend, Minn. and Ashland Oil, Inc.'s refinery at St. Paul Park, Minn. (See 41 FR 13388, March 30, 1978, and 43 FR 20956, May 15, 1978.) After consideration of all the comments, as well as other information available to the agency, the ERA has determined not to reclassify the Koch and Ashland refineries at this time because, on balance, it appears that the disadvantages of reclassifying the Koch and Ashland refineries outweigh any discernable benefits of such regulatory action. If the Koch and Ashland refineries were reclassified as second priority refineries, the Canadian crude oil allocated to them would go to second priority refineries in the Chicago area. This would appear to be an anomolous result since these Chicago refineries have access to significantly greater volumes of domestic and foreign crude oils shipped by pipeline from the Gulf Coast. Although the definition of first priority refinery in 10 CFR 214.21 requires that the barged shipments to the Koch and Ashland refineries be considered in evaluating the qualifications of these refineries for first priority status, it is the ERA's conclusion that the regulations, particularly 10 CFR 214.34, accord the agency the discretion to maintain the priority status of the refineries if that result appears justified under all of the circumstances. As a result of this proceeding, the ERA is presently reevaluating the CAP and intends to propose amendments to the program, for implementation by October 1, 1978, to insure that the CAP reflects current conditions in the Northern Tier and to insure that Canadian crude oil is allocated equitably among all northern tier refineries.

As provided by § 214.31(e), in the allocation period commencing July 1, 1978, each refinery or other firm which has been issued Canadian crude oil rights for light and heavy crude oil, respectively, is entitled to process, consume or otherwise utilize in the priority refinery or refineries specified in the appendix to this notice a number of barrels of Canadian light and heavy crude oil, respectively, subject to allocation under Part 214, equal to the number of rights specified in the appendix.

The Canadian National Energy Board (NEB) has advised ERA that the total volumes of Canadian light and heavy crude oil authorized for export to the United States, and therefore subject to allocation under Part 214, for the 3-month allocation period commencing July 1, 1978, will be as follows: The average export level for Canadian light crude oil will be 55,000 barrels per day (B/D) for July, August, and September. The average export level for Canadian heavy crude oil will be 92,000 B/D for July, 78,000 B/D for August, and 79,000 B/D for September. For purposes of determining allocations of Canadian heavy crude oil, it has been assumed that the average export level will be 83,043 B/D for the 3 months. Any change in the export levels for Canadian light crude oil, including condensate, and Canadian heavy crude oil anticipated for this allocation period will be reflected in revised allocations that will be issued in a supplemental allocation notice or notices.

The NEB has formally advised ERA of the following operational constraint with respect to the export of Canadian light crude oil for the allocation period: 50 B/D of light crude oil through the Union Oil pipeline from the Dragon field in Canada to the Thunderbird refinery (second priority) at Cut Bank, Mont.

ERA has given effect to this operational constraint in the allocations set forth in the appendix.

Allocation of Canadian Light Crude Oil

The authorized export level for Canadian light crude oil for this allocation period is 55,000 B/D. The adjusted base period volumes of Canadian light crude oil for all first priority refineries nominating for light crude oil totals 136,678 B/D. Accordingly, with the exception of allocations of light crude oil required by the operational constraint, no allocations of light crude oil are shown for second priority refineries. The export level of light crude oil, as adjusted to reflect the operational constraint, was allocated among first priority refineries nominating for light crude oil on a pro rata basis in the following manner. First, an allocation factor of 0.402040[2] was applied to each first priority refinery's adjusted base period volume of light crude oil. Second, the resulting alloca-

[1] Base period volume for the purposes of this notice means average number of barrels of Canadian crude oil included in a refinery's crude oil runs to stills or consumed or otherwise utilized by a facility other than a refinery during the base period (Nov. 1, 1974, through Oct. 31, 1975) on a barrels per day basis.

[2] 0.402040 = Adjusted export level for Canadian light crude oil (55,000 B/D less 50 B/D to Thunderbird refinery = 54,950 B/D), divided by sum of adjusted base period volumes of Canadian light crude oil for first priority refineries nominating for Canadian light crude oil (136,678 B/D).

tions for Consumers Power Co., Ashland Oil, Inc., and Murphy Oil Corp. were reduced to conform to their nominations for light crude oil for their first priority facility and refineries, respectively. Third, the allocation factor was recomputed [3] to reflect these adjustments and was reapplied to each first priority refinery's (excluding Consumers Power's Marysville facility, Ashland's St. Paul Park refinery, and Murphy's Superior refinery) adjusted base period volume of light crude oil to arrive at the final allocations.

ALLOCATION OF CANADIAN HEAVY CRUDE OIL

The authorized export level for Canadian heavy crude oil for July, August, and September 1978 is an average of 83,043 B/D. First priority refineries nominating for heavy crude oil have been allocated a total of 83,043 B/D of Canadian heavy crude oil, which was calculated by combining their respective base period volumes of Canadian light and heavy crude oil or their nominations for heavy crude oil, whichever was less, and subtracting their allocations of light crude oil. In no case do the allocations of heavy crude oil to first priority refineries exceed their nominations for heavy crude oil.

The total amount of heavy Canadian crude oil available in this allocation period was allocated among first priority refineries in the following manner. First, heavy crude oil was allocated to first priority refineries on the basis of their respective base period volumes of heavy crude oil. Second, the remaining supply of heavy crude oil was then allocated among first priority refineries on a pro rata basis by applying an allocation factor of 0.080089 [4] to each refinery's base period volume of light and heavy crude oil, as adjusted to reflect the allocations of heavy crude oil and light crude oil already made.

On or prior to the thirtieth day preceding each allocation period, each refiner or other firm that owns or controls a first priority refinery shall file with ERA the supplemental affidavit specified in § 214.41(b) to confirm the continued validity of the statements and representations contained in the previously filed affidavit or affidavits, upon which the designation for that priority refinery is based. Each refiner or other firm owning or controlling a first or second priority refinery shall also file the periodic report specified in § 214.41(d)(1) on or prior to the 30th day preceding each allocation period, provided, however, that the information as to estimated nominations specified in § 214.41(d)(1)(i) is not required to be reported.

Within 30 days following the close of each 3-month allocation period, each refiner or other firm that owns or controls a priority refinery shall file the periodic report specified in § 214.41(d)(2) certifying the actual volumes of Canadian crude oil and Canadian plant condensate included in the crude oil runs to stills of or consumed or otherwise utilized by each such priority refinery (specifying the portion thereof that was allocated under Part 214) for the allocation period.

This notice is issued pursuant to Subpart G of ERA's regulations governing its administrative procedures and sanctions, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with DOE's Office of Hearings and Appeals in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed on or before July 31, 1978.

Issued in Washington, D.C. on June 26, 1978.

BARTON R. HOUSE,
Assistant Administrator, Fuels Regulation, Economic Regulatory Administration.

[FR Doc. 78-18160 Filed 6-29-78; 8:45 am]

[3] The factor as recomputed is 0.523081=Adjusted export level for light crude oil (54,950 B/D, less allocation to Consumers Power Marysville facility (1,500 B/D), Ashland's St. Paul Park refinery (5,200 B/D), and Murphy's Superior refinery (8,500 B/D)=39,750 B/D), divided by sum of first priority refineries' (excluding Consumers Power, Ashland, and Murphy) adjusted base period volumes of light crude oil (75,992 B/D).

[4] 0.080089=Remaining supply of Canadian heavy crude oil (83,043 B/D, less 78,867 B/D allocated to first priority refineries in the first step=4,176 B/D), divided by sum of first priority refineries' total base period volume of Canadian crude oil, less previous allocations of light and heavy crude oil (52,148 B/D).

APPENDIX

CANADIAN ALLOCATION PROGRAM

RIGHTS - July 1, 1978 to September 30, 1978
(Barrels Per Day)

		Base Period Volumes			Nominations		Allocation	
Priority	Refiner/Refinery	Total Canadian Runs	Canadian Light Crude Oil	Canadian Heavy Crude Oil	Light	Heavy	Light	Heavy
	AMOCO							
II	Whiting, Ind.	26,751	25,560	1,191	0	0	0	0
II	Casper, Wyo.	2,991	2,991	0	0	0	0	0
II	Mandan, N.D.	8,995	8,995	0	0	0	0	0
II	Sugar Creek, Mo.	317	317	0	0	0	0	0
	ARCO							
II	Cherry Point, Wash.	34,225	34,225	0	0	0	0	0
	ASHLAND							
II	Buffalo, N.Y.	36,752	32,033	4,719	0	0	0	0
II	Findlay, Ohio	2,198	33	2,165	0	0	0	0
I	St. Paul Park, Minn.	14,707 1/	13,127 1/	1,580 1/	5,200	34,000	5,200	7,582 2/
	CLARK							
II	Blue Island, Ill.	18,764	18,764	0	0	0	0	0
	CONSUMERS POWER							
I	Essexville, Mich.	13,872	13,872	0	0	0	0	0
I	Marysville, Mich.	27,306	27,306	0	1,500	0	1,500	0
	CONTINENTAL							
I	Billings, Mont.	25,994	25,994	0	25,994	0	13,597	0
II	Denver, Colo.	4,639	4,639	0	4,638	0	0	0
II	Ponca City, Ok.	1,188	1,188	0	1,188	0	0	0
I	Wrenshall, Minn.	20,651	20,651	0	20,651	0	10,802	0
	CRA							
II	Coffeyville, Kan.	318	318	0	0	0	0	0
II	Phillipsburg, Kan.	173	173	0	0	0	0	0
II	Scottsbluff, Neb.	401	401	0	0	0	0	0
	CRYSTAL							
II	Carson City, Mich.	1,104	1,104	0	0	0	0	0
	DOW CHEMICAL, U.S.A							
II	Bay City, Mich.	2,767	2,767	0	0	0	0	0
	ENERGY COOPERATIVE							
II	East Chicago, Ind.	10,804	10,267	537	0	0	0	0
	EXXON							
I	Billings, Mont.	15,908	15,908	0	16,000	0	8,321	0
	FARMERS UNION							
I	Laurel, Mont.	13,439	13,439	0	13,500	0	7,030	0
	GLADIEUX							
II	Fort Wayne, Ind.	774	774	0	0	0	0	0
	GULF							
II	Toledo, Ohio	13,253	13,253	0	0	0	0	0
	HUSKY							
II	Cheyenne, Wyo.	4,865	4,865	0	0	0	0	0
II	Cody, Wyo.	806	806	0	0	0	0	0
	KOCH							
I	Pine Bend, Minn.	44,383 1/	3,396 1/	40,987 1/	0	95,000	0	69,148 2/
	LAKE SUPERIOR D.P.							
I	Ashland, Wisc.	125	125	0	0	0	0	0
	LAKESIDE							
II	Kalamazoo, Mich.	1,240	1,240	0	0	0	0	0
	LAKETON							
II	Laketon, Ind.	141	10	131	0	0	0	0
	LITTLE AMERICA							
II	Casper, Wyo.	2,248	2,248	0	0	0	0	0
II	Sinclair, Wyo.	709	709	0	0	0	0	0

Priority	Refiner/Refinery	Base Period Volumes: Total Canadian Runs	Base Period Volumes: Canadian Light Crude Oil	Base Period Volumes: Canadian Heavy Crude Oil	Nominations: Light	Nominations: Heavy	Allocation: Light	Allocation: Heavy
	MARATHON							
II	Detroit, Mich.	10,301	10,159	142	8,000	0	0	0
	MOBIL							
II	Buffalo, N.Y.	24,995	24,995	0	0	4,314	0	0
II	Fernodle, Wash.	45,444	45,444	0	0	7,844	0	0
II	Joliet, Ill.	14,506	2,132	12,474	0	12,842	0	0
	MURPHY							
I	Superior, Wisc.	25,625	20,253	5,372	8,500	8,090	8,500	6,315
	NCRA							
II	McPherson, Kan.	836	836	0	0	0	0	0
II	PONCA REFINING CO. El Dorado, Kan.	196	196	0	0	0	0	0
	PHILLIPS							
II	Great Falls, Mont.	1,222	1,222	0	2,500	2,500	0	0
II	Kansas City, Kan.	3,352	3,105	247	2,500	2,500	0	0
	ROCK ISLAND							
II	Indianapolis, Ind.	1,063	1,063	0	0	0	0	0
	SHELL							
II	Anacortes, Wash.	55,919	55,919	0	0	0	0	0
II	Wood River, Ill.	8,673	8,673	0	0	0	0	0
	SOHIO							
II	Toledo, Ohio	29,182	29,182	0	0	0	0	0
	SUN							
II	Toledo, Ohio	16,427	16,427	0	0	0	0	0
	TENNECO							
II	Chalmette, La.	1,767	1,767	0	0	0	0	0
	TEXACO							
II	Anacortes, Wash.	41,229	41,229	0	60,000	0	0	0
II	Casper, Wyo.	1,380	1,380	0	4,500	0	0	0
II	Lockport, Ill.	1,244	1,244	0	26,000	0	0	0
	TEXAS AMERICAN							
II	West Branch, Mich.	2,011	2,011	0	0	0	0	0
	THE REFINERY CORP.							
II	Commerce City, Colo.	174	174	0	0	0	0	0
	THUNDERBIRD							
II	Cut Bank, Mont.	554	554	0	50	0	50 3/	0
	TOTAL PETROLEUM							
II	Alma, Mich.	9,727	3,020	6,707	0	8,000	0	0
	UNION OIL OF CALIF.							
II	Lemont, Ill.	11,711	11,711	0	10,000	20,000	0	0
	UNITED REFINING							
II	Warren, Pa.	9,917	9,789	128	0	0	0	0
	WYOMING REFINING CO.							
II	New Castle, Wyo.	676	676	0	0	0	0	0
	TOTAL PRIORITY I	202,010	154,071	47,939	91,345	137,690	54,950	83,043
	TOTAL PRIORITY II	469,029	440,588	28,441	119,376	58,000	50	0
	TOTAL I&II	671,039	594,659	76,380	210,721	195,690	55,000	83,043

1/ Adjusted.
2/ Adjustments to base period volumes not given effect in allocation of Canadian heavy crude oil.
3/ Operational constraint.

[6740-02]

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

NORTHERN NATURAL GAS CO.

[Docket Nos. RP71-107 (Phase II); and RP72-127]

Order Authorizing Continued Rate Base Treatment Subject to Conditions

JUNE 22, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission (FPC) ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary and the Federal Energy Regulatory Commission (FERC or Commission) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer on Proceedings to the Secretary of Energy and the FERC," 10 CFR —, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.[1]

BACKGROUND

Northern and BP Alaska, Inc. (BPA)[2] entered into two agreements dated January 1, 1972: A Master Gas Agreement and a Joint Venture Agreement. The Master Gas Agreement gives Northern the option to purchase BPA's right to gas under its net profits royalty interests in Prudhoe Bay field leases as well as other leases in the North Slope of Alaska. The initial dedication is for 1.5 Tcf of gas. Should additional reserves be established, however, Northern is entitled to a total of 3 Tcf of gas upon payment of an additional 2 cents per Mcf. If reserves less than 1.5 Tcf are established, Northern is entitled to an immediate refund of a pro rata portion of its outstanding advance payments. For the initial dedication of 1.5 Tcf Northern was obligated to make advance payments totaling $30 million in five equal annual installments commencing in 1974. As of the date of this order $24 million in advances have been made by Northern to BPA. Rate base treatment for the first $6 million advance payment to BPA began in May of 1974. By agreement dated August 12, 1977, between Columbia Gas Transmission (Columbia), Northern, Sohio Petroleum Co. (Sohio), BPA and BP Alaska Exploration Inc., Northern and Columbia clarified their respective rights to Alaskan reserves. Northern, under the August 12, 1977, agreement is entitled to one-third of the gas from Sohio's and BPA's interest in Prudhoe Bay leases and retains all of its rights to non-Prudhoe Bay leases under the Master Gas Agreement, except that all of its rights terminate (and are turned over to Columbia) when Northern receives a total of 3 Tcf of gas.

The Joint Venture Agreement also dated January 1, 1972, between Northern and BPA provides for BPA to conduct prospecting and exploratory drilling in offshore Alaska and Atlantic coast areas. In return, Northern is obligated to make advance payments and capital contributions of up to $20 million over the 10-year duration of the agreement. Northern has a first call on gas found in the areas of interest. Eighty percent of the moneys Northern provides to the joint venture are recoverable from production. The remaining 20 percent of Northern's contribution entitles Northern to a 20 percent participating interest in the joint venture. Rate base treatment for the first advance to BPA under the Joint Venture Agreement began on December 3, 1972. Only 80 percent of Northern's payments under the joint venture program are included in rate base (see appendix).

Northern originally received authorization to include Alaskan advances in rate base by the Federal Power Commission's (FPC's) order issued January 4, 1974, in these dockets. In that order the FPC found that the Alaskan advances "involve prudent expenditures which will, in all probability, result in proven reserves of gas * * *" (Mimeo p. 6). However, several conditions were imposed upon rate base treatment to protect Northern's customers from "undue risk." These conditions, identical to those established by the Commission in Order No. 465 (48 FPC 1150), Opinion No. 673 (50 FPC 1530) and Opinion No. 674 (50 FPC 1514) required among other things that if repayment of the advance did not begin within 5 years of the date the advance was first included in rate base than rate base treatment would terminate. If at the end of the 5-year period Northern desired continued rate base treatment it was directed to present evidence which showed "(1) why recoupment of the advance has not commenced and (2) whether the project warrants continued rate base treatment for the advance with the attendant costs to Northern's customers within the lower 48 States." (Mimeo p. 6).

As previously stated and as shown in the appendix, rate base treatment for the Joint Venture advances began on December 3, 1972. Advances made under the Master Gas Agreement first received rate base treatment on May 31, 1974. Therefore, the expiration dates with respect to the initial advances are December 3, 1977, and May 31, 1979, for the Joint Venture and Master Gas advances respectively.

In anticipation of the December 3, 1977, termination date, Northern filed on May 4, 1977, a petition asking not only for continued rate base treatment of its initial $823,672 advance pursuant to the Joint Venture Agreement, but also requesting continued rate base treatment for all Alaskan advances. Northern stated in its initial petition that at the time it entered into its agreements with BPA in January 1972, it was anticipated that it would take approximately 10 years before gas would flow from Prudhoe Bay into the Lower 48 States. Northern argued that though the 5-year rate base limitation may be an adequate time in which to develop gas reserves in the contiguous Lower 48 States, 5 years is inadequate for Alaskan reserves since no transportation system exists with which to connect reserves. Northern claimed that if the 5-year condition is applied to Alaskan advances it would be "ironic and unfortunate" since it would constitute a more rigid standard than that applied to advances made in the Lower 48 States. Northern also maintained that the Federal Power Commission already had determined that the Alaskan advances were prudent (citing the order issued January 4, 1974, in these dockets and orders issued December 18, 1975, and December 10, 1976, in Docket Nos. RP74-80 and RP75-89 respectively). It was stated by Northern that its customers

[1] "Commission" when used herein with regard to an action dated before October 1, 1977, refers to the Federal Power Commission. When used with regard to an action after October 1, 1977, the word "Commission" refers to Federal Energy Regulatory Commission.

[2] BPA later assigned or transferred its rights under both of these agreements. BP Alaska Exploration Inc. (BPAE) now has all of BPA's rights under the Master Gas Agreement. An unnamed subsidiary of Sohio Petroleum Co. has BPA's rights under the Joint Venture Agreement. For purposes of simplicity this order refers to "BPA" as the producer in interest.

would continue to benefit from the Alaskan advances since they could "look forward to a very substantial gas supply from a domestic source which will be available in the market area in the relatively near-term future."

The Commission responded to Northern's original petition by order issued December 5, 1977. That order cited the two-part test which was set forth in the FPC's January 4, 1974, order granting rate base treatment for Northern's Alaskan advances and found that Northern had answered the first part of the test. Namely, Northern adequately explained its failure to recoup the Alaskan advances within the 5-year period by stating that significant problems and delays were associated with the development of a transportation system for Prudhoe Bay gas. The Commission found, however, that Northern's petition failed to answer the second part of the test because Northern had not demonstrated "whether the project warrants continued rate base treatment for the advance with the attendant costs to Northern's customers * * *." Northern was given an opportunity to cure its pleading and make its case within 30 days by submitting the following additional information: [3]

* * * (1) what benefits, if any, Northern's customers secure as a result of continued rate base treatment of these advances which they would not receive if the advances were removed from rate base; (2) what provisions, if any, can be made with BPA to provide for faster recoupment of these advances; (3) whether recoupment can be made in economic consideration other than gas; (4) what cost, if any, Northern will incur if rate base treatment is discontinued and what would be the impact on jurisdictional operations (mimeo p. 4).

Northern's responses to the Commission's December 5 request [4] for supplemental information disclose that Northern had conditionally renegotiated the Master Gas Agreement. The amendment, dated March 2, 1978, provides for faster recoupment of the $18 million advanced to BPA prior to 1977, a refund of the $6 million advanced in 1977, waiver of the $6 million advance payment required from Northern this year and waiver of any additional advances which would be due from Northern if BPA's interest in Alaskan reserves exceeds 1.5 Tcf. Northern claims that the amended Master Gas Agreement would cost customers about $20.7 million less than the original agreement. By its own terms, however, the March 2, 1978, amendment to the Master Gas Agreement is null and void unless on or before April 1, 1978, the Commission issues an order:

(a) Allowing Northern continued rate base treatment of the prepayments made under said Master Gas Agreement and continued rate base treatment of eighty percent (80%) of the expenditures made by Northern under the Joint Venture Agreement; and

(b) Confirming that BPAE will not be liable to any actual or potential "carrying charge credit," as specified by the Commission in its Opinion No. 770-A, with respect to prepayments made by Northern under said Master Gas Agreement and repaid by BPAE to Northern pursuant hereto. (Mar. 2, 1978, amendment to Master Gas Agreement, clause 5.)

Northern's responses to the Commission's December 5, 1977, order also indicate that Northern is seeking to amend the Joint Venture Agreement so as to expand the geographical areas of interest and to extend the time for completion of its joint discovery and exploration effort. Northern contends that the Master Gas Agreement and the Joint Venture Agreement should be considered together as part of a "package" which Northern negotiated with BPA in return for significant reserves of Alaskan gas. Presumably, since Northern was able to exact significant concessions from BPA in the renegotiation of the Master Gas Agreement, the Commission should, in Northern's view, extend rate base treatment beyond 5 years for the complete Northern BPA Alaskan package.

Northern completes its response to the Commission's December 5 request by pointing out that as a result of its Alaskan program a significant gas supply will have been made available to customers in the Lower 48 States at a relatively low cost per Mcf. Northern claims that under its program it acquired rights to 2 Tcf of gas for $50 million in advance payments or 2.5 cents per Mcf. This, it is alleged, compares favorably with Columbia Gas Transmission Corp.'s Alaskan advances and the amount per Mcf which was required to attract reserves on a national basis. [5] Northern also claims that Commission denial of continued rate base treatment would have an adverse effect upon its ability to finance future gas supply projects and its share of the Alaskan transportation project.

For the reasons discussed below, the Commission shall allow Northern to continue rate base treatment for its BPA advance payments subject to several conditions.

DISCUSSION

By order issued December 31, 1975, in Docket Nos. R-411 and RM74-4, the FPC terminated the Alaskan advance payment program with respect to advances made pursuant to contracts executed after December 28, 1973. In disallowing rate base treatment, the FPC noted that the evidence provided by the producers in that proceeding showed that approximately 64 percent of the proved reserves associated with Alaskan advances would have been dedicated to the interstate market absent advance payments. The FPC found in that order that there was no intrastate market to compete with the interstate market for Alaskan gas and, consequently, the Alaskan advances would not yield "any appreciable and quantifiable acceleration of development and production of Alaskan gas" sufficient to meet the test spelled out by the court of appeals in *Public Service Commission of the State of New York* v. *FPC*, 511 F. 2d 338 (D.C. Cir. 1975). Furthermore, the December 31, 1975, order noted that the Alaskan advance payment program may be contrary to the public interest in that it would permit a few pipelines to acquire almost all Alaskan gas reserves to the exclusion of others.

Citing the findings in Docket Nos. R-411 and RM74-4, the FPC simultaneously issued an order in Docket No. RP76-49, requiring certain pipelines, including Northern, to show cause why rate base treatment for advances made under contracts dated prior to December 28, 1973, should not also be terminated and refunds ordered. This Commission has not yet acted in the show cause proceeding.

These December 31, 1975, orders provide the starting point for the Commission's analysis of Northern's petition. They establish the principle that Alaskan advances did not and would not achieve their intended purpose of accelerating development of Alaskan reserves and making reserves available to the consumer-public in an appropriate manner. In other words, this Commission believes that the December 31, 1975, orders demonstrate proper concern that Alaskan advances constituted an unnecessary pipeline expense and that, to the extent it was just and equitable, the Alaskan advance payment program should be terminated. It is in this context that Northern's petition must be evaluated.

The March 2, 1978, amendment to the Master Gas Agreement contains recoupment, refund, and revised payment terms which substantially decrease Northern's financial commitment to BPA. Whereas the original Master Gas Agreement provides for $30 million of advance payments plus additional advances of 2 cents per Mcf, for each Mcf of reserves established in excess of 1.5 Tcf, the amendment re-

[3] Northern was permitted to continue rate base treatment for the Joint Venture advances, subject to refund, pending Commission action on its supplemental pleadings.

[4] Filed on Jan. 4, Feb. 6, Feb. 16, and Mar. 8, 1978.

[5] Northern cites the FPC's Order issued Dec. 31, 1975, in Docket Nos. R-411 and RM74-4, which found that, on a national basis, each 10.23 cents advanced enabled pipelines to acquire 1 Mcf of proven reserves. The Alaskan average was 2.45 cents per Mcf.

duces Northern's basic committment to $18 million and provides that no additional advance payments will be due. Moreover, the amendment speeds recoupment of advance payments by providing that each advance made under the Master Gas Agreement will be repaid after 7½ years. Northern estimates that the amended Master Gas Agreement would save Northern's jurisdictional customers about $20,736,000 when compared to the original agreement. This constitutes a substantial savings for Northern's customers.

The Commission, however, is unable to accept the terms of the March 2, 1978, amendment in its present form. As previously noted, the March 2, 1978, amendment is conditioned upon issuance by the Commission of an order prior to April 1, 1978, which (1) allows continued rate base treatment for the Joint Venture advances and permits an extension of the scope and duration of the Joint Venture Agreement, and (2) confirms that BPA will not be liable for a "carrying charge credit" which might be imposed to reduce the price of Alaskan gas in a manner similar to the price reduction imposed in Opinion No. 770-A.[6]

The Commission will not entertain Northern's request to declare its intention concerning the price of Alaskan gas. To do so would be premature and entirely unsupportable given the lack of any relevant record. Also, to permit an extension of the scope and duration of the Joint Venture advance payment agreement would be inconsistent with the FPC's finding in the December 31, 1975, order that the Alaskan advance payment program did not meet the goals of the Commission's advance payment program. Furthermore, such an amendment would, in effect, be a new agreement and advances made under such an agreement would not be accorded rate base treatment under the FPC's December 31, 1975, order.

Upon review of Northern's pleadings, and the record in this proceeding, the Commission finds that the amendments to the Master Gas Agreement discussed above justify continued rate base treatment for the Joint Venture advances which have been in rate base 5 years, subject to the following conditions. As discussed above, the conditions relating to the pricing of Alaskan advances and to the extension of the scope and duration of the Joint Venture agreement are unacceptable and must therefore be rejected. However, the Commission shall permit those Joint Venture advances which would otherwise be removed from rate base 5 years after inclusion therein to continue in rate base beyond the 5-year cutoff period subject to refund and subject to the final outcome of the proceedings in Docket No. RP76-49. Of course, the Master Gas advances would also be subject to the outcome of the proceedings in Docket No. RP76-49, as would any pre-Order 499 advances that had been included in a pipeline's rate base.

The Commission orders: (A) Northern is authorized to include in rate base advance payments made to BPA under the Master Gas and Joint Venture Agreements subject to the terms and conditions of this order.

(B) The continued rate base treatment authorized by paragraph (a) shall be null and void and of no effect unless, within 30 days, Northern files proof that it has further amended the Master Gas Agreement. The required amendment shall provide, as in the March 2, 1978, amendment, for (1) three repayments of $6 million each to be made on November 1 of 1981, 1982, and 1983, (2) a refund of the $6 million advance payment due in 1977 under the original agreement, (3) waiver of the $6 million advance originally payable in 1978, and (4) waiver of any additional advances which may have been payable under the original version of the Master Gas Agreement. The amendment required by this order shall not contain terms requiring the Commission to (1) finally authorize continued rate base treatment for Alaskan advance payments or (2) declare any policy with respect to the pricing of Alaskan gas.

(C) Rate base treatment for the Joint Venture advances which would otherwise be removed from rate base 5 years from the date they were initially included therein, shall continue subject to refund and subject to the final outcome of the proceedings in Docket No. RP76-49.

(D) Any action taken in the instant order shall in no way prejudice any action the Commission may take in Docket No. RP76-49 with respect to either the Master Gas or Joint Venture advance payments.

(E) The conditions placed upon rate base treatment by the January 4, 1974, order in these dockets shall remain in full force and effect insofar as they are consistent with this order.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[6] Opinion No. 770-A, issued Nov. 5, 1976 (mimeo pp. 149-153) provides for a reduction of the national ceiling rate if a producer receives advance payments after Nov. 5, 1976.

Docket No. RP71-107
(Phase II) et al.

APPENDIX

NORTHERN NATURAL GAS COMPANY

ADVANCE PAYMENTS TO BPA
REFLECTED IN RATES DURING THE PERIOD FROM
DECEMBER 3, 1972 THROUGH OCTOBER 26, 1977

Line No.	Rate Proceeding and Period (a)	Advance Payments Joint Venture (b)	Master Gas (c)	Total (d)
1	Docket No. RP72-127 1/			
2	December 3, 1972	$ 823 672	$	$ 823 672
3	December 31, 1972	1 013 323		1 013 328
4	January 31, 1973	1 138 511		1 138 511
5	February 28, 1973	1 239 134		1 239 134
6	March 31, 1973	1 239 134		1 239 134
7	April 30, 1973	1 227 010		1 227 010
8	May 31, 1973	1 659 070		1 659 070
9	June 30, 1973	1 659 070		1 659 070
10	July 31, 1973	1 780 323		1 780 323
11	August 31, 1973	1 780 323		1 780 323
12	September 30, 1973	1 832 313		1 832 313
13	October 31, 1973	2 007 313		2 007 313
14	November 30, 1973	2 045 602		2 045 602
15	December 31, 1973	2 045 602		2 045 602
16	January 31, 1974	2 100 000		2 100 000
17	February 28, 1974	2 100 000		2 100 000
18	March 31, 1974	2 100 000		2 100 000
19	April 30, 1974	2 100 000		2 100 000
20	May 31, 1974	2 100 000	6 000 000	8 100 000
21	June 30, 1974	2 100 000	6 000 000	8 100 000
22	July 31, 1974	2 294 453 5/	6 000 000	8 294 453
23	August 31, 1974	2 807 504 5/	6 000 000	8 807 504
24	September 30, 1974	2 807 504 5/	6 000 000	8 807 504
25	October 31, 1974	2 807 504 5/	6 000 000	8 807 504
26	Docket No. RP74-80 2/			
27	November, 1974 through October, 1975	2 807 504 5/	6 000 000	8 807 504
28	Docket No. RP75-89 3/			
29	November, 1975 through October, 1976	5 043 436 5/	12 000 000	17 043 436
30	Docket No. RP76-89 4/			
31	November, 1976 through October, 1977	7 792 208 5/	18 000 000	25 792 208

1/ The advance payments reflected in rates for the period covered by the Docket No. RP72-127 Stipulation and Agreement are the advances initially reflected in the settlement rates approved by the Commission on January 4, 1974 as subsequently adjusted for both the Gas Acquisition Payment tracker rate adjustment approved by the Commission on March 22, 1974 and the refunds provided by Section IV of the Docket No. RP74-80 Stipulation and Agreement approved by the Commission on December 18, 1975.

2/ As reflected in the Stipulation and Agreement in Docket No. RP74-80 approved by the Commission on December 18, 1975.

3/ As reflected in the Stipulation and Agreement in Docket No. RP75-89 approved by the Commission on December 10, 1976.

4/ As reflected in the Stipulation and Agreement in Docket No. RP76-89 filed with the Commission on October 18, 1976.

5/ Represents the portion (80%) of the total advance payments for the Exploration Program includable in rate base.

[FR Doc. 78-18064 Filed 6-29-78; 8:45 am]

[6740-02]

[Docket Nos. G-20548 et al.]

ONG EXPLORATION, INC. (SUCCESSOR TO THE OKLAHOMA NATURAL GAS CO.)

Withdrawing Order and Noticing Application

JUNE 22, 1978.

Through administrative error, the application for redesignation in the above-captioned proceeding was not noticed as stated in the order issued June 6, 1978. The order is therefore withdrawn to allow a period for interventions and protests and will be reissued at a later date after consideration of any interventions or protests filed.

On September 6, 1977, ONG Exploration, Inc. (applicant), filed an application for certificates of public convenience and necessity authorizing continuance of service being rendered by Oklahoma Natural Gas Co. By assignment dated and effective on September 1, 1977, Oklahoma Natural Gas Co. assigned to ONG Exploration, Inc., a wholly owned subsidiary of Oklahoma Natural Gas Co., all of its right, title, and interest in and to the properties underlying the gas purchase contracts set forth in exhibit "X" which is attached hereto and made a part hereof and by assignment of gas purchase contracts dated September 1, 1977, and effective September 1, 1977, Oklahoma Natural Gas Co. assigned to applicant said gas purchase contracts set forth in exhibit "X". Applicant requests that the gas rate schedules of Oklahoma Natural Gas Co., after the succession in interest is approved, be canceled and the gas purchase contracts presently on file with the Commission as Oklahoma Natural Gas Co.'s Federal Energy Regulatory Commission gas rate schedules as set forth in exhibit "X" in various dockets, be redesignated as applicant's Federal Energy Regulatory Commission gas rate schedule numbers.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 6, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

EXHIBIT "X"

Contract date	Purchaser	Location of sale	ONG FPC GRS No. and (Docket No.)	To be designated as applicant's FPC GRS No.
May 4, 1977	Cities Service Gas Co	Eureka field, Grant County, Okla	3 (G-20548)	
July 9, 1957	Northern Natural Gas Co	Glenwood field, Beaver County, Okla	5 (G-13127)	
Mar. 3, 1957	Michigan Wisconsin Pipeline Co	Lavern field, Beaver and Harper Counties, Okla.	6 (G-13204)	
Apr. 8, 1958	Northern Natural Gas Co	Mocane field, Beaver County, Okla	8 (G-15058)	
Jan. 5, 1960	do	do	10 (CI60-190)	
July 20, 1960	Panhandle Eastern Pipe Line Co	Glenwood field, Beaver County, Okla	11 (CI61-260)	
Aug. 24, 1960	do	do	12 (CI61-698)	
Aug. 24, 1960	do	do	13 (CI61-698)	
Nov. 10, 1960	Transwestern Pipeline Co	West Shattuck field, Ellis County, Okla	14 (61-931)	
Feb. 24, 1961	Oklahoma Natural Gas Gathering Corp	Ringwood field, Ellis County, Okla	15 (CI61-1639)	
Sept. 9, 1958	Michigan Wisconsin Pipe Line Co	Laverne field, Harper County, Okla	16 (G-16853)	
June 16, 1961	Northern Natural Gas Co	Mocane-Camp Creek area, Beaver County, Okla.	18 (CI62-7)	
May 8, 1961	Transwestern Pipeline Co	Elmwood field, Beaver County, Okla	19 (CI62-198)	
July 30, 1962	Panhandle Eastern Pipe Line Co	Avard field, Woods County, Okla	21 (CI63-340)	
Sept. 6, 1962	Michigan Wisconsin Pipe Line Co	Laverne field, Harper County, Okla	22 (CI63-567)	
Sept. 10, 1962	do	Southeast Pringey field, Woods and Woodward Counties, Okla.	23 (CI63-608)	
Aug. 24, 1960	do	West Chester field, Major County, Okla	25 (CI63-956)	
Aug. 24, 1960	do	do	26 (CI63-956)	
Jan. 9, 1963	Northern Natural Gas Co	Northeast Ivanhoe field, Beaver County, Okla.	27 (CI63-1238)	
May 17, 1963	Cities Service Gas Co	Northwest Quinlane field, Woodward County, Okla.	28 (CI64-42)	
Aug. 17, 1964	Northern Natural Gas Co	North Linscott field, Ellis County, Okla	30 (CI65-261)	
Sept. 2, 1964	Arkansas Louisiana Gas Co	Cartersville field, Haskell and Leflores Counties, Okla.	31 (CI65-320)	
Feb. 15, 1966	do	South Quinton field, Pittsburg County, Okla.	32 (CI66-856)	
Jan. 16, 1959	Colorado Interstate Gas Co	Laverne field, Beaver County, Okla	33 (CI68-954)	
May 22, 1968	Panhandle Eastern Pipe Line Co	Northwest Aledo field, Dewey County, Okla.	34 (CI69-4)	
Feb. 7, 1969	Northern Natural Gas Co	Ivanhoe field, Beaver County, Okla	35 (CI69-784)	
Nov. 21, 1969	Arkansas Louisiana Gas Co	North Watonga field, Blaine County, Okla.	37 (CI70-575)	
Feb. 7, 1977	Cities Service Gas Co	Eureka field, Grant County, Okla	40 (CI72-193)	
May 6, 1957	Northern Natural Gas Co	Laverne field, Harper County, Okla	41 (CI72-208)	
Dec. 24, 1975	Michigan Wisconsin Pipe Line Co	Mocane-Laverne field, Beaver County, Okla.	43 (CI76-355)	
Apr. 8, 1957	Colorado Interstate Gas Co	Mocane field, Beaver County, Okla	44 (CI77-229)	

[FR Doc. 78-18062 Filed 6-29-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 921-2; OPP-180208]

DEPARTMENT OF THE INTERIOR

Issuance of a Specific Exemption To Use M-44 and Sodium Cyanide To Eradicate Arctic Foxes on Agattu Island in the Aleutians

The Environmental Protection Agency (EPA) has granted a specific exemption to the Fish and Wildlife Service, U.S. Department of the Interior (hereafter referred to as the "Applicant") to use approximately 88.78 grams sodium cyanide in the M-44 device to control Arctic foxes (*Alopex lagopus*) on Agattu Island in order to protect an endangered species, the Aleutian Canada Goose (*Branta canadensis leucopareia*). This exemption was granted in accordance with, and is subject to, provisions of 40 CFR Part 166, which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Room E-315, Washington, D.C. 20460.

According to the Applicant, a remnant breeding population of Aleutian Canada geese was confirmed on Buldir Island in the Aleutians in 1962. Today this tiny island supports the only known population, estimated at about 1,000 birds. The population decline in Aleutian Canada geese and their breeding range is largely attributed to predation by introduced fox. The Applicant stated that the practice of introducing fox, not native to the islands, was initiated for private fur farming. This practice was discontinued in the late 1930's and all permits revoked. The past control program of trapping and shooting has proven ineffective. The Applicant requested use of the M-44 device for control of the fox population so that a recovery program on Agattu Island for the endangered Aleutian Canada goose may be successfully completed. It is anticipated that this emergency control program will remove the Arctic fox from Agattu Island this year.

The Applicant proposed that the M-44, a spring-loaded device, containing sodium cyanide be used. A maximum of 100 sodium cyanide capsules (equivalent to an approximate total of 88.78 grams active ingredient) will be exposed on Agattu Island for 1 year. The M-44 devices will be placed only by authorized personnel on Agattu Island, Aleutian Islands National Wildlife Refuge, Alaska. All unused capsules of sodium cyanide will be recovered.

EPA has determined that removal of the foxes (approximately 5) will create a much healthier environment for reestablishing the Aleutian Canada goose. In addition, it is anticipated that other elements of the Aleutian avian fauna will flourish in the long run. Overall, the hazards to nontarget species through this use of the M-44 appear to be minimal. An exemption for this same purpose was granted to the Applicant in 1977, but did not succeed in complete removal of the foxes. This year's program includes an improved attractant scent, and a longer exposure period.

It should be noted that, in 1972, the President issued an Executive Order which banned the use of chemical toxicants on Federal lands, *except* in emergency conditions. One of these conditions was the use of chemical toxicants for the preservation of one or more wildlife species threatened with extinction or likely within the forseable future to become so threatened. The Aleutian Canada goose falls within this provision. Further, in 1975, the EPA issued a registration to the Fish and Wildlife Service for the use of sodium cyanide-loaded M-44 devices to control coyote, fox, and feral dogs which prey upon livestock; the EPA has determined that the sodium cyanide/M-44 device will also be effective in removing the Arctic fox from Agattu Island. If the introduced fox cannot be removed, a successful breeding colony of the Aleutian Canada goose may not be achieved and this species will continue to be in jeopardy. As previously mentioned, other methods such as trapping and shooting have not been successful in eradicating the Arctic fox. Before using any chemical toxicant on Federal land, the President's 1972 order required that the agency involved in using these toxicants must consult with the Secretaries of the Interior, Agriculture, and Health, Education, and Welfare, and the Administrator of the EPA; the Applicant stated that these contacts have been made and this program will not be implemented until affirmative replies have been received.

Since Agattu Island is uninhabited by man, there should be no danger to humans as a result of this use of the sodium-cyanide-loaded M-44 devices.

After reviewing the application and other available information, EPA has determined that (a) an emergency situation involving an endangered species exists; (b) there are no alternative means of control, taking into account the efficacy and hazard; (c) significant environmental problems may result if the Arctic fox is not eradicated from Agattu Island; and (d) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until April 30, 1979, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. A maximum of 100 sodium cyanide capsules (equivalent to an approximate total of 88.78 grams active ingredient) to be used in the M-44 device is authorized;

2. The sodium cyanide and M-44 devices may be exposed for a 1-year period terminating on April 30, 1979. The devices may be periodically checked until August 10, 1978, and then left until pickup on April 30, 1979;

3. Only Fish and Wildlife Service personnel trained in application techniques shall place the sodium cyanide/M-44 devices on Agattu Island, Aleutian Islands National Wildlife Refuge, Alaska;

4. All unused sodium cyanide capsules shall be recovered;

5. All precautions shall be taken to avoid or minimize hazards to nontarget species that may result from the use of this program;

6. The EPA shall be immediately informed of any adverse effects resulting from the use of this program; and

7. A report must be submitted to EPA by June 30, 1979, summarizing the results of this program.

(Sec. 18, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; (7 U.S.C. 136 et seq).)

Dated: June 23, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 78-18206 Filed 6-29-78; 8:45 am]

[6560-01]

[FRL 920-8; OPP-180199]

FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Issuance of Specific Exemption to Use Oxamyl to Control Vegetable Leafminer on Tomatoes

The Environmental Protection Agency (EPA) has granted a specific exemption to the Florida Department of Agriculture and Consumer Services (hereafter referred to as the "Applicant") to use oxamyl (Vydate L) on 24,000 acres of tomatoes in Florida. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested

parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Room E-315, Washington, D.C. 20460.

According to the Applicant, leafminers damage tomatoes or deleteriously affect tomato production in the following ways: Mining by larvae in foliage destroys enough leaf tissue to impair the photosynthetic process sufficiently to reduce the total yield of tomatoes; and the female adults puncture the leaves and feed on the exuding sap. The cumulative damage of adults and larvae facilitates the attack of pathogenic organisms and eventually results in defoliation. Defoliation results in retarded growth and sun scalding of exposed fruit; both factors may seriously reduce yield.

Increasing leafminer problems have been reported over the past several years. According to the Applicant, a major problem with leafminer control in Florida has occurred as a result of widespread use of pesticides, particularly methomyl, to control fruitworm and pinworm, serious pests of tomatoes; these pesticides reduced leafminer parasite populations. Growing leafminer resistance to organophosphate pesticides had added to the problem of parasite population reduction, the Applicant reported. The Florida Cooperative Extension Service has, in the past, recommended the use of four organophosphate pesticides—azinphos methyl, diazinon, dimethoate and naled—for control of leafminers. Applicant's data indicate that these pesticides do not consistently control leafminers, or are somewhat effective for early applications only, efficacy dropping off later due to leafminer resistance.

Applicant claimed that, due to pesticide resistance, growers have employed repeated applications of pesticides to combat leafminers, thus compounding the problem by further reducing leafminer parasite populations. According to the Applicant, Monitor (methamidophos), which was recently State-registered in Florida for leafminer control, cannot be applied close to harvest because of its 14-day preharvest interval. Monitor cannot be applied within 42 to 64 days of the final harvest since there are four or five pickings at 7- to 10-day intervals.

The Applicant proposed to use Vydate L (EPA Reg. No. 352-372) at a rate of 0.5 to 1.0 pound active ingredient per acre. A maximum of four applications would be made starting about 14 days before the first harvest with repeat applications at 5- to 7-day intervals or as needed to coincide with intervals between subsequent harvest; no appalication would be made within 3 days of any harvest. All applications would be made by State-certified applicators using ground equipment with sufficient amounts of water to obtain uniform coverage. EPA has determined that the proposed use would pose no hazard to human health.

The Applicant estimated that total losses to the tomato industry, the largest commercial vegetable crop in Florida, could come to $1.3 million, much of which could be avoided by the granting of this specific exemption.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of vegetable leafminer is likely to occur; (b) there is no pesticide presently registered and available for use to control the vegetable leafminer in Florida; (c) there are no alternative means of control taking into account the efficacy and hazard; (d) significant economic problems may result if the vegetable leafminer is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until August 15, 1978, to the extent and in the manner set forth in the applicaton. The specific exemption is also subject to the following conditions:

1. The product Vydate L, EPA Reg. No. 352-372, will be applied;

2. A maximum of 24,000 acres may be treated;

3. Vydate will be applied at a rate of one-half to one pound active ingredient per acre; a maximum of four applications may be made;

4. A maximum of 24,000 gallons of product (48,000 pounds active ingredient) may be applied;

5. No application will be made within 3 days of any harvest;

6. All applications will be made by ground equipment using sufficient amounts of water to insure uniform coverage;

7. All applications will be made by State-certified applicators;

8. An oxamyl and oxime residue level not to exceed 1.0 ppm in or on treated tomatoes or any processed food or feed items derived from the treated tomatoes has been determined to be adequate to protect the public health. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;

9. All applicable directions, restrictions, and precautions on the product lable must be followed;

10. The EPA will be immediately informed of any adverse effects resulting from the use of Vydate L in connection with this exemption;

11. This product is toxic to birds and other wildlife. Care will be taken to keep it out of any body of water. Applications may not be made when weather conditions favor drift from treated areas. Care must be taken to prevent contamination of water by cleaning of equipment or disposing of wastes or containers;

12. This product is highly toxic to bees exposed to direct treatment or residues on crops. Protective information may be obtained from the State Cooperative Agricultural Extension Service; and

13. The applicant is responsible for assuring that all of the provisions of this specific exemption are met and must submit a report summarizing the results of this program by October 15, 1978.

(Sec. 18, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751 (7 U.S.C. 136 *et seq.*).)

Dated: June 22, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 78-18201 Filed 6-29-78 8:45 am]

[6560-01]

[FRL 920-7; OPP-180197]

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Issuance of Specific Exemption To Use Triforine To Control "Monilinia" Mummyberry on Blueberries

The Environmental Protection Agency (EPA) has granted a specific exemption to the New York State Department of Environmental Conservation (hereafter referred to as the "Applicant") to use triforine for the control of *Monilinia* mummyberry on blueberries on 64 acres in New York. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in this notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Room E-315, Washington, D.C. 20460.

Mummyberry is caused by the fungus *Monilinia vaccinii corymbosi.* Primary infection by ascospores takes place early in the spring just as the leaf and flower buds begin to grow. These ascospores are released from spore cups that develop from mummified fruit. Spore cup emergence coincides with the emergence of the young susceptible tissues of the plant. Mummies are a result of the disease from the previous crop and have overwintered on or near the surface of the soil beneath the bushes. Infected blossoms and leaves turn brown and wither as a result of these primary infections. The

fungus then produces a second spore type on these infected tissues. These are blown onto remaining blossoms where secondary infection takes place on the developing pistil of the flowers. These flower infections remain undetected until the fruit begins to enlarge. The infected fruit turns off-color and usually drops to the ground before healthy berries mature. These mummified fruits persist through the winter and act as a source of the fungus for the primary infection the following spring.

Currently there are four fungicides registered for the control of the primary infection stage: Benomyl, Captan, Ferbam, and Ziram. The Applicant referred to data which indicated that these fungicides are relatively ineffective in controlling primary infections of this desease. Cultural practices have also not been successful in commercial planting. However, triforine (N,N-[1,4-piperazinediylbis (2,2,2-trichloroethylidene)]-bis-[formamide]) appeared to be efficacious in suppressing this pathogen. Triforine is registered in the United States under the trade name funginex EC for use on greenhouse roses (EPA Reg. No. 21137-4).

The Applicant planned to use triforine on 64 acres in Cayuga, Onondaga, and Oswego Counties. It was estimated by the Applicant that the economic loss from shoot damage and fruit loss would be $40,000 if an effective fungicide was not available this growing season.

The Applicant proposed to use a maximum of 57.6 pounds of Funginex EC at a rate not to exceed 0.3 pound active ingredient per acre. There would be a maximum of three applications made by ground equipment. Applications would be made by licensed commercial applicators or State-certified private applicators. Based on the low toxicity, short half-life, and low application rate, no serious hazards to fish and wildlife are expected.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of *Monilinia* mummyberry is likely to occur this year on blueberries in New York; (b) there is no pesticide presently registered and available for use to control this pest in that State; (c) there are no alternative means of control taking into account the efficacy and hazard; (d) significant economic problems may result if the pest is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until July 30, 1978, to the extent and in the manner set forth in the application. The specific exemption is subject to the following conditions:

1. The product Funginex EC, EPA Reg. No. 21137-4, may be applied;

2. A maximum of 64 acres in Cayuga, Onondaga, and Oswego Counties will be treated;

3. Triforine will be applied at a rate of 0.3 pound a.i. per acre in 20 to 50 gallons of water by ground;

4. A maximum of three applications may be applied at 7 to 10 day intervals. Application will begin at bud break and end at the pink bud stage;

5. A minimum of 60 days will elapse between the last application of triforine and harvest;

6. Applications of this pesticide will be made by licensed commercial applicators or State-certified private applicators. Information pertaining to timing, rates, and procedures will be made available to the applicators through the New York State Cooperative Extension;

7. A triforine residue level not to exceed 0.1 ppm in or on harvested blueberries has been determined to be adequate to protect the public health. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare has been informed of this action;

8. All applicable directions, restrictions, and precautions on the product label must be followed;

9. The EPA will be immediately informed of any adverse effects resulting from the use of triforine in connection with this exemption; and

10. The Applicant is responsible for assuring that all of the provisions of this specific exemption are met and must submit a report summarizing the results of this program by November 30, 1978.

(Sec. 18, Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; (7 U.S.C. 136(a) *et seq.*).)

Dated: June 22, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 78-18207 Filed 6-29-78; 8:45 am]

[6560-01]

[FRL 921-1; OPP-180200]

SOUTH CAROLINA DIVISION OF REGULATORY AND PUBLIC SERVICE PROGRAMS

Issuance of Specific Exemption To Use Oxamyl on Tomatoes To Control Vegetable Leafminer

The Environmental Protection Agency (EPA) has granted a specific exemption to the South Carolina Division of Regulatory and Public Service Programs (hereafter referred to as the "Applicant") to use oxamyl (Vydate L) on 6,000 acres of tomatoes in three counties in South Carolina. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Room E-315, Washington, D.C. 20460.

The Applicant stated that tomatoes are a multimillion dollar crop in South Carolina. Both ground and staked tomatoes are grown for the fresh market. These tomatoes are grown primarily in Beaufort and Charleston Counties; a very small acreage is grown in adjacent Jasper County. Ground tomatoes are picked three times, with the last picking on or around July 10. Staked tomatoes are picked as many as six times, with the last picking as late as July 25.

According to the Applicant leafminers have become an important economic pest of tomatoes in the State. Feeding-larvae and adult females cause damage to the foliage, which results in leaf desiccation and eventual defoliation of the plant. When the plants become defoliated, the tomatoes can suffer sun scald, making them unfit for market. Even with defoliation, one picking can often be made; however, the smaller tomatoes fail to develop on defoliated plants. This results in the loss of the second and third pickings, two-thirds of the tomato crop, the Applicant stated.

The Applicant claimed that field populations of the leafminer have not been adequately controlled in Florida, the major source of tomato transplants in South Carolina, nor in South Carolina itself with the use of EPA-registered insecticides during the past few seasons. The basic insecticide in South Carolina is dimethoate, which, according to the Applicant, did not give adequate protection in 1977. The Applicant estimated that the acreage crop loss in 1978 will be approximately 33 percent of the total crop if the leafminer is not controlled; this could amount to an economic loss of as much as $6 million.

The Applicant proposed to use Bydat L (EPA Reg. No. 352-372) at a rate of 0.5 pound to 1.0 pound active ingredient per 100 gallons water per acre. A maximum of 9 applications to ground tomatoes and 11 to staked tomatoes would be made on 6,000 acres by ground equipment. A 1-day pre-harvest interval would be observed. Vydate L would be applied from the time plants are transplanted in the field up to the last picking. EPA has determined that the proposed use would pose no hazard to human health.

After reviewing the application and other available information, EPA has determined that: (a) A pest outbreak of vegetable leafminer is likely to occur; (b) there is no pesticide presently registered and available for use to control the vegetable leafminer in South Carolina; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the vegetable leafminer is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until August 15, 1978, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. The product Vydate L, EPA Reg. No. 352-372 will be applied;
2. A maximum of 6,000 acres in Beaufort, Charleston, and Jasper Counties may be treated;
3. Vydate L will be applied at a rate of one-half to 1 pound active ingredient in a minimum of 100 gallons of water per acre; a maximum of 9 applications may be made to ground tomatoes and 11 to staked tomatoes;
4. A maximum of 27,000 pounds active ingredient may be applied;
5. A 1-day pre-harvest interval will be observed;
6. All applications will be made by State-certified applicators or qualified growers using ground equipment;
7. An oxamyl and oxime residue level not to exceed 2 ppm in or on treated tomatoes or any processed food or feed items derived from the treated tomatoes has been determined to be adequate to protect the public health. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;
8. All applicable directions, restrictions, and precautions on the product label must be followed;
9. The EPA will be immediately informed of any adverse effects resulting from the use of Vydate L in connection with this exemption;
10. This product is toxic to birds and other wildlife. Care will be taken to keep it out of any body of water. Applications may not be made when weather conditions favor drift from treated areas. Care must be taken to prevent contamination of water by cleaning of equipment or disposing of wastes or containers;
11. This product is highly toxic to bees exposed to direct treatment or residues on crops. Protective information may be obtained from the State Cooperative Agricultural Extension Service; and
12. The Applicant is responsible for assuring that all of the provisions of this specific exemption are met and must submit a report summarizing the results of this program by October 15, 1978.

(Sec. 18, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136 et seq.))

Dated: June 22, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs

[FR Doc. 78-18202 Filed 6-29-78; 8:45 am]

[6560-01]

[FRL 920-2]

DESCRIBING AND ASSESSING VARIOUS NOISE ENVIRONMENTS

Comments on Proposed Guidelines

AGENCY: Environmental Protection Agency.

ACTION: Comments are solicited on proposed guidelines for preparing environmental impact statements on noise.

SUMMARY: EPA has requested the Committee on Hearing, Bioacoustics and Biomechanics (CHABA) of the National Academy of Sciences to propose guidelines for describing and assessing various noise environments. These proposed guidelines are presented in a report entitled "Guidelines for Preparing Environmental Impact Statements on Noise". In addition to general audible noise environments, the report address the assessment of high-energy impulse noise, special noises such as ultrasound and infrasound, and the environmental impact of structure-borne vibration. At this time, EPA is soliciting comments on these proposed guidelines. They will serve as basic guidance for other Federal agencies, as well as preparers of environmental impact statements on noise at the State and local level. EPA intends to issue this document as a formal publication at a later date.

DATES: Comments on the proposed assessment guidelines will be accepted on or before August 29, 1978.

ADDRESSES: Correspondence should be addressed as follows: Environmental Impact Docket, U.S. Environmental Protection Agency, ONAC (AW-471), 401 M Street SW., Washington, D.C. 20460.

The report may be obtained from the above address. Individuals and organizations who have previously commented to EPA regarding the proposed guidelines should be assured that their comments will be considered, and need not reply again.

FOR FURTHER INFORMATION CONTACT:

Ms. Julie K. Fortin, Environmental Protection Agency, Office of Noise Abatement and Control (AW-471), Washington, D.C. 20460, telephone: 703-557-7666 or 557-7305.

Dated: June 23, 1978.

DAVID G. HAWKINS,
Assistant Administrator for Air and Waste Management.

[FR Doc. 78-18251 Filed 6-29-78; 8:45 am]

[6560-01]

[FRL 921-6]

PRESIDENT'S REORGANIZATION PLAN NO. 1

Receipt of EIS for Week of June 19, 1978-June 23, 1978

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 June 19, 1978 through June 23, 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 August 14, 1978. The thirty (30) day period for each final statement begins the day 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 cent per page from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

Dated: June 27, 1978.

WILLIAM D. DICKERSON,
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.

FOREST SERVICE

Draft

Warren Planning Unit, Payette National Forest, Valley and Idaho Counties, Idaho, June 23: This proposed land management plan has been developed to resolve management direction for the Warren Planning Unit, an area of approximately 365,700 acres of National Forest Land in Idaho and Valley Counties, Idaho. Approximately 91 percent of the planning unit is roadless and therefore available for a wide range of management strategies. The board allocations con-

sidered for the planning unit represent three levels of resource development; wilderness study and proposed research National areas, limited forest development, and general forest development. (USDA-FS-R4-DES(ADM)R-4-78-6) (ELR Order No. 80675).

Elkhorn Wilderness Study Area, Helena and Deerlodge National Forests, Broadwater and Jefferson Counties, Mont., June 20: This proposal concerns the establishment of an Elkhorn Wilderness within the Elkhorn study area and a broad management direction for the study area not included in the wilderness proposal. The study area is located in the Helena and Deerlodge National Forests in Broadwater and Jefferson Counties, Mont. The study area encompasses 85,760 acres, 25,000 of which would be designated as wilderness. Management direction for different areas include: (1) Wildlife Habitat Maintenance or Improvement with Retention of Present Use (2) Dispersed Recreation with Habitat Improvement maintenance and (3) Mixed Activity and Resource Use. (ELR Order No. 80662.)

Alpine Lakes Area Acquisitions, several counties in Washington, June 20: This proposal involves the acquisition of non-Federal lands from six landowners for inclusion as federally owned lands in the Alpine Lakes Wilderness Area and "intended wilderness." These lands are located in Chelan, King, Kittitas, Pend, Oreille, Pierce, Skagit, Snohomish, Stevens, and Yakima Counties, Wash. In the process of acquisition some Federal lands will be exchanged and the remainder will be bought from six different sources. Certain rights and future development plans to lands exchanged may be revoked. (USDA-FS-DES(ADM)78- .) (ELR order No. 80663.)

Satsop Block Land Management Plan, Olympic NF, Grays Harbor and Mason Counties, Wash., June 23: The proposed action is to develop a comprehensive land management plan for the Satsop Block Planning Unit. The proposal affects 14,329 acres of land and water administered by the Forest Service on the Shelton Ranger District located in Grays Harbor and Mason Counties, Wash. The conditions existing within the planning unit are the result of a long-term timber sale. As such, 85 percent of the area has been harvested using the clearcutting system. The unit is completely surrounded by Forest Service and Simpson Timber Co. land committed to the Shelton Cooperative sustained yield unit. (USDA-FS-R6-DES(ADM)-78-12.) (ELR order No. 80680).

Final

Union Creek Channel Improvement, Neshoba and Newton Counties, Miss., June 19: Proposed are flood control measures in the city of Union, Miss. to reduce flooding of streets, yards, and grounds from various storm sizes up to and including the 100-year event. Proposed plan implementation call for increasing the flow capacity of 1.73 miles of previously altered intermittent streams and construction of about 1,400 feet levee. Adverse impacts involve the displacement of existing wildlife from 18 acres of mixed sapling and shrubby-type vegetation to be cleared during channel construction and repopulation with other species once vegetation is reestablished. (USDA-SCS-EIS-RC&D-ADM-78-1-(F)-MS.) Comments made by: DOI, COE, HEW, USDA, EPA, State and local agencies. (ELR order No. 80656.)

RURAL ELECTRIFICATION ADMINISTRATION

Draft

Western Farmers Plant, Transmission and Permit, Choctaw County, June 19: This proposal involves the granting of REA loan guarantee funds and the issuance of an EPA NPDES permit to the Western Farmers Electric Cooperative (WFEC) for the construction of a new steam-electric generating plant on a 3,000 acre site and associated transmission lines in Choctaw County, Okla. As part of the project coal will be obtained from the Powder River Basin and water will be obtained from the Hugo Reservoir. The transmission lines will run from the plant with approximately 18 miles of 345 kV line to the WFEC Valliant Substation and approximately 11 miles of line to the PSO Valliant Substation. (USDA-REA-EIS(ADM-78-9D.) (ELR order No. 80660.)

SOIL CONSERVATION SERVICE

Draft

Little Calumet River watershed, Cook and Will Counties, Ill., June 19: The proposal involves the Little Calumet River watershed which covers 136,500 acres in southern Cook and northeastern Will Counties, Ill. This watershed plan has been developed to: (1) provide watershed protection through an accelerated land treatment program; (2) reduce flood damages by implementing (a) floodwater retarding structures, (b) channel work, (c) stream channel maintenance; and (3) provide increased water based recreation. Planned structural measures consist of three single purpose excavated floodwater retarding structures and channel work on 1.99 miles of previously modified stream. (USDA-SCS-EIS-WS (ADM) 78-1-D-IL.) (ELR Order No. 80658.)

DEPARTMENT OF DEFENSE

ARMY

Contact: George Q. Cunney, Jr., Acting Chief, Environmental Office, Office of the Assistant Chief of Engineers, Department of the Army, Room 1E676, Pentagon, Washington, D.C. 20310, 202-694-4269.

Draft

Mission change, Fort Polk Military Reservation, Veron County, La., June 19: This proposal involves the mission at Fort Polk, Veron County, La. The mission has been changed from a military reservation to a divisional combat force installation. This action will consist of stationing the 5th Infantry Division (mechanized) at Fort Polk as now structured with two active Army brigades. The third brigade is the 256th Infantry Brigade of the Louisiana National Guard. This brigade and its units will be retained at their present and various locations in Louisiana. The division stationing action does not include a need to acquire additional land at this time, although land requirements may be reassessed in the near future. (ELR Order No. 80655.)

DEPARTMENT OF DEFENSE, AIR FORCE

Contact: Col. Luis F. Dominguez, Department of the Air Force, room 5D431, Pentagon, Washington, D.C. 20330, 202-697-7799.

Draft

Joint readiness exercise "Gallant Eagle 79" Florida, June 22: The proposed action, directed by the Joint Chiefs and sponsored by the U.S. Readiness Command is a large-scale, joint readiness exercise (JRX) scheduled to be conducted on and over the Eglin AFB, in Florida. The primary purpose of the project is to provide a simulated combat environment in which to exercise and evaluate the participating commanders, staffs, and forces in joint service tactics, techniques and procedures employed by Rangers, Infantry, unconventional warfare forces, and Armored Forces operating in lightly forested terrain and by Tactical Air Forces operating in a sophisticated air defense environment. (ELR order No. 80672.)

U.S. ARMY CORPS OF ENGINEERS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Department; Attn: DEAN-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

Eastpoint Breakwater, Apalachicola Bay, Franklin County, Fla., June 19: The COE proposes to construct a breakwater in the Apalachicola Bay at Eastpoint, approximately 6 miles east of Apalachicola in Franklin County, Fla. The proposed action consists of a breakwater to be constructed parallel to the shoreline, the existing channel parallel to the shoreline would be widened 50 feet, and approximately 27 acres of marsh would be established in dredged material. (Mobile District.) (ELR order No. 80661.)

Final

Restationing of troops redeploying from Korea, June 23: This action pertains to the return of the 2d Infantry Division, including nondivisional military units associated with the division, from Korea to the United States and retention in the force structure as an essential element of this Nation's defense. Upon return, it is envisioned that this division would be reorganized from an infantry division to a mechanized infantry division composed or two active instead of the usual three brigades with a total of about 12,500 personnel. Receiving posts under consideration are Fort Bliss, Tex.; Fort Benning, Ga; Fort Dix, N.J.; Fort Devens, Mass.; and Fort Drum, N.Y. Comments made by: USDA, COE, DOC, DOE, HUD, DOT, State, Justice, EPA, State and local agencies, and groups, individuals and businesses. (ELR order No. 80677.)

Cambridge Harbor Channel and Turning basin, Dorchester County, Md., June 19: Proposed is the maintenance dredging of the approach channel in the Choptank River and Cambridge Creek at the port of Cambridge, Md. Adverse effects of the project include noise generated during construction and inconvenience to navigation during construction. There is also a slight possibility that the floating pipeline containing the spoil material could break and smother nearby oyster bars. (Baltimore District.) Comments made by: DOC, DOI, EPA, HEW, USDA, CGD, and State and local agencies. (ELR order No. 80657.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-6308.

Final

Rohlwing Grove Apartments, Cook County, Ill., June 20: Proposed is the grant-

ing of FHA mortgage insurance to S.B.L. Associates and Nathaniel J. Reed, Jr., for the development and construction of a planned total development for 768 units on 41.65 acres, to be built in three phases. Phase No. 1 of the proposed development consists of 312 units on 14.28 acres; phase No. 2 of the development has already been approved by HUD based on an environmental clearance which revealed no significant environmental impacts. Adverse effects include the depletion of ground water resources, increased traffic, and construction-related pollution. (HUD-RO5-EIS-77-13(F).) Comments made by: USDA, EPA, DOI, FEA, FPC, HUD, DOT, and State and local agencies. (ELR order No. 80654.)

Westlake, Glendale Heights, Du Page County, Ill., June 21: Proposed is the granting of FHA/HUD home mortgage insurance for Westlake, a partially completed planned unit development located in the villages of Glendale Heights and Bloomingdale, Ill. This application is for 180 multi-family apartment units that comprise an intermediate stage of the development, which will eventually total 4,035 units. The action will result in increased air pollution, depletion of ground water, and an increased burden on the existing school system. (HUD-RO5-EIS-77-08(F).) Comments made by: COE, USDA, EPA, DOI, and State and local agencies. (ELR order No. 80669.)

Laurel Green, Subdivision, Columbus, Franklin County, Ohio, June 20: Proposed is the Department of HUD acceptance for mortgage insurance purposes the Laurel Greene Subdivision located in Columbus, Franklin County, Ohio. The proposed development plan encompasses only single-family housing types. The tract of ground contains approximately 175.6 acres purchased in two parcels. One parcel contains 70.0 acres and the second parcel contains 104.0 acres. Upon completion, Laurel Greene will be a planned development comprised of 650 single-family dwelling units. (HUD-RO5-EIS-77-16(F).) Comments made by: HUD, EPA, USDA, COE, and State and local agencies. (ELR order No. 80668.)

Briarwood Estates Subdivision, Dallas County, Tex., June 19: The proposed action involves the granting by HUD of home mortgage insurance to Fox & Jacobs, Inc., for the proposed residential subdivision, Briarwood Estates. The project site is the city of Dallas approximately 10 miles northeast of the downtown area near the Dallas-Garland city limits, Dallas County, Tex. The project is expected to encompass approximately 206 acres of land and includes an early start request for 199 of the total 867 single-family housing units to be developed. (HUD-RO6-EIS-78-23F.) Comments made by: EPA, AHP, DOT, COE, DOE, VA, and local agencies and groups. (ELR order No. 80659.)

Department of Interior

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256, Interior Bldg., Department of the Interior, Washington, D.C. 20240. 202-343-3891

BUREAU OF LAND MANAGEMENT

Final

Proposed 1978 OCS oil and gas lease OCS No. 65, Florida, Alabama, Mississipppi, Louisiana, June 23: Proposed is the OCS sale No. 65, which involves the offering of 116 tracts for leasing for the extraction of oil and gas. The tracts are located on the Outer Continental Shelf in areas located West, South, and East of that portion of the States of Florida, Alabama, Mississippi, and Louisiana that border on the Gulf of Mexico. The largest portion is located off the coast of Florida, and with the exception of two tracts, each tract contains 5,760 acres. The total area offered in all tracts amounts to 667,229.28 acres. (FES-78-13.) Comments made by: DOE, COE, DOT, NRC, EPA, FERC, DOI, and State and local agencies, and groups and businesses. (ELR order No. 80679.)

NATIONAL PARK SERVICE

Draft

Youghiogheny State and National Wild and Scenic River, Garrett County, Md., and Fayette and Somerset Counties, Pa., June 22: This proposal recommends that the Youghiogheny River between Oakland and Friendsville, Garrett County, Md., be included in the National Wild and Scenic Rivers System and that the segment between confluence and South Connellsville, Fayette and Somerset Counties, Pa., be included in the Pennsylvania Scenic Rivers System, and if desired in the National System. The 22.2-mile Maryland segment will be administered by the State of Maryland as a wild river and the 27-mile Pennsylvania segment by the Commonwealth of Pennsylvania as a scenic river. The protection boundary would encompass the visual corridor and several low-density recreation sites would be developed. (DES-78-23.) (ELR order No. 80673.)

Final

Natchez Trace Parkway, Tennessee, Alabama, and Mississippi, June 22: The proposed action involves the completion of 115 miles of motor road and associated public use and management facilities to expand recreational facilities along an existing motor road. The Natchez Trace Parkway (NTP) is an elongated park of 45,300 acres stretching an airline distance of 400 miles across Tennessee, Alabama, and Mississippi. This park memorialized a frontier roadway that followed ancient Indian trails in the region between Nashville, Tenn. and Natchez, Miss. Completion of this action will provide a continuous 447-mile motor road transecting parkway which will serve for pleasure motoring and will afford access to cultural features. Comments made by: AHP, USDA, COE, DOD, DOI, EPA, TVA, and State and local agencies. (ELR order No. 80674.)

Environmental Protection Agency

Contact: Wallace Stickney, EPA—Region I, John F. Kennedy Federal Building, Room 2203, Boston, Mass. 02203, 617-223-4635.

Final

Pittston Oil Refinery and Marine Terminal, Washington County, Maine, June 22: Proposed is the granting of a national pollutant discharge elimination system permit to the Pittston Co. of New York to discharge wastewater from their 250,000 barrel per day oil refinery and marine terminal at Eastport, Maine. The Pittston Co. proposes to process crude oil, which will be delivered to the refinery on tankers up to 250,000 dwt. The proposed refinery's principal products will be low sulfur heating and industrial fuel oils, gasoline production at the facility will be limited. (Region 1.) Comments made by: USCG, DOC, DOE, Treasury, HUD, State, ICC, CEQ, COE, State and local agencies, groups and individuals. (ELR Order No. 80671.)

EPA, REGION 1

Draft

Montachusett-Nashua Water Quality Program, Worcester and Middlesex Counties, Mass., June 20: The proposed action of this statement is the consideration of technical and management alternatives to deal with water quality problems of 14 municipalities in Worcester and Middlesex Counties, Mass. Major considerations have been made concerning: (1) a more rational use of land to alleviate certain non-point sources of pollution; (2) a detailed assessment of sewage needs in five towns; and (3) a study of the combined sewage over-flow problem in Fitchburg and the problems of residuals management. (ELR Order No. 80667.)

FEDERAL ENERGY RESEARCH COMMISSION

Contact: Dr. Jack M. Heinemann, Advisor on Environmental Quality, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, 202-275-6569.

Draft

Prattsville, Pumped Storage Project No. 2729, several counties in New York, June 23: The purpose of the proposed Prattsville project is to provide the applicant's electric generating system with 1,000 megawatts (MW) of fast-response peaking capacity and with the capability of storing energy produced by base-load nuclear and fossil-fired steam units during off-peak hours, thereby permitting the large base-load units to operate at maximum efficiency fuel economy at, or near, full load. The project would be located in the towns of Gilboa and Conesville in Schoharie County, Prattsville in Greene County, and Roxbury in Delaware County, N.Y. (FERC/EIS-0003.). (ELR Order No. 80676.)

Department of Transportation

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street SW., Washington, D.C. 20590, 202-426-4357.

FEDERAL AVIATION ADMINISTRATION

Draft

Scottsdale Municipal Airport, Land Acquisition, Maricopa County, Ariz., June 20: The proposed action is a development program for the Scottsdale Municipal Airport located in Scottsdale City, Maricopa County, Ariz. The actions will involve a 3,450 foot northeasterly runway and taxiway extension with the acquisition of 56 acres of land. The threshold for runway 03 will also be displaced 750 feet to the northeast, resulting in a 7,500 foot effective length runway. The runway and taxiway will not be widened but will be strengthened to accommodate heavier aircraft. Construction will include runway and taxiway lighting extension, miscellaneous utilities and roadway relocation. (ELR Order No. 80665.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

U.S. Route 7, Manchester and Dorset, Bennington County, Vt., June 20: The proposed action consists of the construction of a section of U.S. Route 7 in the towns of

Manchester and Dorset, Bennington County, Vt. The highway will be two-lane on four-lane right-of-way with fully controlled access if built on relocation, or four lane with uncontrolled access if constructed on the existing location. The project begins at the northern terminus of project F 019-1(9) just south of Vermont 11 and about 1.4 miles easterly of the U.S. Route 7-Vermont Route 11 intersection in Manchester Center; the project will extend northerly to existing U.S. Route 7 north of Manchester Center. (FHWA-VT-EIS-78-03-D.) (ELR Order No. 80664.)

Draft

Western Bypass of the City of Talladega, Talladega County, Ala., June 21: Proposed is the construction of a bypass around the western side of the city of Talladega. The project begins just north of Talladega Creek on U.S. Alternate 231 and swings to the western side of Talladega tying back into U.S. Alternate 231 north of Talladega. The project calls for a two-lane highway to be constructed on four-lane right-of-way with grade separations over the Southern Railway tracks and the Atlantic Coastline tracks. The approximate length of the project is 5 miles. The project is located in Talladega County, Ala. (FHWA-AL-EIS-78-04-D.) (ELR Order No. 80670.)

U.S. POSTAL SERVICE

Contact: Mr. Robert Coven, Director, Office of Program Planning, Real Estate and Building Department, U.S. Postal Service, Washington, D.C. 20260.

Final

Post Office Vehicle Maintenance Facility, Stamford, Fairfield County, Conn., June 23: The proposed action consists of the construction of the U.S. Post Office General Mail Facility and Vehicular Maintenance Facility in the city of Stamford, Conn. and the transfer of approximately 645 U.S. Postal Service employees, wherein planned employment will number about 800 persons. These facilities are proposed for a 13-acre site, part of a 39-acre site known as the "standard brands" site, located at the southerly end of West Avenue and West of Betts Avenue within the city of Stamford. The cite adjoins the town of Greenwich along the western boundary of the tract. Comments made by: AHP, EPA, State and local agencies, groups, individuals and businesses. (ELR Order No. 80678.)

INFORMATION REPORT

The EPA has received the following reports which provide supplemental information on proposals which have fulfilled the NEPA process. Copies of the report 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

80628—June 12, 1978—Addendum—Comment/Response to Final EIS Beadle Bay Development, Saginaw Bay, Lake Huron, Mich., FEIS dated November 4, 1977.

CLARIFICATION

On April 28, 1978 (43 FR 18249), EPA published an abstract relating to a GSA draft EIS for the Charlestown Naval Auxiliary Landing Field, Washington County, R.I. The abstract stated that, "GSA has proposed selling the land for construction of nuclear powered electricity generating facilities." This is to clarify that there are 18 possible alternatives for the use of the property and that GSA has not reached any conclusions as to the use.

[FR Doc. 78-18328 Filed 6-29-78; 8:45 am]

[6714-01]

FEDERAL DEPOSIT INSURANCE CORPORATION

FAIR HOUSING

Rescission of the FDIC Statement of Policy, Nondiscrimination in Real Estate Loan Activities, 37 FR 8908 (1972)

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Rescission of the FDIC fair housing policy statement.

SUMMARY: The Federal Deposit Insurance Corporation rescinds its policy statement on Nondiscrimination in Real Estate Loan Activities, 37 FR 8908 (1972) because the advertising and poster requirements of the fair housing statement are, with slight revision, incorporated into the FDIC Fair Housing Regulations (Part 338) which become effective July 3, 1978.

DATE: The rescission becomes effective July 3, 1978.

FOR FURTHER INFORMATION CONTACT:

Jerry L. Langley, Attorney, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, D.C. 20429, 202-389-4237.

By order of the Board of Directors, June 26, 1978.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

[FR Doc. 78-18217 Filed 6-29-78; 8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Domestic Policy Directive of May 16, 1978

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive [1] issued at its meeting held on May 16, 1978.

The information reviewed at this meeting suggests that real output of goods and services is growing at a rapid rate in the current quarter, after having declined somewhat in the first quarter when activity was adversely affected by the unusually severe weather and the lengthy strike in coal mining. In April retail sales, industrial production, and nonfarm payroll employment increased substantially further and the unemployment rate declined from 6.2 to 6.0 percent. The pace of the rise in wholesale prices remained rapid, reflecting mainly further large increases in farm products and processed foods. The index of average hourly earnings continued to advance at about the fast pace that it had on the average during the first quarter.

The trade-weighted value of the dollar against major foreign currencies has risen over the past 4 weeks to the level prevailing at the beginning of the year. The trade deficit in the first quarter widened substantially from the already large deficit recorded in the final quarter of 1977.

M-1, which had grown moderately in the first quarter, rose sharply in April. Growth in M-2 and M-3 also stepped up but much less than growth in M-1, because inflows of the interest-bearing deposits included in these aggregates remained slow. Market interest rates have increased in recent weeks. On May 11 an increase in Federal Reserve discount rates from 6½ to 7 percent was announced.

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.

At its meeting on April 18, 1978, the Committee agreed that 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, the ranges of tolerance for the annual growth rates over the May-June period will be 3 to 8 percent for M-1 and 4 to 9 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 7¼ to 7¾ percent. In the conduct of day-to-day operations, account shall be taken of emerging financial market conditions.

[1] The Record of Policy Actions of the Committee for the meeting of May 16, 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.

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.

NOTE—On June 16, 1978, the Committee modified the domestic policy directive adopted at its meeting on May 16, 1978, to instruct the Desk to continue aiming for a weekly-average Federal funds rate of 7½ percent at this time.

By order of the Federal Open Market Committee, June 23, 1978.

ARTHUR L. BROIDA,
Secretary.

[FR Doc. 78-18227 Filed 6-29-78; 8:45 am]

[1610-01]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on June 23, 1978. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed ICC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before July 18, 1978, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, U.S. General Accounting Office, Room 5106, 441 G Street NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

INTERSTATE COMMERCE COMMISSION

The ICC requests an extension without change clearance of application for Motor Carrier Certificate of Registration, form OP-OR-100. This application form is for use by single-State common carriers seeking to engage in operations in interstate and foreign commerce solely within a single State under provisions of section 206(a)(6) of the Interstate Commerce Act. The form has been updated to simplify the language and former question No. IX has been eliminated. The ICC states that there have been no other changes in the data items to be reported. The ICC estimates approximately 100 such applications are filed annually and that the time to prepare an application averages 4 hours.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc 78-18180 Filed 6-29-78; 8:45 am]

[4110-03]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ABBOTT LABORATORIES, INC.

Life-Iron; Withdrawal of Approval of New Animal Drug Application

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document withdraws approval of new animal drug application (NADA) 40-367V providing for the use of Life-Iron (iron-hydrogenated dextran) injection for treating iron deficiency anemia in baby pigs. The manufacturer requested this action.

EFFECTIVE DATE: June 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Andrew J. Beaulieu, Bureau of Veterinary Medicine (HFV-214), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3183.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345-347 (21 U.S.C. 360b(e))) and under authority delegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.84), the following notice is issued:

Abbott Laboratories, Inc., North Chicago, Ill. 60064, holder of approved NADA 40-367V for Life-Iron (iron-hydrogenated dextran) injection for treating iron deficiency anemia in baby pigs, requested by letter dated October 7, 1977, that approval of the NADA be withdrawn because the drug is no longer being marketed and has waived opportunity for a hearing. Therefore, in accordance with § 514.115 withdrawal of approval of applications (21 CFR 514.115), notice is given that approval of the application and all supplements thereto is hereby withdrawn effective June 30, 1978.

Dated: June 22, 1978.

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

[FR Doc. 78-17862 Filed 6-29-78; 8:45 am]

[4110-03]

MEDICAL DEVICE CLASSIFICATION PANELS

Request for Nominations for Voting Members on Advisory Committees

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document requests nominations for voting members to serve on certain public advisory committees of the Bureau of Medical Devices. Nominations will be accepted for vacancies that currently exist and vacancies that will or may occur on the panels during the next 12 months.

DATES: Since scheduled vacancies occur on various dates throughout each year, no cutoff date is established for the receipt of nominations. However, when possible, nominations should be received at least 6 months before the date of scheduled vacancies for each year, as indicated in the list of the advisory committees in this notice.

ADDRESS: All nominations for the voting members of the respective advisory committee must be sent to: Kay A. Levin, Bureau of Medical Devices (HFK-50), Food and Drug Administration, 8757 Georgia Avenue, Silver Spring, Md. 20910.

FOR FURTHER INFORMATION CONTACT:

Robert S. Kennedy, Bureau of Medical Devices (HFK-401), Food and Drug Administration, 8757 Georgia Avenue, Silver Spring, Md. 20910, 301-427-7900.

SUPPLEMENTARY INFORMATION: The Food and Drug Administration (FDA) requests nominations, as indicated, for voting members for the following advisory committees:

1. Respiratory and Nervous Systems Devices Panel.
   a. Anesthesiology section: 2 vacancies November 30, 1978.
   b. Neurology section: 1 vacancy immediately, 1 vacancy November 30, 1978.
2. Circulatory Systems Devices Panel: 1 vacancy June 30, 1978.
3. Ophthalmic; Ear, Nose, Throat, and Dental Devices Panel.
   a. Dental section: 2 vacancies October 31, 1978.
4. General Medical Devices Panel.
   a. General hospital and personal use section: 2 vacancies December 31, 1978.
   b. Gastroenterology and urology section: 4 vacancies December 31, 1978.
5. Surgical and Rehabilitation Devices Panel.
   a. Orthopedic section: 1 vacancy August 31, 1978.
   b. Physical medicine section: 3 vacancies August 31, 1978.
6. Obstetrics-Gynecology and Radiologic Devices Panel.
   a. Obstetrics-gynecology section: 2 vacancies January 31, 1979.
   b. Radiologic section: 3 vacancies January 31, 1979.

7. Clinical Chemistry and Hematology Devices Panel.
a. Clinical chemistry section: 2 vacancies immediately, 3 vacancies February 28, 1979.
b. Clinical toxicology section: 2 vacancies February 28, 1979.
c. Hematology section: 2 vacancies February 28, 1979.
8. Immunology and Microbiology Devices Panel.
a. Immunology section: 1 vacancy February 28, 1979.
b. Microbiology section: 3 vacancies February 28, 1979.
c. Pathology section: 1 vacancy immediately.

In accordance with the Medical Device Amendments of 1976 (Pub. L. 94-295), the function of the committees listed above is to: (1) Review and evaluate available data concerning the safety and effectiveness of medical devices currently in use, (2) advise the Commissioner of Food and Drugs regarding recommended classification of these devices into one of three regulatory categories, (3) recommend the assignment of a priority for the application of regulatory requirements for devices classified in the standards or premarket approval category, (4) advise on any possible risks to health associated with the use of devices, (5) advise on formulation of product development protocols and review premarket approval applications for those devices classified in the premarket approval category, (6) review classification of devices to recommend changes in classification as appropriate, (7) recommend exemption to certain devices from the application of portions of the act, (8) advise on the necessity to ban a device, and (9) respond to requests from the agency to review and make recommendations on specific issues or problems concerning the safety and effectiveness of devices.

Persons nominated for membership shall have adequately diversified experience appropriate to the work of the committee in such fields as clinical and administrative medicine, engineering, biological and physical sciences, and other related professions. The nature of specialized training and experience necessary to qualify the nominee as an expert suitable for appointment may include experience in medical practice, teaching, and/or research relevant to the field of activity of the committee. The term of office is 3 years.

Any interested person may nominate one or more qualified persons for membership on one or more of the advisory committees. Nominations shall state that the nominee is aware of the nomination, is willing to serve as a member of the advisory committee, and appears to have no conflict of interest that would preclude committee membership. Potential candidates will be asked by FDA to provide detailed information concerning such matters as financial holdings, consultancies, and research grants and/or contracts, in order to permit evaluation of possible sources of conflict of interest.

This notice is issued under the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)) and 21 CFR Part 14, relating to advisory committees.

Dated: June 22, 1978.

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

[FR Doc. 78-17859 Filed 6-29-78; 8:45 am]

[4110-03]

MEDICAL DEVICE CLASSIFICATION PANELS

Request for Nominations for Nonvoting Representatives of Consumer and Industry Interest on Public Advisory Committees

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document requests nominations for nonvoting consumer and industry representatives to serve on certain public advisory committees of the Bureau of Medical Devices. Nominations will be accepted for vacancies that currently exist and vacancies that will or may occur on the panels or sections during the next 12 months.

DATE: Nomination should be received by July 31, 1978, for vacancies indicated in the list of the advisory committees in this notice.

ADDRESSES: All nominations for consumer representatives must be submitted in writing to: the Special Assistant for Consumer Affairs (HFG-1), Office of Consumer Affairs, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857. All nominations for industry representatives must be submitted in writing to: Kay A. Levin, Bureau of Medical Devices (HFK-50), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, Md. 20910.

FOR FURTHER INFORMATION CONTACT:

For consumer interests:
Naomi Kulakow, Office of Consumer Affairs (HFG-10), Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-5006.
For industry interests:
Robert S. Kennedy, Bureau of Medical Devices (HFK-401), Food and Drug Administration, 8757 Georgia Avenue, Silver Spring, Md. 20910 301-427-7900.

SUPPLEMENTARY INFORMATION: The Food and Drug Administration requests nominations, as indicated, for nonvoting members representing consumer and industry interests for the following classification panels or sections:

Device panel/section	Approximate date representative needed	
	Consumer	Industry
1. Respiratory and Nervous Systems Devices Panel: a. Anesthesiology Section.	Immediately	Nov. 30, 1978
2. Circulatory Systems Devices Panel	June 30, 1978	NA.
3. Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel:		
a. Ophthalmic Section	NA	Oct. 31, 1978
b. Ear, Noise, and Throat Section	NA	Do
c. Dental Section	Oct. 31, 1978	Do
4. General Medical Devices Panel:		
a. General Hospital and Personal Use Section	Dec. 31, 1978	Dec. 31, 1978
b. Gastroenterology and Urology Section	Immediately	NA.
5. Surgical and Rehabilitation Devices Panel:		
a. General and Plastic Surgery Section	July 17, 1978	Aug. 31, 1978
b. Physical Medicine Section	Aug. 31, 1978	NA.
6. Obstetrics-Gynecology and Radiology Devices Panel: a. Radiologic Section.	NA	Jan. 31, 1979

In accordance with the Medical Device Amendments of 1976 (Pub. L. 94-295), the function of the committees and sections listed above is to: (1) Review and evaluate available data concerning the safety and effectiveness of devices currently in use, (2) advise the Commissioner of Food and Drugs regarding recommended classification of these devices into one of three regulatory categories, (3) recommend the assignment of a priority for the application of regulatory requirements for devices classified in the standards or premarket approval category, (4) advise on any possible risks to health associated with the use of devices, (5) advise on formulation of product development protocols and review premarket approval applications for those devices classified in the

premarket approval category, (6) review classification of devices to recommend changes in classification as appropriate, (7) recommend exemption to certain devices from the application of portions of the act, (8) advise on the necessity to ban a device, and (9) respond to requests from the agency to review and make recommendations on specific issues or problems concerning the safety and effectiveness of devices.

Section 513 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c) provides that each medical device panel shall include as nonvoting members, one representative of consumer interests and one representative of interests of the device manufacturing industry. Each of the sections identified in this notice shall also have a representative of consumer interests and a representative of industry interests.

Any interested person may nominate one or more qualified persons as a nonvoting member of a particular advisory committee or section to represent consumer interests as identified in this notice. Any organization in the medical device manufacturing industry ("industry interests") wishing to participate in the selection of an appropriate nonvoting member of a particular panel or section may nominate one or more qualified persons to represent industry interests.

Nominations shall state that the nominee is aware of the nomination, is willing to serve as a member of an advisory committee, and, in the case of consumer representatives, appears to have no conflict of interest. If a nominee is interested only in a particular advisory committee or section, the nomination shall so state. If a nominee is interested in becoming a member of any advisory committee or section, the nomination shall so state. A complete curriculum vitae of each nominee shall be included.

Regarding nominations for members representing consumer interests, the curriculum vitae for each of the selected nominees will be sent to FDA's voting consumer organizations together with a ballot that must be filled out and returned within 30 days to the Office of Consumer Affairs at the address given above. Under § 14.84 (21 CFR 14.84), the selection of the consumer representative will be determined from the ballots submitted.

Regarding nominations for members representing the interests of the device manufacturing industry, a letter shall be sent to each organization that has made a nomination, together with a complete list of all such organizations and the nominees. The letter will state that it is the responsibility of each organization to consult with the others in selecting a single nonvoting member representing industry interests for that particular committee within 30 days after receipt of the letter.

This notice is issued under the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)) and 21 CFR Part 14, relating to advisory committees.

Dated: June 22, 1978.

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

[FR Doc. 78-17861 Filed 6-29-78; 8:45 am]

[4110-03]

[Docket No. 78N-0124]

UPJOHN CO.; DEPO-PROVERA STERILE AQUEOUS SUSPENSION

Opportunity for Hearing on Proposal To Refuse To Approve Supplemental New Drug Application

AGENCY: Food and Drug Administration (FDA).

ACTION: Notice.

SUMMARY: The Director of the Bureau of Drugs proposes to refuse approval of a supplemental new drug application for Depo-Provera Sterile Aqueous Suspension (medroxyprogesterone acetate) (NDA 12-541/S-004) by The Upjohn Co., Kalamazoo, Michigan 49001 on the grounds that (1) the reports of investigations do not show that Depo-Provera is safe for use under marketing conditions as an injectable contraceptive, and that (2) upon the basis of the information submitted as part of the application, and upon the basis of other information with respect to the drug, FDA has insufficient information to determine whether Depo-Provera is safe for use under such conditions.

DATES: Any request for a hearing must be submitted on or before July 31, 1978. In support of any such request, all data and information relied upon to justify a hearing and any other comments from interested persons must be submitted on or before August 28, 1978.

ADDRESSES: Submit requests for hearing, supporting data and information, and other comments (identify with FDA Docket No. 78N-0124) to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Nathan J.Treinish, Bureau of Drugs (HFD-32), Food and Drug Administration, Department of Health, Education, and Welfare, Rockville, Md. 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION:

BACKGROUND

In the FEDERAL REGISTER of October 10, 1973 (38 FR 27940), FDA issued a proposal to amend § 130.45 (21 CFR 130.45), (recodified as § 310.501 in the FEDERAL REGISTER of March 29, 1974 (39 FR 11630)), to provide for patient labeling for the injectable contraceptive medroxyprogesterone acetate. The Commissioner of Food and Drugs issued a final order, published in the FEDERAL REGISTER of September 12, 1974 (39 FR 32907), providing for patient labeling for this product. The order was published in anticipation of the Commissioner's approval of a pending supplemental new drug application (NDA 12-541) providing for the use of medroxyprogesterone acetate injectable for contraception.

In the FEDERAL REGISTER of October 30, 1974 (39 FR 38226), FDA stayed the provisions of the regulation until further notice. The stay was based on a review of the data on the incidence of cancer in situ among those women who participated in the medroxyprogesterone acetate study sponsored by the NDA applicant. The review, conducted by the staff of the Subcommittee on Intergovernmental Relations of the Committee of Government Operations of the U.S. House of Representatives, concluded that the evidence did not establish the safety of the drug.

APLICATION FOR DEPO-PROVERA STERILE AQUEOUS SOLUTION

A supplemental new drug application (NDA 12-542/S-004) dated February 27, 1967, was submitted by The Upjohn Co. ("Upjohn") pursuant to section 505(b) of the Federal Food, Drug, and Cosmetic Act (the "act") (21 U.S.C. 355(b)) for Depo-Provera (medroxyprogesterone acetate) Sterile Aqueous Suspension ("Depo-Provera") for intramuscular injection as a contraceptive agent in humans. By letter dated March 7, 1978, FDA advised Upjohn that the supplemental NDA was not approvable under sections 505(d)(2) and 505(d)(4) of the act.

Upjohn responded by letter dated March 21, 1978, stating that it believed the letter from FDA to be a notice under 21 CFR 314.111(a) that the Commissioner intended to issue a notice of opportunity for a hearing. Upjohn declined to exercise any of the alternative procedures under 21 CFR 314.111(b) and requested that FDA expeditiously issue a notice of opportunity for hearing. Therefore, this notice is being published pursuant to that regulation and 21 CFR 314.200.

SAFETY CONCERNS

The Director of the Bureau of Drugs finds that, although a supplemental NDA is an acceptable form of application for this product, the supplement

is not approvable because it does not establish the safety of the product for this use:

1. Studies in beagle dogs have shown an increased incidence of mammary carcinoma (breast cancer) associated with medroxyprogesterone acetate. Although it is not known whether these findings are directly applicable to humans, the safety questions raised by these animal data have not been resolved. Accordingly, FDA still believes that this drug poses a substantial risk to users. No other contraceptives that have such safety data are approved for marketing.

2. In 1973 and 1974, FDA was willing to approve Depo-Provera for contraceptive use in a limited patient population that is informed of the risk of breast cancer. Since 1974, FDA has concluded that there is no significant patient population in need of this drug, i.e., there is no significant patient population meeting the criteria proposed in 1974 for use of this drug, and for whom the benefits of the drug outweigh the risks. The availability in the United States of many safe and effective alternative methods of contraception and sterilization, which have become increasingly popular in recent years, has decreased the need for a long-term, potentially high-risk injectable contraceptive. Furthermore, demand from physicians and patients for a drug of this nature in the United States has diminished. For those reasons, Upjohn would have difficulty finding enough patients for proposed postmarketing studies to complete them within a reasonable time. This fact would limit Upjohn's ability to fulfill one of the proposed conditions for approval of the drug.

The Bureau of Drugs recognizes that risk-benefit considerations may be different in other nations, where alternative methods of contraception may be less available or less acceptable and where the physician-to-patient ratio is lower. The evaluation of the supplement was based only upon benefit-to-risk considerations in the United States.

3. Because the use of Depo-Provera often causes irregular bleeding, physicians are likely simultaneously to prescribe estrogens to patients in an attempt to control the irregular bleeding. See, e.g., Seymour, R. J. and Powell, L. C., "Obstetrics and Gynecology," 36:589, 1970. The use of estrogens, however, imposes an added risk and decreases the benefits of a progestogen-only contraceptive.

4. Medroxyprogesterone acetate, like other progestogenic and estrogenic hormones, is associated with a risk of congenital malformations in humans exposed to the drug during pregnancy. Because of the long-acting pharmacological activity of Depo-Provera, however, exposure of the fetus would be prolonged in the event of pregnancy due to a drug failure, and the risk of congenital malformations would increase.

5. In addition, the Bureau of Drugs has serious reservations about the ability of Upjohn's proposed postmarketing study for breast and cervical carcinoma to yield meaningful data because (1) the applicant's projections of no more than a 10-percent loss of patients in follow-up studies over a period of 10 years is unrealistic, and (2) although both the intrauterine device (IUD) and Depo-Provera groups would, at the start, be "uncontaminated" by previous oral contraceptive use, many of the patients in at least the IUD group may decide to switch to oral contraceptives, thus decreasing the "uncontaminated" patient population available for long-term follow-up. Consequently, a meaningful study would require a much larger patient population than is proposed. A promise of successful execution of such a study would be a condition of marketing approval, and it is doubtful that Upjohn would be able to do so.

6. The Bureau of Drugs must consider probable usage as well as proposed labeled indications. There is strong evidence that Depo-Provera has been and is now being used for non-labeled indications (i.e., as a contraceptive). The Bureau Director has been made aware that Depo-Provera is likely in the future to be used for still other non-labeled conditions. The likelihood that Depo-Provera will be put to non-approved uses for which the benefits do not exceed the risks would be enhanced by the wider approved use of the drug. For example, the Bureau has received letters from physicians stating that Depo-Provera will be used by retarded women and adolescents, patient groups not among those for which approval was contemplated in the 1974 order. Also, the Bureau received a letter from a physician indicating that the drug can be used to prevent menses.

The decision that the supplement for Depo-Provera is not approvable is thus based on several factors whose cumulative effect has been to persuade the Bureau that the drug no longer has the positive risk-benefit ratio that it thought existed in 1974.

Notice of Opportunity for Hearing

Therefore, notice is given to Upjohn and all other interested persons that the Director of the Bureau of Drugs proposes to issue an order under section 505(d) of the act refusing to approve NDA 12-541/S-004 on the following grounds: (1) That the reports of investigations do not show that Depo-Provera is safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling thereof, and (2) upon the basis of the information submitted as part of the application, and upon the basis of other information with respect to the drug, FDA has insufficient information to determine whether the drug is safe for use under such conditions.

If Upjohn elects to request a hearing pursuant to section 505(d) of the act and 21 CFR 314.200, it must file with the Hearing Clerk, Food and Drug Administration, (1) a written notice of appearance and request for hearing by July 31, 1978, and (2) the data, information, and analyses on which it relies to justify a hearing, as specified in § 314.200, by August 28, 1978.

Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing are contained in 21 CFR 314.200.

The failure of the applicant to file a timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election not to make use of the opportunity for a hearing, and the Director of the Bureau of Drugs will summarily enter a final order refusing to approve the application.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact that precludes the refusal to approve the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person who requests the hearing, making findings and conclusions, and denying a hearing.

All submissions pursuant to this notice are to be filed in quintuplicate. These submissions, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053, as amended (21 U.S.C. 355)), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 5.82).

Dated: June 22, 1978.

J. Richard Crout,
Director, Bureau of Drugs.

[FR Doc. 78-17860 Filed 6-29-78; 8:45 am]

[4110-03]

[Docket No. 78N-0170]

APPROVED DRUG PRODUCTS

Availability of an Interim List

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Commissioner of Food and Drugs announces the availability of an interim list of all human drug products that have been, and continue to be, approved for marketing through new drug applications (NDA's), abbreviated new drug applications (ANDA's), and antibiotic form 5 submissions covering the period from passage of the Federal Food, Drug, and Cosmetic Act of 1938 through April 1978. Holders of approved new drug and abbreviated new drug applications and antibiotic form 5 submissions are being sent an individual listing of their products in worksheet format for their information and comment. The entire interim list is being made available for public inspection and purchase.

DATE: Comments by July 31, 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:

Alan Gelberg, Bureau of Drugs (HFD-610), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3204.

SUPPLEMENTARY INFORMATION: In response to increased State government interest in drug product equivalence and drug formularies, the Commissioner is compiling a list, to be publicly available, of all human drug products that have been approved for marketing and whose approval continues to be in effect. This publication lists by trade name those human drug products approved for marketing through the new drug and antibiotic clearance procedures of the Federal Food, Drug, and Cosmetic Act from its passage in 1938 through April 1978, and it contains an ingredient index and an application holder index. The items appear alphabetically in one volume. Antibiotic form 6 approvals, covering generic antibiotic drug products, are not included in the current list but will be added to the list later.

Although this publication is intended to list all approved human drug products, a subsequent list scheduled to be completed in late summer 1978 will include any corrections brought to the agency's attention and will also identify therapeutically equivalent products. The Approved Drug Products List differs from previous lists of approved drugs because it contains an ingredient index and shows the composition (active ingredients) of each drug product.

The agency is sending each holder of an approved drug submission (NDA, ANDA, form 5) an individual worksheet of all the holder's approved drug products, taken from the interim list, so that the holder will be aware of which of its products the agency is listing. NDA holders can assume that, if an approved product does not appear on the list, the agency's automated data records do not show a firm or person holding an approved submission. The Food and Drug Administration is amenable to receiving any additions, deletions, or corrections to the list from NDA holders.

In compiling the Approved Drug Products List, the agency has attempted to use the available information in its systems and to verify this information to the extent possible with present resources. The Commissioner realizes that corrections, deletions, and additions are likely to be required. This first list is considered an interim list and is intended to include all human drug products, except form 6 antibiotics that for technical reasons could not be included. They will, however, appear in future printings of the list beginning in late summer 1978. Subsequent lists will be updated annually. The agency will issue quarterly supplements to keep the list as current as possible with new approvals, deletions, and therapeutic equivalence information. Magnetic computer tapes of the information contained in the supplements will also be made available on a quarterly basis.

A copy of the interim list is on file for public display in the office of the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857. Copies of the interim list can be purchased from National Technical Information Services (NTIS), Department of Commerce, Springfield, Va. 22161 (order No. PB 281 349/AS, $12.50 (hardbound), $3 (microfiche)). After late summer 1978, future printings of the list, all supplements to it, and the computer tapes will be available for purchase from the same address.

Dated: June 22, 1978.

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

[FR Doc. 78-17990 Filed 6-29-78; 8:45 am]

[4110-03]

[Docket No. 78N-0185]

ABBOTT LABORATORIES

Panel Recommendation on Petition for Reclassification

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The agency is publishing for public comment the recommendation of the Clinical Chemistry Device Classification Panel that the Conjugated Sulfolithocholic Acid (SLCG) RIA Diagnostic Kit be reclassified from class III (Premarket Approval) into class II (Performance Standards). This recommendation was made after review of a reclassification petition filed by Abbott Laboratories, North Chicago, Ill. 60064, under section 513(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c(f)). After reviewing the Panel recommendation and any public comments received, the agency will approve or deny the reclassification by order in the form of a letter to the petitioner. The agency's decision on this reclassification petition will be announced in the FEDERAL REGISTER.

DATE: Comments by July 31, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Kaiser Aziz, Bureau of Medical Devices (HFK-440), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Avenue, Silver Spring, Md. 20910, 301-427-7550.

SUPPLEMENTARY INFORMATION: On December 22, 1977, Abbott Laboratories, North Chicago, Ill. 60064, submitted to the Food and Drug Administration (FDA), a premarket notification under section 510(k) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(k)), stating that it intended to market a radioimmunoassay for the quantitative measurement of total circulating serum sulfolithocholic acid conjugates (SLCG), a device the manufacturer calls "SLCG RIA Diagnostic Kit." After reviewing the information in the premarket notification, the Commissioner of Food and Drugs determined that the device is not substantially equivalent to any device that was in commercial distribution before May 28, 1976; nor is the device substantially equivalent to a device that has been placed in commercial distribution since that date and subsequently reclassified. Upon this determination, the device is automatically

classified into class III under section 513(f)(1) of the act.

Under section 515(a)(2) of the act (21 U.S.C. 360e(a)(2)), before a device that is in class III under section 513(f)(1) of the act can be marketed, it must either be reclassified under section 513(f)(2) of the act or have approval of an application for premarket approval under section 515 of the act, unless there is in effect for the device an investigational device exemption under section 520(g) of the act (21 U.S.C. 360j(g)).

On February 15, 1978, Abbott Laboratories submitted to FDA a completed reclassification petition for the device under section 513(f)(2) of the act. On March 13, 1978, the Clinical Chemistry Device Classification Panel reviewed the petition and recommended that the device be reclassified into class II.

To determine the proper classification of the device, the Panel considered the criteria in section 513(a)(1) of the act.

For the purpose of the classification, the Panel assigned to this generic type of device the name "radioimmunoassay for conjugated sulfolithocholic acid" and described this type of device as one that quantitatively determines the total circulating serum SLCG. SLCG are bile acids which promote dietary fat digestion. Elevated serum bile acid levels are an indication of liver dysfunction. The device is used as an adjunct in the diagnosis of liver disorders such as cirrhosis or obstructive liver disease.

Summary of the Reasons for the Recommendation

The Panel made the following determinations in support of its recommendation:

1. The device is neither life-supporting nor life-sustaining, and it is not an implant. General controls are not sufficient to provide reasonable assurance of the safety and effectiveness of the device, but sufficient scientific and medical data exist to establish a performance standard to provide such assurance.

2. Hazards to life or good health may result from the use of information derived from the device when it does not perform properly.

3. Safety and effective performance of the device should be maintained by following precautions discussed under "Risks to Health" below.

Summary of Data on Which Recommendation is Based

The safety and effectiveness of the device was determined on the basis of data presented on the performance characteristics of the product.

The precision of the device was evaluated by testing four serum pools 10 times each on three consecutive occasions. This test demonstrated that the device produced similar results between separate test runs of the same pool and within the same test run.

Four serum pools were tested in similar fashion across six lots of SLCG RIA Diagnostic Kits to establish the ability of different lots of the device to produce similar results. Coefficients of variation ranged from 3.7 to 8.9 percent.

The ability of the antiserum component of the device to distinguish SLCG from 24 related steroids also was determined by testing. Cross-reactivity with the SLCG antiserum in all but two cases was less than 5.0 percent.

The performance of the kit was tested in interference studies on over 40 common drugs. None were found to interfere. Additional studies determined that hemolysis (the dissolution of red cells allowing hemoglobin to appear in the plasma) and Lipemia (an excess of fat or lipid in the blood) showed no interference.

In collaboration with other investigators, data were obtained for the clinical evaluation of the device as adjunct in the diagnosis of such liver disorders as cirrhosis and extra-hepatic obstruction. Three hundred twenty-three subjects clinically classified as normal were tested to establish expected values. the value of 80 micrograms (μg)/100 milliliters (ml) of SLCG was suggested by these studies as the approximate upper normal limit. In 73 patients clinically classified as having no liver disease, 4 had values outside the suggested normal limit. In 26 patients clinically classified as having cirrhosis of the liver, 2 had values less than 80 μg/100 ml. The mean value was 246 μg/100 ml. In 10 patients clinically classified as having extra-hepatic obstruction, none had values less than 80 μg/100 ml. A mean value of 339 μg/100 ml was found. The data suggest correlation between the results of the kit and the assessed clinical status of the liver function of the subjects.

An additional study was carried out to evaluate correlation of results obtained by Abbott Laboratories and an independent investigator. Each laboratory assayed 152 samples. Analysis of these data indicates a correlation coefficient of 0.97.

Risks to Health

The Panel noted that there is a risk of inaccurate results from the use of the device which may lead to misdiagnosis of cirrhosis or obstructive liver disease. Inaccurate results may occur because of the device's low specificity and sensitivity values. Also, the Panel noted that the labeling should direct that anticoagulants should not be used in specimen collection. The Panel recommended that the device be classified into class II and that the development of a standard directed to the specificity and sensitivity of the device be a medium priority. The Panel made this recommendation concerning priority after considering the relative medical significance of this device compared with other in vitro diagnostic devices.

The petition and the transcript of the Panel meeting are on file in the office of the hearing clerk, address noted above.

Dated: June 22, 1978.

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

[FR Doc. 78-17988 Filed 6-29-78; 8:45 am]

[4110-03]

[Docket No. 78N-0157]

GONORRHEA DIAGNOSTIC DEVICES

Transfer of Responsibility From Bureau of Drugs to Bureau of Medical Devices

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that the Bureau of Medical Devices now has the responsibility for regulating all gonorrhea diagnostic devices. The Bureau of Drugs formerly had responsibility for regulating these devices.

DATE: The policy set forth in this notice is effective immediately.

ADDRESS: Address all submissions (e.g., inquiries and applications for premarket approval or investigational device exemptions) concerning gonorrhea diagnostic devices to Document Control Center (HFK-20), Bureau of Medical Devices, Food and Drug Administration, 8757 Georgia Ave., Silver Spring, Md. 20910.

FOR FURTHER INFORMATION CONTACT:

Joseph Hackett, Bureau of Medical Devices (HFK-403), Food and Drug Administration, 8757 Georgia Avenue, Silver Spring, Md. 20910, 301-427-7443.

SUPPLEMENTARY INFORMATION: Because the Medical Device Amendments broadened the definition of "device" in section 201(h) of the act (21 U.S.C. 321(h)), certain products that were once regarded as drugs are now regarded as devices. In a notice published in the FEDERAL REGISTER of December 16, 1977 (42 FR 63472), the Commissioner of Food and Drugs explained that, within FDA, the Bureau of Medical Devices would gradually assume responsibility for regulating devices that have been regulated as drugs.

Under the new definition of "device," all in vitro tests for gonorrhea are devices, whether based upon the recognized method of culturing and identification of the gonococcus organism, or upon other methods such as testing for antibodies in blood.

Gonorrhea diagnostic devices have been the responsibility of the Bureau of Drugs. Effective immediately, regulation of all gonorrhea diagnostic devices is the responsibility of the Bureau of Medical Devices. Accordingly, manufacturers are required to register their firms and list their products with the Bureau of Medical Devices.

Dated: June 22, 1978.

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

[FR Doc. 78-17989 Filed 6-29-78; 8:45 am]

[4110-35]

Health Care Financing Administration

MEDICARE PROGRAM

Economic Index for Physicians' Services for the Period July 1978 Through June 1979

Notice is hereby given that the economic index applicable to increases in the prevailing charges for physicians' services under Part B of medicare (title XVIII of the Social Security Act), for the period July 1, 1978, through June 30, 1979, is 1.426.

This is an increase of 5.08 percent over the economic index of 1.357 that was used for the previous 12 months.

BACKGROUND

Payment under medicare, Part B for a physician's service is based on a reasonable charge which may not exceed the lowest of (1) the physician's actual charge for the service, (2) his customary charge for that service, or (3) the prevailing charges of physicians in the locality. The prevailing charge for a service, before adjustment for the economic index, is calculated at the 75th percentile of physician customary charges. This method for calculating the prevailing charge is further specified in section 1842(b)(3) of the Social Security Act (42 U.S.C. 1395u(b)(3)) and in HCFA regulations at 42 CFR 405.504. Under these authorities, the prevailing charge for a service in a locality may also not exceed the level in effect for that service in the locality on June 30, 1973, except to the extent justified on the basis of appropriate indicators of economic change.

42 CFR 405.504 establishes an economic index for this purpose, consisting of two components: One measuring increases in general earnings levels (attributable to factors other than increases in productivity) and the other measuring increases in expenses of the kind incurred by physicians.

CALCULATING THE ECONOMIC INDEX

As indicated in the chart set forth below, the two components of the economic index have average weights reflecting data on the ratio of the expenses of practice to the gross incomes from practice of self-employed physicians. A weight of 60 percent is assigned to the increase in general earnings and a weight of 40 percent to the increase in expenses of physicians' practices. The chart also shows that there are six elements, including premiums for malpractice insurance, used in computing the increase in physicians' expenses. Each of these elements is also assigned a weight, ranging from .05 for private transportation to .43 for hourly earnings of nonsupervisory personnel.

The footnotes for the chart set forth below list the sources of the data used in calculating the economic index. The principal source is the data for calendar year 1977 set forth in "The Monthly Labor Review," published by the U.S. Department of Labor.

The increase for each element and component from 1976 to 1977 was calculated on the basis of this data and their weighted values were summed.

This yielded an increase factor of 1.0564. That factor, multiplied by the economic index for the period ending June 30, 1978, adjusted as explained below (1.3496), resulted in the new economic index of 1.426. This means that the prevailing charges for physicians' services, to be used during the 12-month period beginning July 1, 1978, may not exceed the prevailing charges in effect on June 30, 1973, by more than 42.6 percent.

Because the Bureau of Labor Statistics has periodically retroactively revised some of the statistics and data on which earlier economic indexes were based, it was necessary for us to recompute some of the values and ratios for earlier years in order to obtain an accurate index for the current year. For this reason, the chart sets forth the revised values and ratios for prior years, so that interested parties can review the calculation of the current economic index.

FOR FURTHER INFORMATION CONTACT:

Paul Riesel, Medicare Bureau, 301-594-9595 or Ronald Harris, Office of Financial and Actuarial Analysis—Medicare, HCFA, 301-594-2864, 6401 Security Boulevard, Baltimore, Md. 21235.

DERIVATION OF THE ECONOMIC INDEX FOR THE PERIOD JULY 1978 THROUGH JUNE 1979

	1971 Base Value 1/	1974 Value 1/	1975 Value 1/	1976 Value 1/	1977 Value 1/	Ratio of 1974 Values to 1971 Values 4/	Ratio of 1975 Values to 1974 Values 5/	Ratio of 1976 Values to 1975 Values 5/	Ratio of 1977 Values to 1976 Values	Weights (Percent) 7/
1. Hourly earnings of nonsupervisory workers in finance, insurance, and real estate	3.27	3.82	4.13	4.36	4.60	1.1682	1.0812	1.0557	1.0550	0.43x40
2. Housing component of the consumer price index	124.3	150.6	166.8	177.2	189.6	1.2116	1.1076	1.0624	1.0700	0.10x40
3. Private transportation component of the consumer price index	116.6	136.6	149.8	164.6	176.6	1.1715	1.0966	1.0988	1.0729	0.05x40
4. Drugs and pharmaceutical component of the wholesale price index	102.4	112.7	126.6	134.0	140.5	1.1006	1.1233	1.0585	1.0485	0.08x40
5. All other, miscellaneous, expenses (tied to the entire consumer price index)	121.3	147.7	161.2	170.5	181.5	1.2176	1.0914	1.0577	1.0645	0.27x40
6. Premiums for malpractice insurance	—	—	—	—	—	—	1.84 2/	1.417 2/	1.103 2/	0.07x40
7. Average weekly earnings of production and nonsupervisory workers	127.28	154.45	163.89	176.29	189.53	1.2135	1.0611	1.0757	1.0751	—
8. Index of output per man-hour of employed nonfarm workers	106.3	108.1 3/	109.9 3/	114.3 3/	116.8	1.0169	1.0167	1.0400	1.0219	—
9. Change in average weekly earnings net of change in output per man-hour	—	—	—	—	—	1.1933	1.0437	1.0343	1.0521	60
Economic index for fiscal year 1976 adjusted for revisions in BLS statistics since the announcement 8/						1.1901				
Increase factor of the economic index over fiscal year 1976 value							1.0755			
Economic index for the period July 1976–June 1977 adjusted for revisions in BLS statistics since the announcement 8/							1.2800			
Increase factor of the economic index over the period July 1976–June 1977								1.0544		
Economic index for the period July 1977–June 1978 adjusted for revisions in BLS statistics since the announcement 8/								1.3496		
Increase factor of the economic index over the period July 1977–June 1978									1.0564	
Economic index for the period July 1978–June 1979									1.4257	

1/ All component values of the economic index except line 6 are from The Monthly Labor Review published by the U.S. Department of Labor.

2/ Derived from a survey of several major insurers.

3/ BLS revised the values of line 8 for years 1974, 1975, and 1976 since the time of the previous announcement of the economic index.

4/ The weights, excluding the malpractice component, were derived from Medical Economics (November 20, 1972) and Profile of Medical Practice (1974 edition). The values are 0.37, 0.14, 0.06, 0.09, and 0.34 for components one through five, respectively. In addition to the above weights, a 40–60% breakdown of gross income between office practice costs and physician's earnings was used.

5/ The weights, including the malpractice component, were derived from Medical Economics (December 8, 1975) and Profile of Medical Practice (1974 edition). The values are 0.37, 0.15, 0.07, 0.09, 0.28, and 0.04 for components one through six, respectively. In addition to the above weights, a 40–60% breakdown of gross income between office practice costs and physician's earnings was used.

6/ The weights, including the malpractice component, were derived from a special study* The values are 0.43, 0.10, 0.05, 0.08, 0.27, and 0.07 for components one through six, respectively. In addition to the above weights, a 40-60% breakdown of gross income between office practice costs and physician's earnings was used.

7/ The weights, including the malpractice components, were derived from a special study*

8/ See text for explanation.

*Done for HCFA by a consultant in 1977.

(Secs. 1102, 1832, 1833, 1842(b)(3), and 1871, Social Security Act, 49 Stat. 647, as amended, 79 Stat. 302, 79 Stat. 310, 79 Stat. 331; (42 U.S.C. 1302; 1395k, 1395l, 1395u, and 1395hh).)

(Catalog of Federal Domestic Assistance Program No. 13.774 Medicare—Supplementary Midical Insurance.

Dated: June 26, 1978.

ROBERT A DERZON,
Administrator, Health Care Financing Administration.

[FR Doc. 78-18163 Filed 6-29-78; 8:45 am]

[4110-83]

Health Resources Administration

ADVISORY COMMITTEE

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 August 1978:

Name: National Advisory Council on Health Professions Education.
Date and Time: August 14-15, 1978, 8:30 a.m.
Place: Conference Room 7-32, Center Building, 3700 East-West Highway, Hyattsville, Md. 20782.
Open August 14, 8:30 a.m.-12:30 p.m. (10:30 a.m.-12:30 p.m., will be structured study for Council members).
Closed for remainder of the meeting.
Purpose: The Council advises the Secretary concerning the programs authorized by the Health Professions Educational Assistance Act of 1976, including recommendations on contracts, grant applications for construction, capitation, special projects, and financial need. These and other programs are designed to enable the health professions education institutions to meet the Nation's health manpower requirements.
Agenda: Agenda items for the open portion of the meeting will include Bureau update; Update on 1979 Budget; and discussion of future meeting dates. The remainder of the meeting will be closed to the public for the review of applications for Graduate Programs in Health Administration, and General Medicine and General Pediatrics. The closing is in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S. Code, and the Determination by the Administrator, Health Resources Administration, pursuant to Pub. L. 92-463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should contact Mrs. Lynn Stevens, Bureau of Health Manpower, Room 9-50, Center Building, 3700 East-West Highway, Hyattsville, Md. 20782, telephone 301-436-6508.

Agenda items are subject to change as priorities dictate.

Dated: June 19, 1978.

JAMES A. WALSH,
Associate Administrator for Operations and Management.

[FR Doc. 78-18240 Filed 6-29-78; 8:45 am]

[4110-08]

National Institutes of Health

EXECUTIVE SUBGROUP OF THE CLEARINGHOUSE ON ENVIRONMENTAL CARCINOGENS

Cancellation of Meeting

Notice is hereby given of the cancellation of the meeting of the Executive Subgroup of the Clearinghouse on Environmental Carcinogens, National Cancer Institute, National Institutes of Health, July 19, 1978, which was published in the FEDERAL REGISTER on May 26, 1978 (43 FR 22788).

Dated: June 21, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc. 78-17890 Filed 6-29-78; 8:45 am]

[4110-08]

GRADUATE EDUCATION IN SURGICAL ONCOLOGY WORKSHOP

Meeting

Notice is hereby given of the Workshop on Graduate Education in Surgical Oncology sponsored by the National Cancer Institute and the Society of Surgical Oncology, September 5 and 6, 1978, National Institutes of Health, Building 31, Conference Room 6, Bethesda, Md.

This meeting will be open to the public on September 5 and 6 at 8:30 a.m. until adjournment, to discuss graduate education in surgical oncology particularly as to the roles and functions of the surgical oncologist, needs and resources for graduate education in surgical oncology and the most appropriate content and format of such education programs. Attendance by the public will be limited to space available.

Dr. Margaret H. Edwards, Chief, Clinical Manpower Branch, Division of Cancer Research Resources and Centers, National Cancer Institute, Westwood Building, Room 10A18, Bethesda, Md. 20014, 301-496-7761, will provide additional information.

Dated: June 20, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc. 78-17893 Filed 6-29-78; 8:45 am]

[4110-08]

HIGH BLOOD PRESSURE WORKING GROUP

Meeting

Notice is hereby given of the meeting of the High Blood Pressure Working Group sponsored by the National Heart, Lung, and Blood Institute, August 11, 1978, National Institutes of Health, Building 31-C Wing, Conference Room 10, Bethesda, Md. 20014.

This meeting will be open to the public from 9 a.m. to 5 p.m. The Working Group is meeting to define the priorities, activities, and needs of the participating groups in the National High Blood Pressure Education Program. Attendance by the public will be limited to space available.

Mr. Graham W. Ward, Acting Chief, Health Education Branch, National High Blood Pressure Education Program, National Heart, Lung, and Blood Institute, NIH, Building 31, Room 5A10, 9000 Rockville Pike, Bethesda, Md. 20014, 301-496-1051, will provide additional information.

For the list of participants and meeting summary contact: Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, NIH, Building 31, Room 5A10, 9000 Rockville Pike, Bethesda, Md. 20014.

Dated: June 22, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc. 78-17891 Filed 6-29-78; 8:45 am]

[4110-08]

NATIONAL CANCER INSTITUTE ADVISORY COMMITTEES

Open Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be entirely open to the public to discuss issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available. Meetings will be held at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Md. 20014, unless otherwise stated.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda, Md. 20014, 301-496-5708, will furnish summaries of the meetings and rosters of committee members upon request.

Other information pertaining to the meeting can be obtained from the Executive Secretary indicated.

Name of committee: President's Cancer Panel.

Dates: August 22, 1978; 9:30 a.m.—adjournment.
Place: Building 31C, Conference Room 7, National Institutes of Health.
Times: Open for the entire meeting.
Agenda: To hear reports of the President's Cancer Panel and Director, National Cancer Institute.
Executive Secretary: Dr. Richard A. Tjalma.
Address: Building 31, Room 11A46, National Institutes of Health.
Phone: 301-496-5854.
Name of committee: Chemical Selection Subgroup of the Clearinghouse on Environmental Carcinogens.
Dates: August 29, 1978; 9 a.m.—adjournment.
Place: Building 31C, Conference Room 6, National Institutes of Health.
Times: Open for the entire meeting.
Agenda: To consider chemicals for bioassay and other matters relevant to chemical selection.
Executive Secretary: Dr. J. Dan Recer.
Address: Landow Building, Room 8C25, National Institutes of Health.
Phone: 301-496-4663.
Name of committee: Experimental Design Subgroup of the Clearinghouse on Environmental Carcinogens.
Dates: August 30, 1978; 9 a.m.—adjournment.
Place: Building 31C, Conference Room 6, National Institutes of Health.
Times: Open for the entire meeting.
Agenda: To discuss experimental design for bioassay and other matters relevant to experimental design.
Executive secretary: Dr. J. Dan Recer.
Address: Landow Buildings, Room 8C25, National Institutes of Health.
Phone: 301-496-4663.
Name of committee: Executive Subgroup of the Clearinghouse on Environmental Carcinogens.
Dates: August 30, 1978; 7 p.m.—adjournment.
Place: Building 31C, Conference Room 7, 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.
Address: Building 31, Room 3A16, National Institutes of Health.
Phone: 301-496-5108.
Name of committee: Data Evaluation/Risk Assessment Subgroup of the Clearinghouse on Environmental Carcinogens.
Dates: August 31, 1978; 9 a.m.—adjournment.
Place: Building 31C, Conference Room 6, National Institutes of Health.
Times: Open for the entire meeting.
Agenda: To review available bioassay reports and other matters relevant to data evaluation and risk assessment.
Executive Secretary: Dr. James M. Sontag.
Address: Building 31, Room 3A16, National Institutes of health.
Phone: 301-396-5108.

Dated: June 21, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc. 78-17892 Filed 6-29-78; 8:45 am]

[4110-08]

BIOTECHNOLOGY RESOURCES REVIEW COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is given of the meeting of the Biotechnology Resources Review Committee, Division of Research Resources, September 28 and 29, 1978, NIH, Building 31, Conference Room 7, Bethesda, Md. 20014.

This meeting will be open to the public on September 28 and 29 from 8:30 a.m. until adjournment for reports and discussions on opportunities and needs for biotechnology resources, and development of recommendations for future initiatives.

Mr. James Augustine, Information Officer, Division of Research Resources, Building 31, Room 5B-19, National Institutes of Health, Bethesda, Md. 20014, telephone, area code 301-496-5545, will provide summaries of meetings and rosters of Committee members.

Dr. Charles L. Coulter, Executive Secretary, Biotechnology Resources Review Committee, Division of Research Resources, Building 31, Room 5B-41, National Institutes of Health, Bethesda, Md. 20014, telephone, area code 301-496-5411, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.371, National Institutes of Health.)

Dated: June 20, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc. 78-17894 Filed 6-29-78; 8:45 am]

[4110-02]

Office of Education

EDUCATIONAL INFORMATION CENTERS PROGRAM

Closing Date for Receipt of State Plans for Fiscal Year 1978

Notice is hereby given that, pursuant to the authority contained in title IV, part A, subpart 5 of the Higher Education Act of 1965, as amended (20 U.S.C. 1070d-2-1070d-3), State plans are being accepted for awards under the Educational Information Centers program. This program is authorized to make grants to States to pay the Federal share of the cost of planning, establishing, and operating Educational Information Centers to provide educational information, guidance, counseling, and referral services for all individuals, including individuals residing in rural areas.

Closing date: July 31, 1978.

A. *State plan forms and information.* Because of a delay in the publication of the final regulations and because we wish to allow States sufficient time to develop the State plan, State plans this year need to include only the information required by the legislation. Specifically, any State desiring to receive a grant for fiscal year 1978, must submit for approval a State plan which shall include, either:

(1) A plan for the development of a comprehensive strategy for the establishment or expansion of Educational Information Centers designed to achieve the goal, within a reasonable period of time, of making available within a reasonable distance to all residents of the State the services of a Center, or,

(2) A comprehensive strategy for the establishment or expansion of Educational Information Centers designed to achieve the goal, within a reasonable period of time, of making available within a reasonable distance to all residents of the State the services of a Center, or,

(3) Any combination of the above.

The State plan must also include assurances concerning the source and availability of State, local, and private funds to meet the non-Federal share of the cost of the State plan. The non-Federal share may be cash or in-kind.

There is no specified form which must be used this year. The format may be chosen by the State.

B. *State plans sent by mail.* A State plan sent by mail should be addressed to: Bureau of Higher and Continuing Education, Division of Student Services and Veterans Programs, Attention: 13.585, U.S. Office of Education, 400 Maryland Avenue SW., Washington, D.C. 20202.

State plans must be received by the Division of Student Services and Veterans programs on or before the closing date. In an effort to prevent the late arrival of State plans due to inclement weather, natural disasters, delayed airline flights, tardy messenger service, or any other unforeseen circumstances, the Office of Education suggests that applicants consider the use of registered or certified mail as explained below.

A State plan sent by mail will be considered to be received on time if:

(1) The State plan was sent by registered or certified mail not later than July 26, 1978, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service, or,

(2) The State plan is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of

Health, Education, and Welfare, or the U.S. Office of Education.

C. *Hand-delivered State plans.* A State plan to be hand-delivered must be taken to the U.S. Office of Education, Division of Student Services and Veterans Programs, Room 3042, Regional Office Building Three, Seventh and D Streets SW., Washington, D.C. Hand-delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m., Washington, D.C. time, except Saturdays, Sundays, or Federal holidays. State plans will not be accepted after 4 p.m. on the closing date.

D. *Program information.* The Educational Information Centers has an allocation of $2,000,000 for fiscal year 1978. Currently, 46 States and territories are planning to submit a State plan for this year. The award to each of the participating States will be approximately $43,500.

E. *For further information contact:* Ms. Velma Monteiro, Chief, Program Development Branch, Bureau of Higher and Continuing Education, U.S. Office of Education, Seventh and D Streets SW., Room 3514, ROB 3, Washington, D.C. 20202, telephone 202-245-2511.

F. *Applicable regulations.* The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Part 100b). Applicants should base their applications on the legislation.

(Catalog of Federal Domestic Assistance Program No. 13.585; Educational Information Centers.)

(20 U.S.C. 1070d-2-1070d-3.)

Dated: June 27, 1978.

ERNEST L. BOYER,
Commissioner of Education.

[FR Doc. 78-18420 Filed 6-29-78; 8:45 am]

[4110-85]

Office of the Assistant Secretary for Health

ADVISORY COMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of July 1978:

Name: Manpower and Facilities Technical Consultant Panel of the U.S. National Committee on Vital and Health Statistics.

Date and Time: July 20-21, 1978, 9 a.m.

Place: Royal Villa Hotel, 6339 Glenwood Avenue, Raleigh, N.C. 27612.

Open for entire meeting.

Purpose: The Secretary and by delegation the Assistant Secretary for Health and the Director, National Center for Health Statistics (NCHS), are charged under section 306 of the Public Health Service Act, as amended, 42 USC 242k, with the responsibility to collect, analyze, and disseminate national health statistics on vital events and health activities, including the physical, mental, and physiological characteristics of the population, illness, injury, impairment, the supply and utilization of health facilities and manpower, the operation of the health services system, health economic expenditures, and changes in the health status of people; administer the Cooperative Health Statistics System; stimulate and conduct basic and applied research in health data systems and statistical methodology; coordinate the overall health statistical activities of the programs and agencies of the Health Resources Administration and provide technical assistance in the management of statistical information; maintain operational liaison with statistical gathering and processing services of other health agencies, public and private, and provide technical assistance within the limitations of staff resources, research, consultation and training programs in international statistical activities; and participate in the development of national health policy with Federal agencies.

Agenda: (1) Discussion of Bureau of Health Manpower comments on proposed Cooperative Health Statistics System health facilities data set; (2) purpose and direction of the Facilities Data set; (3) problems in integrating the National Institute of Mental Health Manpower categories with the Cooperative Health Statistics System Facility minimum data set; (4) feasibility of collecting data on credentialling and vacancies to meet Bureau of Health Manpower data needs; and (5) discussion of the technical consultant panel's final report for submission to the United States National Committee on Vital and Health Statistics.

The meeting is open to the public for observation and participation. Anyone wishing to participate, obtain a roster of members, or other relevant information, should contact Mr. James A. Smith, National Center for Health Statistics, Room 2-12, Center Building, 3700 East-West Highway, Hyattsville, Md. 20782, Telephone 301-436-7122.

Agenda items are subject to change as priorities dictate.

Dated: June 26, 1978.

WAYNE RICHEY, Jr.,
Associate Director for Management Office of Health Policy Research and Statistics.

[FR Doc. 78-18241 Filed 6-29-78; 8:45 am]

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA-16709-1]

ALASKA NATIVE CLAIMS SELECTION

Publication

On April 5, 1978, Cook Inlet Region, Inc., filed selection application AA-16709-1 under the provisions of section 12(b)(6) of the act of January 2, 1976 (89 Stat. 1151) and I.C. (2) of the Terms and Conditions for Land Consolidation and Management in the Cook Inlet area as clarified August 31, 1976, for the surface and subsurface estate of lands located in the Wrangell area.

Section 12(b)(6) of the act of January 2, 1976, authorizes conveyance of lands to Cook Inlet Region, Inc., from a selection pool established by the Secretary of the Interior, and the General Services Administrator.

The lands are located outside the boundaries of Cook Inlet Region, Inc. With the concurrence of the State of Alaska and Cook Inlet Region, Inc., the lands and improvements within selection AA-16709-1 were placed in the pool of properties available for selection by Cook Inlet Region, Inc., subject to valid existing rights by notice dated April 5, 1978.

The selection application of Cook Inlet Region, Inc. as to the lands described below is properly filed and meets the requirements of the act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with Federal laws leading to acquisition of title.

In view of the foregoing, the surface and subsurface estate of the following described lands is considered proper for acquisition by Cook Inlet Region Inc., and is hereby approved for conveyance pursuant to section 12(b)(6) of the act:

That portion of Lot 4, U.S. Survey No. 3403, excluding those lands quitclaimed to the City of Wrangell by the United States of America on November 2, 1977 (AA-16470) and February 28, 1977 (AA-16469).

Containing approximately 140.30 acres.

The conveyance issued for the surface and subsurface estate of the lands described above shall contain the following reservations to the United States:

1. Pursuant to section 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616 (Supp. V, 1975)), the following public easements referenced by easement identification number (EIN) on the easement map in case file AA-16710-1 are reserved to the United States and subject to further regulation thereby:

a. (EIN 1 C4) An easement for an existing access trail twenty-five (25) feet in width

from the Wrangell Highway, northeasterly to Rainbow Falls in the Tongass National Forest. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

b. (EIN 2 C4) An easement for an existing power distribution line twenty-five (25) feet in width paralleling the Wrangell Highway approximately fifty (50) feet east of the highway's centerline, throughout the parcel.

c. (EIN 3 C4) An easement one hundred (100) feet in width for an existing road known as the Wrangell Highway, from the City of Wrangell, southerly to lands south of the Wrangell Institute property. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

d. (EIN 5C) A continous linear easement twenty-five (25) feet in width upland of and parallel to the mean high tide line in order to provide access to and along the marine coastline and use of such shore for purposes such as beaching of watercraft or aircraft, travel along the shore, recreation, and other similar uses. Deviations from the waterline are permitted when specific conditions so require, e.g., impassable topography or waterfront obstruction. The easement is subject to the right of the owner of the servient estate to build upon such easement a facility for public or private purposes, such right to be exercised reasonably and without undue or unnecessary interference with or obstruction of the easement. When access along the marine coastline easement is to be obstructed, the owner of the servient estate will be obligated to convey to the United States an acceptable alternate access route, at no cost to the United States, prior to the creation of such obstruction.

e. (EIN 4C) The right of the United States to enter upon the lands hereinabove granted for cadastral, geodetic or other survey purposes is reserved, together with the right to do all things necessary in connection therewith.

These reservations have not been conformed to the Departmental easement policy announced March 3, 1978. Conformance is contingent upon resolution of the litigation *Calista, et al.* v. *Andrus* and implementation of the Secretary's new easement policy.

The grant of lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under section 6(g) of the Alaska Statehood Act (72 Stat. 339, 341; 48 U.S.C. 111719, 111720)), contract, permit, right-of-way or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him;

3. The terms and conditions of the agreement dated January 18, 1977, between the Secretary of the Interior, Cook Inlet Region, Inc., and Cook Inlet village corporations. A copy of the agreement shall be attached to and become a part of the conveyance document and shall be recorded therewith. A copy of the agreement is located in the Bureau of Land Management easement case file for Cook Inlet Region, Inc., serialized AA-16710-1. Any person wishing to examine this agreement may do so at the Bureau of Land Management, Alaska State Office, 555 Cordova Street, Anchorage, Alaska 99501.

Section 12(b)(6) of Pub. L. 94-204 provides that conveyances pursuant to this section shall be made in exchange for lands or rights to select lands outside the boundaries of Cook Inlet Region as described in section 12(b)(5) of this act and on the basis of values determined by appraisal. The lands and improvements described above have been appraised at a value of $600,000. Under section I.C.(2)(c) of the Terms and Conditions, this property constitutes 1,200 acre/equivalents. Upon acceptance of title to these lands, Cook Inlet Region, Inc. will relinquish its selection rights to 1,200 acres of its out of region entitlement.

Conveyance of the remaining entitlement to Cook Inlet Region, Inc. shall be made at a later date.

There are no inland water bodies considered to be navigable within the lands described.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the FEDERAL REGISTER and once a week, for four (4) consecutive weeks, in the Anchorage Times. Any party claiming a property interest in lands affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, 555 Cordova Street, Pouch 7-512, Anchorage, Alaska 99510 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501, also:

1. Any party receiving service of this decision by mail shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until July 31, 1978 to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

4. If Cook Inlet Region, Inc., objects to any easement which is identified herein for reservation in the conveyance which is subject to the discretion of the State Director and not reserved pursuant to an express Secretarial directive, a petition for reconsideration must be filed within 30 days with the State Director, Bureau of Land Management, 555 Cordova Street, Pouch 7-512, Anchorage, Alaska 99510. A copy of the petition should be served upon the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. If a petition for reconsideration is not filed, it will be deemed that the right to contest any such easement has been waived.

If an appeal is taken as to the lands rejected, the adverse party to be served is:

Cook Inlet Region, Inc., P.O. Box 4-N, Anchorage, Alaska 99509.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 555 Cordova Street, Pouch 7-512, Anchorage, Alaska 99510.

SUE A. WOLF,
Chief, Selections and Leasable Minerals Section.

[FR Doc. 78-18164 Filed 6-29-78; 8:45 am]

[4310-84]

[W-64276]

WYOMING

Application

JUNE 22, 1978.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Co. of Colorado Springs, Colo., filed an application for a right-of-way to construct a 4½-inch o.d. pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINICPAL MERIDIAN, WYOMING

T. 20 N., R. 94 W.,
Sec. 6, lots 3, 4, 5, and NE¼SW¼.

The proposed pipeline will transport natural gas from the Wamsutter Unit A-9 Well in the SW¼ Sec. 33, T. 21 N., R. 94 W., to Colorado Interstate Gas Co.'s existing pipeline located in the W½ of Sec. 6, T. 20 N., R. 94 W., 6th P.M., Sweetwater County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 670, 1300 Third Street, Rawlins, Wyo. 82301.

WILLIAM S. GILMER,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-18165 Filed 6-29-78; 8:45 am]

[4310-84]

[W-63869]

WYOMING

Application

JUNE 22, 1978.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Co. of Colorado Springs, Colo., filed an application for a right-of-way to construct both a 6⅝-inch and 8⅝-inch o.d. pipeline and related facilities for the purpose of transporting sour gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 17 N., R. 98 W.,
Sec. 6, lot 8, SE¼NE¼, N½SE¼, SW¼SE¼ and SE¼SW¼.
T. 18 N., R. 98 W.,
Sec. 32, SE¼NW¼, N½SW¼ and SW¼SW¼.
T. 17 N., R. 99 W.,
Sec. 12, S½NE¼, NE¼SW¼, S½SW¼ and N½SE¼;
Sec. 14, N½NE¼, SW¼NE¼ and SE¼NW¼.

The 6⅝-inch o.d. pipeline including an appurtenant 1-inch fuel gas line and electric control cable will transport sour gas produced from the Higgens No. 6 Well from a point of connection with Colorado Interstate Gas Co.'s existing pipeline located within the NW¼ of sec. 14 in T. 17 N., R. 99 W., to a point of connection in the NW¼ sec. 14 with the 8⅝-inch o.d. pipeline and appurtenant electric-cable facilities which will then transport the sour gas to a point of connection with Colorado Interstate Gas Co.'s existing sour gas pipeline located in the SE¼NW¼ of sec. 32 in T. 18 N., R. 98 W., Sweetwater County, Wyo.

An 8" "pig" launching facility will also be installed at a point of intersection of the proposed pipelines in the NW¼ of sec. 14, T. 17 N., R. 99 W., in Sweetwater County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 North, P.O. Box 1869, Rock Springs, Wyo. 82901.

WILLIAM S. GILMER,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-18166 Filed 6-29-78; 8:45 am]

[4310-84]

[W-63908]

WYOMING

Application

JUNE 21, 1978.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Co. of Colorado Springs, Colo. has filed an application for a right-of-way to construct a 4½ inch O.D. pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 21 N., R. 94 W.,
Sec. 16, N½SW¼, SE¼SW¼ and W½SE¼.

The proposed pipeline will transport natural gas from the State No. 1-16 Well located in the SE¼ of section 16, T. 21 N., R. 94 W., to a point of connection with an existing pipeline in the SE¼ of section 17, T. 21 N., R. 94 W., in Sweetwater County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 670, 1300 Third Street, Rawlins, Wyo. 82301.

WILLIAM S. GILMER,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-18167 Filed 6-29-78; 8:45 am]

[4310-84]

[W-63868]

WYOMING

Application

JUNE 21, 1978.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Co. of Colorado Springs, Colo. has filed an application for a right-of-way to construct a 4½ inch O.D. pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 19 N., R. 94 W.,
Sec. 26, W½W½ and E½SW¼.

The proposed pipeline will transport natural gas from the Tierney II Unit 1-26 Well in SW¼ of section 26, T., 19 N., R. 94 W., to a point of connection with Colorado Interstate Gas Co.'s existing pipeline located in the SW¼ of section 23, T. 19 N., R. 94 W., in Sweetwater County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 670, 1300 Third Street, Rawlins, Wyo. 82301.

WILLIAM S. GILMER,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-18169 Filed 6-29-78; 8:45 am]

[4310-84]

[W-64273]

WYOMING

Application

JUNE 22, 1978.

Notice is hereby given that pursuant to sec. 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Co. of Colorado Spings, Colo. filed an application for a right-of-way to construct a 4½ inch o.d. pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINICPAL MERIDIAN, WYO.

T. 18 N., R. 98 W.,
Sec. 10, W½SW¼ and SE¼SW¼.

The proposed pipeline will transport natural gas produced from the Federal 13X-10 Well located in the SW¼ of section 10, to a point of connection with Colorado Interstate Gas Co.'s existing pipeline in the NE¼NW¼ of section 15, all within T. 18 N., R. 98 W., in Sweetwater County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 North, P.O. Box 1869, Rock Springs, Wyo. 82901.

WILLIAM S. GILMER,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-18170 Filed 6-29-78; 8:45 am]

[4310-84]

[W-63589]

WYOMING

Application

JUNE 22, 1978.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Cities Service Gas Co. of Oklahoma City, Okla. filed an application for a right-of-way to construct an 8⅝ inch pipeline and related anode facilities for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYO.

T. 21 N., R. 93 W.,
Sec. 18, lots 1 and 2, SE¼NW¼, NE¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 20, S½NE¼, E½NW¼, NW¼NW¼, and NE¼SE¼
Sec. 28, NE¼ and NE¼NW¼.
T. 21 N., R. 94 W.,
Sec. 2, W½SW¼ and SE¼SW¼;
Sec. 12, SW¼NW¼, N½SW¼, SE¼SW¼, and SW¼SE¼.
T. 22N., R. 94 W.,
Sec. 34, SW¼SW¼.

The proposed pipeline with appurtenant anode facilities will transport natural gas from a point in sec. 33, T. 22 N., R. 94 W., in a southeasterly direction to a point in connection with Cities Service Gas Co.'s gathering line in sec. 27, T. 21 N., 93 W., Sweetwater County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 670, 1300 Third Street, Rawlins, Wyo 82301.

WILLIAM S. GILMER,
Acting Chief, Branch of Lands and Minerals Operations

[FR Doc. 78-18172 Filed 6-29-78; 8:45 am]

[4310-84]

[W-63541]

WYOMING

Application

JUNE 21, 1978.

Notice is hereby given that pursuant to sec. 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Mountain Fuel Supply Co. of Salt Lake City, Utah filed an application for a right-of-way to construct a 4½ inch o.d. pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYO.

T. 19 N., R. 112 W.,
Sec. 28, N½N½;
Sec. 30, Lots 2, 3, S½NE¼, NW¼NE¼, E½NW¼.

The proposed pipeline will transport natural gas from the State Land Well 36-1 located in the NE¼ of section 36, T. 19 N., R. 113 W., to a point of connection with an existing pipeline at a point in the SW¼ of section 22, T. 19 N., R. 112 W., Lincoln County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 North, P.O. Box 1869, Rock Springs, Wyo. 82901.

WILLIAM S. GILMER,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-18168 Filed 6-29-78; 8:45 am]

[4310-84]

[W-63558]

WYOMING

Application

JUNE 22, 1978.

Notice is hereby given that pursuant to Sec. 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corp. of Salt Lake City, Utah filed an application for a right-of-way to construct a sales meter station site and a 4½ inch O.D. pipeline affecting the following described public lands:

SIXTH PRINICPAL MERIDIAN, WYOMING

T. 12 N., R. 93 W.,
Sec. 4, SW¼SW¼.

The proposed site and pipeline are an addition to Northwest Pipeline Corp.'s gathering system in Carbon County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyo. 82301.

WILLIAM S. GILMER,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-18171 Filed 6-29-78; 8:45 am]

[4310-84]

[W-63861]

WYOMING

Application

JUNE 20, 1978.

Notice is hereby given that pursuant to Sec. 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corp. of Salt Lake City, Utah filed an application for a right-of-way to construct a compressor station site affecting the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 22 N., R. 113 W.,
Sec. 6, SE¼SW¼;
Sec. 7, NE¼NW¼.

The proposed compressor station site consisting of 10 acres is a portion of Northwest Pipeline Corp. gathering system located in Lincoln County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 North, P.O. Box 1869, Rock Springs, Wyo. 82901.

WILLIAM S. GILMER,
Acting Chief, Branch of lands and Minerals Operations.

[FR Doc. 78-18173 Filed 6-29-78; 8:45 am]

[1505-01]

IDAHO—WYOMING

Modification of Grazing District Boundaries

Correction

In FR Doc. 78-17379 appearing on page 27249 in the issue of Friday, June 23, 1978, the description for sec. 5 under "T.12 S., R. 46 E.", should read as follows: "Sec. 5, (E½) Lots 1 and 2, S½ NE¼, SE¼;".

[4310-84]

[NM 33336]

NEW MEXICO

Application

JUNE 20, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the act of November 16, 1973 (87 Stat. 576), Natural Gas Pipeline Co. of America has applied for two 4-inch pipelines and related facilities right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 21 S., R. 24 E.,
Sec. 6, lots 27, 32 and NW¼SE¼.

These pipelines will convey natural gas across 0.403 of a mile of public land in Eddy County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, N. Mex. 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-18234 Filed 6-29-78; 8:45 am]

[4310-55]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Audubon Park Commission, P.O. Box 4327, New Orleans, La. 70118.

The applicant requests a permit to purchase, in interstate commerce, one pair of captive-bred Asiatic lions (*Panthera leo persica*) from the Cheyenne Mountain Zoo for enhancement of propagation. Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file No. PRT 2-2604. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before July 31, 1978. Please refer to the file number when submitting comments.

Dated: June 27, 1978.

FRED L. BOLWAHNN,
Acting Chief, Permit Branch, Federal Wildlife Permit Office.

[FR Doc. 78-18256 Filed 6-29-78; 8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Environmental Research Center, Loras College, Dubuque, Iowa 52001.

The applicant requests a permit to take (capture) specimens of Higgin's eye pearly mussel (*Lampsilis higginsi*) while surveying mussel beds at pool 12 of the Mississippi River at Dubuque, Iowa, for enhancement of survival. Specimens will be returned to mussel beds after identification.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file No. PRT 2-2647. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before July 31, 1978. Please refer to the file number when submitting comments.

Dated: June 27, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office.

[FR Doc. 78-18257 Filed 6-29-78; 8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Mr. David Stanley Shea, HDQTRS. Glacier National Park, West Glacier, Mont. 59936.

The applicant requests a permit to take (capture) and mark bald eagles (*Haliaeetus leucocephalus*) in Glacier National Park, for enhancement of survival.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file No. PRT 2-2640. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before July 31, 1978. Please refer to the file number when submitting comments.

Dated: June 27, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office.

[FR Doc. 78-18258 Filed 6-29-78; 8:45 am]

[4310-55]

THREATENED SPECIES PERMIT

Receipt of Application

Applicant: Mrs. Betty Tennant, Route 1, Box 9, Lake Arthur, N. Mex. 88253.

The applicant wishes to apply for a Captive Self-Sustaining Population permit authorizing the purchase and sale for propagation those species of pheasants listed in 50 CFR 17.11 as (T(C/P)). Humane shipment and care in transit is assured.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file No. PRT 2-2571. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before July 31, 1978. Please refer to the file number when submitting comments.

Dated: June 27, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office.

[FR Doc. 78-18259 Filed 6-29-78; 8:45 am]

[4310-55]

THREATENED SPECIES PERMIT

Receipt of Application

The applicants listed below wish to apply for Captive Self-Sustaining Population permits authorizing the purchase and sale in interstate commerce, for the purpose of propagation, those species of pheasants listed in 50 CFR 17.11 as [T(C/P)]. Humane shipment and care in transit is assured.

These applications and supporting documents are available to the public during normal business hours in room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240. Interested persons may comment on these applications on or before July 31, 1978 by submitting written data, views, or arguments to the Director at the above address.

Applicant: Emerald G. Gerhardt, 7001 Monaco Street, Commerce City, Colo. 80022—PRT 2-2646.
Applicant: Calvin E. Warren, Route 3, Box 48, Tupelo, Miss. 38801—PRT 2-2592.
Applicant: Southwich Birds & Animals, Inc., Southwick Street R.F.D., Blackstone, Mass. 01504—PRT 2-2540.

Please refer to the individual applicant and the appropriately assigned PRT 2- file number when submitting comments.

Dated: June 27, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc. 78-18260 Filed 6-29-78; 8:45 am]

[4310-55]

THREATENED SPECIES PERMIT

Receipt of Application; Correction

In FR Doc. 78-15058 appearing at page 23656 in the FEDERAL REGISTER of May 31, 1978, paragraph one (1) originally stated "all CSSP pheasants" is corrected in the third and fourth line of that paragraph by adding the words, PRT 2-2483—Gladys Porter Zoo—Change to "All CSSP Animals". PRT 2-2514—Theron and Shelly Starns—Change to "All CSSP Felines".

Dated: June 27, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc. 78-18261 Filed 6-29-78; 8:45 am]

[4310-55]

Office of the Secretary

[INT DES 78-24]

FEDERAL AID IN FISH AND WILDLIFE RESTORATION PROGRAMS

Availability of Draft Environmental Impact Statement

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

ACTION: Notice of availability for public comment on draft environmental impact statement (DEIS) on the Federal aid in fish and wildlife restoration programs.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Pub. L. 91-190, the Department of the Interior has prepared a draft environmental impact statement (DEIS) on the Federal aid in fish and wildlife restoration programs and will hold a public hearing on the statement. The DEIS considers the impacts of the two grant programs on populations of big and small game, migratory game birds, sports fish, nongame fish and wildlife, threatened and endangered species, several categories of land, air, water quality, soil and economic conditions, among other topics. The DEIS discusses five alternatives to the current program which would alter the degree of Federal funding and control of the program.

DATES: Comments must be received on or before September 1, 1978.

ADDRESSES: All comments should be sent to U.S. Fish and Wildlife Service, Division of Federal Aid, Department of the Interior, Washington, D.C. 20240.

Copies of the draft statement are available for inspection at the following locations:

Associate director, Federal Assistance, U.S. Fish and Wildlife Service, 18th and C Streets NW., Room 3024, Washington, D.C. 20240.
Regional Director, U.S. Fish and Wildlife Service, Lloyd 500 Building, 500 Northeast Multnomah Street, Portland, Oreg. 97232.
Regional Director, U.S. Fish and Wildlife Service, 500 Gold Avenue SW, Albuquerque, N. Mex. 87103.
Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.
Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, Atlanta, Ga. 30347.
Regional Director, U.S. Fish and Wildlife Service, 1 Gateway Center, Suite 700, Newton Corner, Mass. 02158.
Regional Director, U.S. Fish and Wildlife Service, 10597 West Sixth Avenue, Lakewood, Colo. 80215.
Alaska Area Director, U.S. Fish and Wildlife Service, 1101 East Tudor Road, Anchorage, Alaska 99507.

A limited number of single copies are available and may be obtained by writing the Chief, Division of Federal Aid, at the address below.

FOR FURTHER INFORMATION, CONTACT:

Charles K. Pehnicie, Chief, Division of Federal Aid, U.S. Fish and Wildlife Service, Washington, D.C. 20240, phone 202-376-8101.

SUPPLEMENTARY INFORMATION: To afford the public further opportunity for comment, a public hearing is scheduled to be held on August 15, 1978, at 9 a.m., in the Interior Department Auditorium, 18th and C Streets NW., Washington, D.C. For further information on the hearing, please contact Mr. David Fisher, Office of the Solicitor, Department of the Interior, Washington, D.C. 20240, phone 202-343-2172.

Dated: June 26, 1978.

LARRY E. MEIEROTTO,
Deputy Assistant Secretary.

[FR Doc. 78-18174 Filed 6-29-78; 8:45 am]

[4410-01]

DEPARTMENT OF JUSTICE

Antitrust Division

UNITED STATES v. CULBRO CORP., HAVATAMPA CORP., HAVATAMPA HOLDING CO. AND HAV CORP.

Written Comment on Proposed Consent Judgment and Department of Justice Response

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16, a written comment on the proposed consent Judgment filed March 22, 1978, with the United States District Court for the Southern District of New York in Civil Action No. 77 Civ. 3149 EW, and the response of the Department of Justice to the comment are published herewith.

Dated: June 22, 1978.

CHARLES F. B. MCALEER,
Special Assistant for Judgment Negotiations, Office of Operations.

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

[77 Civ. 3149 (EW)]

UNITED STATES OF AMERICA, PLAINTIFF, V. CULBRO CORPORATION, HAVATAMPA CORPORATION, HAVATAMPA HOLDING CO., AND HAV CORPORATION, DEFENDANTS

PLAINTIFF'S RESPONSE TO THE COMMENT RECEIVED CONCERNING THE PROPOSED FINAL JUDGMENT

I. INTRODUCTION

On March 22, 1978, a proposed consent judgment, a stipulation signed by all the parties, and a competitive impact statement were submitted to the Court. On April 4, 1978, notice of the proposed settlement was published in the FEDERAL REGISTER, together with the full text of the settlement pleadings. The notice stated that public comments were invited within a sixty-day period. Thereafter, summaries of the proposed settlement and competitive impact statement were published in the Washington Star, the Tampa Times, and the New York Times. The newspaper notices also invited comments from the public within the sixty-day period. By stipulation of the parties and on order of the Court the period for receiving comments was extended from June 3 to June 9, 1978.

The only statement received was the "Comment of American Maize-Products Co. to the Proposed Final Judgment to be Executed between the United States of America and Culbro Corporation, Havatampa Corporation, Havatampa Holding Company, and Hav Corporation" ("Comment"). American Maize-Products Company ("American Maize") is the parent corporation of Jno H. Swisher & Son, Inc., a cigar manufacturer, and Boyer Brothers, a candy manufacturer. A copy of the Comment is attached to this Response.

This Response is made and filed in accordance with the provisions of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b) and (d).

II. PLAINTIFF'S RESPONSE TO THE COMMENT SUBMITTED BY AMERICAN MAIZE

American Maize has expressed no objection to the horizontal relief contained in the proposed consent decree. It acknowledges that the divestiture of the cigar manufacturing business of Havatampa required by Section IV of the decree resolves the horizontal antitrust problems created by this transaction.

American Maize is concerned only about the vertical relationship permitted under the proposed decree if the divestiture is completed. It contends that competition in tobacco and non-tobacco products will be injured if Culbro is permitted to purchase a significant ownership position in the Havatampa distribution organization. American Maize criticizes the provisions of the decree restricting the sale of Culbro cigars through Havatampa and suggests that if the acquisition is permitted, more stringent safeguards are necessary.

The Comment misstates the history of this litigation when it says the Government's motion for a preliminary injunction was denied "for the primary reason that the parties had entered into a 'hold separate order'". Comment, p. 10. Judge Robert Ward entered a hold separate order after an evidentiary hearing and after denying the preliminary injunction motion.

A. The Effect of the Proposed Final Judgment on Competition in Cigars, Other Tobacco Products, and Non-tobacco Products

Comment

American Maize contends that competition in tobacco and "related products" will be reduced and the entry of new manufacturers precluded if Culbro is permitted to purchase a significant ownership position in the Havatampa distribution organization. Comment, p. 3. The "related products" are defined as smokeless tobacco—snuff and chewing tobacco. Comment, p. 4. Non-tobacco products identified in the Comment are candy, tobacco accessories, and small appliances. Comment, p. 6.

American Maize states that Culbro could influence the policies of Havatampa that determine the acceptance or rejection of new products or promotions from other manufacturers or marketers. Comment, p. 3. American Maize asserts that Culbro will have a substantial influence and will possibly dominate the Havatampa operation because it will be the only member of the Oppenheimer group having knowledge of the tobacco distribution business and also because it owns and operates other large tobacco distribution companies in New York City, upstate New York, New Jersey, and Denver. Comment, p. 4.

American Maize contends that the effect on the sale of cigars alone is not the proper criterion for determining the significance of the proposed acquisition. It notes that Culbro manufactures products other than cigars and states that the proposed judgment places no limitation on Havatampa's ability as a distributor to enhance the market positon of Culbro products other than cigars. It states that the proposed judgment offers such monopolistic benefits to Culbro with respect to the distribution of its cigar-related products that it will discourage other manufacturers with the capability of entering these fields from doing so for fear of an inability to obtain distribution of their products on a fair and equitable basis. Comment, pp. 4-5.

American Maize further states that Havatampa has acknowledged that the distribution of candy and the distribution of cigars go hand in hand. It anticipates that Havatampa will devote its efforts to the sale of Culbro cigars and will also develop, through preferential emphasis, the sales of some other competing candy company, perhaps even one belonging to Culbro, at the expense of sales of Swisher cigars and Boyer candies. Comment, pp. 6-7.

Response

Most of the statements of American Maize concern products other than cigars, which are not a part of this lawsuit. The government's theory of the case and its proof have been limited to the effects of the transaction on competiton in the cigar industry. The complaint made no reference to snuff, chewing tobacco, candy or small appliances. All discovery was concerned exclusively with cigars.

Prior to filing the complaint the government was aware of the fact that Culbro manufactures products other than cigars, and that some of these products are distributed through Havatampa. After considering factors such as the dollar sales of Culbro and Havatampa in each product line, the physical characteristics of the products, the structure of the industries, distribution patterns, and brand loyalties, it was our opinion that the anticipated effects of the transaction on products other than cigars did not warrant a challenge under Section 7 of the Clayton Act.

Although there is no specific relief in the proposed decree concerning those products, some provisions of the decree do provide protection to manufacturers of non-cigar products as well as to cigar manufacturers. For example, if Havatampa fails to divest its cigar manufacturing business within 18 months, Section VII of the decree will require Culbro to sell its debt and equity interest in Havatampa within 120 days. In this event, there will be no vertical relationship in any product area. If Havatampa does divest, Section XI of the decree will limit Culbro to a minority ownership position in Havatampa for at least five years. Because the business interests of Havatampa will not be identical with those of Culbro, this provision will protect manufacturers of all products distributed by Havatampa against the misuse by Culbro of Havatampa's power as a distributor.

As for the statement of American Maize that Culbro could influence the policies of Havatampa regarding acceptance or rejection of new products or promotions, Culbro would not be motivated to do so unless it could benefit from the resulting policies. If Havatampa does not promote cigars or rejects new products, its total cigar sales may fall. Culbro cannot increase its own dollar sales of cigars through Havatampa unless Havatampa increases its total sales of cigars.

B. Adequacy of Section IX of the Proposed Final Judgment

Comment

American Maize criticizes the adequacy of Section IX of the proposed decree, as follows:

"Specfically, the 12.9% share of dollar cigar purchases, or $2,790,327 (whichever is greater), would provide Culbro with the opportunity to increase its emphasis on direct customer sales in Havatampa distribution areas while maintaining a comfortably protected volume position in Havatampa. Culbro could also elect to use the flexibility inherent in such a broad limitation to place intense competitive pressure in selective Havatampa markets and locations, and against specific competitors. This would be particularly true relative to any markets where other Culbro controlled distributors could pick up Culbro cigar volume which was being shifted out of the Havatampa system." Comment, p. 7.

Response

Section IX(A)(3) of the proposed decree provides that any Culbro cigars sold through the efforts of Havatampa must be counted against the annual maximum dollar amount of permissible purchases of Culbro cigars by Havatampa to the same extent as if the sales had been made to Havatampa. The proposed decree does not limit Culbro's direct sales in the Havatampa distribution areas if independently made, but it does insure that Culbro cannot use of its ownership of Havatampa to increase its direct sales.

Under the proposed decree Havatampa could concentrate its sales of Culbro cigars in certain Havatampa markets and locations. However, if it does this, it would then have to limit its distribution of Culbro cigars in the other markets it serves in order to avoid exceeding its maximum permissible purchases of Culbro cigars.

The statement by American Maize that the proposed judgment could result in a shift of Culbro cigar volume from the Havatampa system to Culbro controlled distributors is incorrect. There is no geographic overlap between the areas served by the Havatampa wholesale houses and those served by the wholesalers owned by Culbro. Wholesaling of cigars is a local business. The vast majority of customers who purchase cigars from the Havatampa wholesale houses could not be served from the remote Culbro locations. Moreover, any shifting of customer accounts from Havatampa to Culbro would lead to a reduction in the dollar amount of Culbro cigars that could be purchased by Havatampa, as provided in Section IX(A)(3).

The government was concerned that Culbro's ownership interest in Havatampa could be used to discriminate against specific cigar competitors. As noted in the competitive impact statement, the government initially proposed a clause prohibiting discrimination by Havatampa in its distribution of non-Culbro cigars. This proposal was withdrawn after further consideration of the difficulties of drafting and enforcing such a provision. The judgment was strengthened in other areas, especially Sections IX and XI, to provide protection against this possibility.

Under the proposed decree Culbro could attempt to increase its sales through independent wholesalers in the areas served by the Havatampa warehouses. The evidence available to the government indicates that in some of the areas served by Havatampa there are relatively few or no competing wholesalers who distribute cigars. To the extent that Culbro wishes to distribute its cigars through wholesalers other than Havatampa in those areas, it will have to develop new wholesalers or strengthen the existing ones. Other cigar manufacturers may then benefit by having the same alternatives available for distribution of their products.

C. Additional Provisions Proposed by American Maize for Inclusion in the Final Judgment

Comment

American Maize proposes that three additional provisions be included in the judgment. First, it suggests a provision precluding Culbro from any direct sales of its own products to Havatampa customers except to the extent and within the monetary limitations that such sales were made prior to June of 1977. Second, it suggests the inclusion of enforceable assurances that Culbro would not be permitted to influnce Havatampa's efforts in any way which would provide preferential treatment for Culbro products or products of companies in which Culbro has a financial interest. Third, American Maize suggests a prohibition against any further acquisition by Culbro of distribution organizations engaged in the same general lines of business now pursued by Havatampa, Metropolitan Tobacco, and Flaks. Comment, pp. 7, 9.

Response

The three provisions suggested by American Maize are unnecessary to accomplish effective relief in this case. To the extent they apply to products other than cigars, they go beyond the scope of this lawsuit.

The first provision would limit Culbro's direct sales to customers of Havatampa. If the increase resulted from the efforts of Havatampa, Sections IX(A) (2) and (3) of the proposed decree would control. The proposed decree would not bar an increase which resulted solely from Culbro's own efforts. A provision that restricts Culbro's attempts to increase its cigar sales by its own efforts in ways unrelated to its ownership of Havatampa would lessen competition in the cigar market, not increase it.

The second suggested provision would prohibit Havatampa from favoring Culbro products. Insofar as this applies to cigars, the proposed decree accomplishes the same result. Neither Havatampa nor Culbro can benefit from any preference shown by Havatampa for Culbro cigars because the judgment places a ceiling on Havatampa's sales of Culbro cigars.

American Maize's third proposal seeks a prohibition on any further acquisition of distributors by Culbro. While nothing in the decree prohibits any further acquisition by Culbro, nothing prevents the government from challenging any acquisition of a distributor made by Culbro in the future. The government would challenge any future acquisition if the facts indicate a violation of the antitrust laws.

III. ENTRY OF THE PROPOSED FINAL JUDGMENT IS IN THE PUBLIC INTEREST

Substantial competitive benefits will be achieved if this judgment is entered. In the past, Havatampa, as a distributor, favored the cigars it manufactured. In 1977 it purchased approximately $6.5 million of Havatampa cigars, which constituted 22% of its total cigar purchases. The divestiture of the Havatampa cigar business provided for in the proposed decree will end this vertical relationship. After a brief transition period, Havatampa will have no further incentive to favor Havatampa cigars. The maximum foreclosure which could occur under the proposed decree is 12.9% of Havatampa's total cigar sales, or $2,790,327, whichever is greater. Havatampa may therefore be expected to devote its distribution efforts to the cigar business on a more equitable basis than it has in the past.

Further, if Culbro wishes to sell more cigars in the areas served by the Havatampa distribution houses than it is permitted to sell through Havatampa under the proposed judgment, Culbro must use alternative distribution channels. If it uses or develops other wholesalers in the Havatampa market areas, it will strengthen competition among wholesalers and will provide stronger wholesale outlets which can also be used by competing cigar manufacturers.

For the reasons stated above and in the previously-filed competitive impact statement, the government submits that entry of the proposed final judgment is in the public interest.

Dated: June 21, 1978.

Respectfully submitted.

ALAN L. MARX,
STEVEN C. DOUSE,
HENRY VAN WAGENINGEN,
Attorneys,
Department of Justice.

ATTACHMENT

JUNE 8, 1978.

GERALD A. CONNELL, ESQ.,
Chief, General Litigation Section, U.S. Department of Justice, Room 8313, Star Building, 11th Street and Pennsylvania Avenue NW., Washington, D.C. 20530

Re *United States* v. *Culbro Corporation, et al.*, 77 Civ. 3149 (EW)

DEAR MR. CONNELL: On behalf of our client, American Maize-Products Co., we deliver herewith a Comment addressed to the proposed Final Judgment in the above matter.

Very truly yours,

DONALD G. MCCABE.

JUNE 8, 1978.

COMMENT OF AMERICAN MAIZE-PRODUCTS CO. TO THE PROPOSED FINAL JUDGMENT TO BE EXECUTED BETWEEN THE UNITED STATES OF AMERICA AND CULBRO CORP., HAVATAMPA CORP., HAVATAMPA HOLDING CO., AND HAV CORP.

On June 28, 1977, the plaintiff in the above captioned action, The United States of America, filed its complaint against the above defendants in anticipation of the acquisition by Culbro of a percentage interest in Havatampa. At the time of the proposed acquisition, Havatampa was the largest distributor of cigars in the United States and the sixth largest manufacturer of cigars. Culbro was the third largest distributor of cigars and the second largest manufacturer of cigars.[1]

The Government first proceeded with an application for a preliminary injunction which application was denied after a hearing by the Court for the primary reason that the parties had entered into a "hold separate" order whereby the assets of Havatampa would be segregated and not consolidated with the assets of Culbro until after a determination on the ultimate request for a permanent injunction. Subsequent to the conclusion of this hearing, the parties entered into a proposed Stipulation which provides for the completion of the transaction and incorporates purported safeguards with respect to the operation of the Havatampa Corp. in the future. The proposed settlement requires that Havatampa divest itself of its cigar manufacturing capabilities within 18 months after the entry of the Final Judgment. This aspect of the proposed Final Judgment resolves the horizontal antitrust problems created by the consolidation of Culbro, the second largest manufacturer of cigars, and Havatampa, the sixth largest manufacturer of cigars, but does not resolve the vertical antitrust problems associated with the third largest distributor organization (Culbro) becoming a part owner of the largest distributor (Havatampa).

American Maize-Products Co. ("American Maize") on behalf of its subsidiary Jno H. Swisher & Son, Inc., contends that competition in the tobacco and related products industries will be reduced and the entry of new manufacturers precluded if Culbro is permitted to purchase a significant ownership position in the Havatampa distribution organization. Further, American Maize believes that competition in product categories other than tobacco and related lines may also be injured or potentially injured to the degree that Culbro now manufactures and/or markets such products, or may elect to do so in the future. Finally, American Maize is of the opinion that the covenants extracted from Havatampa and Culbro as part of the Proposed Settlement with respect to limitations on Havatampa's sales of Culbro cigars are so deficient as to be meaningless.

One objective of this lawsuit was to preserve a distribution system designed to be fair to all competitors. The Government has recognized the power of distributors to influence market position by "the degree of distribution, promotion, and service they provide to various brands of cigars." (Competitive Impact Statement, p. 4.) Yet, it is now presenting for approval an agreement that gives one competitor a policy influencing role in the largest distributor in the business. In effect, Culbro could propose and influence the establishment of policies that would determine the acceptance or rejection of any new products or promotions that other manufacturers/marketers would attempt to sell to Havatampa.

The problem quite simply is that Culbro will have a large influence in the way cigars and other related products are sold by Havatampa in Swisher's primary marketing area. We believe this influence will be substantial and will possibly dominate the Havatampa operation in view of the fact that Culbro will be the only member of the Oppenheimer Group having knowledge of the tobacco distribution process and also an organization which currently owns and operates other large tobacco distribution companies (Metropolitan Tobacco Co. in New York City, New Jersey, and upstate New York; and Flaks in Denver). Allowing Culbro to acquire a significant ownership position in Havatampa is comparable to permitting a large manufacturer/marketer of food or household products to acquire a dominant factor in the wholesale and/or retail distribution of those products. In our judgment, such an acquisition would not be permitted on anticompetitive grounds, and we feel the same logic should apply with regard to Culbro's involvement with Havatampa.

As noted above, American Maize believes that competition in product categories other than cigars may also be injured if this acquisition is approved in its present form. The Annual Report most recently published by Culbro indicates that the sale of cigars alone is not in fact the true test or the true

[1] Competitive Impact Statement, p. 1.

criteria in determining the significance of the proposed acquisition. According to Culbro, smokeless tobacco—snuff and chewing tobacco—is the fastest growing segment of the tobacco industry. Culbro proceeds to state that its objective is to enlarge its presence in this market and that its plans call for broader market penetration during 1978. The manufacture and sale of cigars is obviously only one aspect of the operations conducted by Culbro. As pointed out by Culbro, it is not even the most profitable aspect of its operation at this point in time. Culbro intends to concentrate its efforts on dominating the market for smokeless tobacco. The proposed Final Judgment places no limitations on Havatampa's ability as a distributor to enhance the market position of the smokeless tobacco products of Culbro. As a distributor, Havatampa will have the opportunity to determine in the stores it services the retail shelf positions and facings, and promotional displays that would be furnished to each of the various manufacturers of smokeless tobacco. Under the proposed Final Judgment, Havatampa can concentrate its efforts with respect to smokeless tobacco exclusively to the advantage of Culbro and to the detriment of every other competing manufacturer in the industry, whether in the cigar business or not. By permitting Culbro to have dominance in this very important and expanding field, the Court is in effect approving Culbro's right to dominate and control the entire smokeless tobacco industry in the Havatampa distribution area. Also, the proposed Final Judgment offers such monopolistic benefits to Culbro with respect to the distribution of its cigar related products such as chewing tobacco, snuff and other accessories that it will sufficiently discourage other manufacturers with the capability of joining in these fields from going forward for fear of their inability to obtain a distributor who will in fact function for them on a fair and equitable basis. Absent Culbro's interest in Havatampa, these companies would have looked to Havatampa, the largest cigar distributor, for marketing assistance in these areas. It is submitted that it was not the intention of the United States to permit such a monopoly to exist when it commenced this lawsuit and that the Government inadvertently lost sight of this obvious problem in first offering to enter into the proposed Final Judgment.

The third illustration of the deficiencies of the Proposed Settlement was highlighted by Havatampa in its Proxy Statement issued in connection with the annual meeting held on June 28, 1977. In that document, Havatampa acknowledged that it has commenced the practice of servicing all of the needs of retailers in certain product groups. It pointed out that such product groups at the present time include candy, tobacco accessories and small appliances. The Proxy Statement indicated that the Company has enjoyed initial success with this method of merchandising and expects to expand it in the future.

Swisher, one division of American Maize, is a company that manufactures cigars. Boyer Bros., a candy manufacturer, is another subsidiary of the same parent corporation. Havatampa has now acknowledged that the distribution of candy and the distribution of cigars go hand in hand. In a situation such as this, where the sale of Swisher cigars and Boyer candies would go hand in hand, it is anticipated that Havatampa, in devoting its efforts in the sale of Culbro cigars, will also develop, through preferential emphasis, the sales of some other competing candy company, perhaps even one belonging to Culbro. To a diversified company such as American Maize, such conduct would have a significant adverse economic impact.

While American Maize is fundamentally opposed to any involvement of the Culbro Co. in the Havatampa business, it also finds fault with the competitive "safeguards" proposed in the settlement. Specifically, the 12.9 percent share of dollar cigar purchases, or $2,790,327 (whichever is greater), would provide Culbro with the opportunity to increase its emphasis on direct customer sales in Havatampa distribution areas while maintaining a comfortably protected volume positon in Havatampa. Culbro could also elect to use the flexibility inherent in such a broad limitation to place intense competitive pressure in selective Havatampa markets and locations, and against specific competitors. This would be particularly true relative to any markets where other Culbro controlled distributors could pick up Culbro cigar volume which was being shifted out of the Havatampa system.

In summary, American Maize contends that it would be anticompetitive to allow the Culbro Co. to acquire an interest in Havatampa. Should Culbro be allowed to make this acquisition, however, more stringent safeguards seem necessary to preserve even just a reasonable chance of equity in the competitive marketplace. In addition to the existing safeguards, for example, another logical limitation would be to preclude Culbro from any direct sales of its own products to Havatampa customers except to the extent and within the monetary limitations that such sales were being made prior to June 1977. Also, it would seem highly desirable to provide enforceable assurances that Culbro would not be permitted to influence Havatampa efforts in any ways which would provide preferential treatment for Culbro products or products of companies in which Culbro has a financial interest. Otherwise, Havatampa can develop the market for Culbro and then leave that market to be serviced either directly by Culbro or by one of its other distributors so as not to run into conflict with the percentage restrictions contained in the proposed Final Judgment, to the obvious detriment of other cigar manufacturers. Finally, and recognizing Culbro's already important position in the distributor business, it would seem reasonable to prohibit any further acquisitions by Culbro of distributor organizations engaged in the same general lines of business now pursued by Havatampa, Metropolitan Tobacco, and Flaks.

For each of these reasons it is respectfully submitted that the proposed Final Judgment is not only deficient but in fact provides a legal framework which can be utilized by both Havatampa and Culbro to the detriment of all cigar manufacturers, smokeless tobacco manufacturers and various other industries in this country in obvious violation of the antitrust laws.

WILLIAM E. RAWLINGS,
President,
American Maize-Products Co.

[FR Doc. 78-18176 Filed 6-29-78; 8:45 am]

[4410-18]

Law Enforcement Assistance Administration

NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Meeting

Notice is hereby given that the National Advisory Committee for Juvenile Justice and Delinquency Prevention (the Committee) will meet Tuesday, Wednesday, Thursday and Friday, July 11, 12, 13, and 14, 1978, at the Hilton Plaza Inn in Kansas City, Mo. The meeting will be open to the public.

On Tuesday, July 11, the Executive Committee will meet at 7 p.m. On Wednesday, July 12, the full Committee is scheduled to convene at 9 a.m. The session will include the introduction of members, Executive Committee report, and orientation and review of Committee business in small group sessions. Following a 12 noon executive session luncheon, the Committee will reconvene at 1:30 p.m. The session will include a report by the Administrator of the Office of Juvenile Justice and Delinquency Prevention, and a report on the first national meeting of State Juvenile Justice and Delinquency Prevention Advisory Groups.

On Thursday, July 13, the Committee will reconvene at 9 a.m. The session will include presentations by representatives from the State Juvenile Justice and Delinquency Prevention Advisory Groups of Iowa, Kansas, Missouri, and Nebraska on their progress in implementing the Juvenile Justice and Delinquency Prevention Act. Following a 12 noon luncheon recess, the Committee will reconvene at 1 p.m. The activities will include a presentation by Dr. Karl Menninger, the Village Inc.; a panel discussion on the Federal Perspective of Juvenile Justice and Delinquency Prevention; and public commentary.

On Friday, July 14, the full Committee will reconvene at 9 a.m. for a brief review of their workplan and then break into small workplan development discussion groups. The Committee will reconvene in plenary session at 12 noon for assignments, resolutions, and other business. The Committee meeting is scheduled to adjourn at 12:30 p.m.

For further information, contact Mr. John M. Rector, Administrator, Office of Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration, Department of Justice, 633 Indiana Avenue NW., Washington, D.C. 20531.

Dated: June 26, 1978.

JOHN M. RECTOR,
Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 78-18177 Filed 6-29-78; 8:45 am]

[4410-18]

CRIMINAL INTELLIGENCE SYSTEMS OPERATING POLICIES

Adoption of Final Policy Standards

AGENCY: Law Enforcement Assistance Administration, Justice.

ACTION: Adoption of Final Policy Standards.

SUMMARY: LEAA is adopting funding and operating principles for LEAA Discretionary Funded Intelligence Systems. The Operating Principles (sec. I) are to be followed in all discretionary grants awarded involving the collection and exchange of intelligence information. Sections II and III deal specifically with the funding of intelligence systems and set forth the funding criteria and internal LEAA monitoring and audit procedures for such grants.

EFFECTIVE DATE: June 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Thomas J. Madden, General Counsel, LEAA, 202-376-3691.

SUPPLEMENTAL INFORMATION: On February 8, 1978, LEAA published in the FEDERAL REGISTER proposed funding and operating principles for LEAA Discretionary Funded Intelligence Systems. The public was invited to comment. Responses were received from various organizations, State governments, and individuals. Most of the comments reflected a concern that strict controls be adopted to prevent infringement upon constitutionally protected political activities. The guidelines in section I.B. have, accordingly, been revised to more fully address this concern.

Other commenters were concerned that the collection and maintenance of intelligence information should only be triggered by a reasonable suspicion that an individual is involved in criminal activity. The language in section I.A. has, therefore, been revised to require this criteria as a basis for collection and maintenance of intelligence information.

These operating principles are effective immediately; however, where a system is presently being funded by LEAA and needs an additional period of time to come into compliance or seek funds from other sources, the Administrator, for good cause, may extend the period for compliance by 6 months.

A number of commenters asked that the term "need to know/right to know" be further defined. This concept "need to know/right to know" has an understood meaning to the law enforcement community; it would therefore, be inappropriate to redefine the phrase. In general, the phrase means that a criminal justice official requesting access to an intelligence file must establish that he is conducting an investigation pursuant to his official duties and that he needs the information in connection with the investigation. The word "official" has been added before "law enforcement" therefore, in order to emphasize that information must be required for authorized purposes. Changes were also made to require that dissemination logs be kept and that recipient agencies be advised of changes to files being maintained.

A number of commenters appeared to view the guidelines as proposing to create a national data bank. In fact, this is not the intention of the guidelines. LEAA has awarded grants for intelligence gathering pursuant to a statutory mandate which required that special emphasis was to be given to intelligence operations designed to expose organized crime and control civil disorders. (The civil disorder provision was removed from the statute in 1976.) The purpose of the guidelines is to establish LEAA policy to ensure that grants for intelligence activities are not used in violation of the privacy and political rights of citizens. It is believed that by tightening the provisions dealing with the first amendment rights as suggested by a number of commenters, this policy is now firmly established.

While these guidelines presently apply to discretionary grants awarded directly by LEAA, it is strongly encouraged that state and local governments, awarding grants under the block grant program, adopt these or similar policy guidelines.

BACKGROUND

LEAA recognizes that certain criminal activities including but not limited to, loan sharking, narcotics, trafficking in stolen property, gambling, extortion, smuggling, bribery, and corruption of public officials often involve some degree of regular coordination and permanent organization involving a large number of participants over a broad geographical area. The exposure of such ongoing networks of criminal activity can be aided by the pooling of information about such activities. In recognition of the fact, however, that the collection and exchange of intelligence data necessary to support control of serious criminal activity may represent potential threats to the privacy of individuals to whom such data relates, the following LEAA policies shall be applicable to all projects in which LEAA discretionary funds are to be used for the collection and exchange of intelligence data. As used in these policies, "Intellience Systems" means the arrangements, equipment, facilities, and procedures used for the continuing storage, exchange and analysis of criminal intelligence data, however, the term does not include modus operandi files; 'Interjurisdictional Intelligence Systems' means those systems for the continuing exchange of criminal intelligence data between local, county, or larger political subdivisions, including the exchange of data between State or local agencies and units of the Federal Government.

I. OPERATING PRINCIPLES FOR LEAA—DISCRETIONARY GRANTS INVOLVING THE COLLECTION AND EXCHANGE OF INTELLIGENCE INFORMATION

A. Criminal intelligence information concerning an individual shall be collcted and maintained only if it is reasonably suspected that the individual is involved in criminal activity and that the information is relevant to that criminal activity.

B. No records shall be maintained or collected about political, religious or social views, association or activities of any individual, group, association, corporation, business or partnership unless such information directly relates to an investigation of criminal activities, and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct.

C. No information which has been obtained in violation of any applicable Federal, State or local law or ordinance shall be included in any criminal intelligence system.

D. Intelligence information shall be disseminated only where there is a need to know/right to know the data in the performance of a law enforcement activity.

E. (1) Except as noted in (2) below, intelligence information shall be disseminated only to other law enforcement authorities who shall agree to follow procedures regarding data entry, maintenance, security, and dissemination which are consistent with these standards.

(2) Paragraph (1) above shall not limit the dissemination of an assessment of criminal intelligence information to a Government official or to any other individual, when necessary, to avoid imminent danger to life or property.

F. Agencies maintaining criminal intelligence data shall adopt administrative, technical, and physical safeguards (including audit trails) to insure against unauthorized access and against intentional or unintentional damage. A written record indicating who has been given data, reason for release and date of each dissemination outside the agency is to be kept. Information shall be labeled to indicate levels of sensitivity, levels of confidence, and the identity of control agencies and officials. Each agency

must establish written standards for need to know/right to know under section I.D. above.

G. Periodic review shall be made, no less than every 2 years, to assure that all information which is retained has relevancy and importance. Any information retained through a 2-year interval shall reflect name of reviewer, date of review, and explanation of decision to retain. Any information which is misleading, obsolete, or otherwise unreliable must be destroyed and recipient agencies advised of such changes.

H. If automated equipment for use in connection with a criminal intelligence system is to be obtained with funds under the grant, then:

Direct remote terminal access to data shall not be made available to system users; and

No modifications to system design shall be undertaken without prior LEAA approval.

I. LEAA shall be notified prior to initiation of formal information exchange procedures with any Federal, State, regional, or other information systems not indicated in the grant documents as initially approved at time of award.

J. Assurances shall be made that there will be no purchase or use in the course of the project of any electronic, mechanical, or other device for surveillance purposes that is in violation of the provisions of Title III of Pub. L. 90-351, as amended, or any applicable State statute related to wiretapping and surveillance.

K. Assurances shall be made that there shall be no harassment or interference with any lawful political activities as part of the intelligence operation.

L. Sanctions shall be adopted to control unauthorized access, utilization, or disclosure of information contained in the system.

II. Funding Guidelines

LEAA shall apply the following funding guidelines to all discretionary grant applications, the principal purpose of which is the funding of intelligence systems. Systems shall only be funded where a grantee agrees to adhere to the principles set forth above and the project meets the following criteria:

A. The proposed collection and exchange of data has been coordinated with and will support ongoing or proposed investigatory or prosecutorial activities relating to specific areas of criminal activity.

B. The areas of criminal activity in connection with which intelligence data are to be utilized represents a significant and recognized threat to the population and: (1) is either undertaken for the purpose of seeking illegal power or profits or poses a threat to the life and property of citizens; (2) involves a significant degree of permanent criminal organization; and (3) is not limited to one jurisdiction.

C. Control and supervision of information collection and dissemination will be retained by the head of a governmental agency or by an individual with general policymaking authority who has been expressly delegated such control and supervision by the head of the agency. This official shall certify in writing that he takes full responsibility and will be accountable for the information maintained by and disseminated from the system and that the operation of the system will be in compliance with the standards set forth in Section I.

Where the system is an interjurisdictional system: (1) the governmental agency which exercises control and supervision over the operation of the system shall have the head of that agency or an individual with general policymaking authority who has been expressly delegated such control and supervision by the head of the agency officially responsible and accountable for actions taken in the name of the joint entity; and (2) the head of each member agency or an individual with general policymaking authority who has been expressly delegated such control and supervision by the head of the agency shall certify in writing that he takes full responsibility and will be accountable for ensuring that the information transmitted to the interjurisdictional system or to other agencies will be in compliance with the standards set forth in section I.

D. Intelligence data will be collected primarily for State and local law enforcement efforts—exceptions being made only for cases involving joint State-Federal efforts.

III. Monitoring and Audit of Grants for the Funding of Intelligence Systems

A. Grants for the funding of intelligence systems will receive specialized monitoring and audit in accordance with a plan designed to ensure compliance with operating principles as set forth in section I of this document. Such plan shall be approved prior to award of funds.

B. All such grants shall be awarded subject to a Special Condition requiring compliance with standards set forth in Section I of this document.

C. An annual notice will be published by LEAA which will indicate the existence and objective of all systems for the continuing interjurisdictional exchange of intelligence data which are funded with LEAA discretionary funds.

James M. H. Gregg,
Assistant Administrator,
Office of Planning and Management.

[FR Doc. 78-18196 Filed 6-29-78; 8:45 am]

[4510-30]

DEPARTMENT OF LABOR

Employment and Training Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Notice of Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The act requires the Secretary of Labor to determine whether such Federal assistance is 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 facilty is being established with the intention of closing down and 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 2 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 26th day of June 1978.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

APPLICATIONS RECEIVED DURING THE WEEK ENDING JUNE 23, 1978

Name of Applicant, Location of Enterprise, and Principal Product or Activity

Sidra Manufacturing, Inc., Phoenix, N.Y., manufacture of cellulose fiber insulation.
McCreary Tire & Rubber Co., Indiana, Pa., manufacture of tires and other rubber products.
David Coggin Ford, Inc., Chapel Hill, N.C., new and used motor vehicle dealership.
Dupree Foods, Inc., Statesboro, Ga., packaging services.
Dixie Yeast Corp., Gastonia, N.C., manufacture bakers' yeast.
P.A. Medical Corp., Columbia, Tenn., manufacture of medical and other plastics.
Southeastern Blanchers, Inc., Blakely, Ga., blanching whole or split peanuts.
Mississippi Music, Inc., Hattiesburg, Miss., repair and sale of musical instruments.
Henderson, Black & Greene, Inc., Troy, Ala., construction work and the manufacture and sales of building materials.
Lee Steel Corp., Tremont, Ky., steel fabrication and erection, construction of coal preparation plants and coal-handling facilities.
Holiday Inn of Somerset, Somerset, Ky., motel.
The Richmond Motel, Richmond, Ky., motel.
Kodak Development Corp., Kodak, Tenn., motel.
The Cotton Exchange, Wilmington, N.C., shopping-restaurant complex.
Tri-Mark, Inc., Piqua, Ohio, manufacture, development, and sales office.
Long Prairie Packing Co., Inc., Long Prairie, Minn., packing house.
Arrowhead Lodge, Inc., Black River Falls, Wis., motel.
William F. Tinsley, Jr., Russels Point, Ohio, grocery store.
Legge & Associates, Inc., New Richmond and Cleves, Ohio, installation, maintenance, and repair of boilers and construction of precipatators.
Skinner & Associates, Ponca City, Okla., mini-mall.
Musket Corp., Oklahoma City, Okla., grocery stores and filling stations in Kansas and Oklahoma.
D-J Rental Tools, Inc., New Iberia, La., tool rentals.
Cooper Bros. Welding Services, Inc., Morgan City, La., welding services.
American Grain Association, Carlyss, La., sales of soybeans, milo, and wheat.
Billy J St. Clair, Muleshoe, Tex., mobile home park.
Cardwell & Russell, Weatherford, Tex., sales of gasoline and diesel fuel.
M-K Corp., Vail, Colo., hotel.
GWS International Trading Co., Johnstown, Colo., manufacture of corn syrup and other corn products.
Freeway Lanes, Grand Junction, Colo., bowling alley.
Mountain Resorts, Inc., Steamboat Springs, Colo., hotel.
Silver Spur Motel, Inc., Laramie, Wyo., motel.
Sprinkler Corp. of America, Hanford, Calif., manufacture of sprinkler heads.
Glenn's Holiday Market, Nescropeck, Pa., retail grocery.
James Wood Boone, Jackson, N.C., retail groceries.
Acquacove Industries, Inc., Smyrna, Tenn., tub-shower units.
Show Offs Disposable Products Corp., Calhoun, Ga., printed disposable diapers.
Destin Associates, Ltd., Destin, Fla., motel.
Truck Body Co., Inc., Mount Vernon or Campbellsville, Ky., manufacture of aluminum dump trailers and bodies.
Charles Wm. Cusick, Litchfield Beach, S.C., grocery and liquor store.
Waccamaw Golf Club, Inc., Myrtle Beach, S.C., golf course.
Flanders Filters, Inc., Washington, design and manufacture of air.
United Medical Corp., Hohenwald, Tenn., acute-care hospital.
Moeller Manufacturing Co., Inc., Greenville, Miss., automotive and marine accessories.
Terry L. Merillat, Mount Vernon, Ohio, retail sales of doughnuts and coffee.
Industrial Service Co., Inc., Cushing, Okla., storage of petroleum and manufacture of horse walkers and cyclone separators.
Waterstreet Properties, Hot Springs, Ark., outpatient medical facilities.
Sooner Tile Co., Shawnee, Okla., manufacture of concrete roofing tile.
Garland Enterprises, Inc., Malvern, Ariz., skilled nursing home care.
George Kenneth Chambers, Covington, La., motel.
Alyucan Interstate Corp., Idaho Falls, Idaho, leasing of shop and office space.
Variform Plastics, Inc., Kearney, Mo., extruded plastic shapes.
Monolith Portland Cement Co., Tehachapi, Calif., manufacture and sale of portland cement.
Eastern Milk Producers Cooperative Association, Horseheads and Cortland, N.Y., production of mozzarella cheese.
Ahrens Aircraft, Inc., Aguadilla, P.R., transport aircraft.
JAD, Inc., Belzoni, Miss., mop yarns.
Milum, Inc., Prescott, Ark., manufacture of pet food.
Beaver Creek Associates, Inc., Beaver Creek, Colo., skiing facility.
Harold W. Morgan, Placer County, Calif., real estate.
North Sierra Forest Products, Inc., Rocklin, Calif., lumber products.
Freightex of Arizona, Old Tucson Highway Nogales, Ariz., trucking company.

[FR Doc. 78-17968 Filed 6-29-78; 8:45 am]

[4510-30]

MIGRANT AND SEASONAL FARMWORKERS

Manpower Programs

AGENCY: Department of Labor.

ACTION: Grant actions in Nevada, New York, and Florida.

SUMMARY: This notice announces the potential grantee for a program in Nevada under section 303 of the Comprehensive Employment and Training Act (CETA) of 1973, and the potential grantees for farmworker economic stimulus programs under title III of CETA. This notice also serves to remove certain restrictions on the grants awarded to Program Funding, Inc., in New York and to the Florida Department of Education.

FOR FURTHER INFORMATION CONTACT:

Mr. Harry Kranz, Acting Director, Office of Farmworker Programs, Department of Labor, Employment and Training Administration, Room 6308, 601 D Street NW., Washington, D.C. 20213, telephone 202-376-6128.

SUPPLEMENTARY INFORMATION: *Nevada.* In a notice in the FEDERAL REGISTER in December 23, 1977, the Secretary announced the reopening of competition for the State of Nevada.

The Secretary now announces the designation of the following grantee to provide services to migrant and seasonal farmworkers in the State of Nevada:

Center for Employment Training of the Central Coast Counties, 425 South Market Street, San Jose, Calif. 95113.

The applicant shall be notified in writing of the amount of funds which may be granted, the target areas to be served, the items to be negotiated, and the time and place of negotiations. This designation is being made pursuant to 29 CFR 97.217; designation as a potential sponsor does not commit the Department of Labor to award funds to the designee, only to enter into negotiations. If negotiations fail to produce an acceptable grant, the Secretary will make a resolicitation for the State or area pursuant to 29 CFR 97.217(d).

The following are the applicants whose funding requests were not selected for funding with CETA, section 303 allocable funds. This FEDERAL REGISTER notice constitutes the Secretary's obligation to provide nonselected applicants with the names and addresses of those applicants selected in the target area for which funds were sought. The Department notified all nonselected applicants by telegram on March 15 and 25, 1978. That communication constituted the Department's written notification of nonselection as

required by 29 CFR 97.216(c). 29 CFR 97.292 identifies all procedures necessary to petition for reconsideration and indicates that in order for a petition to be considered, it must be filed within 14 days of receipt of notification of nonselection. This means that the petition for reconsideration must be actually received by the Employment and Training Administration in Washington, D.C., by the close of business on the 14th calendar day after the applicant has received the telegram.

Applicants for the State of Nevada whose funding requests were not selected by the Secretary are listed below:

State of Nevada, N.E.S.D., 500 East Third Street, Carson City, Nev. 89713.
SER/Jobs for Progress, Inc., 1111 Las Vegas Boulevard South, Suite 217, Las Vegas, Nev. 89104.

Economic stimulus program. In a notice in the FEDERAL REGISTER on January 31, 1978, the Secretary announced two initiatives under the farmworker economic stimulus program in a second solicitation for grant applications. The two initiatives are employment and training coordinated with rural economic development and residential skill training. Proposals received as a result of the solicitation were reviewed by a panel composed of Federal officials. The following organizations were designated as potential grantees for receipt of economic stimulus funds.

RESIDENTIAL SKILL TRAINING

Migrant Opportunity Program, 6611 South Central Avenue, Phoenix, Ariz. 85040.
U.S. Department of Energy, Stanford Linear Accelerator Center, Stanford University, P.O. Box 4349, Stanford, Calif. 94305.
U.S. Department of Energy, Reynolds Electrical & Engineering Co., P.O. Box 14400, Las Vegas, Nev. 89114.
U.S. Department of Energy, Memphis State University, Memphis, Tenn. 38152.

EMPLOYMENT AND TRAINING COORDINATED WITH RURAL ECONOMIC DEVELOPMENT

Consortium for the Development of the Rural Southeast, c/o ELF, 836 Beecher Street SW., Atlanta, Ga. 30310.
Community Action Council of South Texas, 420 East Main, P.O. Drawer S, Rio Grande City, Tex. 78582.

New York and Florida. In a notice to the FEDERAL REGISTER on December 23, 1977, Program Funding, Inc., was designated as a potential grantee for the State of New York (excluding Orange County) and the Department of Education for the State of Florida, with the award in certain counties of Florida being contingent upon the results of administrative proceedings then before the Department of Labor's administrative law judge. Both the exclusions described above are now rescinded and each organization is authorized to operate statewide.

Signed at Washington, D.C., this 8th day of June 1978.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

[FR Doc. 78-18139 Filed 6-29-78; 8:45 am]

[4510-30]

YOUTH EMPLOYMENT AND TRAINING PROGRAMS (YETP) FOR YOUTHS WHO ARE MEMBERS OF MIGRANT AND OTHER SEASONALLY EMPLOYED FARMWORKER FAMILIES

Conditions for Competition

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: This notice announces the conditions for a second round of competition, the availability of funds, the implementing schedule for submitting proposals, and the review criteria to be used for youth employment and training programs (YETP) for youths who are members of migrant and other seasonally employed farmworker families. Funds are to be awarded on a competitive basis to those grantees selected to operate YETP programs and are operating section 303 programs for migrant and seasonal farmworkers and their families during 1978 under the Comprehensive Employment and Training Act (CETA) of 1973, as amended. This competition is open only in those 20 States determined to be most in need and who are not now receiving YETP funds. These States with the largest farmworker population are as follows:

Alabama, Arkansas, California, Georgia, Idaho, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, Tennessee, Virginia, and Puerto Rico.

Those States which received YETP grants from the first round of competition were announced in the FEDERAL REGISTER on May 5, 1978. A total of $5,852,152 of the $13 million YETP set aside for programs for youths who are members of migrant and other seasonally employed farmworker families remains to be distributed to section 303 grantees. Approximately 10 grant awards will be made to those section 303 grantees submitting the best proposals from these 20 States noted above.

FOR FURTHER INFORMATION CONTACT:

Harry Kranz, Acting Director, Office of Farmworker Programs, U.S. Department of Labor, Room 6302, 601 D Street NW., Washington, D.C. 20213.

SUPPLEMENTARY INFORMATION: Pursuant to the Youth Employment and Demonstration Projects Act (YEDPA) of 1977, the Office of Farmworker Programs (OFP) of the Department of Labor (DOL) announces the availability of funds to implement youth employment and training programs (YETP) for youths who are members of migrant and seasonal farmworker families.

YETP grants will be made only to those grantees operating migrant and seasonal farmworker programs during 1978 under section 303 of the Comprehensive Employment and Training Act (CETA) of 1973, as amended, and only to those section 303 grantees selected as a result of a competitive process for these YETP funds.

The selection procedures and other rules applying to YETP funds for youths who are members of migrant and seasonal farmworker families were published in the FEDERAL REGISTER on Friday, January 13, 1978, Subpart K-Youth Employment and Training Programs for section 303 grantees, of Part 97 of regulations under CETA.

In those regulations, it was stated that the proposal for YETP funds for youths who are members of migrant and seasonal farmworker families would be due on a date to be set by the Director, Office of Farmworker Programs, and published in the FEDERAL REGISTER.

This publication constitutes formal notice that proposals for YETP funds for programs for youths who are members of migrant and seasonal farmworker families must be hand delivered or posted by registered or certified mail no later than 3 p.m., August 7, 1978.

Each eligible applicant must submit three copies of the proposed YETP plans to the address listed below:

U.S. Department of Labor, Employment and Training Administration, 601 D Street NW., Room 6302, Patrick Henry Building, Washington, D.C. 20213; Attention: Director, Office of Farmworker Programs.

Two copies of the proposed YETP plans shall also be submitted directly to the appropriate Regional Administrator for Employment and Training at the same time the three copies are submitted to the above address and labeled: YETP plans for CETA 303 farmworker programs.

Proposed YETP plans sent by mail to the preceding address must be registered or certified with return receipt requested. In order to be considered as submitted on time by the Employment and Training Administration, the following conditions must be met:

1. The proposed YETP plans must be registered or certified by the Postal Service on or before 3 p.m., August 7, 1978. No deviation in this condition shall be made by the Employment and Training Administration. All proposed

YETP plans received bearing postmarks after 3 p.m. shall be returned without consideration.

2. Proposed YETP plans delivered by hand must be taken to the address given previously in this section. All eligible applicants who deliver proposed YETP plans will be given a receipt bearing a time and date of delivery. Proposed YETP plans will be accepted daily between the hours of 8:15 a.m. and 4:45 p.m., Washington, D.C., time except Saturdays, Sundays, and holidays. Proposed YETP plans will not be received by hand-delivery after 3 p.m., e.d.t., on August 7, 1978. No deviation in this condition shall be made and no proposed YETP plan delivered after 3 p.m., e.d.t., August 7, 1978, shall be accepted.

To reduce delay in implementing this process, grant application materials were sent to all section 303 grantees with programs for 1978. These grant application materials contained detailed information, instructions, and forms necessary for submitting YETP proposals, exclusive of the rating criteria contained herein.

Those section 303 grantees which intend to submit YETP grant applications, are requested to notify both the Director, Office of Farmworker Programs, at the address previously cited, and the appropriate A-95 Clearinghouse by Standard Form 424 on or before July 21, 1978, so that appropriate arrangements may be made for prompt review of grant application.

Based upon proposals received from 303 grantees, the review panels will be using the following criteria to recommend those applicants to be awarded YETP grants.

A. Program development. Range 0–15 points. The program development factor is a rating of the proposed program's potential impact on the needs of youths and its fulfillment of the intent of the Youth Employment and Demonstration Projects Act (YEDPA). The rating will consider the following elements:

1. Training. The proposed program offers training, and/or work opportunities in a number of occupational categories. The effect of these training opportunities in enhancing the employability of youths must be clearly defined. Applicants are also responsible for defining and clarifying "meaningful work experience" if it is an activity in the proposal.

2. Services. The proposed program provides necessary supportive services to assist youth to participate in employment and training activities which will enhance their employability.

3. Program impact. The proposed program will directly impact on the problems and needs of youth in the particular target area. Applicants must describe how the proposed program will supplement and not substitute for services already being provided by the applicant to youth.

The highest rating of 15 shall be awarded to an organization which has adequately analyzed the economic situation of the target area and identified the social and economic needs of the youth population, and has developed a program based on this analysis and identification, which provides training and supportive services that can be successfully implemented within the existing target area economic and labor market situations to meet these needs.

B. Delivery system. Range 0–15 points. The delivery system factor is a rating of the applicant's system for delivering the comprehensive program services and its potential ability to provide effective and timely services to youth. This rating shall include the potential effectiveness of subgrantees in providing services specifically for farmworker youth.

Applicants must describe the relatinship of the proposed delivery system to other employment and training delivery systems for youth within the target area.

The highest rating of 15 shall be awarded to an organization whose delivery system demonstrates efficient operation and whose subgrantees' (if any) delivery systems are coordinated with the applicant's into a functioning unit.

C. Administrative capability. Range 0–15 points. The administrative capability factor is a rating of the applicant's management experience and efficiency. The rating shall include consideration of the managerial expertise of the organization's present and proposed staff in managerial and decision-making positions. This factor shall also consider administrative efficiency based on comparative administrative cost.

The applicant must provide a description of both its management information system (MIS) and self-assessment procedures. Since YEDPA will be funded for only 1 year, the applicant must clearly demonstrate its ability to provide services, to provide accurate and complete reports on the status of the youth program and conduct self-assessment surveys to identify internal problems in order to take the necessary corrective action to improve the quality of services to youth. The MIS description should identify how compiled program data will be analyzed and utilized by the applicant to improve the program and to provide narrative and statistical program summaries.

Applicants must also describe the procedures followed to identify and select subgrantees which have demonstrated competencies and merit at the local level.

The highest rating of 15 shall be awarded to organizations which can demonstrate the capability to administer efficiently a multiactivity delivery system with comparatively low administrative costs.

D. Responsiveness to youth. Range 0–20 points. The responsiveness to youth factor is a rating of the organization's active and visible involvement of youth in its planning and the proposed involvement of youth in implementing its proposed program of services. The rating will also consider the sensitivity of the organization's present and proposed staff in program positions to the needs of youth.

The highest rating of 20 shall be awarded to organizations which clearly demonstrate that youth will be actively involved in the planning, review, and implementation of youth programs.

E. Linkages and coordination. 0–15 points. The linkage and coordination factor is a rating of an organization's demonstrated and documented programmatic ties with appropriate State and local agencies, private nonprofit organizations, and other groups providing resources and services to youth. The highest rating of 15 shall be awarded to applicants which would operate programs incorporating services at less than, or at no cost to section 303 from other agencies for the purpose of providing manpower and other services to youth and whose funding request includes letters of commitment for these services.

F. Experimentation and innovation. Range: 0–20 points. The experimentation and innovation factor is a rating of the organization's capability to adequately describe a concept to be tested by the proposed program design, to utilize appropriate data and rationale as a premise for any hypothesis and to develop procedures and measures for testing the hypothesis. Applicants must clarify the areas in which the proposed program is either experimental or innovative.

The highest rating of 20 shall be awarded to organizations which clearly define the programmatic areas of experimentation and the internal administrative mechanisms to be used to measure any hypothesis regarding the needs of youth.

Signed in Washington, D.C., this 27th day of June 1978.

LAMOND GODWIN,
Administrator,
Office of National Programs.

[FR Doc. 78-18287 Filed 6-29-78; 8:45 am]

[4510-43]

Mine Safety and Health Administration

[Docket No. M-78-74-C]

FLAT TOP COLLIERY CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that Flat Top Colliery Corp., Box 76, Oak Hill, W. Va. 25901, has filed a petition to modify the application of 30 CFR 75.1719 through 75.1719-4, to its No. 3 Mine, located in Raleigh County, W. Va., 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) Technology does not presently exist to equip each working place with lighting while self-propelled mining equipment is being operated.

(2) Low seam heights prevent the lights from being mounted on the top of mining machines and operating controls and rope drums prevent the lights from being mounted on the sides of Petitioner's continuous miners.

(3) The use of lights will diminish safety because the machine operator will be unable to see the light on the jack-setters when they signal to stop or start the machine.

REQUESTS FOR COMMENTS

Persons interested in this petition may furnish written comments on or before July 31, 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: June 24, 1978.

ROBERT B. LAGATHER,
Assistant Secretary for Mine Safety and Health.

[FR Doc. 78-18284 Filed 6-29-78; 8:45 am]

[4510-43]

[Docket No. M-78-30-M]

GULF & WESTERN INDUSTRIES, INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that Gulf & Western Industries, Inc., P.O. Box 32, Jefferson City, Tenn. 37760, has filed a petition to modify the application of 30 CFR 57.11-55 (escapeways), to its Jefferson City Mine, located in Jefferson County, Tenn., 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 existence of a second hoist in the main hoisting shaft provides an alternative hoisting facility which would handle an emergency as well as a hoisting facility at the ventilation shaft.

(2) In the event of serious injury to employees, both hoists at the centrally located hoisting shaft would be available to remove the victims.

(3) The second hoist is readily available for use in an emergency. A trained hoistman is on duty at all times when men are in the mines.

(4) It would take considerably more time to activate a hoist on the ventilation shaft escapeway because the hoistman would have to leave his regular post, obtain transportation to the site, approximately 4,300 feet away and would have to energize and test the dormant hoist.

(5) There have been no known emergency mass evacuations in the past 40 years in any of the mines in the Mascot-Jefferson City district.

(6) Under some possible circumstances (e.g., fire in the hoisting shaft), employees might have to climb a 1,559 foot ladderway or spend a few extra hours in the mine. Neither of these circumstances would jeopardize the miners' safety.

REQUEST FOR COMMENTS

Persons interested in this petition may furnish written comments on or before July 31, 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: June 24, 1978.

ROBERT B. LAGATHER,
Assistant Secretary for Mine Safety and Health.

[FR Doc. 78-18285 Filed 6-29-78; 8:45 am]

[4510-43]

[Docket No. M-78-71-C]

PONTIKI COAL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that Pontiki Coal Corp., Box 57, Lovely, Ky. 41231, has filed a petition to modify the application of 30 CFR 75.1710-1, to its Pontiki No. 1 Mine, located in Martin 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) This petition pertains to the Schroeder Bros. Model CDB-2000A-52 Face Drill used at the above mine.

(2) The above Face Drill has a minimum tramming height of 45 inches with a canopy. To install or remove the canopy requires a minimum height of about 55 inches.

(3) Mining heights at the Pond Creek Coal Seam of the Pontiki No. 1 Mine are inconsistent, and actual mining heights are often 42 inches or less. Actual mining heights vary because of irregularities in the mine roof and floor. In some instances roof control measures further reduce heights.

(4) A canopy on the Face Drill will result in a dimunition of safety to the miners because it will reduce the operator's field of vision, restrict the operator's leg and arm movement, and increase operator fatigue.

(5) Because the inconsistent mining heights require canopies to be frequently removed and installed, miners are exposed to hazards inherent in the installation and removal of canopies.

(6) Because of inconsistent heights and irregularities in the floor and roof, situations arise where the canopies sometimes strike the roof or roof control devices. This is a potential hazard to the operator, and it can also destroy roof bolts.

(7) It is anticipated that irregular and inconsistent mining heights will continue to occur at the above mine.

(8) Application of 30 CFR 75.1710-1 will result in a dimunition of safety to the miners affected.

REQUEST FOR COMMENTS

Persons interested in this petition may furnish written comments on or before July 31, 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: June 24, 1978.

ROBERT B. LAGATHER,
Assistant Secretary for Mine Safety and Health.

[FR Doc. 78-18286 Filed 6-29-78; 8:45 am]

[4510-26]

Occupational Safety and Health Administration

ADVISORY COMMITTEE ON CONSTRUCTION SAFETY AND HEALTH

Meeting

Notice is hereby given that the Advisory Committee on Construction Safety and Health, established under section 107(e)(1) of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333) and section 7(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656) will meet on Tuesday, July 18; Wednesday, July 19; and Thursday, July 20, 1978, in Room N-3437, Department of labor Building, Third Street and Constitution Avenue NW., Washington, D.C. 20210. The

meeting is open to the public and will begin at 9 a.m.

The purpose of the meeting is to continue review and discussion of material developed pursuant to the Committee's recommendation to begin efforts to verticalize Part 1926 Construction Standards.

Written data, views, or arguments may be submitted, preferably with 20 copies, to the Division of Consumer Affairs. Any such submissions received prior to the meeting will be provided to the members of the committee and will be included in the record of the meeting.

Anyone wishing to make an oral presentation should notify the Division of Consumer Affairs before the meeting. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the content of the presentation.

Oral presentations will be scheduled at the discretion of the chairman, depending on the extent to which time permits. Communications may be mailed to: Ken Hunt, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, Third Street and Constitution Avenue NW., Washington, D.C. 20210, phone 202-523-8024.

Materials provided to members of the Committee are available for inspection and copying at the above address.

Signed at Washington, D.C., this 23d day of June 1978.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc. 78-18140 Filed 6-29-78; 8:45 am]

[4830-01]
[4510-29]

DEPARTMENT OF LABOR

Pension and Welfare Benefit Programs

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Prohibited Transaction Exemption 78-7]

EMPLOYEE BENEFIT PLANS

Exemptions From the Prohibitions Respecting Transactions Involving the Southern Nevada Culinary and Bartenders Pension Trust (Application No. D-964)

AGENCIES: Department of Labor and Department of the Treasury/Internal Revenue Service.

ACTION: Grant of individual exemptions.

SUMMARY: These two exemptions enable the Upper Avenue Bank (the Bank), as an investment manager of the Southern Nevada Culinary and Bartenders Pension Trust (the Pension Trust) to engage in certain transactions which, in the absence of the exemptions, would be prohibited by the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code).

FOR FURTHER INFORMATION CONTACT:

Robert R. Bitticks, Esq., Office of the Solicitor, Plan Benefits Security Division, Room C-4508, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210, 202-523-8620. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: On April 21, 1978, notice was published in the FEDERAL REGISTER (43 FR 17067) of the pendency before the Department of Labor and the Internal Revenue Service (the Agencies) of two exemptions from the restrictions of sections 406(a) and 407(a) of the Act and from the taxes imposed by sections 4975 (a) and (b) of the Code by reason of sections 4975 (c)(1)(A) through (D) of the Code. The exemptions were requested in an application filed by the Bank pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code. The proposed exemptions would apply to a number of transactions which involve the Bank, the Pension Trust and certain parties in interest and disqualified persons and which have been or would be entered into as a result of the Bank's appointment as investment manager on August 30, 1977. The notice set forth a summary of the facts and representations contained in the application 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 exemptions to the Department of Labor (the Department). Three letters of comment were received. One letter noted that a sentence in the summary of representations at 43 FR 17069 contained a misstatement. The sentence stated that, "Most employers contributing to the Pension Trust are members of the Nevada Resort Owners Association whose membership also includes other resort owners in the state of Nevada." The comment letter pointed out that the organization's name is the Nevada Resort Association, that it has only 27 members, and that most of the 253 employers of participants in the Pension Trust are not members of the Association. The letter noted, however, that it "is probably true that most of the participants in the Pension Trust are or were employees of members of the Nevada Resort Association." The other two letters objected, in general terms, to the granting of any exemption to permit the Pension Trust to deal with the parties in interest and disqualified persons identified in the preamble to the proposed exemptions.

Based on the application for exemption submitted by the Bank and the three public comments received, the Agencies have decided to grant the proposed exemptions.

GENERAL INFORMATION

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, 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 require, among other things, that a fiduciary 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 section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions do not extend to transactions prohibited under section 406(b) of the Act and section 4975(c)(1)(E) and (F) of the Code;

(3) These exemptions are supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(4) This document does not meet the criteria for significant regulations set forth in paragraph 8 of the proposed Treasury directive appearing in the FEDERAL REGISTER for Wednesday, May 24, 1978 (43 FR 22319).

EXEMPTIONS

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75-26, 1975-1 C.B. 722, and based upon the application for exemption and the public comments received, the Agencies make the following determinations:

(i) The exemptions are administratively feasible;

(ii) They are in the interest of the plan and of participants and beneficiaries;

(iii) They are protective of the rights of participants and beneficiaries of the plan.

Accordingly, the exemptions proposed in the notice of April 21, 1978, 43 FR 17067, are hereby granted under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 and Rev. Proc. 75-26.

The availability of these exemptions is subject to the express conditions that the material facts and representations contained in the application are true and complete.

Signed at Washington, D.C., this 26th day of June 1978.

FRED J. OCHS,
Director, Employee Plans Division, Internal Revenue Service.

IAN D. LANOFF,
Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration.

[FR Doc. 78-18179 Filed 6-27-78; 10:15 am]

[4510-28]

DEPARTMENT OF LABOR

Office of the Secretary

PRIVACY ACT OF 1974

System of Records

Pursuant to 5 U.S.C. 552(e)(11) of the Privacy Act of 1974, the Department of Labor hereby publishes notice of Systems of Records DOL/ILAB-3 to be established by the Office of Foreign Economic Research of the Bureau of International Labor Affairs. DOL/ILAB-3 will consist of survey data gathered by personal interview collected by Mathematica Policy Research, Inc., 14 Washington Road, Princeton Junction, N.J.

Signed at Washington, D.C., this 21st day of June 1978.

RAY MARSHALL,
Secretary of Labor.

DOL/ILAB-3

Systems name:

Trade Adjustment Assistance Survey File.

System location:

Files will be located at Mathematica Policy Research, Inc., 14 Washington Road, Princeton Junction, N.J.

Categories of individuals covered by the system:

The system maintains records of unemployed persons describing their characteristics and labor market experience. These persons will consist of workers eligible for unemployment insurance benefits and those who are also eligible for trade adjustment assistance benefits under the Trade Act of 1974.

Categories of records in the system:

Records include: survey questionnaires of workers describing their characteristics and labor market experience during a recent spell(s) of unemployment.

Authority for maintenance of the system:

Pub. L. 93-203.

Routine uses of records maintained in the system, including categories of users and the purposes of such items:

None.

Storage:

Sample members' names and addresses will be recorded on a separate form and maintained separately from the analytic data. All files will be maintained in locked storage areas.

Retrievability:

Name and assigned number.

Safeguards:

Files maintained by Mathematica Policy Research, Inc., in locked storage areas.

Retention and disposal:

Identifying information will be destroyed 5 years after study is completed.

System manager and address:

Mathematica Policy Research, Inc., 14 Washington Road, Princeton Junction, N.J.

Notification procedure:

Contact systems manager.

Record access procedure:

Contact systems manager.

Contesting record procedures:

Contact systems manager.

Record source categories:

The system obtains information from unemployed workers on a voluntary basis.

[FR Doc. 78-17895 Filed 6-29-78; 8:45 am]

[4510-28]

Office of the Secretary

INVESTIGATIONS REGARDING CERTIFICATIONS OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the act") and are identified in the appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 10, 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 July 10, 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 22d day of June 1978.

HAROLD A. BRATT,
Acting Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
A.M. Milwaukee Body Employees Credit Union (workers).	Milwaukee, Wis	June 19, 1978	June 15, 1978	TA-W-3,878	Provides credit union services to the employees of the Milwaukee, Wis. plant of American Motors.
Irving Sportswear (ILGWU)	Garfield, N.J	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,879	Women's sportswear.
Johnstown & Stoney Creek RR (USWA)	Johnstown, Pa	May 30, 1978	May 26, 1978	TA-W-3,880	Transporting of general commodities at the Johnstown, Pa. plant of U.S. Steel Corp. and local area companies.
Madison Wire Co., Inc. (USWA)	West Seneca, N.Y	June 20, 1978	June 19, 1978	TA-W-3,881	Carbon steel wire and wire products.
Rosemer Manufacturing (ILGWU)	Hackensack, N.J	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,882	Ladies' coats and sportswear.
Teledyne Vasco, Colonia Plant (USWA)	Monaca, Pa	June 16, 1978	May 30, 1978	TA-W-3,883	Specialty steel flat rolled products such as high speed and tool steel sheets, circles and bars.
Tobin Packing Co., Inc. (Independent Meat Packers Union).	Albany, N.Y	June 20, 1978	May 7, 1978	TA-W-3,884	Slauter house and packaging of meats.

[FR Doc. 78-18281 Filed 6-29-78; 8:45 am]

[4510-28]

INVESTIGATIONS REGARDING CERTIFICATIONS OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the act") and are identified in the appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting those 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 July 10, 1978.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustments Assistance, at the address shown below, not later than July 10, 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 20th day of June 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
Camp Bird Colorado, Inc. (workers)	Ouray, Colo	June 16, 1978	June 13, 1978	TA-W-3,870	Mining of zinc ore and concentrating, and company office.
Escapades Fashion, Inc. (ILGWU)	Ridgefield, N.J	do	do	TA-W-3,871	Ladies' sweaters.
Graviner, Inc. (company)	Mountainside, N.J	do	June 10, 1978	TA-W-3,872	Industrial fire protection systems.
Keystone Fireworks Manufacturing, Co., Inc. (USWA).	Dunbar, Pa	June 19, 1978	June 16, 1978	TA-W-3,873	Fireworks and firework display items.
Leather Sportswear, Inc. (company)	Bridgeport, Conn	do	June 13, 1978	TA-W-3,874	Men's and women's leather and suede outerwear.
The Moore Co., Inc. (Teamsters Local Union No. 404).	Springfield, Mass	do	June 15, 1978	TA-W-3,875	Hand tools.
Siluria Textiles, Inc. (company)	Siluria, Ala	do	do	TA-W-3,876	Denim fabrics.
Star Sportswear Manufacturing Corp. (company)	Lynn, Mass	do	do	TA-W-3,877	Men's leather outerwear.

[FR Doc. 78-18282 Filed 6-29-78; 8:45 am]

[4510-28]

INVESTIGATIONS REGARDING CERTIFICATIONS OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the act") and are identified in the appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 10, 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 July 10, 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 19th day of June 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
Apex Distributing Co. (Amalgamated Meat Cutters & Bone Workers of North America) Northeast Hopkins, Minn.		June 15, 1978	June 12, 1978	TA-W-3,853	Boneless beef.
Bridon American Corp. (company)	Houston, Tex	June 12, 1978	June 8, 1978	TA-W-3,854	Distributing and cutting steel wire products to the customers.
Do	Folcroft, Pa	do	do	TA-W-3,855	Do.
Do	Denver, Colo	do	do	TA-W-3,856	Do.
Do	Atlanta, Ga	do	do	TA-W-3,857	Do.
Do	Jefferson, La	do	do	TA-W-3,858	Do.
Do	Linden, N.J	do	do	TA-W-3,859	Do.
Do	Syracuse, N.Y	do	do	TA-W-3,860	Do.
Do	Lombard, Ill	do	do	TA-W-3,861	Do.
Do	Melvindale, Mich	do	do	TA-W-3,862	Do.
Do	Memphis, Tenn	do	do	TA-W-3,863	Do.
Do	Pittsburgh, Pa	do	do	TA-W-3,864	Do.
Do	Wilkes-Barre, Pa	do	do	TA-W-3,865	Wire products are produced and corporate offices.
Heppenstall Co. (USWA)	Pittsburgh, Pa	June 9, 1978	May 15, 1978	TA-W-3,866	Commercial forgings and die blocks.
Heppenstall Co., Daman Division (USWA)	East Brady, Pa	do	do	TA-W-3,867	Repairing of valves and marine internal parts.
SPN Sportswear (ILGWU)	Mount Pleasant, Pa	June 15, 1978	June 13, 1978	TA-W-3,868	Women's sportswear and dresses.
Stout Sportswear Co. (workers)	Long Island City, N.Y	June 12, 1978	June 9, 1978	TA-W-3,869	Women's sportswear.

[FR Doc. 78-18283 Filed 6-29-78; 8:45 am]

[4510-28]

[TA-W-3020]

SOULE STEEL CO., PHOENIX, ARIZ.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-3020: investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on February 2, 1978, in response to a worker petition received on January 10, 1978, which was filed by the United Steelworkers of America on behalf of workers and former workers producing carbon steel reinforcing bars at the Phoenix, Ariz., plant of the Soule Steel Co.

The Notice of Investigation was published in the FEDERAL REGISTER on February 17, 1978 (43 FR 7066). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Soule Steel Co., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

* * * that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

U.S. imports of concrete reinforcing bar decreased from 192,000 tons in

1976 to 93,000 tons in 1977, a decline of 51.6 percent.

The ratio of imports of concrete reinforcing bar to domestic shipments decreased from 5 percent in 1976 to 2.2 percent in 1977.

CONCLUSION

After careful review I conclude that all workers at the Phoenix, Ariz., plant of the Soule Steel Co. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 23d day of June 1978.

HARRY J. GILMAN,
Acting Director, Office of Foreign Economic Research.

[FR Doc. 78-18276 Filed 6-29-78; 8:45 am]

[4510-28]

[TA-W-3735]

JAY GARMENT CO., BROOKVILLE, IND.

Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on May 18, 1978, in response to a worker petition dated January 10, 1978, which was filed by the Amalgamated Clothing & Textile Workers Union on behalf of all workers of the Brookville, Ind., plant of Jay Garment Co., Portland, Ind.

Notice of investigation was published in the FEDERAL REGISTER on June 13, 1978 (43 FR 25499). No public hearing was requested and none was held.

Section 223(b)(1) of Chapter 2 of the Trade Act of 1974 states that a certification under this section shall not apply to any worker whose last total or partial separation from the firm or appropriate subdivision of the firm occurred more than 1 year before the date of the petition filing under Title II, Chapter 2 of the Trade Act of 1974.

During the course of the investigation, it was determined that the Brookville plant was permanently closed as of January of 1975.

The date on the petition in this case is January 10, 1978, thus workers terminated prior to January 10, 1977, cannot be found eligible for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974. Therefore, this investigation has been terminated.

Signed at Washington, D.C., this 14th day of June 1978.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc. 78-18271 Filed 6-29-78; 8:45 am]

[4510-28]

[TA-W-3007]

CONVERSE RUBBER CO., NORTH BERWICK, MAINE

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-3007: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on February 2, 1978, in response to a worker petition received on January 20, 1978, which was filed on behalf of workers and former workers producing canvas and athletic footwear at the North Berwick, Maine, plant of Converse Rubber Co. (Berwick Manufacturing Co.).

The notice of investigation was published in the FEDERAL RECORD on February 17, 1978 (43 FR 7066). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from Converse Rubber Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the act must be met. It is concluded that all of the requirements have been met.

The Department's investigation revealed that the North Berwick, Maine, plant of Converse Rubber Co. (Berwick Manufacturing Co.) produces canvas and athletic footwear.

Imports of athletic footwear increased in absolute terms from 1973 to 1974, increased from 1974 to 1975, and increased from 1975 to 1976. Imports increased 48 percent from 1976 to 1977. The ratios of imports to domestic production and consumption increased from 343.6 percent and 77.5 percent, respectively, in 1976 to 508.9 percent and 83.6 percent, respectively, in 1977.

Imports of rubber/canvas footwear increased in absolute terms from 1973 to 1974, decreased from 1974 to 1975, and increased from 1975 to 1976. Imports decreased 24 percent from 1976 to 1977. The ratios of imports to domestic production and consumption increased from 26.6 percent and 21.0 percent, respectively, in 1976 to 27.9 percent and 21.8 percent, respectively, in 1977.

Customers of Converse Rubber Co. decreased purchases of canvas and athletic footwear from Converse and increased purchases of imports in 1976 and 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with canvas and athletic footwear produced at the North Berwick, Maine, plant of Converse Rubber Co. (Berwick Manufacturing Co.), contributed importantly to the decline in sales and production and to the total or partial separation of workers at that plant.

In accordance with the provisions of the act, I make the following certification:

All workers at the North Berwick, Maine, plant of Converse Rubber Co. (Berwick Manufacturing Co.) who became totally or partially separated from employment on or after January 17, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 26th day of June 1978.

HARRY J. GILMAN,
Acting Director, Office of Foreign Economic Research.

[FR Doc. 78-18266 Filed 6-29-78; 8:45 am]

[4510-28]

[TA-W-2341]

GHIA SPORTSWEAR, INC., MANCHESTER, MD.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2341: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on September 14, 1977 in response to a worker petition received on September 13, 1977, which was filed on behalf of workers and former workers producing jackets and vests for men's suits at Ghia Sportswear, Inc., Manchester, Md.

The notice of investigation was published in the FEDERAL REGISTER on October 4, 1977 (42 FR 54031). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Ghia Sportswear, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the National Cotton Council, industry analysts and Department files.

United States imports of men's and boys' tailored suits increased from 3,106,000 units in 1975 to 3,562,000 in 1976, an increase of 14.7 percent. Imports also increased relative to domes-

tic production, from 18.3 percent in 1975 to 20.0 percent in 1976. Imports further increased from 1,773,000 units in the first 6 months of 1976 to 2,400,000 units in the same period of 1977.

A survey of customers purchasing men's suits from Well Made Pants Co., Inc., produced in part by Ghia Sportswear, Inc., revealed that several of these customers increased purchases of imports of men's suits in 1977 compared to the previous year while decreasing purchases of men's suits from the subject firm during the same period.

CONCLUSION

After careful review, I conclude that increases of imports like or directly competitive with the men's suits sold by Well Made Pants Co., Inc., Manchester, Md. contributed importantly to the total or partial separation of workers at the firm. In accordance with the provisions of the act, I make the following certification:

All workers of Ghia Sportswear, Inc., Manchester, Md. who became totally or partially separated from employment on or after April 10, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 23d day of June 1978.

HARRY J. GILMAN,
Acting Director, Office of Foreign Economic Research.

[FR Doc. 78-18269 Filed 6-29-78; 8:45 am]

[4510-28]

[TA-W-2499 and 3366]

HERMAN GEIST, INC., BOSTON, MASS.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2499 and 3366: Investigations regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigations were initiated on October 25, 1977 (TA-W-2499) and March 20, 1978 (TA-W-3366) in response to worker petitions received on October 17, 1978 (TA-W-2499) and March 17, 1978 (TA-W-3366), which were filed by the International Ladies' Garment Workers Union on behalf of all workers producing ladies' blouses, sportswear, and dresses. Subsequent investigation revealed that this plant produces only ladies' blouses.

The Notices of Investigations were published in the FEDERAL REGISTER on November 8, 1977 (42 FR 58209) (TA-W-2499) and April 7, 1978 (43 FR 14776) (TA-W-3366). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Herman Geist, Inc., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

During the last quarter of 1976, in all of 1977 and in the first quarter of 1978, the company reported no layoffs for lack of work. Worker separations resulted in a six percent decline in average employment in 1977. The majority of these separations, however, were retirements or voluntary quits. There was no significant reduction in average hours worked over this period and no separations are now contemplated.

CONCLUSION

After careful review, I determine that all workers of Herman Geist, Inc., Boston, Mass., are denied eligibility to apply for adjustment assistance under title II, chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 23d day of June 1978.

HARRY J. GILMAN,
Acting Director, Office of Foreign Economic Research.

[FR Doc. 78-18270 Filed 6-29-78; 8:45 am]

[4510-28]

[TA-W-2762]

JUNE SPORTSWEAR CO., INC., BOSTON, MASS.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2762: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on December 12, 1977 in response to a worker petition received on December 5, 1977, which was filed on behalf of workers and former workers producing women's skirts, slacks, and sportswear at June Sportswear Co., Inc., Boston, Mass.

The notice of investigation was published in the FEDERAL REGISTER on December 30, 1977 (42 FR 65306). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of June Sportswear Co., Inc., its customers, the U.S. Department of Commerce, the National Cotton Council of America, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threats, thereof, and to the absolute decline in sales or production.

The Department's investigation revealed that manufacturers which order from June Sportswear Co., Inc., experienced increased sales in 1976 and 1977. None of the manufacturers employs offshore contractors or purchases imported finished skirts, slacks, or sportswear.

CONCLUSION

After careful review I determine that all workers at June Sportswear Co., Inc. are denied eligibility to apply for adjustment assistance under title II, chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 23d day of June 1978.

HARRY J. GILMAN,
Acting Director, Office of Foreign Economic Research.

[FR Doc. 78-18273 Filed 6-29-78; 8:45 am]

[4510-28]

[TA-W-2697]

SPORTSWEAR ASSOCIATES, INC., EAST BOSTON, MASS.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2697: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on December 1, 1977, in response to a worker petition received on November 17, 1977, which was filed on behalf of workers and former workers producing

ladies' skirts, slacks, jackets, and gauchos at Sportswear Associates, Inc., East Boston, Mass.

The notice of investigation was published in the FEDERAL REGISTER on December 16, 1977 (42 FR 63485). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Sportswear Associates, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met the following criterion has not been met.

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threats thereof, and to the absolute decline in sales or production.

The Department's investigation revealed that imports of skirts and woven skirts increased from 1975 to 1976, while imports of knit skirts declined from 1975 to 1976. Aggregate imports of skirts, knit skirts, and woven skirts declined in the first 9 months of 1977 compared to the same period of 1976.

The Department's investigation also revealed that manufacturers which contract orders to Sportswear Associates, Inc. have experienced sales increases in 1976 and 1977. These manufacturers do not employ offshore contractors nor do they purchase imported finished garments.

CONCLUSION

After careful review I determine that all workers at Sportswear Associates, Inc. are denied eligibility to apply for adjustment assistance under title II, chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 23d day of June 1978.

HARRY GILMAN,
Acting Director, Office of Foreign Economic Research.

[FR Doc. 78-18277 Filed 6-27-78; 8:45 am]

[4510-28]

[TA-W-2739]

ROBINSON APPAREL, INC., NEW BEDFORD, MASS.

Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2739: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on December 7, 1977 in response to a worker petition received on November 28, 1977, which was filed on behalf of workers and former workers producing women's dresses and jackets at Robinson Apparel, Inc., New Bedford, Mass.

The notice of investigation was published in the FEDERAL REGISTER on December 30, 1977 (42 FR 63308). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Robinson Apparel, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Evidence developed during the course of the investigation revealed that the impact of imports in the domestic market for women's and misses' dresses has been small and did not change appreciably from 1975 to 1976, or in 1977 compared to 1976. From 1975 to 1976 the ratio of imports to domestic production remained constant at 4.5 percent while imports increased by 2.2 percent in 1976 compared to 1975 and decreased 10.9 percent in 1977 compared to 1976.

Most manufacturers placing contract work with Robinson Apparel, Inc., either increased contract work or maintained the level of contract work constant in the period 1975-77. In addition, workers at these manufacturers were denied eligibility to apply for trade adjustment assistance (TA-W-2213 and TA-W-2911).

CONCLUSION

After careful review, I determine that all workers of Robinson Apparel, Inc., New Bedford, Mass. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 26th day of June 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-18275 Filed 6-29-78; 8:45 am]

[4510-28]

[TA-W-3251]

AMITY, BROWNE-TILT, INC., ST. LOUIS, MO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3251: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on February 27, 1978, in response to a worker petition received on February 15, 1978, which was filed by the International Association of Retail Clerks on behalf of workers and former workers producing shoe patterns at the St. Louis, Mo. plant of Amity, Browne-Tilt, Inc.

The notice of investigation was published in the FEDERAL REGISTER on March 14, 1978 (43 FR 10648). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Amity, Browne-Tilt, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Amity, Browne-Tilt, Inc., St. Louis, Mo., was formed as a Missouri corporation in 1956. Workers at the firm produce shoe patterns. Amity, Browne-Tilt is an independent firm with no corporate affiliation with any shoe manufacturer.

Evidence developed in the Department's investigation revealed that there are no separately identifiable imports of shoe patterns. The product is not listed as a separate item of any U.S. Tariff Schedule grouping. In addition, industry spokesmen indicated that imports of shoe patterns have been negligible in the 1970's.

Imports of shoes, which are manufactured with the use of shoe patterns

of the same origin, are not like or directly competitive with shoe patterns produced by workers at Amity, Browne-Tilt, Inc. within the meaning of section 222(3) of the Trade Act of 1974.

CONCLUSION

After careful review of the facts obtained in the investigation, I determine that all workers at Amity, Browne-Tilt, Inc., St. Louis, Mo., are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 26th day of June 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-18263 Filed 6-29-78; 8:45 am]

[4510-28]

[TA-W-2526]

BROWN SHOE CO., STEELVILLE, MO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2526: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on October 31, 1977, in response to a worker petition received on October 4, 1977, which was filed on behalf of workers and former workers producing shoe components for men's, women's, and children's shoes at the Steelville, Mo., plant of the Brown Shoe Co.

The notice of investigation was published in the FEDERAL REGISTER on November 15, 1977 (42 FR 59131). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Brown Shoe Co., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

On October 22, 1976, the Department issued a notice of certification regarding eligibility of the same group of workers (TA-W-1008). The certification had a termination date of May 1, 1976.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the act must be met. Without regard to whether any of the other criteria have been met the following criterion has not been met:

That sales or production, or both, of the firm or subdivision have decreased absolutely.

The Steelville plant produces shoe components for men's, women's, and children's shoes as part of the integrated shoe production operation at Brown. The value of component production at Steelville, adjusted for inflation, increased from 1975 to 1976 and increased from 1976 to 1977. Production also increased in the first quarter of 1978 compared to the same quarter of 1977.

Plant employment also increased during the same periods of comparison.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's, women's, and children's shoes produced at the Brown Shoe Co. did not contribute importantly to the total or partial separations of the workers at the Steelville, Mo., plant of that firm.

Signed at Washington, D.C., this 23d day of June 1978.

HARRY J. GILMAN,
Acting Director, Office of Foreign Economic Research.

[FR Doc. 78-18265 Filed 6-29-78; 8:45 am]

[4510-28]

[TA-W-3658]

F & A FASHIONS, INC., LONG BRANCH, N.J.

Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on May 8, 1978, in response to a worker petition received on April 28, 1978, which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing children's coats at F & A Fashions, Long Branch, N.J.

The Notice of Investigation was published in the FEDERAL REGISTER on May 26, 1978 (43 FR 22793-95). No public hearing was requested and none was held.

A petition for Trade Adjustment Assistance was previously filed on behalf of workers at F & A Fashions, Long Branch, N.J., on February 21, 1978, and instituted by the Department on March 30, 1978 (TA-W-3447). Since these workers are the subject of an ongoing investigation a new investigation would serve no purpose. Consequently, the investigation has been terminated.

Signed at Washington, D.C., this 14th day of June 1978.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc. 78-18267 Filed 6-29-78; 8:45 am]

[4510-28]

[TA-W-3128]

J. C. MANUFACTURING CO., LONG BRANCH, N.J.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3128: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on February 15, 1978, in response to a worker petition received on February 1, 1978, which was filed on behalf of workers and former workers producing children's coats at J.C. Manufacturing Co., of Long Branch, N.J. The investigation revealed that girls' coats were produced by the subject firm.

The notice of investigation was published in the FEDERAL REGISTER on February 28, 1978 (43 FR 8209). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of J.C. Manufacturing Co. and its customers, the U.S. Department of Commerce, the National Cotton Council of America, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. It is concluded that all of the requirements have been met.

United States imports of women's, misses', and children's coats and jackets have increased both absolutely and relatively each year since 1974 following a decline in 1974 compared with 1973. The ratio of imports to domestic production increased from 38.9 percent in 1975 to 57.5 percent in 1976.

J. C. Manufacturing Co. in 1977 produced girls' coats under contract for two manufacturers of children's apparel. Both manufacturers reduced purchases of girls' coats from the subject firm in 1977 compared with 1976. A survey of retail customers purchasing girls' coats from one of these manufacturers indicated that many of these customers had increased purchases of imports while decreasing purchases from the manufacturer. This manufacturer experienced a decline in sales in 1977 compared with 1976 and reduced purchases of girls' coats from the subject firm in 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude

that increases of imports like or directly competitive with children's coats produced by J.C. Manufacturing Co., of Long Branch, N.J., contributed importantly to the total or partial separation of workers at the plant. In accordance with the provisions of the act, I make the following certification:

All workers at J.C. Manufacturing Co., of Long Branch, N.J., who became totally or partially separated from employment on or after January 16, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 26th day of June 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-18272 Filed 6-29-78; 8:45 am]

[4510-28]

[TA-W-2643]

YOUNGTIMERS INC., NEW YORK, N.Y.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2643: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initated on November 21, 1977, in response to a worker petition received on November 10, 1977, which was filed on behalf of workers and former workers producing women's and juniors' sportswear at Youngtimers Inc., New York, N.Y.

The Notice of Investigation was published in the FEDERAL REGISTER on December 6, 1977 (42 FR 61696). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Youngtimers Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. It is concluded that all of the requirements have been met.

Imports of women's and misses' slacks increased from 10,067 thousand dozen in 1975 to 11,040 thousand dozen in 1976, and increased from 11,040 thousand dozen in 1976 to 11,622 thousand dozen in 1977. Imports as a percentage of U.S. production equalled 35.2 percent in 1975 and increased to 36.4 percent in 1976.

Imports of women's and misses' skirts increased from 517 thousand dozen in 1975 to 791 thousand dozen in 1976 and decreased to 654 thousand dozen in 1977. Imports as a percentage of U.S. production equalled 10.8 percent in 1975 and increasd to 11.2 percent in 1976.

Imports of women's and misses' jackets increased from 1,517 thousand dozen in 1975 to 2,252 thousand dozen in 1976, and increased to 2,723 thousand dozen in 1977. Imports as a percentage of U.S. production equalled 38.9 percent in 1975 and increased to 57.5 percent in 1976.

Responses by the customers surveyed indicate that they decreased purchases from Youngtimers in favor of imports. Some customers indicated that although they did not purchase imports directly, they purchased women's and juniors' sportswear produced offshore for domestic manufacturers.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's and juniors' sportswear produced at Youngtimers Inc., New York N.Y.,contributed importantly to the total or partial separation of workers at that firm. In accordance with the provisions of the act, I make the following certification:

All workers of Youngtimers Inc., New York, N.Y., who became totally or partially separated from employment on or after November 7, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 23d day of June 1978.

HARRY J. GILMAN,
Acting Director, Office of Foreign Economic Research.

[FR Doc. 78-18279 Filed 6-29-78; 8:45 am]

[4510-28]

[TA-W-2576]

ARMANDO DAL MOLIN MUSIC TYPOGRAPHERS, OYSTER BAY, N.Y.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2576: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on November 2, 1977, in response to a worker petition received on November 2, 1977, which was filed on behalf of workers and former workers producing engraved master copies of sheet music at Armando Dal Molin Music Typographers, Oyster Bay, N.Y.

The notice of investigation was published in the FEDERAL REGISTER on November 18, 1977 (42 FR 59565). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Armando Dal Molin Music Typographers and its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the National Music Publishers Association, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. It is concluded that all of the requirements have been met.

Imports of engraved master copies of sheet music increased from 8,000 pages in 1975 to 10,000 pages in 1976 before increasing 20 percent to 12,000 pages of sheet music in 1977. The ratio of imports to domestic production increased from 13.3 percent in 1975 to 20 percent in 1976, then increased to 30 percent in 1977.

Customers surveyed indicated that many had reduced their orders for engraved master copies of sheet music from the subject firm in 1977 compared with 1976, choosing instead to deal with foreign firms engaged in music typography. Customers cited the lower cost of doing buisness abroad as the most important factor in influencing their decisions to shift purchases to foreign sources.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with the engraved master copies of sheet music produced by Armando Dal Molin Music Typographers, of Oyster Bay, N.Y., contributed importantly to the decline in sales and production and to the total or partial separation of workers at that firm. In accordance with the provisions of the act, I make the following certification:

"All workers at Armando Dal Molin Music Typographers, of Oyster Bay, N.Y., who became totally or partially separated from employment on or after January 1, 1977, are eligible to apply for adjustment assistance under title II, chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C., this 26th day of June 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-18264 filed 6-29-78; 8:45 am]

[4510-28]

[TA-W-2598]

YOUNGSTOWN & NORTHERN RAILROAD CO., YOUNGSTOWN, OHIO

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2598: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on November 10, 1977, in response to a worker petition received on November 2, 1977, which was filed by the Youngstown & Northern Railroad Diesel Shop Union on behalf of all workers at the Youngstown & Northern Railroad Co., Youngstown, Ohio.

The Notice of Investigation was published in the FEDERAL REGISTER on November 18, 1977 (42 FR 59565). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principaly from officials of the Youngstown & Northern Railroad Co., industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

that increases of imports of articles like or directly competitive with articles produced by the firm or subdivision have contributed importantly to the separations, or threats thereof, and to the absolute decline in sales or production.

The Youngstown & Northern Railroad Co. is a wholly-owned, autonomously-operated subsidiary of the U.S. Steel Corp. The company provides rail transportation services exclusively to the Youngstown-McDonald Ohio Works of U.S. Steel Corp. The railroad's business is directly proportional to the level of production at the Youngstown-McDonald Works. Workers engaged in employment related to a significant proportion of total plant production at the Youngstown-McDonald Works have been denied eligibility to apply for adjustment assistance (See Department Determinations for TA-W-2542 and 2543).

It is, therefore, concluded that imports of articles like or directly competitive with steel products produced at the Youngstown-McDonald Works of the U.S. Steel Corp. Have not contributed importantly to the total or partial separations of workers of the Youngstown & Northern Railroad Co., Youngstown, Ohio.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that all workers at the Youngstown & Northern Railroad Co., Youngstown, Ohio, are denied eligibility to apply for adjustment assistance under title II, chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 26th day of June 1978.

JAMES F. TAYLOR,
Director, Office of Management Administration, and Planning.

[FR Doc. 78-18280 Filed 6-29-78; 8:45 am]

[4510-28]

[TA-W-2973]

AETNA-STANDARD ENGINEERING CO., DIVISION OF WHITE CONSOLIDATED INDUSTRIES, ELLWOOD CITY, PA.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2973: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on January 30, 1978 in response to a worker petition received on January 10, 1978 which was filed by the United Steelworkers of America on behalf of all workers producing heavy machine equipment at the Aetna-Standard Engineering Co., Ellwood City, Pa. The investigation revealed that rolling mill machinery is produced at the plant.

The Notice of Investigation was published in the FEDERAL REGISTER on February 17, 1978 (43 FR 7069). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Aetna-Standard Engineering Co., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met the following criterion has not been met.

That increases of imports of articles like or directly competitive with articles produced by the firm or subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Evidence developed during the Department's investigation revealed that imports of rolling mill machinery and parts declined from $29.5 million in 1976 to $17.4 million in 1977. The ratio of imports to domestic production declined from 4.7 percent in 1976 to 2.6 percent in 1977.

CONCLUSION

After careful review I determine that all workers of Aetna-Standard engineering Co. Ellwood City, Pa. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 23d day of June 1978.

HARRY J. GILMAN,
Acting Director, Office of Foreign Economic Research.

[FR Doc. 78-18262 Filed 6-29-78; 8:45 am]

[4510-28]

[TA-W-3416]

FRANK M. SHEESLEY CO., JOHNSTOWN, PA.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3416: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on March 27, 1978 in response to a worker petition received on March 13, 1978, which was filed by the International Union of Operating Engineers on behalf of workers and former workers engaged in the renting of hoisting equipment at the Frank M. Sheesley Co., Johnstown, Pa. During the course of the investigation it was established that the company is also engaged in the rental and operation of construction equipment including hoisting equipment, and in construction-related contract work.

The notice of investigation was published in the FEDERAL REGISTER on April 11, 1978 (43 FR 15205). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Frank M. Sheesley Co. and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the act must be met. The Department has determined that services are not "articles" within the meaning of section 222 of the act, and that independent firms for which the subject firm pro-

vides services cannot be considered the "workers' firm."

The Department's investigation revealed that the Frank M. Sheesley Co. rents equipment used primarily for construction, such as hoisting and earth-moving equipment. The company provides operators for the equipment at the customer's request. The company also performs construction-related contract work such as excavation. The Frank M. Sheesley Co. is engaged in the rental and operation of equipment and performs no production operations.

The Frank M. Sheesley Co. and its customers have no controlling interest in each other.

The workers on whose behalf this petition was filed were hired by, are paid by and subject to the control of Frank M. Sheesley Co. management. All employment benefits received by the workers are provided and maintained by Frank M. Sheesley Co. Thus, Frank M. Sheesley Co. must be considered the "workers' firm."

CONCLUSION

After careful review, I determine that all workers at the Frank M. Sheesley Co., Johnstown, Pa. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 26th day of June 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-18268 Filed 6-29-78; 8:45 am]

[4510-28]

[TA-W-1398]

WHEELING-PITTSBURGH STEEL CORP. MONESSEN, PA.

Revised Determination

Following a Department of Labor investigation under section 223 of the Trade Act of 1974 and in accordance with section 223 of the act, the Department of Labor issued a Notice of Negative Determination on September 30, 1977, in which all workers were denied eligibility to apply for adjustment assistance. The Notice was published in the FEDERAL REGISTER on October 14, 1977 (42 FR 55311).

At the request of the United Steelworkers of America, the Department re-opened the investigation to determine whether workers and former workers in certain mills at the Monessen plant which produced rounds for fabrication into tubes at Wheeling-Pittsburgh's plant at Allenport, Pa., should have been found eligible to apply for worker adjustment assistance as prescribed in section 222 of the Act in view of the Department's certification or workers producing seamless tubing at Allenport who were separated on or after November 15, 1975 (TA-W-1397; 42 FR 906).

The information upon which the determination was made was obtained principally from officials of Wheeling-Pittsburgh Steel Corp. and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the act must be met.

With respect to workers engaged in employment related to the production of rounds in the 30" mill and the 18" mill, all of the criteria have been met.

A significant share of the output of the workers at the 30" and the 18" mills was used directly in the production of seamless tubing at the Allenport, Pa., plant of Wheeling-Pittsburgh Steel Corp. Therefore, workers producing rounds at Monessen in these two mills are considered part of the integrated production process which resulted in the seamless tubing produced at Allenport.

CONCLUSION

In accordance with the provisions of the Act, I make the following certification:

"All workers in the 30" mill and the 18" mill at the Monessen, Pa., plant of the Wheeling-Pittsburgh Steel Corp. engaged in employment related to the production of rounds who became totally or partially separated from employment on or after November 15, 1975, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C., this 26th day of June 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-18278 Filed 6-29-78; 8:45 am]

[4510-28]

[TA-W-2622]

MADELINE MAY CO. SALISBURY, PA.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2622: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on November 17, 1977 in response to a worker petition received on November 7, 1977, which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing sportswear and women's swimsuits at the Madeline May Company in Salisbury, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on December 13, 1977 (42 FR 62557). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Madeline May Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the National Cotton Council of America, industry analysts and Department files.

In order to make affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met.

that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations or threats thereof, and to the absolute decline in sales or production

The Department's investigation revealed that manufacturers surveyed for which Madeline May contracted either purchased no imported swimsuits or decreased purchases of imported swimsuits.

CONCLUSION

After careful review I determine that all workers of the Madeline May Company are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 26th day of June 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-18274 Filed 6-29-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, SUBCOMMITTEE ON EMERGENCY CORE COOLING SYSTEMS (ECCS)

Meeting

The ACRS Subcommittee on Emergency Core Cooling will hold an open meeting on July 17-18, 1978, room 1046, 1717 H Street NW., Washington, D.C. 20555, to discuss items related to NRC research including TRAC, the 3-D Program, needs for experimental data for Best Estimate Codes, scaling, and plans related to a multipurpose

test facility. Notice of this meeting was published in the FEDERAL REGISTER on June 16, 1978.

In accordance with the procedures outlined in the FEDERAL REGISTER on October 31, 1977, page 56972, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the designated Federal employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows: Monday, July 17 and Tuesday, July 18, 1978, 8:30 a.m. until the conclusion of business each day.

The subcommittee may meet in executive session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full committee.

At the conclusion of the executive session, the subcommittee will hear presentations by and hold discussions with representatives of the NRC Staff, and their consultants, pertinent to the above topics. The subcommittee may then caucus to determine whether the matters identified in the initial session have been adequately covered and whether the project is ready for review by the full committee.

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the designated Federal employee for this meeting, Dr. Andrew L. Bates, telephone 202-634-1919 between 8:15 a.m. and 5 p.m., e.d.t.

Dated: June 27, 1978.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc. 78-18212 Filed 6-29-78; 8:45 am]

[7590-01]

[Dockets Nos. 50-277 and 50-278]

PHILADELPHIA ELECTRIC CO., ET AL., PEACH BOTTOM UNITS NOS. 2 AND 3

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 43 and 43 to Facility Operating License Nos. DPR-44 and DPR-56, issued to Philadelphia Electric Co., Public Service Electric and Gas Co., Delmarva Power & Light Co. and Atlantic City Electric Co., which revised the Technical Specifications for operation of the Peach Bottom Atomic Power Station Units Nos. 2 and 3, located in York County, Pa. The amendments are effective as of the date of issuance.

These amendments revise the Technical Specifications to reduce the power level above which Rod Sequence Control System is no longer necessary. The reduction is from 30 percent of rated power to 21 percent.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) application for amendment dated April 14, 1978; (2) Amendments Nos. 43 and 43 to License Nos. DPR-44 and DPR-56; and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pa. 17126. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 23d day of June 1978.

For the Nuclear Regulatory Commission.

THOMAS A. IPPOLITO,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc. 78-18215 Filed 6-29-78; 8:45 am]

[7590-01]

[Docket Nos. 50-282 and 50-306]

NORTHERN STATES POWER CO.

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 29 and 23 to Facility Operating License Nos. DPR-42 and DPR-60, issued to the Northern States Power Co. (the licensee), which revised Technical Specifications for operation of Unit Nos. 1 and 2 of the Prairie Island Nuclear Generating Plant (the facilities) located in Goodhue County, Minn. The amendments will become effective as of January 1, 1978.

The amendments revised the Technical Specifications for the facilities relating to the power distribution limits. These amendments, which revised the Technical Specifications, are subject to the Order for Modification of License of May 18, 1978. That Order limits the total nuclear peaking factor (F_Q) during operation of the facilities until otherwise further authorized by the Commission and requires the licensee to submit as soon as possible a reevaluation of ECCS cooling performance calculated in accordance with the Westinghouse Evaluation Model, approved by the NRC staff and corrected for the errors described in the Order for Modification of License.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendments.

For further details with respect to this action, see (1) the application for amendments dated August 31, 1977, (2) Amendment Nos. 29 and 23 to License Nos. DPR-42 and DPR-60, respectively, and (3) the Commission's related Safety Evaluation and (4) the Order for Modification of License dated May 18, 1978, and the related Safety Evaluation referenced in the Order for Modification and dated May 18, 1978. All of these items are available for public inspection at the Com-

mission's Public Document Room, 1717 H Street, NW., Washington, D.C., and the Environmental Conservation Library of the Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minn. 55401. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 18th day of May 1978.

For the Nuclear Regulatory Commission.

MARSHALL GROTENHUIS,
Acting Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-18214 Filed 6-29-78; 8:45 am]

[7590-01]

[Docket No. 50-338]

VIRGINIA ELECTRIC & POWER CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 6 to the Facility Operating License No. NPF-4, issued to Virginia Electric & Power Co., which revises Technical Specification 4.5.2.f.2 contained in Appendix A to the Technical Specification. The amendment is effective as of its date of issuance.

The Amendment revises Appendix A Technical Specification 4.5.2.f.2 to specify a minimum acceptance pressure at recirculation flow by the low-head safety injection pumps of greater than or equal to 156 pounds per square inch gage, specifies the value for the casing cooling pump discharge acceptance pressure and makes appropriate page changes to maintain document completeness.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the amendment does not authorize a change in effluent types or total amounts nor an increase in power level and will not result in any significant environmental impact. Having made this determination, it has further been concluded that the amendment involves an action which is insignificant from the standpoint of environmental impact and, pursuant to 10 CFR section 51.5(d)(4), that an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) Virginia Electric & Power Co. letters, dated April 24, 1978, and May 18, 1978; (2) Amendment No. 6 to License No. NPF-4 with Appendix A Technical Specification page changes, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555 and at the Board of Supervisor's Office, Louisa County Courthouse, Louisa, Va. 23093 and at the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Va. 22901. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Director, Division of Project Management, Office of Nuclear Reactor Regulation.

Dated at Bethesda, Md. this 23d day of June 1978.

For the Nuclear Regulatory Commission.

OLAN D. PARR,
Chief, Light Water Reactors Branch No. 3, Division of Project Management.

[FR Doc. 78-18216 Filed 6-29-78; 8:45 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 14890; SR-BSECC-78-1]

BOSTON STOCK EXCHANGE CLEARING CORP. ("BSECC")

Order Approving Proposed Rule Change

JUNE 23, 1978.

On June 1, 1978, BSECC filed with the Commission, pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "act") and Rule 19b-4 thereunder, copies of a proposed rule change that would change the time period during which BSECC participants deliver securities to BSECC. The purpose of the proposed rule change is to extend the time period during which participants can deliver stock to BSECC and to give BSECC additional time to process those deliveries.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34-14841, June 9, 1978) and by publication in the FEDERAL REGISTER (43 FR 26164, June 16, 1978). All written statements with respect to the proposed rule change which were filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person were considered and (with the exception of those statements or communications which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552) were made available to the public at the Commission's Public Reference Room.

The Commission finds that the proposed rule change is consistent with the requirements of the act and the rules and regulations thereunder applicable to clearing agencies, and in particular, the requirements of section 17A and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of the notice of filing thereof. Currently, BSECC does not have sufficient time to process easily all deliveries of securities made by its participants prior to certain deadlines. As a result BSECC participants may have to obtain financing for transactions not settled because they are not processed in time. The proposed rule change, by giving BSECC more time to process deliveries, will reduce BSECC participants' financing charges and reduce the number of fails to deliver by BSECC participants.

It is therefore ordered, Pursuant to section 19(b)(2) of the act, that the proposed rule change referenced above be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc. 78-18181 Filed 6-29-78; 8:45 am]

[8010-01]

[Release No. 34-14888; File No. SR-BSPS-78-2]

BRADFORD SECURITIES PROCESSING SERVICES, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. 94-29, 16 (June 4, 1975), notice is hereby given that on June 7, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change provides for the conversion of Bradford's facility in Birmingham, Ala. from that of a correspondent facility to a branch office. This branch office is similar to the branch offices approved by the Commission in Rel. No. 34-12915 dated October 12, 1976, and Rel. No. 34-13511 dated May 6, 1977.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The corporation's current facility in Birmingham, Ala. operates through a correspondent arrangement with the Central Bank of Birmingham. The bank has advised the corporation that it wishes to terminate this correspondent arrangement. This rule change changes the nature of the Birmingham, Ala. facility to a branch office of the corporation. Because of the importance of transactions effected by brokers, dealers and others with offices in the Birmingham, Ala. area it is important that the corporation continue to have a facility there to render its services. Therefore, the purpose of this rule change is to insure present and potential customers timely clearance of securities transactions in this location.

This facility will help to provide for the continued prompt and accurate clearance and settlement of security transactions in the regional location. It will allow any participant in the corporation to utilize this facility for the prompt and accurate clearance and settlement of its securities transactions.

Verbal comments received from our existing customers and potential customers indicate a continued need for our services in this city.

Bradford Securities Processing Services, Inc. is of the opinion that converting this facility will not impose any burden on competition.

The foregoing rule change has become effective, pursuant to section 19(b)(3) of the Securities Exchange Act of 1934. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submissions will be available for inspection and copying in the public reference room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

All submissions should refer to the file number referenced in the caption above and should be submitted on or before July 20, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 23, 1978.

[FR Doc. 78-18184 Filed 6-29-78; 8:45 am]

[8010-01]

[Release No. 34-14889; File No. SR-DTC-78-9]

DEPOSITORY TRUST CO.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s (b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on June 12, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change establishes the second phase of the interface between The Depository Trust Co. (DTC) and New England Securities Depository Trust Co. (NESDTC). This matter requires a determination pursuant to rules 8c-1(g) and 15c2-1(g) under the Securities Exchange Act of 1934. The proposed rule change consists of the description of the operational procedures and the agreements attached as exhibits 2(A), 2(B), and 2(C) to DTC's filing on form 19b-4A, file NO. SR-DTC-78-9.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change are as follows:

The purpose of the proposed rule change is to establish the second phase of the interface between DTC and NESDTC. As was done in establishing the interfaces between DTC and Midwest Securities Trust Co. and between DTC and Pacific Securities Depository Trust Co., the second phase of the interface between DTC and NESDTC will be expanded in stages. The second phase of the interface will first be available for dual participants (participants in both DTC and NESDTC) and dually eligible securities issues. This stage will permit a dual participant to make book-entry transfers of securities in its account at one depository to its account at the other depository where the securities will be available for delivery by book-entry within the other depository. This stage will also permit a sole participant (a participant in only one depository) to make book-entry transfers of securities in its account at its depository to its depository's account at the other depository where the securities will be available for delivery by book-entry within the other depository at the instructions of the sole participant's depository acting for the sole participant. A third party delivery service in the interface, similar to the third party delivery services in the interfaces with the other depositories, will be added later to permit a sole participant to deliver securities directly to, or receive securities directly from, any participant in the other depository, either free (without settlement) or for payment.

The proposed rule change relates to DTC's carrying out the purposes of section 17A of the Securities Exchange Act of 1934 by increasing DTC's capacity to facilitate the prompt and accurate clearance and settlement of securities transactions in that the proposed rule change will allow participants with security positions in DTC or NESDTC to make book-entry delivery of those positions from DTC to NESDTC or from NESDTC to DTC instead of more costly physical withdrawals and shipment of the securities.

No comments on the proposed rule change have been solicited or received.

DTC perceives no burden on competition by reason of the proposed rule change.

DTC requested that the Securities and Exchange Commission approve the proposed rule change prior to the 30th day after notice has been published in the FEDERAL REGISTER.

On or before August 4, 1978, or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding; or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will: (A) By order approve such proposed rule change; or (B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the

filing with respect ot the foregoing and of all written submissions will be available for inspection and copying in the public reference room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before July 20, 1978.

For the Commission by the division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 23, 1978.

[FR Doc. 78-18185 Filed 6-29-78; 8:45]

[8010-01]

[Rel. No. 10289; 812-4313]

INVESTORS' GOVERNMENT-GUARANTEED INCOME TRUST, GNMA SERIES 1 (AND SUBSEQUENT SERIES) AND VAN KAMPEN SAUERMAN INC.

Filing of Applications for an Order Granting Exemptions

JUNE 23, 1978.

Notice is hereby given that Investors' Government-Guaranteed Income Trust, GNMA Series 1 (and Subsequent Series) ("Trust"), 208 South LaSalle Street, Chicago, Ill. 60604, a unit investment trust registered under the Investment Company Act of 1940 ("Act") and its Sponsor, Van Kampen Sauerman Inc. ("Sponsor") (hereinafter the Sponsor and the Trust are referred to collectively as "Applicants"), have filed an application on May 17, 1978, and amendments thereto on May 23, May 31, June 8, and June 20, 1978, for an order of the Commission (a) pursuant to section 6(c) of the act exempting the Applicants from the provisions of sections 14(a) and 22(d) of the act, and rules 19b-1 and 22c-1 under the act, and (b) pursuant to section 11 of the act permitting the Trust to offer its Units at net asset value plus a fixed dollar sales charge pursuant to a conversion option. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

GNMA Series 1 of the Trust is a unit investment trust, and is the first of a series of similar but separate trusts which the Sponsor intends to form (hereinafter all such subsequent Series are collectively referred to as the "Series"). The Series will be created under the laws of the Commonwealth of Massachusetts pursuant to separate trust agreements, such agreements containing certain standard terms and conditions of trust common to all the Series. The Applicants represent that the investment objective of each Series will be to seek both the preservation of capital and current distributions of interest and principal (including prepayment and redemption proceeds, if any) through the investment in a portfolio of securities, primarily consisting of mortgage-backed securities of the modified pass-through type fully guaranteed as to principal and interest by the Government National Mortgage Association and secondarily consisting of other types of securities on which the payment of principal and interest is backed by the full faith and credit of the United States ("Debt Obligations") and, subject to certain limitations, Units of previously issued Series of the Trust (the Debt Obligations and previously issued Units are collectively called herein the "Trust Securities"). The Trust Securities which will constitute the portfolio of each Series will be selected in advance and will be identifiable in respect of each Series on the date of deposit with the Trustee.

The Sponsor has filed a Form S-6 Registration Statement under the Securities Act of 1933 ("1933 Act") covering fractional undivided interests in GNMA Series 1 to be offered to investors at a public offering price set forth in the prospectus included in the S-6 Registration Statement. The 1933 Act Registration Statement has not yet become effective. The Sponsor has also filed a Form N-8A Notification of Registration and a Form N-8B-2 Registration Statement under the act relating to GNMA Series 1.

Each Series of the Trust will be governed by the provisions of a trust indenture and agreement ("Indenture") to be entered into by the Sponsor and a corporation organized and doing business under the laws of the United States or a State thereof, which is authorized under such laws to exercise corporate trust powers and having at all times an aggregate capital, surplus, and undivided profits of not less than $2,500,000 ("Trustee"). It is contemplated that the Bradford Trust Co. will serve as Trustee for GNMA Series 1. It is also contemplated that Bradford Trust Co. of Boston will serve as Co-Trustee for GNMA Series 1. Standard & Poor's Corp. will serve as Evaluator for GNMA Series 1. A separate Indenture will be entered into each time a Series is created and activated and the Trust Securities which comprise its portfolio (or delivery statements relating to contracts for the purchase of such Trust Securities together with funds represented by cash or an irrevocable letter of credit issued by a major commercial bank in the amount required for their purchase) are deposited with the Trustee. Each Series will be substantially identical except as to size, number of Units, and the individual Trust Securities in the portfolio.

When a Series of the Trust is created, the Sponsor and the Trustee will enter into an Indenture and the Trust Securities to constitute such Series of the Trust (or delivery statements relating thereto and funds for the purchase thereof as set forth above) will be delivered to and deposited with the Trustee and Co-Trustee by the Sponsor. Substantially concurrently, the Trustee will issue in the name of the Sponsor, or such other name or names as the Sponsor may direct, one or more certificates evidencing the ownership of all of the undivided interests in such Series of the Trust. These Units will be separately offered for sale to the public at prices based upon their then respective current net asset values, after the registration statement filed in respect thereto under the 1933 act has become effective.

Applicants state that Trust Securities will not be pledged or be in any other way subjected to any debt at any time after they are deposited with the Trustee. The Sponsor has been accumulating Trust Securities for the purpose of deposit in GNMA Series 1 and will follow a similar procedure of accumulating Trust Securities for each subsequent Series.

The assets of the Trust may consist of Debt Obligations initially deposited, such Debt Obligations as may continue to be held from time to time in exchange for or substitution of any of the Debt Obligations, accrued and undistributed interest, undistributed cash and Units of previously issued Series of the Trust. Certain of the Debt Obligations may from time to time be sold under the circumstances set forth in the Indenture, or may be redeemed or may mature in accordance with their terms. The proceeds from such dispositions may, at the discretion of the Sponsor, be reinvested in substitute obligations meeting specified criteria or may be distributed to the holders of Units of the Trust ("Unitholders") and not reinvested. However, the reinvestment of proceeds in substitute obligations in any given year will be limited to 10 percent of the outstanding principal amount of Trust Securities as of the close of business on the last day of each fiscal year for the succeeding fiscal year.

Each Unit of the Trust will represent a fractional undivided interest, the numerator of the fractional interest represented will be 1 and the denominator will be the number of Units issued and outstanding in any particular Series. Units are redeemable, and in the event that any Units are redeemed, the fractional undivided interest represented by each Unit will be increased accordingly. Units will

remain outstanding until redeemed or until the termination of the Indenture. The Indenture may be terminated by 100 percent agreement of the Unitholders or, in the event that the value of Trust Securities shall fall below an amount specified, either upon direction of the Sponsor to the Trustee or by the Trustee without such direction. There is no provision in the Indenture for the issuance of any Units after the initial issuance and such activity will not take place (except to the extent that the secondary trading by the Sponsor in the Units is deemed the issuance of Units under the Act).

The Sponsor and/or certain of the Underwriters, while under no obligation to do so, intend to maintain a market for whole Units of the Trust and to offer to purchase such Units at prices in excess of the redemption price as set forth in the Indenture. In the absence of such a market, Unitholders may only be able to dispose of their Units by redemption.

SECTION 14(A)

Section 14(a) of the act, in substance, provides that no registered investment company and no principal underwriter for such a company shall make a public offering of securities of which such company is the issuer unless (1) the company has a net worth of at least $100,000; (2) at the time of a previous public offering it had a net worth of $100,000; or (3) provision is made that a net worth of $100,000 will be obtained from not more than 25 responsible persons within 90 days, or the entire proceeds received, including sales charge, will be refunded.

Applicants seek an exemption from the provisions of section 14(a) in order that a public offering of Units of the Trust as described above may be made. In connection with the requested exemption from section 14(a) the Sponsor agrees (1) to refund, on demand and without deduction, all sales charges to purchasers of Units of a Series if, within 90 days from the time that a registration statement for a Series becomes effective under the Securities Act of 1933, the net worth of the Series shall be reduced to less than $100,000, or if such Series is terminated; (2) to instruct the Trustee on the date Trust Securities are deposited in each Series that in the event that redemption by the Sponsor of Units constituting a part of the unsold Units shall result in that Series having a net worth of less than 40 percent of the principal amount the Trust Securities originally deposited for such Series, the Trustee shall terminate the Series in the manner provided in the Indenture and distribute any Trust Securities or other assets deposited with the Trustee pursuant to the Indenture as provided therein; and (3) in the event of termination for the reasons described in (2) above, to refund any sales charges to any purchasers of Units purchased from the Sponsor on demand and without any deduction.

The Sponsor has further represented that no Series of the Trust will be created which will contain in the portfolio on the date of deposit, Trust Securities (or delivery statements relating thereto and funds for the purchase there) having a face amount of less than $3,000,000. In the event the value of such Series should decrease to the greater of $1,000,000 or 20 percent of the amount of the Trust Securities initially deposited, for any reason, the Trustee may, and when so directed by the Sponsor shall, terminate and liquidate the Series. Thus, Applicants represent that it is highly unlikely that, except during the course of liquidation, the net worth of any Series would ever decline to $100,000 or less.

RULE 19b-1

Rule 19-1 provides in substance that no registered investment company which is a "regulated investment company" as defined in section 851 of the Internal Revenue Code shall distribute more than one capital gain dividend in any one taxable year. Paragraph (b) of the Rule contains a similar prohibition for a company not a "regulated investment company" but permits a unit investment trust to distribute capital gain dividends received from a "regulated investment company" within a reasonable time after receipt.

Distributions of interest and principal on each Series will be made to Unitholders quarterly unless a Unitholder elects to receive them monthly. Applicants represent that distributions of principal constituting capital gains to Unitholders may arise in the following instances: (1) If an issuing authority calls or redeems an issue of Debt Obligations held in the portfolio, the sums received by the Trust will be distributed on a pro-rata basis to each Unitholder on the next distribution date; (2) if Units are redeemed by the Trustee and Trust Securities from the portfolio are sold to provide the funds necesary for such redemption, each Unitholder will receive his pro-rata portion of the proceeds from the Trust Securities sold over the amount required to satisfy such redemption distribution; (3) if Trust Securities held in the portfolio must be disposed of in order to maintain the qualification of a Series as a regulated investment company under the Internal Revenue Code, the sums received by the Trust will be distributed on a pro-rata basis to each Unitholder on the next distribution date; (4) if Debt Obligations held in the portfolio are sold to maintain the investment stability of a Series of the Trust, the sums received by the Trust may be distributed on a pro-rata basis to each Unitholder on the next distribution date; and (5) as regular distributions of principal and any prepayments of principal are declared on an issue of Debt Obligations held in the portfolio, the sums received by the Trust will be distributed on a pro-rata basis to each Unitholder on the next distribution date. In such instances, a Unitholder may receive in his distribution funds which constitute capital gains, since in some cases the value of the Trust Securities redeemed or sold may have increased since the date of their acquisition by the Trust.

As noted above, Paragraph (b) of Rule 19b-1 provides that a unit investment trust may distribute capital gain dividends received from a "regulated investment company" within a reasonable time after receipt. Applicants assert that the purpose behind such provision is to avoid forcing unit investment trusts to accumulate valid distributions received throughout the year and distribute them only at year end, and that the operations of Applicants in this regard are squarely within the purpose of such provision. However, in order to comply with the literal requirements of the Rule, each Series of the Trust would be forced to hold any moneys which would constitute capital gains upon distribution until the end of its taxable year. The application contends that such practice would clearly be to the detriment of the Unitholders.

In support of the requested exemption, Applicants state that the dangers against which Rule 19b-1 is intended to guard do not exist in the situation at hand since neither the Sponsor nor the Trust has control over events which might trigger capital gains, e.g., the tendering of Trust Units for redemption and the prepayment of portfolio Debt Obligations by the issuing authorities. In addition, it is alleged that any capital gains distribution will be clearly indicated as capital gains in the accompanying report by the Trustee to the Unitholder. Furthermore, Applicants assert that the sale of Debt Obligations in an effort to maintain the investment stability of a Series of the Trust is an activity designed generally to prevent or to retard deterioration of values when certain adverse factors exist. These factors include a default in the payment of principal or interest on Debt Obligations, an action involving the issuer thereof which will adversely affect its abilty to continue payment of the principal and the interest on its Debt Obligations, or an adverse change in the market, revenue or credit factors affecting the investment stability of the Debt Obligations. Finally, Applicants contend that sale of Debt Obligations in an effort to main-

tain investment stability of any Series is not expected to result in capital gains distributions to the Trust or its Unitholders because the above factors will normally have a depressing effect on the market value of the Debt Obligations.

RULE 22c-1

Applicants state that following the initial offering period, the Sponsor and/or certain of the Underwriters, while not obligated to do so, intend to offer to purchase whole Units in the secondary market at prices based on the offering side evaluation of the Trust Securities in any Series, determined on the last business day of each week, effective for all sales made during the following week.

Appliants also state that the Sponsor has undertaken to adopt a procedure whereby the Evaluator, without a formal evaluation, will provide estimated evaluations on trading days. In the case of a repurchase, if the Evaluator cannot state that the previous Friday's price is at least equal to the current bid price, the Sponsor will order a full evaluation. The Sponsor agrees that, in case of the resale of Units in the secondary market, if the Evaluator cannot state that the previous Friday's price is not more than one-half point ($5 on a unit representing $1,000 principal amount of underlying Trust Securities) greater than the current offering price, a full evaluation will be ordered. Under these circumstances, the Applicants contend that the exemption of the Sponsor from the provisions of Rule 22c-1 will in no way affect the operations of the Trust and will benefit the Unitholders by providing a repurchase price for their Units which is in excess of the current net asset value of such Units as computed for redemption purposes.

Rule 22c-1 provides, in pertinent part, that no registered investment company issuing any redeemable security, and no dealer in any such security, shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Applicants state that Rule 22c-1 has two purposes: (1) To eliminate or to reduce any dilution of the value of outstanding redeemable securities of registered investment companies which might occur through the sale, redemption or repurchase of such securities at prices other than their current net asset values; and (2) to minimize speculative trading practices in the securities of registered investment companies.

The secondary market activities of the Sponsor and/or the Underwriters and the manner for the acquisition by investors of new Units, may be deemed to violate Rule 22c-1 because of the absence of daily pricing. Applicants contend, however, that the purposes of Rule 22c-1 will not be offended by the Sponsor and/or the Underwriters in the secondary market activities. Applicants assert that the pricing of Units by the Sponsor in the secondary market will in no way dilute the assets of the Trust, and that Unitholders will benefit from the Sponsor's pricing procedure in the secondary market since they will normally receive a higher repurchase price for their Units than they could by redeeming their Units at the current net asset value, and that this will be accomplished without the cost burden to the Trust of daily evaluations of the Unit redemption value.

Applicants also contend that speculation in Units of any series is unlikely because price changes are limited in respect to the kind of Trust Securities which will be held by such Series. In addition, Applicants argue that because of the nature of the Trust Securities price changes are gradual and depend largely on general changes in interest rates. To avoid the Sponsor receiving more than the specified sales charge on the resale of Units, the Sponsor has undertaken not to resell any Units which it may repurchase at a price below the offering side evaluation of the Trust Securities in any Series.

Applicants state that interest is generally paid on mortgage-backed securities of the modified pass-through type on a monthly basis, and is calculated at the coupon rate of those securities based on the principal amount of the underlying mortgages outstanding at the close of business on the last day of the preceding month. They state further that there is a period of a few days (usually not more than 7 or 8 business days), beginning on the first day of each month, during which the precise amount of the various mortgages underlying each of such mortgage-backed securities has not yet been reported by the issuer to the Government National Mortgage Association and made generally available in the marketplace. Therefore, with respect to the Trust, Series 1, and subsequent Series which plan to invest in portfolios containing such mortgage-back securities the Applicants expect that there will be a period of a few days during the first part of every month when the precise principal amount of such securities in the portfolios of the Trust Series will not be known, although the precise principal amount as of the close of business on the last day of the preceding month will be known. The applicants expect that the differences in such principal amounts from month to month for the Trust will not be significant. Nevertheless, the Sponsor will adopt procedures as to pricing and evaluation for the Trust Units which will minimize the impact of such differences, with the result that this situation will not have, in applicants' view, a material impact upon the calculation of the public offering price per Unit, the repurchase price per Unit in the secondary market or the redemption price per Unit.

Applicants therefore request an exemption from the provisions of Rule 22c-1 for GNMA Series 1 and for all subsequently created Series insofar as the Rule may apply after completion of the primary distribution of Units of such Series.

SECTION 22(d)

A. ARO PLAN

Applicants propose to offer the right to participate in an automatic reinvestment option ("ARO Plan") to Unitholders of record in each of its Series. As proposed, unless a Unitholder elects otherwise as outlined below, he will automatically be placed on the quarterly distribution plan and will automatically have any distributions of principal and interest made to him on a predecessor Series of the Trust reinvested into Units of a subsequent Series of the Trust ("Reinvestment Series") at a reduced sales charge. Any Unitholder by completing a Notification of Election may elect: (1) To be placed on the monthly distribution plan and receive both his interest and principal distributions in cash, (2) to be placed on the quarterly distribution plan and receive both his interest and principal distributions in cash, or (3) to be placed on the quarterly distribution plan and receive his interest distributions in cash but have his principal distributions reinvested under the ARO Plan. In order to facilitate any election of this type which a Unitholder may desire to make the Sponsor will see to it that a Notification of Election is inserted into each prospectus offering Units of the Trust for sale to the public. Applicants state that a participant in the ARO Plan may withdraw from that Plan at any time upon written notice to the Trustee.

To assist in effecting withdrawals, the Trustee intends to establish a toll free telephone number. If notification of withdrawal or a Notification of Election has not been given to the Trustee prior to a particular quarterly distribution date, such withdrawal or notification of Election will not be effective with respect to that particular distribution, but rather will become effective for the next succeeding distribution. Unless the withdrawing participant specifically indicates in his withdrawal notice that her wishes to withdraw from the ARO Plan for less than all of the Series of the Trust

which he might then own (specifically indentifying which Series he desires to continue in the ARO Plan), he will be deemed to have withdrawn completely from the ARO Plan in all respects. Once a participant has withdrawn completely from the ARO Plan he will only be allowed to again participate in that Plan by submitting an Authorization Form stating that he desires to again participate in the ARO Plan.

Each participant will have his interest and principal distributions reinvested on the corresponding distribution date in the appropriate Reinvestment Series of the Trust. Applicants represent that they intend to see to it that each Reinvestment Series will be declared effective by the Commission in sufficient time to allow distribution to Plan participants of final prospectuses relating to such Reinvestment Series. As presently contemplated, it is intended that each Reinvestment Series will become effective on or before 8 days before each quarterly record date for determining who is eligible to receive distributions on the related Distribution Date. Applicants state that if a Reinvestment Series has not been declared effective in such sufficient time, the ARO Plan will be suspended with respect to that Series and recommenced with the next succeeding distribution. In such a case, a participant would receive his normal cash distribution. Applicants represent that fractional Units in an amount sufficient to have all of a particular principal or interest distribution reinvested in Trust Units will be purchased under the ARO Plan.

The Applicants have agreed that in the event any Reinvestment Series should materially differ from the particular Series of the Trust into which participants in the ARO Plan originally invested or the preceding Reinvestment Series, after filing of a registration statement under the 1933 act for such Reinvestment Series ARO Plan participants will be provided with a prospectus meeting the requirements of section 10(a) of the 1933 act for such Reinvestment Series, a notice of the material change and an Authorization Form which would have to be returned to the Trustee before a Unitholder would again be able to participate in the ARO Plan.

In order that distributions may be reinvested on the next succeeding Distribution Date, the Authorization Form must be received by the Trustee no later than the 26th day of the month preceding such Distribution Date. Any Authorization Form received after such date will result in the commencement of reinvestment on the second Distribution Date thereafter. Once delivered to the Trustee, an Authorization Form will, except in the following instance, constitute a valid election to participate in the Plan for each subsequent distribution as long as the Unitholder continues to participate in the Plan.

Unless a Unitholder notifies the Trustee in writing to the contrary, any Unitholder who has acquired Units through the ARO Plan will be deemed to have elected the quarterly plan of distribution and to participate in the ARO Plan with respect to distributions made in connection with Units so purchased under the ARO Plan. A Unitholder may withdraw from the ARO Plan with respect to distributions related to Units purchased under the ARO Plan and remain in the ARO Plan with respect to Units acquired other than through the ARO Plan. All distributions made with respect to Units purchased under the ARO Plan will be accumulated with distributions generated from the Units of the Series of the Trust used to purchase such additional ARO Plan Units and will be accumulated with distributions generated from Units of other Series of the Trust for ARO Plan purchases. Thus, if a person owns Units in more than one Series of the Trust, distributions with respect thereto will be aggregated for purchases under the ARO Plan. Confirmations of sales relating to Units purchased under the ARO Plan will be provided in the name of the ARO Plan participant in the normal course of business. However, certificates representing Trust Units purchased under the ARO Plan will no be sent to participants, except upon request. Both the Sponsor and the Trustee reserve the right to suspend, modify or terminate the ARO Plan at any time. All participants will receive notice of any such suspension, modification or termination.

Units of each existing Series of the Trust will be offered at a public offering price of approximately $1,035 per Unit plus accrued interest. However, as noted above, it is the Sponsor's intention to permit purchases under the ARO Plan of fractional Units so that the full amount of a particular principal or interest distribution will be reinvested in Trust Units, rather than require purchases of full Units. The purpose of allowing purchases of fractional Units is to allow a minimum purchase requirement in the primary distribution of Trust Units, but at the same time permit maximum use of distributions for purchases through the reinvestment program. However it should be noted that neither the Sponsor nor the other Underwriters intend to maintain a secondary market for fractional Units purchased under the ARO Plan. Thus, unless an ARO Plan participant is able to find some other buyer for his fractional Units, he will be able to dispose of such fractional Units only by tendering them for redemption with the Trustee.

Applicants propose to offer Reinvestment Series Units under the ARO Plan at a price reflecting a sales charge of $12 per Unit (pro-rata per fractional Unit) rather than the customary sales charge of 3½ percent of the underlying net asset value of the Trust Securities in such Series which applies to all primary and secondary sales of Units in the various Series of the Trust (including primary and secondary sales of Reinvestment Series Units purchased other than through the ARO Plan).

Section 22(d) of the act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it except to or through a principal underwriter for distribution or at a current public offering price described in the prospectus, and, if such class of security is being currently offered to the public by or through an underwriter, no principal underwriter of such security and no dealer shall sell any such security to any person, except a dealer, a principal underwriter or the issuer, except at a current public offering price described in the prospectus. Rule 22d-1 permits certain variations in sales load, none of which it is alleged are applicable to the proposed ARO Plan. In support of the request, Applicants assert that applying a sales charge of less than the customary 3½ percent charge in the case of ARO Plan purchases is both beneficial to ARO Plan participants, and also warranted in light of the related cost savings. Applicants represent that each Reinvestment Series will be substantially similar to the Series of the Trust which the ARO Plan participant originally purchased with the exception of the makeup of the Series portfolio and certain portfolio related information. Consequently, the support for that portion of the sales charge attributable to counseling the participant on the Sponsor's product is eliminated, as is the selling effect relating to initial solicitations. It is the Applicants' belief that cost savings related thereto should be passed on to ARO Plan participants.

Applicants, however, assert that implementation and continuation of the ARO Plan will create special out-of-pocket costs which should properly be borne by the Plan participants. It is the Sponsor's belief that the special out-of-pocket expenses related to the Plan (including such items as (a) maintaining Trustee records on participants, (b) mailing, shipping and miscellaneous delivery charges, (c) maintaining a toll free telephone number with knowledgeable operators, and (d) separate printing charges) will amount to approximately $12 per Unit. Thus, Applicants conclude that the proposed $12 per Unit sales charge for ARO Plan purchases not only passes through certain cost savings to ARO Plan participants but also charges

such persons for reasonable expenses related to the creation of the ARO Plan.

B. CONVERSION PLAN

Applicants propose to introduce a conversion option program (the "Conversion Plan") to Unitholders of the various series of both Insured Municipals—Income Trust (the "Municipal Fund") and Investors' Corporate—Income Trust (the "Corporate Fund"). The Municipal Fund is comprised of a series of unit investment trusts, the portfolios of which are made upon of tax-free municipal obligations, and the Corporate Fund is comprised of a series of unit investment trusts, the portfolios of which are made up of taxable corporate debt obligations. Both are sponsored by Van Kampen Sauerman Inc. Under the Conversion Plan, as proposed, a Unitholder wishing to dispose of his Units in a Series of either the Municipal Fund or the Corporate Fund for which a secondary market is being maintained will have the option to convert his Units into Units of any Series of the Trust for which Units are available for sale. Applicants state that the purpose of the Conversion Plan is to provide investors in the Municipal and Corporate Funds a convenient and less costly means of transferring interests as their investment requirements change. Applicants state that the Sponsor and/or certain of the Underwriters have indicated that they intend to maintain a market for the Units of each Series of the respective Funds and the Trust; however, there is no obligation to maintain such a market. Consequently, the Sponsor reserves the right to modify, suspend or terminate the Conversion Plan at any time without further notice to Unitholders.

Assuming a secondary market exists and Units of the Trust are available, a Unitholder who notifies the Sponsor of his desire to exercise his conversion option will be mailed a current prospectus for each Series in which the Unitholder indicates interest. The Unitholder may then select the Series into which he desires his investment to be converted. The conversion transaction will operate in a manner essentially identical to any secondary market transaction, except that the Applicants propose to allow a reduced sales charge for all transactions effected under the Conversion Plan. Units of the Trust will be repurchased by the Sponsor and other Underwriters of them at the aggregate offering price per Unit of the underlying securities in the Trust and will be resold at that price per Unit plus a sales charge of 3½ percent of such offering price. Applicants propose to resell Units under the Conversion Plan at the Unit offering price of the underlying securities of the Trust plus a fixed charge of $15 per unit (or about 1½ percent of such offering price at current market values). The Unitholder will receive payment for any excess funds remaining in his account after the proceeds from his investment in the Corporate or Municipal Fund are converted into full Units of the Trust.

Conversion transactions will only be effected in whole Units. To illustrate: Under the Conversion Plan a holder of three Units of a Series in the Municipal Fund with an offering price of $1,020 might seek conversion into Units of a Series of the Trust with an offering price of $880. In this example, the Unitholder's Units will total $3,060, which amount may be invested in Units of the Trust Series. Should three Units in a Series of the Trust be purchased the cost would be $2,685 ($2,640 for the Units and a $45 sales charge). The remaining $375 would be returned to the Unitholder in cash.

Section 11(c) of the act provides, among other things, that exchange offers involving registered unit investment trusts are subject to the provisions of section 11(a) of the act, irrespective of the basis of exchange. Section 11(a) of the act provides, in pertinent part, that it shall be unlawful for any registered open-end company or any principal underwriter for such a company to make, or cause to be made, an offer to the holder of a security of such company or any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first have been submitted to and approved by the Commission.

As noted above, section 22(d) of the act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by such company to any person except at a current offering price described in the prospectus. The sales charge for effecting regular secondary market purchases and sales of Units of the Trust will be greater than the sales charge which would be applicable to transactions under the Conversion Plan. Rule 22d-1 under the act permits certain variations in sales charges, none of which it is alleged will be applicable to transactions under the Plan.

Applicants assert that applying a sales charge of less than the customary 3½ percent in the case of Conversion Plan transactions is both beneficial to investors and warranted in light of the related cost savings. Applicants state that a large portion of the customary 3½ percent sales charge is attributable to brokerage efforts to make the initial customer solicitation, and the remainder is primarily attributable to the ascertainment of the customer's financial requirements and to counseling on the Applicants' specific product. Applicants represent that under the Conversion Plan the selling effort relating to initial solicitations will be eliminated, and thus the Applicants argue that the cost savings related thereto should be passed on to the participating investors.

Applicants contend, however, that some investor charge is clearly warranted at the time of conversion since a broker may well need to review his customer's financial objectives and likely will have to counsel the customer on the particular investment vehicle involved. Applicants have concluded that the proposed $15 per unit sales charge for Plan conversions will not only pass through cost savings to investors but also will charge such persons a reasonable fee which is related to the periodic, professional, financial advice that it is anticipated will be furnished to them.

Section 6(c) of the act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally, exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provision of the act or of any rule or regulation under the act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

Notice is further given that any interested person may, not later than July 17, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons, who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the

hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc. 78-18182 Filed 6-29-78; 8:45 am]

[8010-01]

[Release No. 14892; SR-NASD-78-2]

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

Order Approving Proposed Rule Change

JUNE 23, 1978.

On March 29, 1978, the National Association of Securities Dealers, Inc. ("NASD"), 1735 K Street NW., Washington, D.C. 20006, filed with the Commission, pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78 (s)(b)(1) (the "Act") and Rule 19b—4 thereunder, copies of a proposed rule change which would provide investors with a simple and inexpensive procedure for the arbitration of small claims against member firms. The proposed rule would provide for determination by a single arbitrator knowledgeable in securities matters of disputes between brokerage firms and customers involving amounts not exceeding $2,500.[1]

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34-14671, April 17, 1978) and by publication in the FEDERAL REGISTER (43 FR 17427, April 24, 1978). All written-statements with respect to the proposed rule change which were filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person were considered and were made available to the public at the Commission's Public Reference Room.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NASD, and in particular, the requirements of section 15A and the rules and regulations thereunder. The proposed rule change will provide a more effective, efficient and economical dispute resolution system for public investors with small claims and thus will protect investors and the public interest.

[1] On June 20, 1978, the NASD filed with the Commission an amendment to its proposed rule change clarifying its provisions with respect to the composition of arbitration panels and defining the term "related counterclaim."

It is therefore ordered, Pursuant to section 19(b)(2) of the act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc. 78-18183 Filed 6-29-78; 8:45 am]

[8010-01]

[Release No. 34-14886; File No. SR-NSCC-78-7]

NATIONAL SECURITIES CLEARING CORP.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. 94-29, 16 (June 4, 1975), notice is hereby given that on June 13, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

TEXT OF PROPOSED RULE CHANGE

The text of the proposed rule change is as follows:

Amend the first two paragraphs of section 1 of rule 2 of the ASECC Division of National Securities Clearing Corp. (the Corporation) as follows (italics indicate material to be added; material in brackets is to be deleted):

Rule 2. Sec. 1. Except as hereinafter provided in Section 7 of this Rule 2, the American Stock Exchange Clearing Corporation shall act only for [members, member firms or member corporations of a registered national securities exchange or a registered national securities association who apply] *a partnership, corporation or other organization or entity which shall satisfy at least one of the following qualifications: (i) it is a broker or dealer registered under the Securities Exchange Act of 1934; (ii) it is a bank or trust company, including a trust company having limited power, which is a member of the Federal Reserve System or is supervised and examined by state or federal authorities having supervision over banks; (iii) it is a registered clearing agency; (iv) it is an insurance company subject to supervision or regulation pursuant to the provisions of state insurance laws; (v) it is an investment company registered under section 8 of the Investment Company Act of 1940, as amended; or (vi) if it does not qualify under clauses (i) through (v) above, it is a person which demonstrates to the Board of Directors that its business and capabilities are such that it could reasonably expect material benefit from direct access to the Corporation's services; and which applies* to the American Stock Exchange Clearing Corporation to act for [them] *it* and whose application[s are] *is* approved by the American Stock Exchange Corporation[. It] *which* may at any time in its discretion cease either temporarily or generally to act for any such [member, member firm or member corporation] *entity* and shall cease to act generally for any such [member, member firm or member corporation who shall notify] *entity if such entity notifies* it in writing of [his] *such entity's* election that it shall do so except insofar as provision is made in these Rules for pending transactions. A firm or corporation which continues the business of a Clearinig Member [firm] and which is enitled to the rights and is subject to the obligations of a temporary member corporation of the American Stock Exchange, shall retain the status of a Clearing Member [firm or corporation] unless it expressly withdraws from such status or unless the American Stock Exchange Clearing Corporation ceases to act for it generally. The [members, member firms or member corporations of any registered national securities exchange or registered national securities association] *entities* for whom the American Stock Exchange Clearing Corporation acts shall, until it ceases to act for them generally, be known as Clearing Members. Clearing Members for whom it has temporarily ceased to act shall be known as Retired Clearing Members.

[A member, member firm or member corporation] *An entity* whose application to become a Clearing Member has been approved by the American Stock Exchange Clearing Corporation [his] *its* original contribution to the Clearing Fund determined in accordance with the provisions of Rule 4 and shall sign and deliver to the American Stock Exchange Clearing Corporation an instrument in writing whereby such applicant shall agree:

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is to permit access to the ASECC Division of NSCC by those persons entitled to access pursuant to section 17A(b)(3)(B) of the Securities Exchange Act of 1934 (the 1934 act) and, in part, is expected to be utilized to clear and settle transactions entered into via an intermarket communications system such as the Intermarket Trading System.

The proposed rule change will permit any: (A) Registered broker or dealer; (B) other registered clearing agency; (C) registered investment company; (D) bank; (E) insurance company; or (F) certain other persons, to become a participant in the services offered by the ASECC Division to Clearing Members and will conform the access rules of the SCC Division with the provisions of section 17A(b)(3)(B) of the 1934 act.

No comments on the proposed rule change have been solicited, or received. The proposed rule change is similar, however, to the proposed change in rule 2 of the SCC Division contained in SR-NSCC-77-10 on which comments have been solicited and as to which no comments on the similar change therein have been received.

The corporation does not perceive that any burden on competition will be imposed by the proposed rule change.

On or before August 4, 1978, or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding; or (ii) as to which the above-metnioned self-regulatory organization consents, the Commission will: (A) By order approve such proposed rule change; or (B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the public reference room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before July 20, 1978.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 23, 1978.

[FR Doc. 78-18186 Filed 6-29-78; 8:45 am]

[8010-01]

[Release No. 34-14887; File No. SR-NSCC-78-8]

NATIONAL SECURITIES CLEARING CORP.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s (b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on June 12, 1978, the abovementioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

TEXT OF PROPOSED RULE CHANGE

The text of the proposed rule change is as follows:

Rule 2, section 3 of the rules of the SCC Division of National Securities Clearing Corp. (the Corporation) states:

The Corporation may also act for any clearing corporation of a registered national securities exchange or a registered national securities association who applies to the Corporation to act for it, whose application is approved by the Corporation and who has contributed to the Clearing Fund as provided in rule 4. Such corporations for whom the Corporation acts and who have contributed to the Clearing Fund as provided in Rule 4 shall, until the Corporation ceases to act for them, be known as Affiliate Members.

A clearing corporation whose application to become an Affiliate Member has been approved by the Corporation shall pay to the Corporation its original contribution to the Clearing Fund determined in accordance with the provisions of rule 4 and shall sign and deliver to the Corporation an instrument in writing whereby such applicant shall agree as provided in section 4 of this rule.

The Corporation has pending before it the application of the Boston Stock Exchange Clearing Corp. to become an affiliate member of the Corporation.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The proposed rule change will permit clearance and settlement through NSCC of transactions executed via the intermarket communications linkage called "ITS".

The proposed rule change relates to the removal of impediments to and perfection of the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions by permitting the use of NSCC-SCC Division facilities for clearance as well as settlement of transactions executed via ITS.

No comments on proposed rule change have been solicited or received.

NSCC does not perceive that the proposed rule change would constitute a burden on competition.

On or before August 4, 1978, or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer periods to be appropriate and publishes its reasons for so finding; or (ii) as to which the abovementioned self-regulatory organization consents, the Commission will: (A) By order approve such proposed rule change; or (B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six (6) copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the public reference room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the abovementioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before July 20, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 23, 1978.

[FR Doc. 78-18187 Filed 6-29-78; 8:45 am]

[4710-02]

DEPARTMENT OF STATE

Agency for International Development

BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT

Meeting

Pursuant to Executive Order 11769 and the provisions of section 10(a), (2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the 21st meeting of the Board for International Food and Agricultural Development on July 19, 1978.

The purpose of the meeting is to receive and discuss progress reports of the Joint Research Committee and the Joint Committee on Agricultural Development; to consider and establish an agenda of priority policy issues to be discussed in future Board meetings; to hear a report on the activities of the Peace Corp by the Director of ACTION; to further consider ways of improving title XII field representation; and to hear various other reports on conferences and activities, including the Science and Technology Conference of the Association of U.S. University Directors of International Agricultural Programs, two workshops being held for university title XII officers, and the small ruminants collaborative research support program.

The meeting will begin at 9 a.m., adjourn at 4:30 p.m., and will be held in room 1107, State Department Building, 21st and C Streets NW., Washington, D.C. The meeting is open to the public. Any interested person may attend, may file written statements with the Board before or after the meeting, or may present oral statements in accordance with procedures established by the Board, and to the extent the time available for the meeting permits.

Dr. Erven J. Long, Director, Office of Title XII Coordination and University Relations, Development Support Bureau, AID, is designated as AID advisory committee representative at the meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, State Department, Washington, D.C. 20523, or telephone him at 703-235-2243.

Dated: June 23, 1978.

ERVEN J. LONG,
Agency for International Development Advisory Committee Representative, Board for International Food and Agricultural Development.

[FR Doc. 78-17913 Filed 6-29-78; 8:45 am]

[4810-22]

DEPARTMENT OF THE TREASURY

Customs Service

SUGAR FROM THE EUROPEAN COMMUNITY

Initiation of Countervailing Duty Investigation and Preliminary Determination

AGENCY: U.S. Treasury Department, Customs Service.

ACTION: Initiation of Countervailing Duty Investigation and Preliminary Determination.

SUMMARY: This notice is to advise the public that a petition in proper form has been received and an investigation has been started for the purpose of determining whether or not benefits granted by the European Community (EC) to producers and exporters of sugar constitute a bounty or grant within the meaning of the Countervaling Duty Law. a preliminary determination that exports of sugar do so benefit is being issued simultaneously. A final determination will be made not later than December 16, 1978, but is expected prior to that date.

EFFECTIVE DATE: June 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Richard B. Self, U.S. Treasury Department, 15th Street and Pennsylvania Avenue NW., Washington, D.C. 20220, 202-566-8585.

SUPPLEMENTARY INFORMATION: A satisfactory petition was received on June 16, 1978, alleging that sugar was being imported upon whose production or exportation payments or bestowals were conferred by the European Community (EC) that constitute a "bounty" or "grant" within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303 et seq.) (hereinafter referred to as "the Act"). The European Community consists of Belgium, Denmark, the Federal Republic of Germany, France, Ireland, Italy, Luxemburg, the Netherlands, and the United Kingdom. The sugar covered by this investigation enters the United States under item numbers 155.20 and 155.30 of the Tariff Schedules of the United States. All imports of this product are dutiable.

The petition alleged that when sugar is exported from the EC, a so-called restitution payment is made to compensate the producer/exporter for the extent to which prices obtained on sales in the free world market are less than the intra-EC minimum price for sugar (set under the EC's Common Agricultural Policy, (CAP). These "restitution payments" are alleged presently to be in excess of 50 percent of the current EC price for raw sugar and exceed the FOB export price for the sugar in question.

The payments alleged to have been made are available to exporters, processors or growers of all sugar produced in any of the nine EC member countries.

Based upon the information developed by the Treasury Department with regard to the operation of restitution payments under the CAP in previous countervailing duty investigations, and the facts that prices for sugar in the EC are presently significantly higher than both world market prices and the price at which sugar is being sold for export to the United States, exporters, processors and growers of sugar appear eligible to receive such payments. Accordingly, it is deemed appropriate at this time to issue a preliminary determination, and it is hereby preliminarily determined, pursuant to section 303(a)(4) of the Act (19 U.S.C. 1303(a)(4)), that restitution payments made by the EC on exports of sugar of the type indicated constitute "bounties" or "grants."

A final decision is due in this case on or before December 16, 1978. However it is expected that a final determination will be made prior to that date. Therefore, written submissions of relevant data, views, or arguments regarding this preliminary determination should be provided in time to be received on or before July 17, 1978. Submissions should be addressed to Mr. Richard B. Self, Director, Office of Tariff Affairs, Room 1124, U.S. Treasury Department, 15th Street and Pennsylvania Avenue NW., Washington, D.C. 20220.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended, (19 U.S.C. 1303(a)).

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order 190 Revision 15, March 14, 1978, the provisions of Treasury Department Order 165, Revised, November 2, 1954 and § 159.47 of the Customs Regulations (19 CFR 159.47), insofar as they pertain to the initiation of a countervailing duty investigation and issuance of a preliminary countervailing duty determination by the Commissioner of Customs, are hereby waived.

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

JUNE 27, 1978.

[FR Doc. 78-18300 Filed 6-29-78; 8:45]

[4830-01]
[4510-29]

Internal Revenue Service

DEPARTMENT OF LABOR

Pension and Welfare Benefit Programs

EMPLOYEE BENEFIT PLANS

Notice of Proposed Exemption Relating to a Transaction Involving the McDonald's Corp. Savings and Profit-Sharing Trust (Application No. D-697)

AGENCIES: Department of the Treasury/Internal Revenue Service, Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Internal Revenue Service and the Department of Labor (the agencies) of a proposed exemption from the prohibited transactions restrictions of the Employee Retirement Income Security Act of 1974 (the act) and from certain taxes imposed by the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the purchase by Franchise Realty Interstate Corp. (FRIC), a subsidiary of McDonald's Corp. (the employer), of a partnership interest owned by the McDonald's Corporation Savings and Profit-Sharing Trust (the trust). The proposed exemption, if granted, would affect participants and beneficiaries of the Trust and FRIC.

DATE: Written comments and requests for a public hearing must be received by the Internal Revenue Service (the Service) on or before July 31, 1978.

ADDRESS: All written comments and all requests for a hearing (at least six copies) should be addressed to the Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, Attention: E:EP:PT:1 (D-697). The application for exemption and the comments received will be available for public inspection at the Internal Revenue Service National Office Reading Room, 1111 Constitution Avenue NW., Washington, D.C. 20224, and in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, room N-4677, 200 Constitution Avenue NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT:

Timothy S. Smith of the Prohibited Transactions Staff of the Employee Plans Division, Internal Revenue Service, 202-566-6761. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION:

REQUESTED EXEMPTION

Notice is hereby given of the pendency before the Service and the Department of Labor (the Department) of an application for exemption 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 and from the restrictions of section 406(a) and 406(b) (1) and (2) of the act. The pending exemption was requested in an application filed by the employer pursuant to section 4975(c)(2) of the Code and section 408(a) of the act, and in accordance with procedures set forth in Rev. Proc. 75-26, 1975-1 C.B. 722 and ERISA Prcoedure 75-1 (40 FR 18471, April 28, 1975).

SUMMARY OF FACTS AND REPRESENTATIONS

The application contains facts and representations with regard to the pending exemption which are summarized below. Interested persons are referred to the application and supporting documents on file with the Agencies for a complete statement of the representations of the applicant.

1. The trust owns a one-third interest in a general partnership known as Interstate Investments (the partnership). The other two general partners are not disqualified persons nor are they parties-in-interest.

2. The partnership's assets consist of interests in seven pieces of real property. The Partnership leases the underlying land from unrelated third parties and owns improvements on the property. It leases its interest in the land and improvements through a net lease with the employer for one property and with FRIC for the other six properties.

3. The value to the Employer, or a subsidiary, of a one-third interest in the Partnership has been estimated in two independent appraisals to be $176,300 and $174,600. The estimated values to unrelated third parties are $147,200 and $148,800.

4. Effective January 1, 1976, McDonald's Corp. Savings and Profit-Sharing Plan (the plan) was amended to permit each participant to exercise a substantial degree of control over the manner in which his or her interest in the trust was invested. Accordingly, the trust has established four basic investment funds offering a variety of investment alternatives and a fifth fund, the Residual Investment Fund, which holds trust assets that are not suitable for retention by any of the other funds and which are not sufficiently liquid to facilitate participant investment directions until such assets can be liquidated. Holdings in the Residual Investment Fund are not subject to participant investment direction. No additional investments may be made in the Residual Investment Fund and all net cash and proceeds from the liquidation of holdings in the Residual Investment Fund are invested in and among the four basic investment funds in accordance with participant directions. The Trust's interest in the Partnership is one of the two assets remaining in the Residual Investment Fund. The Trust is in the process of liquidating the other assets as well.

5. The plan's administrative committee has the authority to direct the Trustee of the plan with respect to the sale or other disposition of the Plan's interest in the Partnership. The Administrative Committee is appointed by the Employer's Board of Directors and its members are employees, officers and/or directors of the Employer and its subsidiaries.

NOTICE TO INTERESTED PERSONS

All participants in the Plan, the Trustee of the Plan and the Administrative Committee will be notified with a notice which will include a copy of the notice of proposed exemption as published in the FEDERAL REGISTER and which will advise these persons of their rights to comment and/or to request a hearing within the period of time specified in the notice. Notification will be given within ten days after filing in the FEDERAL REGISTER of the notice of proposed exemption: (1) In the case of the trustee, by certified mail; (2) in the case of the administrative committee, in person; and (3) in the case of the participants, by posting such notification at all locations at which the participants are employed.

GENERAL INFORMATION

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 4975(c)(2) of the Code and section 408(a) of the act does not relieve a fiduciary or other party in interest or disqualified person with respect to the 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 the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed 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 interests of the plan and of its participants and beneficiaries and protective of the rights of the participants and beneficiaries; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Code and act, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(5) This document does not meet the Treasury Department's criteria for significant regulations set forth in paragraph 8 of the proposed Treasury directive appearing in the FEDERAL REGISTER for Wednesday, May 24, 1978 (43 FR 22319).

WRITTEN COMMENTS AND HEARING REQUEST

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available with the application for exemption at the address set forth above.

PROPOSED EXEMPTION

Based upon the representations set forth in the application, the Agencies are considering granting the requested 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. If the exemption is granted, 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, and the restrictions of section 406(a) and section 406(b) (1) and (2) of the act, shall not apply to the sale of the partnership interest from the Trust to FRIC for $176,300, in cash, provided that the sale price is not less than the value of the partnership interest to the Employer or a subsidiary of the Employer and provided further that such value is not less than the fair market value of the partnership interest. The pending exemption, if granted, will be 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 to be consummated pursuant to the exemption.

Signed at Washington, D.C. this 26th day of June 1978.

FRED J. OCHS,
Director, Employee Plans Division, Internal Revenue Service.

IAN D. LANOFF,
Administrator for Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 78-18178 Filed 6-27-78; 10:15 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[No. 36903]

MISSISSIPPI INTRASTATE FREIGHT RATES AND CHARGES—1978

Decided June 21, 1978

By joint petition filed April 10, 1978, petitioners, six common carriers by railroad[1] subject to Part I of the Interstate Commerce Act (act), and also operating in intrastate commerce in Mississippi, request that this Commission institute an investigation of their Mississippi intrastate freight rates and charges, under section 13 and 15a of the act. They seek an order authorizing them to increase such rates and charges in the same amounts approved for interstate application by this Commission in Ex Parte No. 343 effective November 30, 1977. Petitioners have stated grounds sufficient to warrant instituting an investigation.

The petition is granted. An investigation, under section 13 and 15a of the act, is instituted to determine whether the Mississippi State rail freight rates 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 of foreign commerce, or are otherwise unlawful, by reason of the failure of such rates and charges to include the full increases authorized for interstate application by this Commission in Ex Parte No. 343. 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.

All common carriers by railroad operating in Mississippi subject to the jurisdiction of the Commission are made respondents in this proceeeding.

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 each of the petitioners and respondents herein. Mississippi shall be notified of the proceeding by sending copies of this decision by certified mail to the Governor of Mississippi, and the Mississippi Public Service Commission. Further notice of this proceeding shall be given to the public by depositing a copy of this decision 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.

By the Commission, Robert J. Brooks, Director, Office of Proceedings.

NANCY L. WILSON,
Acting Secretary.

[FR Doc. 78-18290 Filed 6-29-78; 8:45 am]

[1] Alabama Great Southern Railroad Co., Illinois Central Gulf Railroad Company, Louisville & Nashville Railroad Company; Missouri Pacific Railroad Company; St. Louis-San Francisco Railway Company; and Southern Railway Company.

[7035-01]

[Notice No. 110]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 30, 1978.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than July 17, 1978. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC-108633 (Sub-No. 13TA) (Republication), filed September 12, 1977. Applicant: BARNES FREIGHT LINE, INC., P.O. Box 369, Bankhead Hwy., Carrollton, GA 30117. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326. By order of June 14, 1978, Division 1, acting as an Appellate Division, granted the petition of applicant for modification of the order entered May 10, 1978, which granted temporary authority to transport general commodities (except commodities in bulk, those requiring special equipment because of size or weight, classes A and B explosives, and household goods as defined by the Commission), over regular routes, between Birmingham, AL and Memphis TN; from Birmingham, AL over U.S. Hwy 78 to Quin, AL, then over U.S. Hwy 278 to U.S. Hwy 45 and alternate U.S. Hwys 45-278 to Tupelo, MS, then over U.S. Hwy 78 and Tennessee State Hwy 4, to Memphis, TN, serving all intermediate points, and return over the same routes, and authorizing applicant to tack with its existing authority and interline with other carriers at Atlanta, GA, Memphis, TN, Tupelo, MS, and Birmingham, Anniston, and Gadsen, AL. The above-described request for authority was published in the FEDERAL REGISTER

on October 11, and November 30, 1977. Tacking and interlining were inadvertently omitted in the prior publications. Any interested party may file a petition for reconsideration within 30 days from the publication of this notice. Send petitions for reconsideration to: The Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC-138882 (Sub-No. 56 TA), filed March 16, 1978. Applicant: WILEY SANDERS, INC., P.O. Drawer 707, Troy, AL 36081. Applicant's representative: George A. Olsen, Transportation Consultant, 69 Tonnele Avenue, Jersey City, NJ 07306. On June 21, 1978, the Motor Carrier Board approved this application, granting authority to applicant to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* from the facilities of Pabst Brewing Co. at Pabst (Houston County), GA to points in IL, IN, OH, and MI. Supporting shipper: Pabst Brewing Co., Georgia Hwy. 247 Spur, Panst, GA 31069. Due to a clerical error, the FEDERAL REGISTER notice of this application, published April 12, 1978, showed points in MS in lieu of Michigan. Insofar as the authority to serve points in Michigan is concerned, any interested party may file a petition for reconsideration on or before July 17, 1978. Send petitions for reconsideration to: The Acting Secretary, Interstate Commerce Commission, Washington, DC 20423.

NANCY L. WILSON,
Acting Secretary.

[FR Doc. 78-18291 Filed 6-29-78; 8:45 am]

[7035-01]

[Notice No. 698]

ASSIGNMENT OF HEARINGS

JUNE 27, 1978.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 118989 Sub 170, Container Transit, Inc., now assigned July 17, 1978, at Chicago, IL, is canceled transferred to modified hearing.

I & S No. 9179 (Sub-No. 1), Cancellation of Intermediate Routing, Michigan Northern Railway, is now assigned for continued hearing July 25, 1978 at the offices of the Interstate Commerce Commission, Washington, DC.

No. MC 113651 (Sub-No. 242), Indiana Refrigerator Lines, Inc., is now assigned for continued hearing August 8, 1978 at the offices of the Interstate Commerce Commission, Washington, DC.

No. MC 121598 (Sub-No. 2), Shelbyville Express, Inc., is now assigned for continued hearing August 8, 1978 (2 days) at the Dauphine Orleans Motor Hotel, 415 Dauphine Street, New Orleans, LA.

No. MC 123872 (Sub-No. 79), W & L Motor Lines, Inc., is now assigned for prehearing conference August 1, 1978 at the Offices of the Interstate Commerce Commission, Washington, DC.

No. MC 104421 (Sub-No. 22F), Econo Lines, Inc., application dismissed.

No. MC 76032 (Sub-No. 329), Navajo Freight Lines, Inc., application dismissed.

No. MC 140484 (Sub-No. 27), Lester Coggins Trucking, Inc., now assigned July 6, 1978, at Washington, DC is postponed indefinitely.

NANCY L. WILSON,
Acting Secretary.

[FR Doc. 78-18292 Filed 6-29-78; 8:45 am]

[7035-01]

[No. MC-C-10147]

DEFINITION OF CASH LETTERS—INTERPRETATION

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed commodity interpretation.

SUMMARY: The captioned proceeding involves the question of what items are subject to transportation within the commodity description "such commerical papers, documents, and written instruments (except currency and negotiable securities) as are used in the business of banks and banking institutions", commonly referred to as "cash letters." Representations from the general public and other interested parties are solicited concerning banking and transportation industry custom, usage, and practice as to the nature of the materials transported under this commodity description. In addition comments are invited with respect to whether technological advances within the banking industry such as the use of computers, microfilm, plastic cards, and data processing services have affected the complete transportation service being provided under the commodity description.

COMMENTS MUST BE RECEIVED ON OR BEFORE: July 31, 1978.

ADDRESSES: Send written responses to: Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Michael Erenberg, 202-275-7292

SUPPLEMENTAL INFORMATION: Various motor carriers perform, in most instances as contract carriers, a specialized service tailored to meet the distinct needs of the banking industry. This service is separate and distinct from the armored car transportation of currency, coin, negotiable securities, and other commodities of intrinsic value which requires armored vehicles and armed guards. These carriers provide an expedited service, in station wagons or vans, transporting primarily checks and supporting documents and papers between financial institutions. For the most part they operate pursuant to ICC authority under the commodity description "such commercial papers, documents, and written instruments (except currency and negotiable securities) as are used in the business of banks and banking institutions." The Commission has used "cash letters" as the shorthand expression for these commodities. In recent cases considered by the Commission, most notably No. MC 142330 (Sub-No. 6), *Pony Express Courier Corporation Common Carrier Application* (not printed), the scope of this commodity authority has been at issue.

Whereas it is almost universally understood that cash letters comprehends checks and related support documents such as cash letter forms and a listing of checks, the inclusion of other items in the generic description such as microfilm, magnetic tapes, punch cards, source documents, executed papers, recognition data, accounting data, advices and food coupons, is not clear. In some cases certain business records and audit and accounting media could be characterized as supporting "documents" but such material could also be unrelated items.

The meaning of the commodity description is complicated by technological innovations and improvements in banking systems. The manual transfer of materials and internal recording of transactions have been replaced by computer systems, microfilm, the use of plastic cards, and data processing services. Banking institutions may now require a broader range of transportation services than they have had in the past and banks have stated their needs for a complete transportation service. These technological advances may well have changed banking practices and customs as well as the character of the commodities moving under the cash letters commodity description.

For these reasons the Commission is instituting this proceeding. A definitive interpretation is necessary for clarity. Such action could contribute to the satisfaction of shippers' needs for service and could eliminate the necessity for carriers to file applications seeking additional commodity authority or to petition for modification of

existing permits or certificates. On the other hand, a more explicit definition may put carriers on notice that additional authority is needed.

Financial institutions, carriers, and interested members of the public should be afforded an opportunity to present their comments on the question. Oral hearings do not appear necessary at this time, and none is contemplated with regard to the issue described above. Anyone wishing to participate in the development of the record may, however, do so by the submission of written data, views, or arguments. An original (and 11 copies whenever possible) of such submissions shall be filed with this Commission. All written submissions will be available for public inspection during regular business hours at the offices in the Interstate Commerce Commission, 12th Street and Constitution Avenue NW., Washington, D.C. 20423.

This notice is issued under authority of section 554 of the Administrative Procedure Act (5 U.S.C. 554), and section 204 of the Interstate Commerce Act (49 U.S.C. 304).

By the Commission, Chairman O'Neal, Vice Chairman Christian, Commissioners Murphy, Brown, Stafford, Gresham, and Clapp.

Dated: June 20, 1978.

NANCY L. WILSON,
Acting Secretary.

[FR Doc. 78-18293 filed 6-29-78; 8:45 am]

[7035-01]

[Amdt. No. 2 to Corrected ICC Order No. 57 Under Revised Service Order No. 1252]

REROUTING TRAFFIC

Decided June 20, 1978. Upon further consideration of I.C.C. Order No. 57 (Chicago and North Western Transportation Co.) and good cause appearing therefor:

It is ordered, ICC Order No. 57 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., July 31, 1978, unless otherwise modified, changed, or suspended.

This amendment shall become effective at 11:59 June 23, 1978, and shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and it shall be filed with the Director, Office of the Federal Register.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 78-18294 Filed 6-29-78; 8:45 am]

[7035-01]

TRANSPORTATION OF "WASTE" PRODUCTS FOR REUSE OR RECYCLING

Special Certificate Letter Notice(s)

The following letter notices request participation in a Special Certificate of Public Convenience and Necessity for the transportation of "waste" products for reuse or recycling in furtherance of a recognized pollution control program under the Commission's regulations (49 CFR 1062) promulgated in "Waste" Products, Ex Parte No. MC-85, 124 MCC 583 (1976).

An original and one copy of protests (including protestant's complete argument and evidence) against applicant's participation may be filed with the Interstate Commerce Commission on or before July 22, 1978. A copy must also be served upon applicant or its representative. Protests against the applicant's participation will not operate to stay commencement of the proposed operation.

If the applicant is not otherwise informed by the Commission, operations may commence on or before July 31, 1978, subject to its tariff publication effective date.

P-12-78 (Special certificate—Waste products), filed March 12, 1978. Applicant: WESTWAY MOTOR FREIGHT, INC., 5231 Monroe Street, Denver CO 80216. Applicant's representative: Edward T. Lyons, Jr., 1600 Lincoln Center Building, 1660 Lincoln Street, Denver CO 80264. Authority sought to operate pursuant to a certificate of public convenience and necessity authorizing operations in interstate or foreign commerce, as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Waste paper and waste paper products; rags and scrap textile products; and ferrous and non-ferrous scrap metals;* between points in AZ, CA, CO, ID, IA, KS, LA, MO, MT, NE, NV, NM, OK, OR, TX, UT, WA, and WY in furtherance of a recognized pollution control program sponsored by Coors Container Co. of Golden, CO; Utah Metal Works, Inc. of Salt Lake City, UT; Indusco Supply, Inc. of North Salt Lake City UT; H. Koppel & Son, Scrap Division of Boise, ID; and McCarty's Inc. of Pocatello, ID for the purpose of transporting and recycling waste products.

By the Commission.

NANCY WILSON,
Acting Secretary.

[FR Doc. 78-18295 Filed 6-29-78; 8:45 am]

[7035-01]

[Notice No. 104]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 23, 1978.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than July 17, 1978. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 5470 (Sub-No. 149TA), filed May 2, 1978. Applicant: TAJON, INC. R. D. No. 5, P.O. Box 146, Mercer, Pa. 16137. Applicant's representative: Richard W. Sanguigni (Same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Alloys,* (in dump vehicles), from Beverly, OH, to Radford, VA; Archer Creek, VA; and Lynchburg, VA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Interlake, Inc., 135th Street and Perry Avenue, Chicago, IL. 60627. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 26396 (Sub-No. 177TA), filed May 5, 1978. Applicant: POPELKA

TRUCKING CO., d.b.a. THE WAGGONERS, P.O. Box 990, Livingston, MT 59047. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and related commodities*, from the facilities of Campbell Soup Co., Napoleon, OH, on the one hand, and, on the other, points in IL, IN, KY, MI, OH, NY, NC, PA, VA, WV and NJ, for 180 days. Supporting shipper(s): Harry Sanford, Manager and Transportation, Campbell Soup Co., East Maumee Avenue, Napoleon, OH 43545. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Avenue North, Billings, MT 59101.

No. MC 53841 (Sub-No. 9TA), filed May 5, 1978. Applicant: W. H. CHRISTIE & SONS, INC., Box 517, East State Street, Knox, PA 16232. Applicant's representative: John A. Pillar, 205 Ross Street, Pittsburgh, PA 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers and materials, equipment and supplies* used in the manufacture, sale and distribution of containers, from Cornplanter Township, Venango County, PA, to Millsboro, DE, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Foster Forbes Glass Division, National Can Corp., Oil City, PA 16301. Send protests to: John J. England, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 117119 (Sub-No. 687TA), filed May 4, 1978. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Applicant's representative: Martin M. Geffon, P.O. Box 338, Willingboro, NJ 08046. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from the facilities of General Foods Corp. at Dover, DE, to points in CA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): General Foods Corp., 250 North Street, White Plains, NY 10625. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 118142 (Sub-No. 174TA), filed May 5, 1978. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, KS 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, KS 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrolyte battery fluid*, from the facilities of Scholle Corp., Raytown, MO, to the facilities of General Battery Corp., Salina, KS, for 180 days. Supporting Shipper(s): General Battery Corp., Box 1262, Reading, PA 19603. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Building, Wichita, KS 67202.

No. MC 123476 (Sub-No. 35TA), filed May 2, 1978. Applicant: CURTIS TRANSPORT, INC., 23 Grandview Industrial Court, Arnold, MO 63010. Applicant's representative: David G. Dimit (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles* (except in bulk), from the facilities of Mobil Chemical Co., Plastics Division, at Chicago, IL, to North Manchester, IN; Port Recovery, OH; and Coldwater, MI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Mobil Chemical Co., Plastics Division, Macedon, NY 14502. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 North 12th Street, St. Louis, MO 63101.

No. MC 123675 (Sub-No. 4TA), filed May 4, 1978. Applicant: SOLDIER BROS. A B T LINES, INC., 614 Paine Street, Toledo, OH 43605. Applicant's representative: Authur R. Cline, 420 Security Bldg., Toledo, OH 43604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobile parts*, from Fort Wayne, IN, and Grand Rapids, MI, to Toledo, OH, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The City Auto Stamping Co., Division of Sheller-Globe Co., Lint and Dura Avenues, Toledo, OH 43612. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

No. MC 123819 (Sub-No. 59TA), filed May 5, 1978. Applicant: ACE FREIGHT LINE, INC., 3359 Cazassa Road, P.O. Box 16589, Memphis, TN 38116. Applicant's representative: Bill R. Davis, Suite 101, 2814 Newspring Road, Atlanta, GA 30339. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by wholesale and retail grocery houses, from the facilities of Southern States Distribution, Inc., at or near Memphis, TN, to points in AL, AR, MS, LA, FL, TN, points in KY on and west of U.S. Hwy 31E and points in MO on and south of U.S. Hwy 66, for 180 days. Supporting shipper(s): Southern States Distribution, Inc., 1655 Panama Street, Memphis, TN 38108. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, 100 North Main Building, Suite 2006, 100 North Main Street, Memphis, TN 38103.

No. MC 124073 (Sub-No. 10TA), filed May 5, 1978. Applicant: ROY S. SARGEANT, INC., P.O. Box 95, Vienna, NJ 07880. Applicant's representative: Edward F. Bowes, 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meals*, from Wethersfield, CT, to points in NJ, NY, PA, MD, and DE, under a continuing contract, or contracts, with Foodways of New York, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Foodways of New York, Inc., 1000 Silas Deane Highway, Wethersfield, CT 06109. Send protests to: Joel Morrows, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Room 618, Newark, NJ 07102.

No. MC 124078 (Sub-No. 807TA), filed May 5, 1978. Applicant: SCHWERMAN TRUCKING CO., 611 South 28 Street, Milwaukee, WI 53215. Applicant's representative: Richard H. Prevette, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia* (in bulk, in nonquenched and tempered steel trailers), from Lima, OH, to Waterloo, IA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Vistron Corp., 313 Midland Building, Cleveland, OH 44115 (Phillip J. Franz). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

No. MC 124160 (Sub-No. 20TA), filed May 5, 1978. Applicant: SAVAGE BROTHERS, INC., 585 South 500 East, American Forks, UT 84003. Applicant's representative: Lon Rodney Kump, 333 East Fourth South, Salt Lake City, UT 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash*, from Stauffer, Granger, Green River, and Alchem, WY, to Columbus, OH, for 180 days. Applicant has also filed an underlying

ETA seeking up to 90 days of operating authority. Supporting shipper(s): Federal Glass, a Division of Federal Paper Board Co., 555 Woodrow Avenue, Columbus, OH 43207 Harold D. Davis, Traffic manager. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, UT 84138.

No. MC 124511 (Sub-No. 47TA), filed May 3, 1978. Applicant: OLIVER MOTOR SERVICE, INC., P.O. Box 223 East Highway 54, Mexico, MO 65265. Applicant's representative: Leonard R. Kofkin, 39 South LaSalle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of Jones & Laughlin Steel Corp., at Aliquippa and Pittsburgh, PA, to points in MO, KS, and AR, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Jones & Laughlin Steel Corp., 1600 West Carson Street, Room 121, Pittsburgh, PA 15263. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, MO.

No. MC 126291 (Sub-No. 23TA), filed May 5, 1978. Applicant: QUIRION TRANSPORT, INC., 4516 Laval Street, Lac Megantic (Frontenac), PQ. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic film and sheeting*, from Auburn and Pottsdown, PA, to ports of entry on the International Boundary Lines between the United States and Canada located at Coburn Gore, and Jackman, ME, restricted to the transportation of traffic destined to points in the Province of Quebec, Canada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Bestar, Ltd., 4220 Villeneuve Street, Lac Megantic (Frontenac), PQ (Attn: Paulin Tardiff, President). Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 3, 6 Louden Road, Concord, NH 03301.

No. MC 127705 (Sub-No. 59TA), filed May 5, 1978. Applicant: KREVDA BROS. EXPRESS, INC., P.O. Box 68, 501, S. Broadway, Gas City, IN 46933. Applicant's representative: Donald W. Smith, Suite 945, 9000 Keystone Crossing, Indianapolis, IN 46240. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from facilities of Campbell Soup Co., at Napoleon, OH, to points in PA, NY, KY, and WV, for 180 days. Supporting shipper(s): Campbell Soup Co., Napoleon, OH 43545. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, IN 46802.

No. MC 134426 (Sub-No. 7TA), filed May 2, 1978. Applicant: McCORT DRIVE-A-WAY, INC., P.O. Box 5057, Jacksonville, FL 32207. Applicant's representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vehicles, commercial trailers, and road-driven machinery, in driveaway service*, between points in the continental United States, for 180 days. Supporting shipper(s): There are approximately (5) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: G. H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 134477 (Sub-No. 238TA), filed May 5, 1978. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in and used by manufacturers and by retail and wholesale department and hardware stores (except commodities in bulk), from Boston, MA, and Jersey City, NJ, to Kansas City, MO, for 180 days. Supporting shipper(s): Kansas City Shippers Association, Inc., 700 Woodsweather Road, Kansas City, MO 64105. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Courthouse, 110 South 4th Street, Minneapolis, MN 55401.

No. MC 134922 (Sub-No. 265TA), filed May 9, 1978. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Applicant's representative: Bob McAdams, Route 6, Box 15, North Little Rock, AR 72118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except in bulk), from the facilities of Degussa Corp. Alabama Group, Theodore, AL, to points in CA, for 180 days. Supporting shipper(s): Degussa Corp.-Alabama Group, P.O. Box 606, Theodore, AL 36582. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 135797 (Sub-No. 116TA), filed May 2, 1978. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, U.S. Highway 71, Lowell, AR 72745. Applicant's representative: Paul A. Maestri, P.O. Box 200, Lowell, AR 72745. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such articles* as are dealt in by wholesale and retail grocery houses, from the facilities of Southern States Distribution, Inc., at Memphis, TN, to points in AL, AR, FL, LA, MS, TN and points in KY on and west of U.S. Hwy 31E, and points in MO on and south of U.S. Hwy 66, for 180 days. Supporting shipper(s): Southern States Distribution, Inc., 1655 Panama Street, Memphis, TN 38108. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 136077 (Sub-No. 8TA), filed May 4, 1978. Applicant: REBER CORP., 2216 Old Arch Road, Norristown, PA 19401. Applicant's representative: Floyd A. Reber (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime* (in bulk, in pneumatic vehicles), from plantsite of Eastern Industries, Inc., Kutztown, PA, to points in NJ, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Eastern Industries, Inc., P.O. Box 3188, Wescosville, PA 18106. Send protests to: T. M. Esposito Transortation Assistant, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

No. MC 138281 (Sub-No. 7TA), filed May 4, 1978. Applicant: MILL TRUCKING CORP., 1601 Harris Road, Laverock, PA 19118. Applicant's representative: Ronald I. Shapss, 450 Seventh Avenue, New York, NY 10001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paperboard and materials and supplies* used in the manufacture of paperboard, between Philadelphia, PA, on the one hand, and, on the other, points in the United States (excluding AK and HI), for the account of Newman & Co., Inc., under a continuing contract, or contracts, with Newman & Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Newman & Co., Inc., 6101 Tacony Street, Philadelphia, PA 19135. Send protests to: T. M. Esposito Transportation Assistant, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

No. MC 139083 (Sub-No. 3TA), filed May 5, 1978. Applicant: BUILDING SYSTEMS TRANSPORTATION, INC., P.O. Box 142, Washington Court House, OH 43160. Applicant's representative: Beery & Spurlock Co., 275 East State Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and pipe fittings, couplings, connections, and accessories* (except iron or steel and commodities which because of size or weight require the use of special equipment), from the facilities of Armco Steel Corp., Metal Products Division, at Greencastle, PA, to points in the States of MI, NY, and OH, restricted to traffic originating at the above facilities and destined to points shown above, and further restricted against the transportation of oil field commodities as defined in Mercer-Extension-Oil Field Commodities, 74 MCC 459, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Armco Steel Corp., Middletown, OH 45043. Send protests to: Frank L. Calvary District Supervisor, Interstate Commerce Commission, 220 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

No. MC 139420 (Sub-No. 35TA), filed May 5, 1978. Applicant: ART GREENBERG, d.b.a. GLACIER TRANSPORT, P.O. Box 428, Grand Forks, ND 58201. Applicant's representative: James B. Hovland, 414 Gate City Building, P.O. Box 1680, Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packaged meats and meat products*, in mechanically refrigerated equipment, from Chicago and Lansing, IL, to points in ND, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Land O'Frost, 16850 Chicago Avenue, Lansing, IL 60438. Send Protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 268 Federal Building and U.S. Post Office, 657 2d Avenue North, Fargo, ND. 58102.

No. MC 140024 (Sub-No. 113TA), filed May 4, 1978. Applicant: J. B. MONTGOMERY, INC., 5565 East 52d Avenue, Commerce City, CO 80022. Applicant's representative: John F. DeCock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of Norfolk Iron and Metal Co. at or near Norfolk, NE, to points in CO, IL, IN, IA, MI, NM, MO, and WI, for 180 days. No tack-no interline. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Norfolk Iron and Metal Co., 300 Braasch Avenue, Norfolk, NE 68701. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 721 19th Street, 492 U.S. Customs House, Denver, CO 80202.

No. MC 140119 (Sub-No. 4TA), filed May 2, 1978. Applicant: RAYMOND J. GALLAHER, Irvona, PA 16636. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, PA 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from Sandy Township, Clearfield County, PA, to the plantsite of J. E. Baker Co., Millersville, Sandusky County, OH, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Erickson of Johnstown, Inc., 127 Lauretta Lane, Johnstown, PA 15904. Send protests to: John J. England, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, Pittsburgh, PA 15222.

No. MC 141363 (Sub-No. 8TA), filed May 3, 1978. Applicant: J. M. MARC TRANSPORTATION, INC., 7 Ladik Street, Piermont, NY 10968. Applicant's representative: Bruce J. Robbins, Robbins & Newman, 118-21, Queens Boulevard, Forest Hills, NY 11375. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, and materials, equipment and supplies* used in the manufacture and distribution of paper and paper products (except in bulk), between Castleton-on-Hudson, NY, on the one hand, and, on the other, points in CT, MD, MA, NJ, NY, PA, and RI under a continuing contract, or contracts, with Brown Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Brown Co., 243 East Patterson Street, Kalamazoo, MI 49007. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

No. MC 141548 (Sub-No. 2TA), filed May 5, 1978. Applicant: INTERIOR TRANSPORT, INC., 2124 Waterworks Way, Spokane, WA 99220. Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, WA 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime* in sacks, from the facilities of the Flintkote Co., at or near Grantsville, UT, to points in WA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): (1) The Flintkote Co.,—U.S. Lime Division, 10952 Southeast, 21, Room 4, Milwaukee, OR 97222. (2) Building Supplies, Inc., E., 6721 Trent, Spokane, WA 99220. (3) Layrite Products Co., E., 1225 Trent, Spokane, WA 99220. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, Seattle, WA 98174.

No. MC 143794 (Sub-No. 4TA), filed May 3, 1978. Applicant: EAST-WEST MOTOR FREIGHT INC., Highway 45 South, P.O. Box 525, Selmer, TN 38375. Applicant's representative: William J. Monheim, 13710 East Whittier Boulevard, Suite 203, P.O. Box 1756, Whittier, CA 90609. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Air conditioning and heating units* (except commodities which because of size or weight require the use of special equipment), from Davidson County, TN, to points in AZ, CO, IA, NE, NV, ND, OR, and SD, under a continuing contract, or contracts, with Heil-Quaker Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Heil-Quaker Corp., 1714 Heil Quaker Boulevard, LaVergne, TN 37086. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, 100 North Main Building, Suite 2006, 100 North Main Street, Memphis, TN 38103.

By the Commission.

NANCY L. WILSON,
Acting Secretary.

[FR Doc. 78-18296 Filed 6-29-78; 8:45 am]

[7035-01]

[Notice No. 105]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 26, 1978.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than July 17, 1978. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and

type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, DC, and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 41406 (Sub-No. 78TA), filed May 4, 1978. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, P.O. Box 2176, Hammond, IN 46323. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, IN 46202. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Roofing, building and insulating materials* (except iron and steel articles and commodities in bulk), from the facilities of Certain Teed Corp. at Chicago Heights, IL, to points in IA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Certain Teed Corp., David H. Silvernail, Manager—Transportation Operations, P.O. Box 860, Valley Forge, PA 19482. Send protests to: Patricia A. Roscoe, Transportation Consumer Specialist, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

No. MC 41406 (Sub-No. 79TA), filed May 4, 1978. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, P.O. Box 2176, Hammond, IN 46323. Applicant's representative: Alki E. Scopelitis, 815 merchants Bank Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel articles,* from the facilities of Clark Painting Co. at or near New Lenox, IL, to the construction site of Kansas Gas & Electric Co. in Coffey County, KS, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operting authority. Supporting shipper: United States Steel Corp., Royce D. Northcutt, General Manager—Manufacturing Operations, American Bridge Division, 600 Grant Street, Room 1569, Pittsburgh, PA 15230. Send protests to: Patricia A. Roscoe, Transportation Consumer Specialist, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

No. MC 55896 (Sub-No. 77TA), filed May 2, 1978. Applicant: R-W SERVICE SYSTEM, INC., 20225 Goddard Road, Taylor, MI 48180. Applicant's representative: George E. Batty, 20225 Goddard Road, Taylor, MI 48180. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Auto parts,* between Cadillac, Lyons, Ludington, Grand Rapids, and Spring Lake, MI, on the one hand, and, on the other, St. Louis, MO, and Belvidere, IL, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Chrysler Corp., P.O. Box 1976, Detroit, MI 48288. George R. Hatfield, Supervisor—Freight Operations. Send protests to: Timothy S. Quinn, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 604 Federal Building and U.S. Courthouse, 231 West Lafayette Boulevard, Detroit, MI 48226.

No. MC 61445 (Sub-No. 9TA), filed May 5, 1978. Applicant: CONTRACTORS TRANSPORT CORP., 5800 Farrington Avenue, Alexandria, VA 22304. Applicant's representative: Daniel B. Johnson, 4304 East-West Highway, Washington, DC 20014. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *New and used structural steel, beams, angles, channels, plate, pipe, shapes and casing, and new and used constuction and equipment mats,* between Keasbey, NJ; Baltimore, MD; Washington, DC; and Atlanta, GA; and points within their commercial zones, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Drachman Structurals, Inc., 2116 Merrick Avenue, Merrick, NY 11566. Send protests to: W. C. Hersman, District Supervisor, Interstate Commerce Commission, 12th & Constitution Avenue NW., Room 1413, Washington, DC 20423.

No. MC 69397 (Sub-No. 43TA), filed May 10, 1978. Applicant: JAMES H. HARTMAN & SON, INC., P.O. Box 85, U.S. Route 13, Pocomoke City, MD 21851. Applicant's representative: Wilmer B. Hill, Suite 805, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, and fence posts,* from the facilities of Pitt Lumber Co., at or near Saluda, VA, to points in NJ and NY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Russin Lumber Corp., 86-16 21st Street, Richmond Hill, NY 11418. Send protests to: W. C. Hersman, District Supervisor, Interstate Commerce Commission, 12th and Constitution Avenue NW., Room 1413, Washington, DC 20423.

No. MC 100666 (Sub-No. 399TA), filed May 1, 1978. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, 1129 Grimmett Drive, Shreveport, LA 71107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Asbestos cement pipe, fittings and materials and supplies* used in the installation thereof, (except in bulk), from St. Louis County, MO, to points in AR, CO, KS, NE, OK, and TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): CertainTeed Corp.—Pipe & Plastic Group, P.O. Box 1100, Blue Bell, PA 19422. Send protests to: Ray C. Armstrong, Jr., District Supervisor, Interstate Commerce Commission, T-9038 U.S. Postal Service Building, 701 Loyola Avenue, New Orleans, LA 70113.

No. MC 106398 (Sub-No. 804TA), filed May 5, 1978. Applicant: NATIONAL TRAILER CONVOY, INC. P.O. Box 3329, 525 South Main, Tulsa, OK 74103. Applicant's representative: Irvin Tull, 525 South Main, Tulsa, OK 74103. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Roofing insulation,* from the facilities of The Celotex Corp, at Elizabethtown, KY, to points in CT, RI, MA, NH, VT, and ME, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The Celotex Corp., 1500 North Dale Mabry, Tampa, FL 33607. Send protests to: Connie Stanley, Transportation Assistant, Room 240, Old Post Office & Court House Building, 215 North West Third, Oklahoma City, OK 73102.

No. MC 107515 (Sub-No. 1147TA), filed May 8, 1978. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road, P.O. Box 308, Forest Park, GA 30050. Applicant's representative: Louis C. Parker, II, Serby & Mitchell, 3390 Peachtree Road, Fifth Floor, Atlanta, GA 30026. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Carpet, carpeting and tufted textile products,* from Ringgold, GA, to KY, IN and IL, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Salem Carpet Mills, Inc., P.O. Box 220, Ringgold, GA

30736. Send protests to: Sara K. Davis, Transportation Assistant, Interstate Commerce Commission, 1252 West Peachtree Street NW., Room 300, Atlanta, GA 30309.

No. MC 109584 (Sub-No. 176TA), filed May 2, 1978. Applicant: ARIZONA-PACIFIC TANK LINES, 3980 Quebec Street, P.O. Box 7240, Denver, CO 80207. Applicant's representative: Rick Barker (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fertilizer solutions, liquid* (in bulk, in tank vehicles), from Odessa, TX, to points in AZ, for 180 days. No tack-no interline. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Gilbert Feed Co., P.O. Box 4185, Mesa, AZ 85201. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 721 19th Street, 492 U.S. Customs House, Denver, CO 80202.

No. MC 13828 (Sub-No. 257TA), filed May 3, 1978. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: Michael A. Grimm, P.O. Box 30006, Washington, D.C. 20014. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum products* (in bulk, in tank vehicles), from Douglasville, GA, to Baltimore, MD; Richmond, VA; Roanoke, VA; Greensboro, NC; and Morehead City, NC, for 180 days. Supporting shipper: Central Oil Asphalt Corp., Box 4235, Roanoke, VA 24015. Send protests to: W. C. Hersman, District Supervisor, Interstate Commerce Commission, 12th & Constitution Avenue NW., Room 1413, Washington, DC 20423.

No. MC 114569 (Sub-No. 225TA), filed May 5, 1978. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Applicant's representative: N. L. Cummins, P.O. Box 418, New Kingstown, PA. 17072. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs,* from the facilities of Bruce Foods, Inc., at or near Wilson, NC, to points in the States of IN, MI, IL, and WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Bruce Foods Corp., Box 1030, New Iberia, LA 70560. Send protests to: Charles F. Myers, District Supervisor, Interstate Commerce Commission, P.O. Box 869, Federal Square Station, 228 Walnut Street, Harrisburg, PA. 17108.

No. MC 114569 (Sub-No. 227TA), filed May 24, 1978. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Applicant's representative: N. L. Cummins (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Cheese* (1) from points in WI and Upper Peninsula of MI to points in CT, ME, MD, RI, and PA; and (2) from Fredericksburg and Preston, IA, to points in MA, RI, CT, DE, and points in VA east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Alden & Brohel, Lancaster, PA 17601; Foremost Blue Moon Cheese, Thorp, WI; Nestle Co., Inc., White Plains, NY; Borden, Inc., Columbus, OH; Meinerz Creamery, Inc., New Berlin, WI; York Valley Cheese Co., Inc., Hellam, PA. Send protests to: Charles F. Myers, District Supervisor, Interstate Commerce Commission, P.O. Box 869, Federal Square Station, 228 Walnut Street, Harrisburg, PA 17108.

No. MC 115826 (Sub-No. 311TA), filed May 4, 1978. Applicant: W. J. DIGBY, INC., P.O. Box 5088 T.A., 1960 31st Street, Denver, CO 80217. Applicant's representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman Street, Denver, Colo. 80217. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods and frozen food products,* from the facilities of Banquet Foods Corp., Turlock, CA, to points in NV and AZ, for 180 days. Supporting shipper(s): Banquet Foods Corp., 100 North Broadway Street, St. Louis, MO 63102. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

No. MC 115841 (Sub-No. 634TA), filed May 2, 1978. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 110, Building 100, P.O. Box 168, Knoxville, TN 37919. Applicant's representative: D. R. Beeler, Colonial Refrigerated Transportation, Inc., 9041 Executive Park Drive, Suite 110, Building 100, Knoxville, TN 37919. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs,* (except in bulk), from the facilities of Rich Products Corp., at or near Murfreesboro, TN, to points in AL, AR, CA, DE, FL, GA, KS, LA, MD, MI, MS, MO, NJ, NC, OK, PA, SC, TN, TX, VA, WV, WI and DC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Rich Products Corp., 1145 Niagara Street, Buffalo, NY 14213. Send protests to: Glenda Kuss Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

No. MC 116996 (Sub-No. 12TA), filed May 5, 1978. Applicant: B & B CARRIERS, INC., W. Main Street, P.O. Box 160, Honey Brook, PA 19344. Applicant's representative: Sally Martin, R.D. No. 1, P.O. Box 66, East Earl, PA 17519. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Crushed stone and diamond tex* (in dump vehicles), from Paradise, PA to points in DE those in NJ south of NJ Hwy 33 and those in MD north of Baltimore and east of U.S. Hwy 15 and on the Delmarva Peninsula, under a continuing contract, or contracts, with Compass Quarries, Inc., International Mill Service, and Diamond Tex., Inc., for 180 days. Supporting shipper(s): (1) Compass Quarries, Inc., R.D., No. 2, P.O. Box 94, Paradise, PA 17562. (2) International Mill Service, 1500 Walnut Street, Philadelphia, PA 19102. (3) Diamond Tex., Inc., P.O. Box 160, Honey Brook, PA 19344. Send protests to: T. M. Esposito Transportation Assistant, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

No. MC 117119 (Sub-No. 686TA), filed May 4, 1978. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Applicant's representative: Martin M. Geffon, P.O. Box 338, Willingboro, NJ 08045. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from the facilities of Rich Products Corp. at Murfreesboro, TN, to points in AR, CA, IL, IN, KS, MO and WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Rich Products Corp., 1156 Niagara Street, Buffalo, NY 14213. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 119741 (Sub-No. 100TA), filed May 12, 1978. Applicant: GREEN FIELD TRANSPORT CO., INC., P.O. Box 1235, 1515 Third Avenue NW., Fort Dodge, IA 50501. Applicant's representative: D. L. Robson, P.O. Box 1235, Fort Dodge, IA 50501. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses,* as described in sections A and C of appendix I to the report in "Descriptions in Motor Carrier Certificates," 61 MCC 209 and 766 (except

hides and commodities in bulk, in tank vehicles), from the facilities of Land O'Frost, Inc., at Chicago, IL, and its commercial zone to points in IA, KS, MO and NE, for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operting authority. Supporting shipper(s): Land O'Frost, 16850 Chicago Avenue, Lansing, IL 60438. Send protests to: Herbert W. Allen District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

No. MC 124078 (Sub-No. 805TA), filed May 4, 1978, and published in the FEDERAL REGISTER issue of June 8, 1978, and republished as corrected this issue.

No. MC 124078 (Sub-No. 805TA), filed May 4, 1978. Applicant: SCHWERMAN TRUCKING CO., 611 South 28 Street, Milwaukee, WI 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Salt cake* (in bulk, in tank vehicles), from Weeks, LA, to Mulford, TX, for 180 days. Supporting shipper(s): Morton Chemical Co., 110 North Wacker Drive, Chicago, IL 60606. (J. L. Callaghan) Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, room 619, Milwaukee, WI 53202. The purpose of this republication is to correct the territorial description.

No. MC 135797 (Sub-No. 114TA), filed April 17, 1978. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, U.S. Highway 71, Lowell, AR 72745. Applicant's representative: Paul R. Bergant, 10 South LaSalle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured, distributed or used by manufacturers of sporting goods and recreational equipment (except commodities in bulk), (1) from the facilities of Frabill Manufacturing Co., located at or near Milwaukee, WI, on the one hand, and on the other, points in CA, OR, WA, NV, ND, SD, NE, KS, OK, TX, MN, IA, MO, AR, LA, WI, IL, KY, TN, MS, MI, IN, AL, GA, FL, SC, NC, OH, WV, VA, PA, NY, MD, NJ, CT, ME, MA, NH, RI, DE, VT, and UT; and (2) from Seattle, WA; Chicago, IL; and Detroit, MI, to the facilities of Frabill Manufacturing Co., located at or near Milwaukee, WI, for 180 days. Supporting shipper(s): Frabill Manufacturing Co., 5211 South 3d Street, Milwaukee, WI 53207. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 138875 (Sub-No. 87TA), filed April 26, 1978, and published in the FEDERAL REGISTER issue of May 25, 1978, and republished as corrected this issue. Applicant: SHOEMAKER TRUCKING CO., 11900 Franklin Road, Boise, ID 83705. Applicant's representative: F. L. Sigloh (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fire retardants and fire fighting equipment and supplies,* from Ontario, CA, and Boise, ID, to points in CA, WA, OR, ID, MT, NV, UT, and CO, for 180 days. Applicant does not intend to tack or interline authority. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, MO 63166. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, suite 110, 1471 Shoreline Drive, Boise, ID 83706. The purpose of this republication is to include Montana in the territorial description.

No. MC 141500 (Sub-No. 7TA), filed April 20, 1978. Applicant: SUPERIOR TRUCKING CO., INC., P.O. Box 35, Kewaskum, WI 53040. Applicant's representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, WI 53203. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Coal and briquettes* from Green Bay and Sheboygan, WI to points in IL on and north of IL Hwy 17; and (2) *Petroleum coke,* from Joliet and south Chicago, IL to Green Bay, WI, all under a continuing contract or contracts with the C. Reiss Coal Co., located at Sheboygan, WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The C. Reiss Coal Co., Sheboygan, WI 53081 (E. R. Knauf). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, room 619, Milwaukee, WI 53202.

No. MC 142698 (Sub-No. 3TA), filed April 24, 1978, and published in the FEDERAL REGISTER issue of May 25, 1978, and republished as corrected this issue. Applicant: B. A. STRICKLAND, 620 Old Hwy 99 N. Burlington, WA 98233, Applicant's representative: Henry C. Winters, 235 Evergreen Building, Renton, WA 98055. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used in the operation of retail department stores, from the facilities of Nordstrom, Inc., at Tukwila, WA, to the facilities of Nordstrom, Inc., at Costa Mesa, CA, restricted to a transportation service to be performed under a continuing contract or contracts with Nordstrom, Inc., of Seattle, WA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Nordstrom, Inc., 1201 Andover Park E., Seattle, WA 98188. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, Seattle, WA 98174. The purpose of this republication is to correct territorial description.

No. MC 144207 (Sub-No. 2TA), filed May 4, 1978. Applicant: SOUTHWEST TRANSPORT, INC., P.O. Box 806, Highway East, Mena, AR 71953. Applicant's representative: Troy R. Douglas, 15 Court Street, Fort Smith, AR 72901. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Prefabricated buildings, equipment, supplies, and building materials* (except commodities in bulk), from the facilities of Arkansas Log Homes, Inc., at or near Mena, AR, to points in the United States, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Arkansas Log Homes, Inc., P.O. Box 959, Mena, AR 71953. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 144278 (Sub-No. 1TA), filed May 2, 1978. Applicant: ROBERT R. WARNER, d.b.a., B & R TRUCKING CO., 104 Frum Road, P.O. Box 709, Bridgeport, WV 26330. Applicant's representative: Robert R. Warner, P.O. Box 709, Bridgeport, WV 26330. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Silica glass sand* (in bulk, in dump vehicles), from Gore, VA, to Jerry Run, WV, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Bruce G. Wells Director of Purchasing, Fourco Glass Co. Jerry Run, Division, P.O. Box 890, Bridgeport, WV 26330. Send protests to: Frances A. Ciccarello, Secretary, Interstate Commerce Commission, 3108 Federal Office Building, 500 Quarrier Street, Charleston, WV 25301.

No. MC 144661 (Sub-No. 1TA), filed May 4, 1978. Applicant: F. A. MILLER, INC., Box 401, Rexberg, ID 93440. Applicant's representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Lumber, lumber mill products, and particleboard,* from points in ID in

and north of Idaho County, OR, WA and those points in MT in and west of the following counties: Glacier, Pondera, Teton, Lewis and Clark, Jefferson and Madison Counties, MT, to points in CO, UT and WY, under a continuing contract, or contracts, with Intermountain-Orient, Inc., for 180 days. Applicant does not intend to tack or interline authority. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Intermountain-Orient, Inc., 11095 Executive Drive, Boise, ID 83704. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, suite 110, 1471 Shoreline Drive, Boise, ID 83706.

By the Commission.

NANCY L. WILSON,
Acting Secretary.

[FR Doc. 78-18297 Filed 6-29-78; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Consumer Product Safety Commission	1, 2
Federal Energy Regulatory Commission	3, 4
Federal Trade Commission	5
Interstate Commerce Commission	6
Renegotiation Board	7, 8

[6355-01]

1

CONSUMER PRODUCT SAFETY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: June 22, 1978, 43 FR 26879.

PREVIOUSLY ANNOUNCED DATE AND TIME: June 28, 1978, 9:30 a.m.

CHANGES IN THE MEETING:

Commission meeting, Wednesday, June 28, 1978, 9:30 a.m., third floor hearing room, 1111 18th Street NW., Washington, D.C.

REVISED AGENDA [1]

CLOSED TO THE PUBLIC

11. *TRIS litigation.*—The Commission and staff will discuss matters related to litigation involving the flame-retardant chemical TRIS.

2. *Recommendation to accept compliance report (OS No. 553).*—The staff has recommended that the Commission accept the Compliance Report which this firm has filed following he Commission's provisional acceptance of an executed consent agreement under the Flammable Fabrics Act, but prior to issuance of a final order in the case.

3. *Selection of advisory committee members.*—At this meeting, the Commission will select members to fill vacancies on its three advisory committees: the Product Safety Advisory Council (seven vacancies); the National Advisory Committee for the Flammable Fabrics Act (nine vacancies); and the Technical Advisory Committee on Poison Prevention Packaging (eight vacancies).

OPEN TO THE PUBLIC

4. *Budget decision.*—The Commission will make a preliminary decision on the fiscal year 1980 budget as it relates to administrative costs.

[S-1364-78 FIled 6-28-78; 1:12 pm]

[1] Agenda approved June 22. Items 1 and 3 were originally scheduled for June 29 agenda. Agenda revised June 27 with deletion of previous item 3, a briefing by Office of Congressional Relations staff and with the addition of item 4, on the budget.

[6355-01]

2

CONSUMER PRODUCT SAFETY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: June 22, 1978, 43 FR 26879.

PREVIOUSLY ANNOUNCED DATE AND TIME: June 29, 1978, 9:30 a.m.

CHANGES IN THE MEETING:

Commission meeting, Thursday, June 29, 1978, 9:30 a.m., third floor hearing room, 1111 18th Street NW., Washington, D.C.

REVISED AGENDA [2] (as of June 27, 1978)

OPEN TO THE PUBLIC

1. *Addendum to corrective action plan: McGraw-Edison and Montgomery Ward humidifiers and air cleaner/humidifiers, ID 77-24.*—In January, the Commission accepted the technical aspects of the corrective action plans for these products, but rejected the notification aspects. The staff worked with the companies, and has presented the revised notifications for Commission consideration.

2. *Recommendation to accept corrective action plan and close case: Revco, Inc. refrigerator/freezer, ID 78-30.*—The staff has recommended that the Commission accept the corrective action plan which Revco has implemented to deal with a possible shock hazard in certain refrigerator/freezers it manufactures. The staff also has recommended that the Commission close the case and not pursue a timeliness-of-reporting case.

3. *Recommendation to accept corrective action plan: Under Sea Industries scuba regulator, ID 77-37.*—The staff has recommended that the Commission accept the corrective action plan this firm has implemented to deal with possible hazards associated with certain scuba regulators it manufactures.

4. *Recommendation to accept corrective action plan and close case: H-G Toys, Inc., toy golf sets, ID 77-47.*—The staff has recommended that the Commission accept the corrective action plan, and close this case which involves a possible defect in a toy golf club this firm manufacturers.

5. *Petition to amend standard for architectural glazing, CP 78-4.*—ELCO Manufacturing, Inc. has asked the Commission to amend the glazing standard to clarify whether windows that do not fall within the definition of "glazed panel" are not subject to the standard. The petitioner alleges that there is confusion about the term "window" in the standard, and that the Commission could eliminate the confusion by amending the standard.

6. *Petition on polyurethane mattresses, FP 78-2.*—Esther Peterson, Special Assistant to the President for Consumer Affairs, has asked that the Commission amend the current standard for the flammability of mattresses so that it is more appropriate for mattresses used in institutions with restricted access and escape. The petition refers to a fatal prison fire in which polyurethane mattresses were involved.

7. *CPSC priorities.*—At its May 25 Meeting, the Commission provided guidance to the staff on a draft FEDERAL REGISTER document listing revised priorities for Commission action during the remainder of the fiscal year. At this meeting, the Commission will consider an amended version of that document. (This matter was originally scheduled for consideration at the June 15 Meeting.)

8. *Possible reproposal of certain portions of the bicycle standard.*—The staff and Commission will discuss the effect of a recent court decision remanding to the Commission certain requirements of CPSC's safety standard for bicycles.

9. *Substantial product hazard regulation.*—At its June 15 meeting, the Commission approved a final draft of the Substantial Product Hazard (section 15) Regulation, with the exception of an interpretation of the term "defect". At this meeting, the Commission will consider proposed language interpreting that term.

[S-1365-78 Filed 6-28-78; 1:12 pm]

[2] Agenda approved June 22 with the deletion of two closed items, which were added to the June 28 agenda. This agenda was revised June 27 with the deletion of previous item 9 (Possible Effect that Recent Court Decisions May have on Regulatory Development), and addition of a new item 9, Substantial Product Hazard Regulation.

[6740-02]

3

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 27639, published June 26, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., June 28, 1978.

CHANGE IN MEETING: The following items have been added:

Item No., Docket No., and Company

CAG-45.—RP72-127 and R. & D. 75-1, Northern Natural Gas Co.

CAG-46.—RP77-31, Southern Natural Gas Co.

CP-6(A).—CP77-363, Columbia Gas Transmission Corp. and National Fuel Gas Supply Corp.

CP-6(B).—RP78-61, Transcontinental Gas Pipe Line Corp.
CAG-47.—CP75-140, et al., Pacific Alaska LNG Co., et al.
CAG-48.—CI78-578, Anadarko Production Co.
CAG-49.—G-11637, Gulf Oil Corp.
CAG-50.—G-4542, Atlantic Richfield Co. (Operator), et al.
CAG-51.—G-3894, Atlantic Richfield Co.
CAG-52.—CI78-685, Amerada Hess Corp.
CAG-53.—CI78-632, Aminoil USA, Inc.
CAG-54.—CI78-391, Tenneco Oil Co.
CAG-55.—CI77-606, Continental Oil Co., et al.
CAG-56.—CI78-656 and CI 78-660, American Natural Gas Production Co., CI78-708 and CI78-709, American Natural Gas Production Co.
CAG-57.—CI77-236, et al., Atlantic Richfield Co. (Operator), et al.
CAG-58.—CI78-673, Helmerich & Payne, Inc.
CAG-59.—CI77-581, et al., Alminex U.S.A., Inc., et al.
CAG-60.—CI78-636, Atlantic Richfield Co.
CAG-61.—CI77-139, Amoco Production Co.
CAG-62.—CI77-839 and CI77-850, Forest Oil Corp. and Columbia Gas Development Corp.
ER-14.—ER78-425, Minnesota Power & Light Co.
CAP-17.—Project No. 533, City of Seattle, Washington.
CAP-18.—ER77-531, Illinois Power Co.
CAP-19.—ER78-418, Central Illinois Public Service Co.
CAP-20.—ES78-34, Northwestern Public Service Co.
CAP-21.—ES78-37, Upper Peninsula Power Co.
CAP-22.—ES78-38, Upper Peninsula Power Co.
M-6.—Public Notice on Decontrol of Aviation Gasoline and Kerosene-Base Jet Fuel.

KENNETH F. PLUMB,
Secretary.

[S-1362-78 Filed 6-28-78; 10:28 am]

[6740-02]

4

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 27639, published June 26, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., June 28, 1978.

CHANGE IN MEETING: The following item has been added:

Item No., Docket No., and Company

CP-9.—Black Marlin Pipeline Co.

KENNETH F. PLUMB,
Secretary.

[S-1363-78 Filed 6-28-78; 1:12 pm]

[6750-01]

5

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Wednesday, July 5, 1978.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission has not yet scheduled any matters for discussion at this meeting. If no item is placed on the agenda by 10 a.m., on Wednesday, July 5, 1978, the meeting will automatically be canceled. Any item that is placed on the agenda before that time will be announced in accordance with the additional information procedures posted with Commission meeting notices outside Room 130 of the Federal Trade Commission.

CONTACT PERSON FOR MORE INFORMATION:

Wilbur T. Weaver, Office of Public Information, 202-523-3830. Recorded Message: 202-523-3806.

[S-1366-78 Filed 6-28-78; 1:12 pm]

[7035-01]

6

INTERSTATE COMMERCE COMMISSION.

TIME AND DATE: 2 p.m., Wednesday, July 5, 1978.

PLACE: Room 4225, Interstate Commerce Commission Building, 12th Street and Constitution Avenue NW., Washington, D.C.

STATUS: Open special conference.

MATTER TO BE CONSIDERED: 1. Fiscal year 1979 budget review plans.

CONTACT PERSON FOR MORE INFORMATION:

Douglas Baldwin, Director, Office of Communications, telephone 202-275-7252.

The Commission's professional staff will be available to brief news media representatives on conference issues at the conclusion of the meeting.

[S-1361-78 Filed 6-28-78; 10:28 am]

[7910-01]

7

RENEGOTIATION BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 26363, June 19, 1978.

PREVIOUSLY ANNOUNCED DATE AND TIME OF MEETING: Wednesday, June 28, 1978, 2 p.m.

CHANGE IN MEETING: Cancellation.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: June 27, 1978.

GOODWIN CHASE,
Chairman.

[S-1367-78 Filed 6-28-78; 1:12 pm]

[7910-01]

8

RENEGOTIATION BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 27282, June 23, 1978.

PREVIOUSLY ANNOUNCED DATE AND TIME OF MEETING: Thursday, June 29, 1978, 2 p.m.

CHANGE IN MEETING: Cancellation.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: June 27, 1978.

GOODWIN CHASE,
Chairman.

[S-1368-78 Filed 6-28-78; 1:12 pm]

federal register

FRIDAY, JUNE 30, 1978
PART II



DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Government Financial Operations

■

CIRCULAR 570; 1978 REVISION

Surety Companies Acceptable on Federal Bonds

4810-35

DEPARTMENT OF THE TREASURY

FISCAL SERVICE, BUREAU OF GOVERNMENT FINANCIAL OPERATIONS

(Dept. Circular 570; 1978 Rev.)

COMPANIES HOLDING CERTIFICATES OF AUTHORITY AS ACCEPTABLE SURETIES ON FEDERAL BONDS AND AS ACCEPTABLE REINSURING COMPANIES

Effective: July 1, 1978

This circular is published annually, as of July 1, solely for the information of Federal bond-approving officers and persons required to give bonds to the United States. Copies of this circular may be obtained from: Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D. C. 20226. Telephone: (202) 634-5978. Interim changes in the circular are published in the FEDERAL REGISTER as they occur.

The following companies have complied with the law and the regulations of the Treasury Department and are acceptable as sureties and reinsurers on Federal bonds, to the extent and with respect to the localities indicated.

Commissioner
Bureau of Government
Financial Operations

COMPANIES HOLDING CERTIFICATES OF AUTHORITY UNDER SECTIONS 6 TO 13 OF TITLE 6 OF THE UNITED STATES CODE AS ACCEPTABLE SURETIES ON FEDERAL BONDS, INCLUDING REINSURANCE (See Note a/)

AID Insurance Company (Mutual). BUSINESS ADDRESS: 701 Fifth Avenue, Des Moines, Iowa 50309. UNDERWRITING LIMITATION b/: $4,764,000. SURETY LICENSES c/: Ariz., Ark., Cal., Colo., D.C., Idaho, Ill., Ind., Iowa, Kans., Minn., Mo., Mont., Nebr., N. Mex., N. Dak., Okla., Oreg., S. Dak., Tex., Utah, Wash., Wis., Wyo. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/: Ariz., Cal., Colo., D.C., Idaho, Ill., Kans., Minn., Nebr., N. Dak., Okla., Oreg., S. Dak., Utah, Wis., Wyo.

AIU Insurance Company. BUSINESS ADDRESS: 102 Maiden Lane, New York, N.Y. 10005. UNDERWRITING LIMITATION b/: $954,000. SURETY LICENSES c/: All except C.Z., Del., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: All except Mass., Minn., sN.Y., Puerto Rico.

Accredited Surety and Casualty Company, Inc. BUSINESS ADDRESS: 918 South Orange Avenue, Orlando, Fla. 32806. UNDERWRITING LIMITATION b/: $153,000. SURETY LICENSES c/: Ala., Fla., Ga., Ind., La., Miss., Va. INCORPORATED IN: Fla. FEDERAL PROCESS AGENTS d/: nmAla., D.C., nmGa., Ind., La., Md., sMiss., eN.Y., S.C., Va.

The Aetna Casualty and Surety Company. BUSINESS ADDRESS: 151 Farmington Avenue, Hartford, Conn. 06156. UNDERWRITING LIMITATION b/: $79,018,000. SURETY LICENSES c/: All. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/: All.

*Aetna Casualty & Surety Company of Illinois. BUSINESS ADDRESS: 230 West Monroe Street, Chicago, Ill. 60606. UNDERWRITING LIMITATION b/: $7,920,000. SURETY LICENSES c/: Ark., Del., D.C., Ill., Ind., Iowa, Ky., La., Mich., Miss., Mo., Mont., Utah, Wash., W. Va., Wis. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/: Del., D.C., Ind., Iowa, Ky., Mich., Miss., Mo., Wash., Wis.

Aetna Fire Underwriters Insurance Company. BUSINESS ADDRESS: 55 Elm Street, Hartford, Conn. 06115. UNDERWRITING LIMITATION b/: $875,000. SURETY LICENSES c/: All except C.Z., Guam, Oreg., Puerto Rico, Virgin Islands. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/: D.C., Md., N.J., Ohio, Pa.

Aetna Insurance Company. BUSINESS ADDRESS: 55 Elm Street, Hartford, Conn. 06115. UNDERWRITING LIMITATION b/: $24,338,000. SURETY LICENSES c/: All except C.Z., Guam. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Hawaii, Virgin Islands.

Aetna Life and Casualty Company. BUSINESS ADDRESS: 151 Farmington Avenue, Hartford, Conn. 06156. UNDERWRITING LIMITATION b/: $140,360,000. SURETY LICENSES c/: Conn., D.C. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/: D.C.

Aetna Reinsurance Company. BUSINESS ADDRESS: 55 Elm Street, Hartford, Conn. 06115. UNDERWRITING LIMITATION b/: $1,505,000. SURETY LICENSES c/: Del. INCORPORATED IN: Del. FEDERAL PROCESS AGENTS d/:

Alaska Pacific Assurance Company. BUSINESS ADDRESS: 4041 "B" Street, Anchorage, Alaska 99503. UNDERWRITING LIMITATION b/: $736,000. SURETY LICENSES c/: Alaska, D.C., Idaho. INCORPORATED IN: Alaska. FEDERAL PROCESS AGENTS d/: D.C., Idaho.

Allegheny Mutual Casualty Company. BUSINESS ADDRESS: 485 Chestnut Street, Meadville, Pa. 16335. UNDERWRITING LIMITATION b/: $146,000. SURETY LICENSES c/: Alaska, D.C., Fla., Ill., Ind., La., Md., Mich., N.J., Ohio, Pa., Tenn., Tex., Wis. INCORPORATED IN: Pa. FEDERAL PROCESS AGENTS d/: D.C., sFla., nIll., Ind., Md., eMich., N.J., Ohio, S.C., wTenn., eVa., Wis.

Allianz Insurance Company. BUSINESS ADDRESS: Post Office Box 54897, Terminal Annex, Los Angeles, Cal. 90054. UNDERWRITING LIMITATION b/: $2,700,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/: D.C.

Allied Fidelity Insurance Co. BUSINESS ADDRESS: Post Office Box 20112, Indianapolis, Ind. 46220. UNDERWRITING LIMITATION b/: $227,000. SURETY LICENSES c/: All except C.Z., D.C., Guam, Hawaii, Me., Md., N.J., N.Y., N.C., N. Dak., Pa., Puerto Rico, R.I., S. Dak., Vt., Virgin Islands. INCORPORATED IN: Ind. FEDERAL PROCESS AGENTS d/: Alaska, Ariz., Cal., Colo., Conn., D.C., msFla., Ga., Idaho, Kans., Ky., meLa., Mass., Minn., sMiss., Mo., Mont., Okla., Oreg., Tenn., sTex., eVa., wWis.

Allied Surety Company. BUSINESS ADDRESS: Post Office Box 156, Reading, Pa. 19603. UNDERWRITING LIMITATION b/: $45,000. SURETY LICENSES c/: Pa. INCORPORATED IN: Pa. FEDERAL PROCESS AGENTS d/: D.C.

Allstate Insurance Company. BUSINESS ADDRESS: Allstate Plaza, Northbrook, Ill. 60062. UNDERWRITING LIMITATION b/: $140,250,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Puerto Rico, Virgin Islands.

*See footnotes at end of table.

American Agricultural Insurance Company. BUSINESS ADDRESS: 225 Touhy Avenue, Park Ridge, Ill. 60068. UNDERWRITING LIMITATION b/: $2,528,000. SURETY LICENSES c/: Ariz., Colo., Fla., Ga., Idaho, Ill., Ind., Iowa, Mo., N. Mex., N.C., N. Dak., Oreg., Pa., S.C., Tex., Wash., Wis. (Reinsurance only in Kans., Mass., N.Y., Va.). INCORPORATED IN: Ind. FEDERAL PROCESS AGENTS d/: D.C.

American Automobile Insurance Company. BUSINESS ADDRESS: 3333 California Street, San Francisco, Cal. 94119. UNDERWRITING LIMITATION b/: $6,413,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: Mo. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, mLa., Virgin Islands.

American Bonding Company. BUSINESS ADDRESS: 8601 Beverly Boulevard, Los Angeles, Cal. 90048. UNDERWRITING LIMITATION b/: $128,000. SURETY LICENSES c/: Alaska, Ariz., Ark., Cal., Colo., D.C., Idaho, Iowa, Kans., Miss., Mo., Mont., Nebr., Nev., N. Mex., Okla., Oreg., Tex., Utah. INCORPORATED IN: Nebr. FEDERAL PROCESS AGENTS d/: ceCal., D.C.

American Casualty Company of Reading, Pennsylvania. BUSINESS ADDRESS: CNA Plaza, Chicago, Ill. 60685. UNDERWRITING LIMITATION b/: $4,365,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: Pa. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Kans., nN.Y., mN.C., eOkla., S. Dak., sTex., Virgin Islands.

American Credit Indemnity Company of New York. BUSINESS ADDRESS: 300 St. Paul Place, Baltimore, Md. 21202. UNDERWRITING LIMITATION b/: $3,367,000. SURETY LICENSES c/: All except Alaska, C.Z., Guam, Hawaii, Ky., Mont., Nev., N. Dak., Puerto Rico, Virgin Islands, Wyo. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: D.C.

The American Druggists' Insurance Company. BUSINESS ADDRESS: 800 American Building, Cincinnati, Ohio 45202. UNDERWRITING LIMITATION b/: $400,000. SURETY LICENSES c/: Ala., Ark., Colo., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., La., Me., Md., Mich., Minn., Miss., Mo., N.Y., N.C., Ohio, Okla., Oreg., Pa., S.C., Tenn., Tex., Va., Wash., Wis. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/: D.C.

American Economy Insurance Company. BUSINESS ADDRESS: 500 North Meridian Street, Indianapolis, Ind. 46207. UNDERWRITING LIMITATION b/: $6,021,000. SURETY LICENSES c/: All except C.Z., Conn., Guam, N.J., Puerto Rico, Virgin Islands. INCORPORATED IN: Ind. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Puerto Rico, Virgin Islands.

American Employers' Insurance Company. BUSINESS ADDRESS: One Beacon Street, Boston, Mass. 02108. UNDERWRITING LIMITATION b/: $6,225,000. SURETY LICENSES c/: All except Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Mass. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Virgin Islands.

American Fidelity Company. BUSINESS ADDRESS: Post Office Box 960, Manchester, N.H. 03105. UNDERWRITING LIMITATION b/: $510,000. SURETY LICENSES c/: Conn., Iowa, Me., Mass., Miss., Nebr., N.H., R.I., Vt. INCORPORATED IN: Vt. FEDERAL PROCESS AGENTS d/: All except C.Z., Puerto Rico.

American Fidelity Fire Insurance Company. BUSINESS ADDRESS: 100 Crossways Park West, Woodbury, N.Y. 11797. UNDERWRITING LIMITATION b/: $371,000. SURETY LICENSES c/: All except C.Z., Colo., Guam, Hawaii, Kans., Mo., Nebr., N.H. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: Alaska, Ariz., Cal., D.C., sFla., nGa., Idaho, nIll., eLa., Mich., Mont., Nev., N. Mex., Oreg., Puerto Rico, wTenn., Utah, eVa., Wash., Wis.

American Fire and Casualty Company. BUSINESS ADDRESS: 136 North Third Street, Hamilton, Ohio 45012. UNDERWRITING LIMITATION b/: $985,000. SURETY LICENSES c/: Ala., Ark., Colo., D.C., Fla., Ga., Kans., Ky., La., Md., Miss., Mo., N.C., Okla., S.C., Tenn., Tex., Va. INCORPORATED IN: Fla. FEDERAL PROCESS AGENTS d/: Ala., Ark., Colo., D.C., Ga., Kans., Ky., La., Md., Miss., Mo., N.C., Okla., S.C., Tenn., Tex., Va.

American General Fire and Casualty Company. BUSINESS ADDRESS: Post Office Box 1502, Houston, Tex. 77001. UNDERWRITING LIMITATION b/: $2,059,000. SURETY LICENSES c/: Ark., La., N. Mex., Okla., Tex. INCORPORATED IN: Tex. FEDERAL PROCESS AGENTS d/: D.C., weLa., N. Mex., Okla.

American General Insurance Company. BUSINESS ADDRESS: Post Office Box 3247, Houston, Tex. 77001. UNDERWRITING LIMITATION b/: $32,846,000. SURETY LICENSES c/: Mich., Pa., Tex. INCORPORATED IN: Tex. FEDERAL PROCESS AGENTS d/: All except Guam, Md.

American Guarantee and Liability Insurance Company. BUSINESS ADDRESS: 111 West Jackson Boulevard, Chicago, Ill. 60604. UNDERWRITING LIMITATION b/: $1,114,000. SURETY LICENSES c/: All except Ala., C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: Alaska, Cal., Conn., D.C., nFla., nsGa., nsIll., nInd., Me., Md., Mass., eMich., Minn., Mo., N.H., N.J., N. Mex., Ohio, Pa., nswTex., Vt.

American Home Assurance Company. BUSINESS ADDRESS: 102 Maiden Lane, New York, N.Y. 10005. UNDERWRITING LIMITATION b/: $10,416,000. SURETY LICENSES c/: All. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: All except Mass., Minn., Puerto Rico.

American Indemnity Company. BUSINESS ADDRESS: Post Office Box 1259, Galveston, Tex. 77553. UNDERWRITING LIMITATION b/: $1,806,000. SURETY LICENSES c/: Ala., Cal., Colo., D.C., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., La., Miss., Mo., Mont., Nebr., N. Mex., N.C., Ohio, Okla., S.C., Tenn., Tex., Va., Wis., Wyo. INCORPORATED IN: Tex. FEDERAL PROCESS AGENTS d/: D.C., msFla., eIll., eMo., wTenn.

The American Insurance Company. BUSINESS ADDRESS: 3333 California Street, San Francisco, Cal. 94119. UNDERWRITING LIMITATION b/: $13,968,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: N.J. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, mLa., sN.Y., Virgin Islands.

American Manufacturers Mutual Insurance Company. BUSINESS ADDRESS: Long Grove, Ill. 60049. UNDERWRITING LIMITATION b/: $4,071,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Puerto Rico, Virgin Islands.

American Motorists Insurance Company. BUSINESS ADDRESS: Long Grove, Ill. 60049. UNDERWRITING LIMITATION b/: $8,174,000. SURETY LICENSES c/: All except C.Z., Del., Guam, Virgin Islands. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/: All except C.Z., Del., Guam, Virgin Islands.

American Mutual Liability Insurance Company. BUSINESS ADDRESS: Wakefield, Mass. 01880. UNDERWRITING LIMITATION b/: $3,975,000. SURETY LICENSES c/: All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands. INCORPORATED IN: Mass. FEDERAL PROCESS AGENTS d/: D.C.

American National Fire Insurance Company. BUSINESS ADDRESS: 580 Walnut Street, Cincinnati, Ohio 45202. UNDERWRITING LIMITATION b/: $766,000. SURETY LICENSES c/: All except C.Z. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: All except C.Z., nFla., sW. Va.

American Re-Insurance Company. BUSINESS ADDRESS: One Liberty Plaza, 91 Liberty Street, New York, N.Y. 10006. UNDERWRITING LIMITATION b/: $10,850,000. SURETY LICENSES c/: All except Guam, Virgin Islands. INCORPORATED IN: Del. FEDERAL PROCESS AGENTS d/: All except Guam., N.Y., eTex.

American Reserve Insurance Company. BUSINESS ADDRESS: 55 East Monroe Street, Chicago, Ill. 60603. UNDERWRITING LIMITATION b/: $955,000. SURETY LICENSES c/: All except C.Z., Guam, La., N.Y., Puerto Rico, Virgin Islands, Wyo. INCORPORATED IN: R.I. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, N.Y., Puerto Rico, Virgin Islands, Wyo.

American Southern Insurance Company. BUSINESS ADDRESS: Post Office Box 7369, Station C, Atlanta, Ga. 30357. UNDERWRITING LIMITATION b/: $338,000. SURETY LICENSES c/: Fla., Ga. INCORPORATED IN: Ga. FEDERAL PROCESS AGENTS d/: D.C., Fla.

*See footnotes at end of table.

American States Insurance Company. BUSINESS ADDRESS: 500 North Meridian Street, Indianapolis, Ind. 46207. UNDERWRITING LIMITATION b/: $14,504,000. SURETY LICENSES c/: All except C.Z., Conn., Guam, N.Y., Puerto Rico, Virgin Islands. INCORPORATED IN: Ind. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Puerto Rico, Virgin Islands.

Amwest Surety Insurance Company. BUSINESS ADDRESS: 10960 Wilshire Boulevard, Los Angeles, Cal. 90024. UNDERWRITING LIMITATION b/: $54,000. SURETY LICENSES c/: Cal. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/: D.C.

Arkwright-Boston Manufacturers Mutual Insurance Company. BUSINESS ADDRESS: 225 Wyman Street, Waltham, Mass. 02154. UNDERWRITING LIMITATION b/: $20,346,000. SURETY LICENSES c/: Cal., Colo., Conn., D.C., Ill., Ind., Iowa, Md., Mass., Mich., Minn., Mo., Nebr., Nev., N.H., N.J., N.Y., N.C., Ohio, R.I., Utah, Vt., Wash., Wyo. INCORPORATED IN: Mass. FEDERAL PROCESS AGENTS d/: D.C., nOhio.

Associated Indemnity Corporation. BUSINESS ADDRESS: 3333 California Street, San Francisco, Cal. 94119. UNDERWRITING LIMITATION b/: $1,642,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, nLa., Virgin Islands.

Atlantic Insurance Company. BUSINESS ADDRESS: Post Office Box 1771, Dallas, Tex. 75221. UNDERWRITING LIMITATION b/: $1,357,000. SURETY LICENSES c/: All except C.Z., Conn., Del., Guam, Hawaii, Idaho, Iowa, La., Me., Mass., Nebr., N.H., N.J., N.Y., N. Dak., Oreg., Puerto Rico, R.I., Vt., Va., Virgin Islands, Wash., Wis., Wyo. INCORPORATED IN: Tex. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.

Atlantic Mutual Insurance Company. BUSINESS ADDRESS: Atlantic Building, 45 Wall Street, New York, N.Y. 10005. UNDERWRITING LIMITATION b/: $6,780,000. SURETY LICENSES c/: All except Ala., C.Z., Guam, Hawaii, Virgin Islands. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: D.C.

Auto-Owners Insurance Company. BUSINESS ADDRESS: Post Office Box 30660, Lansing, Mich. 48909. UNDERWRITING LIMITATION b/: $12,120,000. SURETY LICENSES c/: Ala., Fla., Ga., Ill., Ind., Iowa, Mich., Minn., Mo., Nebr., N.C., N. Dak., Ohio, S.C., S. Dak., Tenn., Wis. INCORPORATED IN: Mich. FEDERAL PROCESS AGENTS d/: Ala., D.C., nmFla., Ga., Ill., Ind., Iowa, Kans., Ky., Minn., Mo., Nebr., N.C., N. Dak., Ohio, S.C., S. Dak., Tenn., Wis.

The Automobile Insurance Company of Hartford, Connecticut. BUSINESS ADDRESS: 151 Farmington Avenue, Hartford, Conn. 06156. UNDERWRITING LIMITATION b/: $3,782,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Vt., Virgin Islands. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Puerto Rico, Vt., Virgin Islands.

Balboa Insurance Company. BUSINESS ADDRESS: Post Office Box 1770, Newport Beach, Cal. 92660. UNDERWRITING LIMITATION b/: $2,959,000. SURETY LICENSES c/: All except C.Z., La., Vt. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/: nAla., Alaska, Ariz., eArk., D.C., nmFla., nGa., Idaho, wKy., meLa., Mich., Minn., sMiss., Nev., N. Mex., weN.C., wOkla., Oreg., S.C., mTenn., nTex., Utah, eVa., wWash.

Bankers Multiple Line Insurance Company. BUSINESS ADDRESS: 4810 North Kenneth Avenue, Chicago, Ill. 60630. UNDERWRITING LIMITATION b/: $1,894,000. SURETY LICENSES c/: All except C.Z., Del., Guam, Idaho, Kans., La., Me., Oreg., Puerto Rico, S.C., Tenn., Virgin Islands. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/: D.C.

Binford Insurance Company. BUSINESS ADDRESS: 545 Sansome Street, San Francisco, Cal. 94111. UNDERWRITING LIMITATION b/: $40,000. SURETY LICENSES c/: N. Mex. INCORPORATED IN: N. Mex. FEDERAL PROCESS AGENTS d/: All except nsAla., wArk., seCal., C.Z., nmFla., msGa., Guam, Idaho, seIll., nInd., nIowa, eKy., wmLa., wMich., nMiss., wMo., nweN.Y., weN.C., neOkla., mPa., Puerto Rico, wmTenn., weTex., wVa., Virgin Islands, eWash., nW. Va., eWis.

Boston Old Colony Insurance Company. BUSINESS ADDRESS: 80 Maiden Lane, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $583,000. SURETY LICENSES c/: All except C.Z., Guam. INCORPORATED IN: Mass. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam.

The Buckeye Union Insurance Company. BUSINESS ADDRESS: Post Office Box 1499, Columbus, Ohio 42216. UNDERWRITING LIMITATION b/: $16,464,000. SURETY LICENSES c/: D.C., Fla., Ill., Ind., Kans., Ky., Mich., Mo., N.Y., Ohio, Pa., Va., W. Va. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/: D.C., Fla., Ill., Ind., Ky., Mich., Mo., N.Y., Pa., Va., W. Va.

Builders Mutual Surety Company. BUSINESS ADDRESS: 1545 Wilshire Boulevard, Los Angeles, Cal. 90017. UNDERWRITING LIMITATION b/: $51,000. SURETY LICENSES c/: Cal. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/: D.C.

The Camden Fire Insurance Association. BUSINESS ADDRESS: General Building, 414 Walnut Street, Philadelphia, Pa. 19106. UNDERWRITING LIMITATION b/: $8,624,000. SURETY LICENSES c/: All except Ark., C.Z., Del., Ga., Guam, Hawaii, Idaho, La., Me., Miss., Mont., Nebr., N.H., Oreg., Puerto Rico, S. Dak., Tenn., Tex., Virgin Islands, Wash. (Fidelity only in Ala., S.C.) INCORPORATED IN: N.J. FEDERAL PROCESS AGENTS d/: D.C.

Capitol Indemnity Corporation. BUSINESS ADDRESS: Post Office Box 8, Madison, Wis. 53701. UNDERWRITING LIMITATION b/: $202,000. SURETY LICENSES c/: Ariz., Fla., Idaho, Ill., Ind., Iowa, La., Mich., Minn., Mo., Mont., N. Mex., N. Dak., Okla., S. Dak., Tex., Wis., Wyo. INCORPORATED IN: Wis. FEDERAL PROCESS AGENTS d/: D.C., Fla., nGa., Idaho, Ill., Ind., Iowa, Kans., ewLa., Mich., Minn., Mont., N. Dak., wOkla., S. Dak.

Centennial Insurance Company. BUSINESS ADDRESS: Atlantic Building, 45 Wall Street, New York, N.Y. 10005. UNDERWRITING LIMITATION b/: $2,106,000. SURETY LICENSES c/: All except Ala., C.Z., Guam, Virgin Islands. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: D.C.

Central Mutual Insurance Company. BUSINESS ADDRESS: 800 South Washington Street, Van Wert, Ohio 45891. UNDERWRITING LIMITATION b/: $3,457,000. SURETY LICENSES c/: All except Ark., C.Z., Guam, N. Dak., Oreg., Puerto Rico, S. Dak., Virgin Islands, Wis. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/: D.C.

Century Indemnity Company. BUSINESS ADDRESS: 55 Elm Street, Hartford, Conn. 06115. UNDERWRITING LIMITATION b/: $731,000. SURETY LICENSES c/: All except C.Z., Guam, Hawaii, Oreg., Puerto Rico, Virgin Islands. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/: D.C., Md., N.J., Ohio, Pa.

The Charter Oak Fire Insurance Company. BUSINESS ADDRESS: One Tower Square, Hartford, Conn. 06115. UNDERWRITING LIMITATION b/: $4,244,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/: All except Guam.

The Cincinnati Insurance Company. BUSINESS ADDRESS: Post Office Box 14567, Cincinnati, Ohio 45214. UNDERWRITING LIMITATION b/: $4,252,000. SURETY LICENSES c/: Ala., Ariz., Fla., Ga., Ill., Ind., Ky., Mich., Miss., N.C., Ohio, Pa., S.C., Tenn., Tex., Va., Wis. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/: mAla., D.C., sFla., nGa., sInd., Ky.

Colonial Surety Company. BUSINESS ADDRESS: Post Office Box 16085, Pittsburgh, Pa. 15242. UNDERWRITING LIMITATION b/: $281,000. SURETY LICENSES c/: Del., N.J., Pa. INCORPORATED IN: Pa. FEDERAL PROCESS AGENTS d/: D.C.

Commercial Insurance Company of Newark, N.J. BUSINESS ADDRESS: 80 Maiden Lane, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $3,162,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: N.J. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Puerto Rico, Virgin Islands.

*See footnotes at end of table.

Commercial Union Insurance Company. BUSINESS ADDRESS: One Beacon Street, Boston, Mass. 02108. UNDERWRITING LIMITATION b/: $21,252,000. SURETY LICENSES c/: All except C.Z., Guam. INCORPORATED IN: Mass. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam.

Compass Insurance Company. BUSINESS ADDRESS: 703 Curtis Street, Middletown, Ohio 45043. UNDERWRITING LIMITATION b/: $421,000. SURETY LICENSES c/: Ala., Alaska, Ariz., Ark., Cal., Colo., Del., D.C., Fla., Idaho, Ill., Iowa, Ky., La., Mich., Minn., Miss., Mo., Mont., N. Mex., N.Y., N. Dak., Okla., Oreg., S. Dak., Tenn., Tex., Utah, Va., Wash., Wis., Wyo. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: D.C.

The Connecticut Indemnity Company. BUSINESS ADDRESS: 1000 Asylum Avenue, Hartford, Conn. 06105. UNDERWRITING LIMITATION b/: $976,000. SURETY LICENSES c/: All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/: All except sAla., Alaska, C.Z., Guam, Hawaii, eIll., nInd., N. Dak., Okla., mPa., Puerto Rico, S. Dak., Tenn., Virgin Islands.

Consolidated Insurance Company. BUSINESS ADDRESS: 115 North Pennsylvania Street, Indianapolis, Ind. 46204. UNDERWRITING LIMITATION b/: $595,000. SURETY LICENSES c/: Fla., Idaho, Ill., Ind., Ky., Mich., Ohio, Wash., Wis. INCORPORATED IN: Ind. FEDERAL PROCESS AGENTS d/: D.C., Fla., Idaho, Ill., Ky., Mich., Ohio, Wash., Wis.

Continental Casualty Company. BUSINESS ADDRESS: CNA Plaza, Chicago, Ill. 60685. UNDERWRITING LIMITATION b/: $43,714,000. SURETY LICENSES c/: All except C.Z., Guam. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Kans., nN.Y., mN.C., eOkla., S. Dak., sTex., Virgin Islands.

The Continental Insurance Company. BUSINESS ADDRESS: 80 Maiden Lane, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $17,640,000. SURETY LICENSES c/: All. INCORPORATED IN: N.H. FEDERAL PROCESS AGENTS d/: All.

Continental Reinsurance Corporation 1*. BUSINESS ADDRESS: 100 Pine Street, San Francisco, Cal. 94111. UNDERWRITING LIMITATION b/: $8,137,000. SURETY LICENSES c/: Alaska, Ariz., Ark., Cal., Colo., D.C., Fla., Hawaii, Idaho, Ill., Ind., Iowa, Mich., Mont., Nev., N.J., N. Mex., N.Y., N.C., Ohio, Okla., Oreg., Tex., Utah, Va., Wash., Wyo. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/: Alaska, Ariz., Ark., Colo., D.C., Fla., Hawaii, Idaho, Ill., Ind., Iowa, Mich., Mont., Nev., N.J., N. Mex., N.Y., N.C., Ohio, Okla., Oreg., Tex., Utah, Va., Wash., Wyo.

Continental Western Insurance Company. BUSINESS ADDRESS: Post Office Box 1594, Des Moines, Iowa 50306. UNDERWRITING LIMITATION b/: $1,247,000. SURETY LICENSES c/: Iowa, Kans., Minn., Mo., Nebr., N. Dak., S. Dak., Wis. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/: D.C.

Cornhusker Casualty Company. BUSINESS ADDRESS: 105 North 31st Avenue, Omaha, Nebr. 68131. UNDERWRITING LIMITATION b/: $1,331,000. SURETY LICENSES c/: Colo., Iowa, Kans., S. Dak., Wyo. INCORPORATED IN: Nebr. FEDERAL PROCESS AGENTS d/: D.C.

Cotton Belt Insurance Company, Inc. BUSINESS ADDRESS: Post Office Box 29405, New Orleans, La. 70189. UNDERWRITING LIMITATION b/: $157,000. SURETY LICENSES c/: Ala., Ark., Cal., Fla., La., Miss., Mo., Tenn., Tex. INCORPORATED IN: Tenn. FEDERAL PROCESS AGENTS d/: eArk., D.C., sFla., La., nwsTex.

Cotton States Mutual Insurance Company. BUSINESS ADDRESS: Post Office Box 2214, Atlanta, Ga. 30301. UNDERWRITING LIMITATION b/: $1,323,000. SURETY LICENSES c/: Ala., Fla., Ga., N.C., S.C. INCORPORATED IN: Ga. FEDERAL PROCESS AGENTS d/: Ala., D.C., Fla.

Covenant Mutual Insurance Company. BUSINESS ADDRESS: 95 Woodland Street, Hartford, Conn. 06105. UNDERWRITING LIMITATION b/: $1,031,000. SURETY LICENSES c/: Cal., Conn., N.H., Wash. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/: Cal., D.C.

Cumis Insurance Society, Inc. BUSINESS ADDRESS: Post Office Box 1084, Madison, Wis. 53701. UNDERWRITING LIMITATION b/: $1,690,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: Wis. FEDERAL PROCESS AGENTS d/: D.C.

Dependable Insurance Company, Inc. BUSINESS ADDRESS: Post Office Box 10169, Jacksonville, Fla. 32207. UNDERWRITING LIMITATION b/: $460,000. SURETY LICENSES c/: Ala., Ariz., Ark., D.C., Fla., Ga., Ky., La., Md., Miss., N.C., S.C., Tenn., Tex., Va., Wash. INCORPORATED IN: Fla. FEDERAL PROCESS AGENTS d/: mAla., D.C., eN.C., S.C.

Drake Insurance Company of New York. BUSINESS ADDRESS: 6 Commerce Drive, Cranford, N.J. 07016. UNDERWRITING LIMITATION b/: $628,000. SURETY LICENSES c/: All except Ala., C.Z., Conn., Del., Fla., Guam, Hawaii, Ind., Ky., Me., Nebr., N.H., N.J., Oreg., Pa., Puerto Rico, Vt., Virgin Islands, Wis., Wyo. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: D.C.

Empire Fire and Marine Insurance Company. BUSINESS ADDRESS: 1624 Douglas Street, Omaha, Nebr. 68102. UNDERWRITING LIMITATION b/: $965,000. SURETY LICENSES c/: All except Ark., Cal., C.Z., Conn., Del., D.C., Guam, La., Me., Md., Mass., N.H., N.J., N.Y., Oreg., Pa., Puerto Rico, R.I., Tenn., Va., Virgin Islands, W. Va. INCORPORATED IN: Nebr. FEDERAL PROCESS AGENTS d/: D.C.

The Employers' Fire Insurance Company. BUSINESS ADDRESS: One Beacon Street, Boston, Mass. 02108. UNDERWRITING LIMITATION b/: $2,466,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Mass. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Virgin Islands.

Employers Mutual Casualty Company. BUSINESS ADDRESS: Post Office Box 712, Des Moines, Iowa 50303. UNDERWRITING LIMITATION b/: $4,188,000. SURETY LICENSES c/: All except Ala., C.Z., Guam, La., Puerto Rico, Virgin Islands. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/: Ariz., Colo., Conn., D.C., Ill., Ind., Kans., Mass., Mich., Minn., Miss., Mo., Nebr., N.H., N.C., N. Dak., Okla., Pa., R.I., S.C., S. Dak., Tenn., Tex., Vt., Va., Wis.

Employers Mutual Liability Insurance Company of Wisconsin. BUSINESS ADDRESS: 2000 Westwood Drive, Wausau, Wis. 54401. UNDERWRITING LIMITATION b/: $23,456,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: Wis. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Puerto Rico, Virgin Islands.

Employers Reinsurance Corporation. BUSINESS ADDRESS: Post Office Box 2088, Kansas City, Mo. 64142. UNDERWRITING LIMITATION b/: $10,534,000. SURETY LICENSES c/: All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands. INCORPORATED IN: Mo. FEDERAL PROCESS AGENTS d/: All except Guam.

Equitable General Insurance Company. BUSINESS ADDRESS: Post Office Box 1869, Fort Worth, Tex. 76101. UNDERWRITING LIMITATION b/: $2,948,000. SURETY LICENSES c/: All except C.Z., Conn., Del., Guam, Hawaii, Oreg., Puerto Rico, S.C., Virgin Islands. INCORPORATED IN: Tex. FEDERAL PROCESS AGENTS d/: All except C.Z., Conn., sFla., Guam, Hawaii, Md., Mass., Mich., Puerto Rico, R.I., Vt., Virgin Islands, W. Va.

Farmers Alliance Mutual Insurance Company. BUSINESS ADDRESS: 1122 North Main Street, McPherson, Kans. 67460. UNDERWRITING LIMITATION b/: $1,470,000. SURETY LICENSES c/: Ariz., Ark., Cal., Colo., Idaho, Ill., Iowa, Kans., Md., Mass., Mich., Minn., Mo., Mont., Nebr., N.H., N.J., N. Mex., N.Y., N.C., N. Dak., Ohio, Okla., Oreg., S.C., S. Dak., Tex., Vt., Wash. INCORPORATED IN: Kans. FEDERAL PROCESS AGENTS d/: Colo., D.C., Iowa, Mo., Nebr., N. Mex., N. Dak., Okla., S. Dak., Tex.

Farmland Mutual Insurance Company. BUSINESS ADDRESS: 1963 Bell Avenue, Des Moines, Iowa 50315. UNDERWRITING LIMITATION b/: $1,119,000. SURETY LICENSES c/: Ark., Colo., Ill., Iowa, Kans., Ky., Minn., Mo., Nebr., N. Dak., Okla., S. Dak., Tex., Wyo. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/: Colo., D.C., Ill., Kans., Okla., S. Dak., Tex., Wyo.

*See footnotes at end of table.

Federal Insurance Company. BUSINESS ADDRESS: 51 John F. Kennedy Parkway, Short Hills, N.J. 07078. UNDERWRITING LIMITATION b/: $18,030,000. SURETY LICENSES c/: All. INCORPORATED IN: N.J. FEDERAL PROCESS AGENTS d/: All.

Federated Mutual Insurance Company. BUSINESS ADDRESS: 129 East Broadway, Owatonna, Minn. 55060. UNDERWRITING LIMITATION b/: $7,779,000. SURETY LICENSES c/: All except Alaska, C.Z., Del., Guam, Hawaii, Me., Puerto Rico, Virgin Islands. INCORPORATED IN: Minn. FEDERAL PROCESS AGENTS d/: Ala., Ariz., Ark., Colo., D.C., Fla., Ga., Idaho, Ill., Ind., Iowa, Kans., Ky., Mich., Miss., Mo., Mont., Nebr., N. Mex., N.C., N. Dak., Okla., Oreg., S.C., S. Dak., Tenn., Utah, Va., Wash., W. Va., Wis., Wyo.

The Fidelity and Casualty Company of New York. BUSINESS ADDRESS: 80 Maiden Lane, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $5,765,000. SURETY LICENSES c/: All except Guam, Virgin Islands. INCORPORATED IN: N.H. FEDERAL PROCESS AGENTS d/: All except Guam, Virgin Islands.

Fidelity and Deposit Company of Maryland. BUSINESS ADDRESS: Charles and Lexington Streets, Baltimore, Md. 21203. UNDERWRITING LIMITATION b/: $5,688,000. SURETY LICENSES c/: All except Guam. INCORPORATED IN: Md. FEDERAL PROCESS AGENTS d/: All except ecCal., mFla., Guam, mLa., Puerto Rico, Virgin Islands.

Financial Indemnity Company. BUSINESS ADDRESS: 5858 Wilshire Boulevard, Los Angeles, Cal. 90036. UNDERWRITING LIMITATION b/: $517,000. SURETY LICENSES c/: Ala., Ariz., Cal., Colo., Fla., Idaho, Ind., Mo., Mont., Nev., N. Mex., Oreg., Tex., Utah, Wash. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/: Ariz., Colo., D.C., mFla., Mo., Oreg., Wash.

Fireman's Fund Insurance Company. BUSINESS ADDRESS: 3333 California Street, San Francisco, Cal. 94119. UNDERWRITING LIMITATION b/: $48,883,000. SURETY LICENSES c/: All except C.Z. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/: All except C.Z., mLa.

Firemen's Insurance Company of Newark, New Jersey. BUSINESS ADDRESS: 80 Maiden Lane, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $28,631,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: N.J. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Puerto Rico, Virgin Islands.

First Financial Insurance Company. BUSINESS ADDRESS: 222 West Adams Street, Chicago, Ill. 60606. UNDERWRITING LIMITATION b/: $250,000. SURETY LICENSES c/: Alaska, Ariz., Colo., Idaho, Ill., Ind., Iowa, Ky., Mo., N. Dak., S. Dak., Utah, Wash. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/: D.C.

First General Insurance Company. BUSINESS ADDRESS: 1280 West Peachtree Street, N.W., Atlanta, Ga. 30309. UNDERWRITING LIMITATION b/: $266,000. SURETY LICENSES c/: Ariz., Ark., Cal., Colo., Del., D.C., Fla., Ga., Idaho, Ill., Ind., Ky., La., Md., Miss., Mo., N.J., N.C., Pa., R.I., Tex., Utah, Wash. INCORPORATED IN: Ga. FEDERAL PROCESS AGENTS d/: D.C.

First Insurance Company of Hawaii, Ltd. BUSINESS ADDRESS: Post Office Box 2866, Honolulu, Hawaii 96803. UNDERWRITING LIMITATION b/: $1,602,000. SURETY LICENSES c/: Alaska, Ariz., Cal., Colo., Guam, Hawaii, Ill., Ind., La., Minn., Mo., N.Y., Oreg., Utah, Wash. INCORPORATED IN: Hawaii. FEDERAL PROCESS AGENTS d/: D.C.

First National Insurance Company of America. BUSINESS ADDRESS: SAFECO Plaza, Seattle, Wash. 98185. UNDERWRITING LIMITATION b/: $3,424,000. SURETY LICENSES c/: All except C.Z., Guam, Hawaii, Me., Puerto Rico, Vt., Virgin Islands. INCORPORATED IN: Wash. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.

First State Insurance Company. BUSINESS ADDRESS: 60 Batterymarch Street, Boston, Mass. 02110. UNDERWRITING LIMITATION b/: $3,951,000. SURETY LICENSES c/: Del., Mass. INCORPORATED IN: Del. FEDERAL PROCESS AGENTS d/: D.C.

Fremont Indemnity Company. BUSINESS ADDRESS: 1709 West Eighth Street, Los Angeles, Cal. 90017. UNDERWRITING LIMITATION b/: $4,056,000. SURETY LICENSES c/: Alaska, Ariz., Cal., Colo., Idaho, Nev., N. Mex., Oreg., Tex., Wash. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/: D.C.

Fritz Insurance Company. BUSINESS ADDRESS: 2150 Landmeier Road, Elk Grove Village, Ill. 60007. UNDERWRITING LIMITATION b/: $40,000. SURETY LICENSES c/: N. Mex. INCORPORATED IN: N. Mex. FEDERAL PROCESS AGENTS d/: All except nsAla., wArk., seCal., C.Z., nmFla., msGa., Guam, seIll., nInd., nIowa, eKy., wmLa., wMich., nMiss., wMo., nweN.Y., weN.C., neOkla., mPa., Puerto Rico, wmTenn., weTex., wVa., Virgin Islands, eWash., nW. Va., eWis.

General Insurance Company of America. BUSINESS ADDRESS: SAFECO Plaza, Seattle, Wash. 98185. UNDERWRITING LIMITATION b/: $12,312,000. SURETY LICENSES c/: All. INCORPORATED IN: Wash. FEDERAL PROCESS AGENTS d/: All.

General Reinsurance Corporation. BUSINESS ADDRESS: 600 Steamboat Road, Greenwich, Conn. 06830. UNDERWRITING LIMITATION b/: $30,269,000. SURETY LICENSES c/: All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands. INCORPORATED IN: Del. FEDERAL PROCESS AGENTS d/: All except nsAla., wArk., esCal., C.Z., nmFla., msGa., Guam, esIll., nInd., nIowa, eKy., wmLa., wMich., nMiss., wMo., nweN.Y., weN.C., neOkla., mPa., Puerto Rico, wmTenn., weTex., wVa., Virgin Islands, eWash., nW. Va., eWis.

The Glens Falls Insurance Company. BUSINESS ADDRESS: 80 Maiden Lane, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $1,571,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: Del. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Virgin Islands.

Global Surety & Insurance Co. BUSINESS ADDRESS: 135 Kiewit Plaza, Omaha, Nebr. 68131. UNDERWRITING LIMITATION b/: $1,409,000. SURETY LICENSES c/: Cal., Mont., Nebr., S. Dak. INCORPORATED IN: Nebr. FEDERAL PROCESS AGENTS d/: D.C.

Globe Indemnity Company. BUSINESS ADDRESS: 150 William Street, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $7,433,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Puerto Rico, Virgin Islands.

Grain Dealers Mutual Insurance Company. BUSINESS ADDRESS: Post Office Box 1747, Indianapolis, Ind. 46206. UNDERWRITING LIMITATION b/: $1,156,000. SURETY LICENSES c/: All except Ala., Alaska, C.Z., Conn., Del., D.C., Fla., Guam, Idaho, Me., Md., Mass., Mont., N.H., N.J., N.Y., N. Dak., Pa., Puerto Rico, R.I., Utah, Vt., Virgin Islands, W. Va. INCORPORATED IN: Ind. FEDERAL PROCESS AGENTS d/: Ariz., Ark., nesCal., Colo., D.C., Ga., Hawaii, Ill., Iowa, Kans., Ky., La., Mich., Minn., Mo., Nebr., Nev., N. Mex., N.C., Ohio, Okla., Oreg., S.C., S. Dak., Tenn., Tex., Va., Wash., W. Va., Wis., Wyo.,

Granite State Insurance Company. BUSINESS ADDRESS: Post Office Box 960, Manchester, N.H. 03105. UNDERWRITING LIMITATION b/: $486,000. SURETY LICENSES c/: All except C.Z., Conn., Del., Guam, Idaho, Puerto Rico. INCORPORATED IN: N.H. FEDERAL PROCESS AGENTS d/: All except Puerto Rico.

Great American Insurance Company. BUSINESS ADDRESS: 580 Walnut Street, Cincinnati, Ohio 45202. UNDERWRITING LIMITATION b/: $24,146,000. SURETY LICENSES c/: All except C.Z. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/: All except C.Z., nFla., sW. Va.

*See footnotes at end of table.

Great Northern Insurance Company. BUSINESS ADDRESS: Soo Line Building, Minneapolis, Minn. 55402. UNDERWRITING LIMITATION b/: $1,004,000. SURETY LICENSES c/: Ariz., Colo., D.C., Fla., Ga., Ill., Ind., Iowa, Me., Md., Minn., Miss., Mo., Mont., Nebr., Nev., N. Mex., N.Y., N. Dak., Ohio, Oreg., R.I., S. Dak., Vt., Va., Wash., Wis., Wyo. INCORPORATED IN: Minn. FEDERAL PROCESS AGENTS d/: Ariz., sCal., D.C., Ill., Iowa, wMich., nMiss., Mo., Mont., N. Dak., S. Dak., Wis.

Greater New York Mutual Insurance Company. BUSINESS ADDRESS: 770 Broadway, New York, N.Y. 10003. UNDERWRITING LIMITATION b/: $5,008,000. SURETY LICENSES c/: All except Alaska, Ark., C.Z., Guam, Hawaii, La., Oreg., S.C., Tenn., Virgin Islands. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: D.C.

Gulf American Fire and Casualty Company. BUSINESS ADDRESS: Post Office Box 11046, Montgomery, Ala. 36111. UNDERWRITING LIMITATION b/: $408,000. SURETY LICENSES c/: Ala., Fla., Ga., La., Miss., S.C., Tenn. INCORPORATED IN: Ala. FEDERAL PROCESS AGENTS d/: D.C., Fla., Ga., La., Miss., S.C., Tenn.

Gulf Insurance Company. BUSINESS ADDRESS: Post Office Box 1771, Dallas, Tex. 75221. UNDERWRITING LIMITATION b/: $3,415,000. SURETY LICENSES c/: All except C.Z., Conn., Guam, Idaho, N.J., Puerto Rico, Virgin Islands. INCORPORATED IN: Mo. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.

The Hamilton Mutual Insurance Company of Cincinnati, Ohio. BUSINESS ADDRESS: 1520 Madison Road, Cincinnati, Ohio 45206. UNDERWRITING LIMITATION b/: $266,000. SURETY LICENSES c/: Ind., Ky., Mich., Ohio. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/: D.C.

The Hanover Insurance Company. BUSINESS ADDRESS: 440 Lincoln Street, Worcester, Mass. 01605. UNDERWRITING LIMITATION b/: $6,228,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: N.H. FEDERAL PROCESS AGENTS d/: nAla., eArk., nCal., Conn., Del., D.C., nmFla., Ga., Ill., Ind., wKy., eLa., Me., Md., Mass., Mich., Mo., N.J., nwsN.Y., Ohio, wmPa., R.I., nesTex., eVa., eWis.

Harleysville Mutual Insurance Company. BUSINESS ADDRESS: 355 Maple Avenue, Harleysville, Pa. 19438. UNDERWRITING LIMITATION b/: $5,576,000. SURETY LICENSES c/: Cal., Colo., Del., D.C., Ga., Ill., Ind., Iowa, Kans., Md., Mich., Minn., Miss., Mo., N.J., N. Mex., N.C., Ohio, Okla., Pa., S.C., Tex., Utah, Va., W. Va. INCORPORATED IN: Pa. FEDERAL PROCESS AGENTS d/: Del., D.C., Md., N.J., N.C., sOhio, S.C., Va.

Hartford Accident and Indemnity Company. BUSINESS ADDRESS: Hartford Plaza, Hartford, Conn. 06115. UNDERWRITING LIMITATION b/: $35,545,000. SURETY LICENSES c/: All except Guam. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/: All except mFla., Guam, mLa., Virgin Islands.

Hartford Casualty Insurance Company. BUSINESS ADDRESS: Hartford Plaza, Hartford, Conn. 06115. UNDERWRITING LIMITATION b/: $5,044,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: N.J. FEDERAL PROCESS AGENTS d/: All except C.Z., mFla., Guam, mLa., Puerto Rico, Virgin Islands.

Hartford Fire Insurance Company. BUSINESS ADDRESS: Hartford Plaza, Hartford, Conn. 06115. UNDERWRITING LIMITATION b/: $76,174,000. SURETY LICENSES c/: All except C.Z., Guam. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/: Ariz., Cal., D.C., Guam, Hawaii, weLa., N.Y., Va.

Hawkeye-Security Insurance Company. BUSINESS ADDRESS: 1017 Walnut Street, Des Moines, Iowa 50307. UNDERWRITING LIMITATION b/: $1,777,000. SURETY LICENSES c/: Ariz., Colo., D.C., Idaho, Ill., Ind., Iowa, Kans., Md., Mich., Minn., Mo., Mont., Nebr., Nev., N. Mex., N. Dak., Ohio, S. Dak., Tex., Utah, Va., Wis., Wyo. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/: Colo., D.C., Ill., sInd., Kans., Mich., Nebr., S. Dak., wWis., Wyo.

Heritage Insurance Company of America. BUSINESS ADDRESS: 7366 North Lincoln Avenue, Lincolnwood, Ill. 60646. UNDERWRITING LIMITATION b/: $233,000. SURETY LICENSES c/: Ariz., Ark., Fla., Ga., Ill., Mo., Nev. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/: Ark., D.C., msFla., Mich., Minn., Mo., Nebr., eVa.

Highlands Insurance Company. BUSINESS ADDRESS: 600 Jefferson Street, Houston, Tex. 77002. UNDERWRITING LIMITATION b/: $8,602,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: Tex. FEDERAL PROCESS AGENTS d/: All except eArk., C.Z., sFla., Guam, Hawaii, eIll., eKy., wmLa., Mass., nMiss., N.H., eN.Y., Puerto Rico, Virgin Islands, eWis.

Highlands Underwriters Insurance Company. BUSINESS ADDRESS: 600 Jefferson Street, Houston, Tex. 77002. UNDERWRITING LIMITATION b/: $678,000. SURETY LICENSES c/: Ala., Ariz., Ark., Cal., Fla., Miss., N. Mex., S.C., Tex. INCORPORATED IN: Tex. FEDERAL PROCESS AGENTS d/: D.C.

The Home Indemnity Company. BUSINESS ADDRESS: 59 Maiden Lane, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $4,874,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: N.H. FEDERAL PROCESS AGENTS d/: All except Alaska, ceCal., C.Z., Guam, Hawaii, Puerto Rico, weTex., Virgin Islands.

The Home Insurance Company. BUSINESS ADDRESS: 59 Maiden Lane, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $30,032,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: N.H. FEDERAL PROCESS AGENTS d/: All except nCal., C.Z., Guam, weTex., Virgin Islands.

Houston General Insurance Company. BUSINESS ADDRESS: Post Office Box 230, Fort Worth, Tex. 76101. UNDERWRITING LIMITATION b/: $948,000. SURETY LICENSES c/: Ala., Ariz., Ark., Cal., Colo., Fla., Ga., Ill., Iowa, Kans., Ky., La., Mich., Miss., Mo., N. Mex., N. Dak., Okla., S.C., S. Dak., Tenn., Tex., Utah. INCORPORATED IN: Tex. FEDERAL PROCESS AGENTS d/: Ala., Ariz., Ark., Cal., Colo., D.C., Fla., Ga., Ill., Iowa, Kans., Ky., La., Mich., Miss., Mo., Nebr., N. Mex., N. Dak., Okla., S.C., S. Dak., Tenn., Utah.

Hudson Insurance Company. BUSINESS ADDRESS: 280 Park Avenue, New York, N.Y. 10017. UNDERWRITING LIMITATION b/: $817,000. SURETY LICENSES c/: D.C., Ind., Iowa, La., Nev., N.H., N.J., N.Y., Ohio, Tenn., Tex., Utah, W. Va. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: D.C.

IGF Insurance Company. BUSINESS ADDRESS: 315 Shops Building, Des Moines, Iowa 50309. UNDERWRITING LIMITATION b/: $218,000. SURETY LICENSES c/: Iowa, Mo. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/: D.C., Mo.

INA Reinsurance Company. BUSINESS ADDRESS: 1600 Arch Street, Philadelphia, Pa. 19101. UNDERWRITING LIMITATION b/: $7,041,000. SURETY LICENSES c/: All except C.Z., Guam, Me., Virgin Islands. INCORPORATED IN: Del. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, mLa., Mass., ePa., Virgin Islands.

INA Underwriters Insurance Company 2*. BUSINESS ADDRESS: 1600 Arch Street, Philadelphia, Pa. 19101. UNDERWRITING LIMITATION b/: $6,837,000. SURETY LICENSES c/: All. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/: All.

Illinois National Insurance Co. BUSINESS ADDRESS: 133 South 4th Street, Springfield, Ill. 62700. UNDERWRITING LIMITATION b/: $845,000. SURETY LICENSES c/: Ill., Ind., Iowa, Ky., Mo., Nebr., N. Mex., N.Y., Ohio, Tex. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/: All except C.Z., Puerto Rico.

Indiana Insurance Company. BUSINESS ADDRESS: 115 North Pennsylvania Street, Indianapolis, Ind. 46204. UNDERWRITING LIMITATION b/: $3,513,000. SURETY LICENSES c/: Fla., Idaho, Ill., Ind., Ky., Mich., Ohio, Wash., Wis. INCORPORATED IN: Ind. FEDERAL PROCESS AGENTS d/: D.C., Fla., Idaho, Ill., Ky., Mich., Ohio, Wash., Wis.

*See footnotes at end of table.

Indiana Lumbermens Mutual Insurance Company. BUSINESS ADDRESS: Post Office Box 1985, Indianapolis, Ind. 46206. UNDERWRITING LIMITATION b/: $844,000. SURETY LICENSES c/: Ala., Ark., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., La., Mich., Minn., Miss., Mo., N. Mex., N.C., Ohio, Okla., S.C., Tenn., Tex., Va. INCORPORATED IN: Ind. FEDERAL PROCESS AGENTS d/: D.C.

Industrial Indemnity Company. BUSINESS ADDRESS: Post Office Box 3660, San Francisco, Cal. 94120. UNDERWRITING LIMITATION b/: $6,226,000. SURETY LICENSES c/: All except C.Z., Conn., Puerto Rico, Virgin Islands, W. Va. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/: All except C.Z., Conn., nFla., mGa., Guam, eIll., nIowa, mLa., wMo., sN.Y., Puerto Rico, Virgin Islands, W. Va., wWis.

Inland Insurance Company. BUSINESS ADDRESS: Post Office Box 80468, Lincoln, Nebr. 68501. UNDERWRITING LIMITATION b/: $654,000. SURETY LICENSES c/: Colo., Iowa, Kans., Minn., Nebr., N. Dak., Okla., S. Dak., Wyo. INCORPORATED IN: Nebr. FEDERAL PROCESS AGENTS d/: Ariz., Colo., D.C., Iowa, Kans., Minn., Mont., N. Mex., N. Dak., wOkla., S. Dak., Wyo.

Insurance Company of North America. BUSINESS ADDRESS: 1600 Arch Street, Philadelphia, Pa. 19101. UNDERWRITING LIMITATION b/: $44,561,000. SURETY LICENSES c/: All. INCORPORATED IN: Pa. FEDERAL PROCESS AGENTS d/: All.

The Insurance Company of the State of Pennsylvania. BUSINESS ADDRESS: 102 Maiden Lane, New York, N.Y. 10005. UNDERWRITING LIMITATION b/: $1,569,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Pa. FEDERAL PROCESS AGENTS d/: D.C.

Insurance Company of the West. BUSINESS ADDRESS: Post Office Box 81063, San Diego, Cal. 92138. UNDERWRITING LIMITATION b/: $343,000. SURETY LICENSES c/: Cal. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/: D.C.

Integon Indemnity Corporation. BUSINESS ADDRESS: Post Office Box 3199, Winston-Salem, N.C. 27102. UNDERWRITING LIMITATION b/: $488,000. SURETY LICENSES c/: Fla., Ga., La., Miss., N.C., Va. INCORPORATED IN: N.C. FEDERAL PROCESS AGENTS d/: D.C., Fla., Ga., Va.

Integrity Mutual Insurance Company. BUSINESS ADDRESS: Post Office Box 539, Appleton, Wis. 54911. UNDERWRITING LIMITATION b/: $256,000. SURETY LICENSES c/: Minn., Wis. INCORPORATED IN: Wis. FEDERAL PROCESS AGENTS d/: D.C., Minn.

International Fidelity Insurance Company. BUSINESS ADDRESS: 24 Commerce Street, Newark, N.J. 07102. UNDERWRITING LIMITATION b/: $120,000. SURETY LICENSES c/: Alaska, Ariz., Colo., Del., Fla., Idaho, Ill., Ind., La., Mass., Mich., Miss., Mo., Mont., Nev., N.J., N. Mex., N.Y., N. Dak., Okla., Oreg., Pa., S. Dak., Tex., Utah, Wash., Wyo. INCORPORATED IN: N.J. FEDERAL PROCESS AGENTS d/: Alaska, Ariz., Del., D.C., Fla., Idaho, nIll., sInd., nIowa, wKy., Md., Mich., Minn., Miss., Mont., Nev., seN.Y., eN.C., N. Dak., sOhio, nwOkla., Puerto Rico, S. Dak., wTenn., eVa., eWis., Wyo.

International Insurance Company. BUSINESS ADDRESS: 233 South Wacker Drive, Chicago, Ill. 60606. UNDERWRITING LIMITATION b/: $1,396,000. SURETY LICENSES c/: All except C.Z., Del., Guam, Hawaii, Kans., La., S.C., Virgin Islands. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, mLa.

International Service Insurance Company. BUSINESS ADDRESS: 1401 West Lancaster, Fort Worth, Tex. 76102. UNDERWRITING LIMITATION b/: $1,432,000. SURETY LICENSES c/: Alaska, Cal., C.Z., Nebr., N. Mex., Tex. INCORPORATED IN: Tex. FEDERAL PROCESS AGENTS d/: D.C.

Investors Insurance Company of America. BUSINESS ADDRESS: 100 Eisenhower Drive, Paramus, N.J. 07652. UNDERWRITING LIMITATION b/: $358,000. SURETY LICENSES c/: Fla., Ga., N.J., N.Y. INCORPORATED IN: N.J. FEDERAL PROCESS AGENTS d/: D.C., esN.Y.

John Deere Insurance Company. BUSINESS ADDRESS: 400 19th Street, Moline, Ill. 61265. UNDERWRITING LIMITATION b/: $1,152,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: All except Ala., C.Z., Del., Guam, Idaho, Puerto Rico, Virgin Islands, sW. Va.

The Kansas Bankers Surety Company. BUSINESS ADDRESS: 1110 First National Bank Tower, Topeka, Kans. 66603. UNDERWRITING LIMITATION b/: $120,000. SURETY LICENSES c/: D.C., Kans. INCORPORATED IN: Kans. FEDERAL PROCESS AGENTS d/: D.C.

Kansas City Fire and Marine Insurance Company. BUSINESS ADDRESS: 80 Maiden Lane, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $792,000. SURETY LICENSES c/: All except C.Z., Del., Guam, Hawaii, Puerto Rico, Virgin Islands. INCORPORATED IN: Mo. FEDERAL PROCESS AGENTS d/: All except C.Z., Del., Guam, Hawaii, Puerto Rico, Virgin Islands.

Lakeland Fire and Casualty Company. BUSINESS ADDRESS: 6700 France Avenue South, Minneapolis, Minn. 55435. UNDERWRITING LIMITATION b/: $213,000. SURETY LICENSES c/: Iowa, Minn., N. Dak. INCORPORATED IN: Minn. FEDERAL PROCESS AGENTS d/: D.C.

Lawyers Surety Corporation. BUSINESS ADDRESS: 1820 Regal Row, Dallas, Tex. 75235. UNDERWRITING LIMITATION b/: $211,000. SURETY LICENSES c/: Ark., Ill., Okla., Tenn., Tex. INCORPORATED IN: Tex. FEDERAL PROCESS AGENTS d/: Ark., D.C., Ill., Okla., Tenn.

Liberty Mutual Insurance Company. BUSINESS ADDRESS: 175 Berkeley Street, Boston, Mass. 02117. UNDERWRITING LIMITATION b/: $59,996,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: Mass. FEDERAL PROCESS AGENTS d/: All except C.Z., sGa., Guam, Virgin Islands.

Lumbermens Mutual Casualty Company. BUSINESS ADDRESS: Long Grove, Ill. 60049. UNDERWRITING LIMITATION b/: $38,015,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Puerto Rico, Virgin Islands.

MGIC Indemnity Corporation. BUSINESS ADDRESS: Post Office Box 756, Milwaukee, Wis. 53201. UNDERWRITING LIMITATION b/: $4,317,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: D.C.

Maine Bonding and Casualty Company. BUSINESS ADDRESS: 400 Congress Street, Portland, Me. 04111. UNDERWRITING LIMITATION b/: $771,000. SURETY LICENSES c/: Me., Mass., N.H., R.I., Vt. INCORPORATED IN: Me. FEDERAL PROCESS AGENTS d/: D.C., Mass., N.H., R.I., Vt.

Maryland Casualty Company. BUSINESS ADDRESS: Post Office Box 1228, Baltimore, Md. 21203. UNDERWRITING LIMITATION b/: $17,023,000. SURETY LICENSES c/: All except Guam, Mass. INCORPORATED IN: Md. FEDERAL PROCESS AGENTS d/: All except Guam.

Massachusetts Bay Insurance Company. BUSINESS ADDRESS: 440 Lincoln Street, Worcester, Mass. 01605. UNDERWRITING LIMITATION b/: $455,000. SURETY LICENSES c/: Ark., Cal., Colo., Conn., D.C., Fla., Ga., Ill., Ind., Iowa, Kans., Me., Md., Mass., Mich., Minn., Miss., Mo., Nebr., N.H., N.J., N.Y., N.C., Ohio, Okla., Pa., R.I., S.C., Tenn., Tex., Vt., Va., Wash., Wis. INCORPORATED IN: Mass. FEDERAL PROCESS AGENTS d/: Colo., D.C., nFla., Ga., Ind., sIowa, Kans., wKy., Me., Md., Mich., N.H., sN.Y., sOhio, Okla., wePa., R.I., S.C., Tenn., Tex., Vt., Wis.

*See footnotes at end of table.

The Mercantile and General Reinsurance Company of America. BUSINESS ADDRESS: 130 John Street, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $1,029,000. SURETY LICENSES c/: Cal., D.C., Idaho, Iowa, Neb., N.Y., Ohio, Pa., Utah, Wis. (Reinsurance only in Colo., Conn., Fla., Ind., Kans., Md., Mich., N.J., Okla., S.C., Tenn., Tex., Vt., W. Va.) INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: D.C.

Merchants Mutual Bonding Company. BUSINESS ADDRESS: 2100 Grand Avenue, Des Moines, Iowa 50312. UNDERWRITING LIMITATION b/: $104,000. SURETY LICENSES c/: Ariz., Iowa, Kans., Nebr., Okla., S. Dak., Tex. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/: Ariz., Colo., D.C., sFla., Idaho, Ill., Kans., wLa., Minn., Mo., Mont., Nebr., N. Mex., N. Dak., Okla., Oreg., S. Dak., Tex., Wis.

Meritplan Insurance Company. BUSINESS ADDRESS: Post Office Box 1770, Newport Beach, Cal. 92663. UNDERWRITING LIMITATION b/: $637,000. SURETY LICENSES c/: Ariz., Cal., Colo., D.C., Ga., Iowa, Nev., Utah. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/: D.C., nTex.

Michigan Millers Mutual Insurance Company. BUSINESS ADDRESS: Post Office Box 30060, Lansing, Mich. 48909. UNDERWRITING LIMITATION b/: $2,496,000. SURETY LICENSES c/: All except Alaska, Ariz., C.Z., Conn., Del., Guam, Hawaii, Idaho, La., Minn., Mont., Nev., N. Mex., N. Dak., Oreg., Puerto Rico, R.I., S. Dak., Utah, Vt., Virgin Islands, W. Va., Wis., Wyo. INCORPORATED IN: Mich. FEDERAL PROCESS AGENTS d/: Ark., nsCal., Colo., D.C., Fla., Ga., Kans., Ky., Md., Miss., Mo., Nebr., N.C., Okla., Pa., S.C., Tenn., Tex., Va.

Michigan Mutual Insurance Company. BUSINESS ADDRESS: 28 West Adams Avenue, Detroit, Mich. 48226. UNDERWRITING LIMITATION b/: $6,071,000. SURETY LICENSES c/: All except C.Z., Del., Guam, Hawaii, Oreg., Puerto Rico, Virgin Islands. (Fidelity only in D.C., N. Dak.) INCORPORATED IN: Mich. FEDERAL PROCESS AGENTS d/: D.C.

Mid-Century Insurance Company. BUSINESS ADDRESS: Post Office Box 2478, Terminal Annex, Los Angeles, Cal. 90051. UNDERWRITING LIMITATION b/: $1,829,000. SURETY LICENSES c/: Ariz., Ark., Cal., Colo., Del., Idaho, Ill., Ind., Iowa, Kans., Mich., Minn., Mo., Mont., Nebr., Nev., N. Mex., N. Dak., Ohio, Okla., Oreg., Tex., Utah, Vt., Wash., Wis., Wyo. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/: Ariz., Ark., D.C., Idaho, eIll., nIowa, Mich., wMo., weOkla., S. Dak., nweTex., Wash.

Midland Insurance Company. BUSINESS ADDRESS: 160 Water Street, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $636,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: All except Alaska, cCal., C.Z., mFla., Guam, Idaho, nIll., nIowa, mLa., Me., Mass., Mich., nMiss., Mo., Mont., wN.C., wOkla., Oreg., mPa., Puerto Rico., S.C., weTenn., swTex., Vt., wVa., Virgin Islands., Wash., nW. Va., Wyo.

Mid-States Insurance Company. BUSINESS ADDRESS: CNA Plaza, Chicago, Ill. 60685. UNDERWRITING LIMITATION b/: $287,000. SURETY LICENSES c/: Ala., Ariz., Cal., Colo., Fla., Ga., Idaho, Ill., Ind., Kans., Ky., La., Mich., Minn., Miss., Mo., Nebr., Nev., N.J., N. Mex., N.C., Ohio, Okla., S.C., Tenn., Tex., Utah, Va., Wash., Wis. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Kans., nN.Y., mN.C., eOkla., S. Dak., sTex., Virgin Islands.

Midwestern Casualty & Surety Company. BUSINESS ADDRESS: 7628 Hickman Road, Des Moines, Iowa 50322. UNDERWRITING LIMITATION b/: $108,000. SURETY LICENSES c/: Iowa. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/: D.C.

The Millers Casualty Insurance Company of Texas. BUSINESS ADDRESS: Post Office Box 2269, Fort Worth, Tex. 76101. UNDERWRITING LIMITATION b/: $352,000. SURETY LICENSES c/: Ark., Colo., D.C., Idaho, La., Mo., Mont., N. Mex., Oreg., Tex., Wash., Wyo. INCORPORATED IN: Tex. FEDERAL PROCESS AGENTS d/: Ark., D.C., ewLa., Mo., N. Mex., Okla.

The Millers Mutual Fire Insurance Company of Texas. BUSINESS ADDRESS: Post Office Box 2269, Fort Worth, Tex. 76101. UNDERWRITING LIMITATION b/: $1,730,000. SURETY LICENSES c/: All except Ala., Alaska, C.Z., Conn., Del., Ga., Guam, Hawaii, Kans., Me., Md., Mass., Mich., Nev., N.H., N.Y., N.C., Puerto Rico, R.I., S.C., Vt., Va., Virgin Islands, W. Va. INCORPORATED IN: Tex. FEDERAL PROCESS AGENTS d/: Ark., Colo., D.C., nsFla., ewLa., Miss., wMo., Mont., N. Mex., neOkla., Oreg.

Millers' Mutual Insurance Association of Illinois. BUSINESS ADDRESS: 111 East Fourth Street, Alton, Ill. 62002. UNDERWRITING LIMITATION b/: $3,119,000. SURETY LICENSES c/: Ala., Ark., Colo., Ga., Ill., Ind., Iowa, Kans., La., Minn., Miss., Mo., N.C., Okla., S.C., Tenn., Wis. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/: Ala., Ark., Colo., D.C., Ind., Iowa, Kans., Minn., Mo., Tenn., Wis.

Millers National Insurance Company. BUSINESS ADDRESS: 29 North Wacker Drive, Chicago, Ill. 60606. UNDERWRITING LIMITATION b/: $684,000. SURETY LICENSES c/: All except Alaska, C.Z., Conn., Del., Guam, Hawaii, La., Me., Miss., Nev., N.H., Puerto Rico, R.I., Vt., Virgin Islands. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/: All except Alaska, cCal., C.Z., Colo., Conn., Del., Guam, Hawaii, La., Me., Miss., Nev., N.H., Oreg., Puerto Rico, R.I., Vt., eVa., Virgin Islands.

Minnesota Trust Company of Austin. BUSINESS ADDRESS: 209 3rd Avenue, N.W., Austin, Minn. 55912. UNDERWRITING LIMITATION b/: $56,000. SURETY LICENSES c/: Minn. INCORPORATED IN: Minn. FEDERAL PROCESS AGENTS d/: D.C., N. Dak.

Mission Insurance Company. BUSINESS ADDRESS: 2601 Wilshire Boulevard, Los Angeles, Cal. 90057. UNDERWRITING LIMITATION b/: $2,481,000. SURETY LICENSES c/: Ala., Alaska, Ariz., Cal., Colo., Hawaii, Idaho, Ill., Iowa, La., Miss., Mo., Mont., Nev., N. Mex., N.Y., Okla., Oreg., Tex., Wash. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/: Ariz., D.C., Idaho, Oreg., wWash.

Morrison Assurance Company, Inc. BUSINESS ADDRESS: Post Office Box 2608, Mobile, Ala. 36625. UNDERWRITING LIMITATION b/: $334,000. SURETY LICENSES c/: Ala., Ark., Fla., Ga., La., Miss., S.C., Tex. INCORPORATED IN: Fla. FEDERAL PROCESS AGENTS d/: Ala., Ark., D.C., Fla., Ga., La., Miss., S.C., Tex.

Munich American Reinsurance Company. BUSINESS ADDRESS: 410 Park Avenue, New York, N.Y. 10022. UNDERWRITING LIMITATION b/: $2,705,000. SURETY LICENSES c/: Ark., Cal., Colo., D.C., Ga., Ill., Ind., Iowa, Kans., La., N.H., N.J., N.Y., Ohio, Pa., Tex. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: D.C.

National American Insurance Company of New York. BUSINESS ADDRESS: 1105 Hamilton Street, Allentown, Pa. 18101. UNDERWRITING LIMITATION b/: $286,000. SURETY LICENSES c/: All except Ariz., C.Z., Conn., Del., Guam, Hawaii, Mo., N. Mex., Puerto Rico, Virgin Islands, Wyo. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: Ala., Ark., Cal., Colo., D.C., Fla., Ga.

National Automobile and Casualty Insurance Company. BUSINESS ADDRESS: Post Office Box 7040, Pasadena, Cal. 91109. UNDERWRITING LIMITATION b/: $590,000. SURETY LICENSES c/: Alaska, Ariz., Cal., Nev., Tex., Wash. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.

National-Ben Franklin Insurance Company of Illinois. BUSINESS ADDRESS: 360 West Jackson Boulevard, Chicago, Ill. 60606. UNDERWRITING LIMITATION b/: $6,561,000. SURETY LICENSES c/: D.C., Ill., Ind., Iowa, Ky., Minn., N.Y., N.C., N. Dak., Wis. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/: D.C., Ind., Iowa, Ky., Minn., N.Y., N.C., N. Dak., Wis.

National-Ben Franklin Insurance Company of Michigan. BUSINESS ADDRESS: 26500 Northwestern Highway, Southfield, Mich. 48076. UNDERWRITING LIMITATION b/: $1,838,000. SURETY LICENSES c/: Mich. INCORPORATED IN: Mich. FEDERAL PROCESS AGENTS d/: D.C.

*See footnotes at end of table.

National Bonding and Accident Insurance Company. BUSINESS ADDRESS: 4242 Lindell Boulevard, St. Louis, Mo. 63108. UNDERWRITING LIMITATION b/: $317,000. SURETY LICENSES c/: All except C.Z., Conn., Guam, Md., Mass., N.H., N.C., Puerto Rico, Virgin Islands, W. Va., Wis. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: Alaska, cnCal., D.C., sFla., Ill., Iowa, Kans., wKy., eLa., Minn., Mo., Mont., N.J., eN.C., N. Dak., sOhio, ePa., R.I., S. Dak., wmTenn., nsTex., eVa.

National Fire Insurance Company of Hartford. BUSINESS ADDRESS: CNA Plaza, Chicago, Ill. 60685. UNDERWRITING LIMITATION b/: $9,214,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Kans., nN.Y., mN.C., eOkla., S. Dak., sTex., Virgin Islands.

National Grange Mutual Insurance Company. BUSINESS ADDRESS: 55 West Street, Keene, N.H. 03431. UNDERWRITING LIMITATION b/: $2,505,000. SURETY LICENSES c/: Conn., Del., D.C., Ill., Ind., Iowa, Me., Md., Mass., Mich., N.H., N.J., N.Y., N.C., Ohio, Pa., R.I., S.C., Tenn., Vt., Va., W. Va., Wis. INCORPORATED IN: N.H. FEDERAL PROCESS AGENTS d/: Conn., Del., D.C., Idaho, Ill., Ind., Iowa, Me., Md., Mass., Mich., N.J., N.Y., N.C., Ohio, Pa., R.I., S.C., Tenn., Vt., Va., W. Va., Wis.

National Indemnity Company. BUSINESS ADDRESS: 3024 Harney Street, Omaha, Nebr. 68131. UNDERWRITING LIMITATION b/: $12,795,000. SURETY LICENSES c/: All except C.Z., Guam, Hawaii, Mass., N.J., N.Y., Puerto Rico, Virgin Islands. INCORPORATED IN: Nebr. FEDERAL PROCESS AGENTS d/: D.C.

The National Reinsurance Corporation. BUSINESS ADDRESS: 123 William Street, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $4,695,000. SURETY LICENSES c/: All except Ala., C.Z., Conn., D.C., Fla., Ga., Guam, La., Me., Miss., Mo., N.C., Oreg., S.C., S. Dak., Tenn., Va., Virgin Islands, W. Va. INCORPORATED IN: Del. FEDERAL PROCESS AGENTS d/: D.C.

National Standard Insurance Company. BUSINESS ADDRESS: Post Office Box 1502, Houston, Tex. 77001. UNDERWRITING LIMITATION b/: $402,000. SURETY LICENSES c/: La., N. Mex., Tex. INCORPORATED IN: Tex. FEDERAL PROCESS AGENTS d/: D.C.

National Surety Corporation. BUSINESS ADDRESS: 200 West Monroe Street, Chicago, Ill. 60606. UNDERWRITING LIMITATION b/: $7,825,000. SURETY LICENSES c/: All except Guam, Mass., Puerto Rico, Virgin Islands. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/: All except Guam, mLa., Mass., Puerto Rico, Virgin Islands.

National Union Fire Insurance Company of Pittsburgh, Pa. BUSINESS ADDRESS: 102 Maiden Lane, New York, N.Y. 10005. UNDERWRITING LIMITATION b/: $5,845,000. SURETY LICENSES c/: All except Virgin Islands. INCORPORATED IN: Pa. FEDERAL PROCESS AGENTS d/: All except Mass., Minn., Puerto Rico.

Nationwide Mutual Insurance Company. BUSINESS ADDRESS: One Nationwide Plaza, Columbus, Ohio 43216. UNDERWRITING LIMITATION b/: $52,393,000. SURETY LICENSES c/: All. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/: D.C.

New England Reinsurance Corporation. BUSINESS ADDRESS: 60 Batterymarch Street, Boston, Mass. 02110. UNDERWRITING LIMITATION b/: $3,472,000. SURETY LICENSES c/: Ala., Alaska, Ark., Cal., Conn., Del., D.C., Idaho, Ill., Ind., Iowa, Ky., Mass., Minn., Miss., Nev., N.J., N.Y., Ohio, Okla., R.I., Tenn., Wash. (Reinsurance only in Fla., Kans., Mo., N.H., S.C., Tex.) INCORPORATED IN: Mass. FEDERAL PROCESS AGENTS d/: D.C.

New Hampshire Insurance Company. BUSINESS ADDRESS: Post Office Box 960, Manchester, N.H. 03107. UNDERWRITING LIMITATION b/: $8,995,000. SURETY LICENSES c/: All. INCORPORATED IN: N.H. FEDERAL PROCESS AGENTS d/: All.

New York Underwriters Insurance Company. BUSINESS ADDRESS: Hartford Plaza, Hartford, Conn. 06115. UNDERWRITING LIMITATION b/: $3,687,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: All except C.Z., mFla., Guam, mLa., Puerto Rico, Virgin Islands.

Newark Insurance Company. BUSINESS ADDRESS: 150 William Street, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $1,447,000. SURETY LICENSES c/: All except C.Z., Guam, Oreg., Puerto Rico, Virgin Islands. INCORPORATED IN: N.J. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Puerto Rico, Virgin Islands.

Niagara Fire Insurance Company. BUSINESS ADDRESS: 80 Maiden Lane, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $1,393,000. SURETY LICENSES c/: All except C.Z., Guam. INCORPORATED IN: Del. FEDERAL PROCESS AGENTS d/: All except C.Z., Conn., Guam.

North American Reinsurance Corporation. BUSINESS ADDRESS: 245 Park Avenue, New York, N.Y. 10017. UNDERWRITING LIMITATION b/: $8,203,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands, Wyo. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Virgin Islands.

The North River Insurance Company. BUSINESS ADDRESS: Post Office Box 2387, Morristown, N.J. 07960. UNDERWRITING LIMITATION b/: $5,403,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: N.J. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, mLa.

Northeastern Insurance Company of Hartford. BUSINESS ADDRESS: 1017 Walnut Street, Des Moines, Iowa 50307. UNDERWRITING LIMITATION b/: $2,240,000. SURETY LICENSES c/: Cal., Colo., Conn., Ill., Ind., Iowa, Kans., N.H., N.J., N.Y., Ohio, Pa., Tex., W. Va., Wis. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/: D.C.

The Northern Assurance Company of America. BUSINESS ADDRESS: One Beacon Street, Boston, Mass. 02108. UNDERWRITING LIMITATION b/: $1,379,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Mass. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Virgin Islands.

Northern Insurance Company of New York. BUSINESS ADDRESS: Post Office Box 91, Baltimore, Md. 21203. UNDERWRITING LIMITATION b/: $1,345,000. SURETY LICENSES c/: All except C.Z., Guam, La., Puerto Rico, Virgin Islands. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: D.C., Me.

Northwestern National Casualty Company. BUSINESS ADDRESS: Post Office Box 2070, Milwaukee, Wis. 53201. UNDERWRITING LIMITATION b/: $435,000. SURETY LICENSES c/: All except Alaska, Ark., C.Z., Conn., Del., Guam, Hawaii, La., Me., Mass., Nev., N.H., N.J., N.Y., N.C., Oreg., Puerto Rico, Utah, Vt., Va., Virgin Islands. INCORPORATED IN: Wis. FEDERAL PROCESS AGENTS d/: Ala., Ariz., Cal., Colo., D.C., Fla., Ga., Idaho, Ill., Ind., Iowa., Kans., Ky., Md., Mich., Minn., Miss., Mo., Mont., Nebr., N. Mex., N. Dak., Ohio, Okla., Pa., R.I., S.C., S. Dak., Tenn., Tex., Wash., W. Va., Wyo.

Northwestern National Insurance Company of Milwaukee, Wisconsin. BUSINESS ADDRESS: Post Office Box 2070, Milwaukee, Wis. 53201. UNDERWRITING LIMITATION b/: $4,442,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: Wis. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Virgin Islands.

*See footnotes at end of table.

The Ohio Casualty Insurance Company. BUSINESS ADDRESS: 136 North Third Street, Hamilton, Ohio 45025. UNDERWRITING LIMITATION b/: $14,932,000. SURETY LICENSES c/: All except C.Z., Guam. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam.

Ohio Farmers Insurance Company. BUSINESS ADDRESS: Westfield Center, Ohio 44251. UNDERWRITING LIMITATION b/: $5,792,000. SURETY LICENSES c/: All except Alaska, C.Z., Conn., Guam, Hawaii, Kans., Puerto Rico, Virgin Islands. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/: All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.

Oklahoma Surety Company. BUSINESS ADDRESS: Post Office Box 1409, Tulsa, Okla. 74101. UNDERWRITING LIMITATION b/: $160,000. SURETY LICENSES c/: Okla. INCORPORATED IN: Okla. FEDERAL PROCESS AGENTS d/: D.C.

The Omaha Indemnity Company. BUSINESS ADDRESS: 3201 Farnam Street, Omaha, Nebr. 68131. UNDERWRITING LIMITATION b/: $611,000. SURETY LICENSES c/: All except Conn., La., N.H., N.J. INCORPORATED IN: Wis. FEDERAL PROCESS AGENTS d/: D.C., Nebr., eVa.

Oregon Automobile Insurance Company. BUSINESS ADDRESS: Post Office Box 74, Portland, Oreg. 97207. UNDERWRITING LIMITATION b/: $1,379,000. SURETY LICENSES c/: Idaho, Nev., Oreg., Utah, Wash. INCORPORATED IN: Oreg. FEDERAL PROCESS AGENTS d/: D.C., Idaho, Nev., Utah, Wash.

Pacific Employers Insurance Company. BUSINESS ADDRESS: 1600 Arch Street, Philadelphia, Pa. 19101. UNDERWRITING LIMITATION b/: $4,624,000. SURETY LICENSES c/: All. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/: All.

Pacific Indemnity Company. BUSINESS ADDRESS: Post Office Box 3099, Los Angeles, Cal. 90051. UNDERWRITING LIMITATION b/: $4,990,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/: All except C.Z., Conn., Guam, Me., Mont., N.H., Tex., Virgin Islands, Wyo.

Pacific Insurance Company, Limited. BUSINESS ADDRESS: Post Office Box 1140, Honolulu, Hawaii 96807. UNDERWRITING LIMITATION b/: $1,789,000. SURETY LICENSES c/: Guam, Hawaii. INCORPORATED IN: Hawaii. FEDERAL PROCESS AGENTS d/: D.C., Guam.

Peerless Insurance Company. BUSINESS ADDRESS: 62 Maple Avenue, Keene, N.H. 03431. UNDERWRITING LIMITATION b/: $3,473,000. SURETY LICENSES c/: All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands. INCORPORATED IN: N.H. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.

Pekin Insurance Company. BUSINESS ADDRESS: 2505 Court Street, Pekin, Ill. 61554. UNDERWRITING LIMITATION b/: $447,000. SURETY LICENSES c/: Ill., Ind., Iowa. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/: D.C., Ind., Iowa.

Pennsylvania Manufacturers' Association Insurance Company. BUSINESS ADDRESS: 925 Chestnut Street, Philadelphia, Pa. 19107. UNDERWRITING LIMITATION b/: $5,820,000. SURETY LICENSES c/: Cal., Colo., Del., D.C., Fla., Ga., Idaho, Ill., Ind., Iowa, Ky., La., Md., Mass., Mich., N.J., N.Y., N.C., Ohio, Pa., S.C., Tex., Va., W. Va. INCORPORATED IN: Pa. FEDERAL PROCESS AGENTS d/: Del., D.C., Md., N.J.

Pennsylvania Millers Mutual Insurance Company. BUSINESS ADDRESS: 15 Public Square, Wilkes-Barre, Pa. 18703. UNDERWRITING LIMITATION b/: $1,519,000. SURETY LICENSES c/: Ark., Conn., D.C., Fla., Ga., Ind., Kans., Ky., Me., Md., Mass., Miss., Mo., N.H., N.J., N.Y., N.C., N. Dak., Pa., R.I., S.C., Tenn., Vt., Va. INCORPORATED IN: Pa. FEDERAL PROCESS AGENTS d/: D.C., Va.

Pennsylvania National Mutual Casualty Insurance Company. BUSINESS ADDRESS: 1900 Derry Street, Harrisburg, Pa. 17105. UNDERWRITING LIMITATION b/: $4,016,000. SURETY LICENSES c/: All except Cal., C.Z., Conn., Guam, Hawaii, Mass., Nev., N.H., N. Dak., Puerto Rico, Virgin Islands, Wyo. INCORPORATED IN: Pa. FEDERAL PROCESS AGENTS d/: D.C., Kans., Md., Mo., N.J., N.C., Okla., Tenn., Va.

Phoenix Assurance Company of New York. BUSINESS ADDRESS: 80 Maiden Lane, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $3,456,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: N.H. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Virgin Islands.

The Phoenix Insurance Company. BUSINESS ADDRESS: One Tower Square, Hartford, Conn. 06115. UNDERWRITING LIMITATION b/: $17,038,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/: All except Guam.

Potomac Insurance Company. BUSINESS ADDRESS: General Building, 414 Walnut Street, Philadelphia, Pa. 19106. UNDERWRITING LIMITATION b/: $17,663,000. SURETY LICENSES c/: All except Alaska, Ark., C.Z., Del., Guam, Hawaii, Idaho, Me., Mont., Nev., N.H., N. Dak., Puerto Rico, S. Dak., Vt., Virgin Islands. (Fidelity only in Ala., S.C.) INCORPORATED IN: Pa. FEDERAL PROCESS AGENTS d/: All except Ala., Alaska, Ark., C.Z., Del., Guam, Hawaii, Idaho, Me., Mont., Nev., N.H., N. Dak., Oreg., Puerto Rico, S. Dak., Vt., Virgin Islands.

Progressive Casualty Insurance Company. BUSINESS ADDRESS: 6300 Wilson Mills Road, Mayfield Village, Ohio 44143. UNDERWRITING LIMITATION b/: $2,919,000. SURETY LICENSES c/: All except Ariz., C.Z., Conn., Del., D.C., Guam, Hawaii, Ill., Kans., La., Md., Nebr., N.H., N.Y., Pa., Puerto Rico, S.C., Tex., Utah, Va., Virgin Islands, W. Va., Wis. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/: D.C.

The Progressive Mutual Insurance Company. BUSINESS ADDRESS: 6300 Wilson Mills Road, Mayfield Village, Ohio 44143. UNDERWRITING LIMITATION b/: $447,000. SURETY LICENSES c/: N.J., Ohio. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/: D.C.

Protective Insurance Company. BUSINESS ADDRESS: 3100 North Meridian Street, Indianapolis, Ind. 46208. UNDERWRITING LIMITATION b/: $1,611,000. SURETY LICENSES c/: All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands. INCORPORATED IN: Ind. FEDERAL PROCESS AGENTS d/: D.C.

Prudential Reinsurance Company. BUSINESS ADDRESS: 213 Washington Street, Post Office Box 908, Newark, N.J. 07101. UNDERWRITING LIMITATION b/: $8,825,000. SURETY LICENSES c/: All except C.Z., Guam, Hawaii, La., Nev., Okla., Puerto Rico, S.C., Va., Virgin Islands. (Reinsurance only in Mass., N.C., W. Va.) INCORPORATED IN: Del. FEDERAL PROCESS AGENTS d/: D.C.

Public Service Mutual Insurance Company. BUSINESS ADDRESS: 393 Seventh Avenue, New York, N.Y. 10001. UNDERWRITING LIMITATION b/: $2,230,000. SURETY LICENSES c/: Conn., Del., D.C., Fla., Ga., Idaho, Ill., Ind., Iowa, Me., Md., Mass., Mich., Minn., N.H., N.J., N.Y., N.C., Pa., R.I., S.C., Vt., Va., W. Va., Wis. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: D.C., sFla., N.J., ePa., wTex.

Puerto Rican-American Insurance Company. BUSINESS ADDRESS: Post Office Box S-112, San Juan, Puerto Rico 00902. UNDERWRITING LIMITATION b/: $1,386,000. SURETY LICENSES c/: Puerto Rico, Virgin Islands. INCORPORATED IN: Puerto Rico. FEDERAL PROCESS AGENTS d/: D.C.

Puritan Insurance Company. BUSINESS ADDRESS: 1515 Summer Street, Post Office Box 8900, Stamford, Conn. 06905. UNDERWRITING LIMITATION b/: $1,551,000. SURETY LICENSES c/: All except Ala., C.Z., Del., Guam, S.C., Virgin Islands. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/: D.C.

*See footnotes at end of table.

The Reinsurance Corporation of New York. BUSINESS ADDRESS: 99 John Street, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $3,190,000. SURETY LICENSES c/: All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands. (Co-surety only in Fla., Mass., Va.) INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: D.C.

Reliance Insurance Company. BUSINESS ADDRESS: 4 Penn Center Plaza, Philadelphia, Pa. 19103. UNDERWRITING LIMITATION b/: $23,155,000. SURETY LICENSES c/: All except Guam. INCORPORATED IN: Pa. FEDERAL PROCESS AGENTS d/: All.

Republic-Franklin Insurance Company. BUSINESS ADDRESS: Post Office Box 1438, Columbus, Ohio 43216. UNDERWRITING LIMITATION b/: $293,000. SURETY LICENSES c/: Ohio. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/: D.C.

Republic Insurance Company. BUSINESS ADDRESS: Post Office Box 3000, Dallas, Tex. 75221. UNDERWRITING LIMITATION b/: $6,756,000. SURETY LICENSES c/: All except Ala., Alaska, C.Z., Fla., Guam, Hawaii, Me., Mass., Mont., N.H., N. Dak., R.I., S. Dak., Vt., Virgin Islands. INCORPORATED IN: Tex. FEDERAL PROCESS AGENTS d/: D.C.

Royal Globe Insurance Company. BUSINESS ADDRESS: 150 William Street, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $7,059,000. SURETY LICENSES c/: All except C.Z., Oreg., Puerto Rico, Virgin Islands. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Puerto Rico, Virgin Islands.

Royal Indemnity Company. BUSINESS ADDRESS: 150 William Street, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $4,091,000. SURETY LICENSES c/: All. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Puerto Rico, Virgin Islands.

S & H Insurance Company. BUSINESS ADDRESS: 3200 Wilshire Boulevard, Suite 1205, Los Angeles, Cal. 90010. UNDERWRITING LIMITATION b/: $465,000. SURETY LICENSES c/: Ariz., Cal. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/: D.C.

Safeco Insurance Company of America. BUSINESS ADDRESS: SAFECO Plaza, Seattle, Wash. 98185. UNDERWRITING LIMITATION b/: $16,405,000. SURETY LICENSES c/: All except C.Z., Puerto Rico, Virgin Islands. INCORPORATED IN: Wash. FEDERAL PROCESS AGENTS d/: All except C.Z., Puerto Rico, Vt., Virgin Islands.

St. Paul Fire and Marine Insurance Company. BUSINESS ADDRESS: 385 Washington Street, St. Paul, Minn. 55102. UNDERWRITING LIMITATION b/: $31,154,000. SURETY LICENSES c/: All except C.Z., Guam. INCORPORATED IN: Minn. FEDERAL PROCESS AGENTS d/: All except C.Z.

Seaboard Surety Company. BUSINESS ADDRESS: 90 William Street, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $3,274,000. SURETY LICENSES c/: All. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: All.

Security Insurance Company of Hartford. BUSINESS ADDRESS: 1000 Asylum Avenue, Hartford, Conn. 06105. UNDERWRITING LIMITATION b/: $3,197,000. SURETY LICENSES c/: All except C.Z., Puerto Rico, Virgin Islands. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/: All except sAla., Alaska, C.Z., Guam, Hawaii, eIll., nInd., N. Dak., Okla., mPa., Puerto Rico, S. Dak., Tenn., Virgin Islands.

Security National Insurance Company. BUSINESS ADDRESS: Post Office Box 5028, Dallas, Tex. 75222. UNDERWRITING LIMITATION b/: $536,000. SURETY LICENSES c/: Ark., Cal., Colo., Fla., Ga., Ill., Ind., Kans., Ky., Minn., N. Mex., N. Dak., Ohio, Okla., S. Dak., Tex., Wash., Wis., Wyo. INCORPORATED IN: Tex. FEDERAL PROCESS AGENTS d/: Ala., Ark., Cal., Colo., D.C., Fla., Ga., Ill., Ind., Kans., Ky., Minn., N. Mex., N. Dak., Ohio, Okla., Oreg., S. Dak., Wash., Wis., Wyo.

Select Insurance Company. BUSINESS ADDRESS: Post Office Box 1771, Dallas, Tex. 75221. UNDERWRITING LIMITATION b/: $948,000. SURETY LICENSES c/: All except Ariz., C.Z., Conn., Del., Guam, Hawaii, La., Me., Md., Mass., N.H., N.J., N.Y., N. Dak., Pa., Puerto Rico, R.I., Tenn., Utah, Va., Virgin Islands. INCORPORATED IN: Tex. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.

Selected Risks Insurance Company. BUSINESS ADDRESS: Wantage Avenue, Branchville, N.J. 07826. UNDERWRITING LIMITATION b/: $2,731,000. SURETY LICENSES c/: Del., D.C., Md., N.J., Pa., Va. INCORPORATED IN: N.J. FEDERAL PROCESS AGENTS d/: Del., D.C., Md., Pa., Va.

Sentry Indemnity Company. BUSINESS ADDRESS: 1800 North Point Drive, Stevens Point, Wis. 54481. UNDERWRITING LIMITATION b/: $631,000. SURETY LICENSES c/: All except Alaska, C.Z., Conn., Del., D.C., Guam, Hawaii, Me., Mass., Mich., Nebr., N.H., N.J., N.Y., Pa., Puerto Rico, R.I., Vt., Va., Virgin Islands, W. Va. INCORPORATED IN: Wis. FEDERAL PROCESS AGENTS d/: Ariz., Cal., Conn., D.C., msFla., Ga., eLa., wWash.

Sentry Insurance a Mutual Company. BUSINESS ADDRESS: 1800 North Point Drive, Stevens Point, Wis. 54481. UNDERWRITING LIMITATION b/: $2,952,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: Wis. FEDERAL PROCESS AGENTS d/: Ariz., Cal., Conn., D.C., msFla., Ga., Ill., eLa., Me., Mass., Mich., Minn., N.H., esN.Y., R.I., sTex., Vt., wWash.

Skandia America Reinsurance Corporation. BUSINESS ADDRESS: 280 Park Avenue, New York, N.Y. 10017. UNDERWRITING LIMITATION b/: $4,534,000. SURETY LICENSES c/: Alaska, Ariz., Ark., Cal., Del., Ga., Ill., Ind., Iowa, Kans., La., Mich., Nebr., Nev., N.H., N.J., N.Y., Ohio, Okla., Pa., Tex., Utah, W. Va., Wis. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: D.C.

South Carolina Insurance Company. BUSINESS ADDRESS: Post Office Box #1, Columbia, S.C. 29202. UNDERWRITING LIMITATION b/: $1,980,000. SURETY LICENSES c/: Ala., Alaska, Ariz., Cal., Colo., D.C., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., Md., Mich., Minn., Miss., Mo., Mont., Nebr., Nev., N.J., N. Mex., N.Y., N.C., N. Dak., Ohio, Okla., Pa., S.C., S. Dak., Tenn., Tex., Utah, Va., W. Va., Wis., Wyo. (Reinsurance only in Conn.) INCORPORATED IN: S.C. FEDERAL PROCESS AGENTS d/: Ala., D.C., Fla., Ga., N.C., Va.

The Standard Fire Insurance Company. BUSINESS ADDRESS: 151 Farmington Avenue, Hartford, Conn. 06156. UNDERWRITING LIMITATION b/: $5,404,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Puerto Rico, Virgin Islands.

State Automobile Mutual Insurance Company. BUSINESS ADDRESS: 518 East Broad Street, Columbus, Ohio 43216. UNDERWRITING LIMITATION b/: $6,681,000. SURETY LICENSES c/: Ala., Fla., Ga., Ill., Ind., Ky., Md., Mich., Miss., Mo., N.C., Ohio, Pa., S.C., Tenn., Va., W. Va. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/: Ala., D.C., Fla., Ga., Ky., Md., Mich., eMo., N.C., Pa., S.C., Tenn., Va., W. Va.

State Farm Fire and Casualty Company. BUSINESS ADDRESS: 112 East Washington Street, Bloomington, Ill. 61701. UNDERWRITING LIMITATION b/: $49,962,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/: Ariz., cCal., Colo., D.C., mGa., Md., Minn., nMiss., Mont., N.J., eN.Y., ewOkla., wmPa., sTex., Utah.

State Surety Company. BUSINESS ADDRESS: 645 Insurance Exchange Building, Des Moines, Iowa 50309. UNDERWRITING LIMITATION b/: $147,000. SURETY LICENSES c/: Ariz., Colo., D.C., Iowa, Kans., Minn., Mo., Mont., Nebr., N. Dak., S. Dak., Wis., Wyo. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/: Ariz., Colo., D.C., Kans., Minn., Mo., Mont., Nebr., N. Dak., S. Dak., Wis., Wyo.

The Stuyvesant Insurance Company. BUSINESS ADDRESS: 1105 Hamilton Street, Allentown, Pa. 18101. UNDERWRITING LIMITATION b/: $1,029,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: All except Alaska, C.Z., Guam, Hawaii, Virgin Islands.

*See footnotes at end of table.

Surety Company of the Pacific. BUSINESS ADDRESS: 4201 Wilshire Boulevard, Los Angeles, Cal. 90010. UNDERWRITING LIMITATION b/: $94,000. SURETY LICENSES c/: Cal. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/: D.C.

Surety Insurance Company of California. BUSINESS ADDRESS: 2250 West Whittier Boulevard, La Habra, Cal. 90631. UNDERWRITING LIMITATION b/: $101,000. SURETY LICENSES c/: Ala., Alaska, Ariz., Ark., Cal., Colo., Mo., N. Mex., Okla., Tex., Wash. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/: nAla., Alaska, Ariz., Ark., Colo., D.C., wMo., N. Mex., Okla., Tex., wWash.

Transamerica Insurance Company. BUSINESS ADDRESS: 1150 South Olive Street, Los Angeles, Cal. 90015. UNDERWRITING LIMITATION b/: $11,796,000. SURETY LICENSES c/: All except C.Z., Puerto Rico, Virgin Islands, Wash. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/: All except C.Z., nN.C., Puerto Rico, Virgin Islands.

Transcontinental Insurance Company. BUSINESS ADDRESS: CNA Plaza, Chicago, Ill. 60685. UNDERWRITING LIMITATION b/: $2,468,000. SURETY LICENSES c/: All except C.Z., Guam, Hawaii, Virgin Islands. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Kans., nN.C., eOkla., S. Dak., sTex., Virgin Islands.

Transport Indemnity Company. BUSINESS ADDRESS: 3670 Wilshire Boulevard, Los Angeles, Cal. 90010. UNDERWRITING LIMITATION b/: $1,347,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/: All except Alaska, C.Z., Guam, eKy., eLa., Nev., nwN.Y., eOkla., Puerto Rico, nTenn., wVa., Virgin Islands, nW. Va.

Transportation Insurance Company. BUSINESS ADDRESS: CNA Plaza, Chicago, Ill. 60685. UNDERWRITING LIMITATION b/: $1,282,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Kans., nN.Y., nN.C., eOkla., S. Dak., sTex., Virgin Islands.

The Travelers Indemnity Company. BUSINESS ADDRESS: One Tower Square, Hartford, Conn. 06115. UNDERWRITING LIMITATION b/: $71,599,000. SURETY LICENSES c/: All. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/: All except Guam.

The Travelers Indemnity Company of Rhode Island. BUSINESS ADDRESS: One Tower Square, Hartford, Conn. 06115. UNDERWRITING LIMITATION b/: $5,777,000. SURETY LICENSES c/: All except C.Z., Guam. INCORPORATED IN: R.I. FEDERAL PROCESS AGENTS d/: All except Guam.

Trinity Universal Insurance Company. BUSINESS ADDRESS: Post Office Box 5028, Dallas, Tex. 75222. UNDERWRITING LIMITATION b/: $5,473,000. SURETY LICENSES c/: Ala., Ariz., Ark., Cal., Colo., D.C., Fla., Ga., Idaho, Ill., Ind., Iowa, Kans., Ky., La., Mich., Minn., Miss., Mo., Nebr., N. Mex., (Reinsurance only in N.Y.), N. Dak., Ohio, Okla., Oreg., S. Dak., Tex., Wash., Wis., Wyo. INCORPORATED IN: Tex. FEDERAL PROCESS AGENTS d/: All except Alaska, C.Z., Conn., Del., Guam, Hawaii, Me., Md., Mass., Mont., Nev., N.H., N.J., N.C., Pa., Puerto Rico, R.I., S.C., Tenn., Utah, Vt., Va., Virgin Islands, W. Va.

Trinity Universal Insurance Company of Kansas, Inc. BUSINESS ADDRESS: 2000 Ross Avenue, Dallas, Tex. 75201. UNDERWRITING LIMITATION b/: $296,000. SURETY LICENSES c/: Ala., Ariz., Colo., Ga., Kans., La., Minn., Nebr., N. Mex., N. Dak., Ohio, Okla., Oreg., S. Dak., Tex. INCORPORATED IN: Kans. FEDERAL PROCESS AGENTS d/: Ala., Ariz., Colo., D.C., Ga., La., Minn., Nebr., N. Dak., Ohio, Okla., Oreg., S. Dak., Tex.

Tri-State Insurance Company. BUSINESS ADDRESS: Post Office Box 3269, Tulsa, Okla. 74102. UNDERWRITING LIMITATION b/: $460,000. SURETY LICENSES c/: Ala., Ariz., Ark., Colo., Fla., Ga., Idaho, Ill., Ind., Iowa, Kans., Ky., La., Minn., Miss., Mo., Mont., Nebr., N. Mex., N. Dak., Okla., S. Dak., Tenn., Tex., Utah, Wash., Wyo. INCORPORATED IN: Okla. FEDERAL PROCESS AGENTS d/: Ala., Ariz., Ark., Colo., D.C., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., La., Minn., Miss., Mo., Mont., Nebr., N. Mex., S. Dak., Tenn., Tex., Utah, Wash., Wyo.

Twin City Fire Insurance Company. BUSINESS ADDRESS: Hartford Plaza, Hartford, Conn. 06115. UNDERWRITING LIMITATION b/: $1,359,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Minn. FEDERAL PROCESS AGENTS d/: scCal., Conn., D.C., weLa., Va.

United Fire & Casualty Company. BUSINESS ADDRESS: Post Office Box 4909, Cedar Rapids, Iowa 52407. UNDERWRITING LIMITATION b/: $1,075,000. SURETY LICENSES c/: Ariz., Colo., Ill., Ind., Iowa, Kans., Minn., Mo., Mont., Nebr., N.Y., N. Dak., S. Dak., Utah, Wis., Wyo. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/: Colo., D.C., Ill., Minn., Mo., Nebr., N. Dak., S. Dak., Wis.

United Pacific Insurance Company. BUSINESS ADDRESS: 4 Penn Center Plaza, Philadelphia, Pa. 19103. UNDERWRITING LIMITATION b/: $4,883,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN. Wash. FEDERAL PROCESS AGENTS d/: All except C.Z., Puerto Rico, Virgin Islands.

United States Fidelity and Guaranty Company. BUSINESS ADDRESS: 100 Light Street, Post Office Box 1138, Baltimore, Md. 21203. UNDERWRITING LIMITATION b/: $50,968,000. SURETY LICENSES c/: All except Guam, Virgin Islands. INCORPORATED IN: Md. FEDERAL PROCESS AGENTS d/: All except Guam, Virgin Islands.

United States Fire Insurance Company. BUSINESS ADDRESS: Post Office Box 2387, Morristown, N.J. 07960. UNDERWRITING LIMITATION b/: $12,040,000. SURETY LICENSES c/: All except C.Z., Guam. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, mLa.

Universal Surety Company. BUSINESS ADDRESS: Post Office Box 80468, Lincoln, Nebr. 68501. UNDERWRITING LIMITATION b/: $369,000. SURETY LICENSES c/: Ariz., Colo., Ill., Iowa, Kans., Minn., Mo., Mont., Nebr., N. Mex., N. Dak., Ohio, Okla., S. Dak., Utah, Wash., Wis., Wyo. INCORPORATED IN: Nebr. FEDERAL PROCESS AGENTS d/: Ariz., Colo., D.C., nIll., Iowa, Kans., Minn., Mo., Mont., N. Mex., N. Dak., nOhio, wOkla., S. Dak., Utah, wWis., Wyo.

Universal Underwriters Insurance Company. BUSINESS ADDRESS: 5115 Oak Street, Kansas City, Mo. 64112. UNDERWRITING LIMITATION b/: $6,112,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Mo. FEDERAL PROCESS AGENTS d/: All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.

Utica Mutual Insurance Company. BUSINESS ADDRESS: Post Office Box 530, Utica, N.Y. 13503. UNDERWRITING LIMITATION b/: $4,458,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: nceCal., Conn., Del., D.C., Fla., Ga., nsIll., sInd., Ky., Md., Mass., Mich., sMiss., Mo., N.H., N.J., N.C., Ohio, Pa., R.I., S.C., Tenn., Tex., Vt., Va., sW. Va.

Valley Forge Insurance Company. BUSINESS ADDRESS: CNA Plaza, Chicago, Ill. 60685. UNDERWRITING LIMITATION b/: $1,539,000. SURETY LICENSES c/: All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands. INCORPORATED IN: Pa. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Kans., nN.Y., nN.C., eOkla., S. Dak., sTex., Virgin Islands.

Van Tol Surety Company, Incorporated. BUSINESS ADDRESS: 501 Eighth Street, Brookings, S. Dak. 57006. UNDERWRITING LIMITATION b/: $83,000. SURETY LICENSES c/: S. Dak. INCORPORATED IN: S. Dak. FEDERAL PROCESS AGENTS d/: D.C.

Vigilant Insurance Company. BUSINESS ADDRESS: 100 William Street, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $3,186,000. SURETY LICENSES c/: All except Ala., Alaska, C.Z., Guam, Hawaii, Puerto Rico. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: All except Guam, Hawaii, Virgin Islands.

*See footnotes at end of table.

Washington International Insurance Company. BUSINESS ADDRESS: 650 N. Second Avenue, Phoenix, Ariz. 85003. UNDERWRITING LIMITATION b/: $81,000. SURETY LICENSES c/: Ariz. INCORPORATED IN: Ariz. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Puerto Rico, Virgin Islands.

West American Insurance Company. BUSINESS ADDRESS: 136 North Third Street, Hamilton, Ohio 45026. UNDERWRITING LIMITATION b/: $8,069,000. SURETY LICENSES c/: All except Alaska, C.Z., Conn., Guam, Hawaii, Me., Mass., Mont., N.H., Puerto Rico, R.I., Vt., Virgin Islands, W. Va. INCQRPORATED IN: Cal. FEDERAL PROCESS AGENTS d/: Ala., Colo., D.C., nsFla., Ga., Ill., Ind., Iowa, Kans., Ky., eLa., Md., Mich., Minn., Mo., Nev., N. Mex., N. Dak., Ohio, nOkla., Oreg., Pa., mTenn., Tex., Utah, Va., Wash., Wis., Wyo.

Westchester Fire Insurance Company. BUSINESS ADDRESS: Post Office Box 2387, Morristown, N.J. 07960. UNDERWRITING LIMITATION b/: $5,639,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, mLa.

The Western Casualty and Surety Company. BUSINESS ADDRESS: 14 East First Street, Fort Scott, Kans. 66701. UNDERWRITING LIMITATION b/: $11,748,000. SURETY LICENSES c/: All except C.Z., Conn., Guam, Hawaii, Me., Mass., N.H., N.Y., Puerto Rico, Vt., Va., Virgin Islands. INCORPORATED IN: Kans. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Puerto Rico, Virgin Islands.

The Western Fire Insurance Company. BUSINESS ADDRESS: 14 East First Street, Fort Scott, Kans. 66701. UNDERWRITING LIMITATION b/: $7,033,000. SURETY LICENSES c/: All except Ala., C.Z., Conn., Del., D.C., Ga., Guam, Hawaii, Idaho, La., Me., Md., Mass., Mont., N.H., N.J., Oreg., Puerto Rico, S.C., Vt., Virgin Islands. INCORPORATED IN: Kans. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Puerto Rico, sTex., Virgin Islands.

Western National Assurance Company. BUSINESS ADDRESS: 5350 West 78th Street, Minneapolis, Minn. 55435. UNDERWRITING LIMITATION b/: $268,000. SURETY LICENSES c/: Alaska, Ariz., Cal., Colo., D.C., Hawaii, Idaho, Ind., Minn., Mont., Nev., Oreg., Utah, Wash. INCORPORATED IN: Wash. FEDERAL PROCESS AGENTS d/: D.C.

Western Surety Company. BUSINESS ADDRESS: 908 West Avenue, North, Sioux Falls, S. Dak. 57101. UNDERWRITING LIMITATION b/: $1,830,000. SURETY LICENSES c/: All except Alaska, C.Z., Guam, Hawaii, N.Y., Puerto Rico, Virgin Islands. INCORPORATED IN: S. Dak. FEDERAL PROCESS AGENTS d/: All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.

Westfield Insurance Company. BUSINESS ADDRESS: Westfield Center, Ohio 44251. UNDERWRITING LIMITATION b/: $2,588,000. SURETY LICENSES c/: All except Alaska, C.Z., Conn., Fla., Guam, Hawaii, Me., Puerto Rico, Virgin Islands. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/: All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.

Wilshire Insurance Company. BUSINESS ADDRESS: 200 Fillmore Street, Suite 300, Denver, Colo. 80206. UNDERWRITING LIMITATION b/: $480,000. SURETY LICENSES c/: Ariz., Cal., Colo., Hawaii, Idaho, Iowa, Kans., Mont., Nebr., N. Mex., Oreg., S. Dak., Utah, Wash. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/: Ariz., Colo., D.C., Hawaii, Idaho, Iowa, Mont., Nev., N. Mex., Oreg., S. Dak., Wash.

Wolverine Insurance Company. BUSINESS ADDRESS: 70 West Michigan Avenue, Battle Creek, Mich. 49016. UNDERWRITING LIMITATION b/: $4,524,000. SURETY LICENSES c/: Ark., Cal., Ill., Ind., Iowa, Kans., Mich., Minn., Ohio, Pa., S. Dak., W. Va. INCORPORATED IN: Mich. FEDERAL PROCESS AGENTS d/: Ark., Cal., D.C., Ill., Ind., Iowa, Kans., Minn., Ohio, Pa., S. Dak., W. Va.

*See footnotes at end of table.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY AS ACCEPTABLE REINSURING COMPANIES
UNDER TREASURY CIRCULAR NO. 297, REVISED MARCH 20, 1978 (See Note (a))

Alliance Assurance Company, Limited, London, England. BUSINESS ADDRESS (U.S. Office): 100 William Street, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $1,218,000. FEDERAL PROCESS AGENTS: D.C.

The Canadian Indemnity Company, Winnipeg, Manitoba, Canada. BUSINESS ADDRESS (U.S. Office): 675 South Park View Street, Los Angeles, Cal. 90057. UNDERWRITING LIMITATION b/: $516,000. FEDERAL PROCESS AGENTS: D.C.

General Accident Fire and Life Assurance Corporation, Limited, Perth, Scotland. BUSINESS ADDRESS (U.S. Office): Fourth and Walnut Streets, Philadelphia, Pa. 19106. UNDERWRITING LIMITATION b/: $38,231,000. FEDERAL PROCESS AGENTS: D.C.

The London Assurance, London, England. BUSINESS ADDRESS (U.S. Office): 100 William Street, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $1,620,000. FEDERAL PROCESS AGENTS: D.C.

Munich Reinsurance Company, Munich, Germany. BUSINESS ADDRESS (U.S. Office): 410 Park Avenue, New York, N.Y. 10022. UNDERWRITING LIMITATION b/: $2,656,000. FEDERAL PROCESS AGENTS: D.C.

N.V. The Netherlands Insurance Company, Est. 1845, The Hague, Holland. BUSINESS ADDRESS (U.S. Office): 62 Maple Avenue, Keene, N.H. 03431. UNDERWRITING LIMITATION b/: $519,000. FEDERAL PROCESS AGENTS: D.C.

Rochdale Insurance Company. BUSINESS ADDRESS: 99 John Street, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $264,000. FEDERAL PROCESS AGENTS: D.C.

The Sea Insurance Company, Limited, Liverpool, England. BUSINESS ADDRESS (U.S. Office): 100 William Street, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $974,000. FEDERAL PROCESS AGENTS: D.C.

Sun Insurance Office, Limited, London, England. BUSINESS ADDRESS (U.S. Office): 100 William Street, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $1,679,000. FEDERAL PROCESS AGENTS: D.C.

Swiss Reinsurance Company, Zurich, Switzerland. BUSINESS ADDRESS (U.S. Office): 245 Park Avenue, New York, N.Y. 10017. UNDERWRITING LIMITATION b/: $8,116,000. FEDERAL PROCESS AGENTS: D.C.

"Winterthur" Swiss Insurance Company, Winterthur, Switzerland. BUSINESS ADDRESS (U.S. Office): One World Trade Center, Suite 8015, New York, N.Y. 10048. UNDERWRITING LIMITATION b/: $3,799,000. FEDERAL PROCESS AGENTS: D.C.

Zurich Insurance Company, Zurich, Switzerland. BUSINESS ADDRESS (U.S. Office): 111 West Jackson Boulevard, Chicago, Ill. 60604. UNDERWRITING LIMITATION b/: $6,591,000. FEDERAL PROCESS AGENTS: D.C.

FOOTNOTES

1* Pacific Insurance Company, San Francisco, Cal. -- changed its name to Continental Reinsurance Corporation (see Federal Register of June 12, 1978, pgs. 25400 - 25401)

2* Allied Insurance Company, Philadelphia, Pa. -- changed its name to INA Underwriters Insurance Company (see Federal Register of May 31, 1978, pgs. 23668 - 23669)

N O T E S

(a) All certificates of authority expire June 30, and are renewable July 1, annually. Companies holding certificates of authority as acceptable sureties on Federal bonds are also acceptable as reinsuring companies.

(b) Treasury requirements do not limit the penal sum of bonds which surety companies may execute. The net retention, however, cannot exceed the underwriting limitation, and excess risks must be protected by coinsurance, reinsurance, or other methods in accordance with Treasury Circular 297, Revised March 20, 1978 (31 CFR Section 223.10, Section 223.11). When excess risks on bonds in favor of the United States are protected by reinsurance, such reinsurance is to be effected by use of a Treasury reinsurance form to be filed with the bond or within 45 days thereafter. Risks in excess of the limit fixed herein must be reported for the quarter in which they are executed. In protecting such excess, the rating in force on the date of the execution of the risk will govern absolutely. This limit applies until a new rating is established by the Treasury Department.

(c) A surety company must be licensed in the State or other area in which it executes (signs) a bond, but need not be licensed in the State or other area in which the principal resides or where the contract is to be performed (28 Op. Atty. Gen. 127, Dec. 24, 1909; 31 CFR Section 223.5(b)). The term "other areas" includes the Canal Zone, District of Columbia, Guam, Puerto Rico, and the Virgin Islands.

(d) Process agents are required in the following districts: Where principal resides; where the obligation is to be performed; and in the District of Columbia where the bond is returnable or filed. No process agent is required in the State or other area wherein the company is incorporated (31 CFR Section 224.2). Letters "n, s, e, m, c, and w" preceding names of States indicate respectively the Northern, Southern, Eastern, Middle, Central, and Western judicial districts of States indicated. If letters do not precede names of States, process agents have been appointed in all judicial districts of such States.

federal register

FRIDAY, JUNE 30, 1978
PART III



DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY–ASSISTED CONSTRUCTION

General Wage Determination Decisions

[4510-27]

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original general wage determination decision.

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Arizona:	
AZ77-5058; AZ77-5059; AZ77-5060.	June 17, 1977.
Connecticut:.	
CT78-3003; CT78-3004	Feb. 17, 1978.
Idaho:	
ID78-5017	Apri 7, 1978.
Illinois:	
IL77-5038	Apr. 8, 1977.
Indiana:	
IN77-5038	Do.
Louisiana:	
LA78-4013	Feb. 17, 1978.
LA78-4052	May 12, 1978.
Michigan:	
IL77-5038	Apr. 8, 1977.
Minnesota:	
IL77-5038	Do.
Mississippi:	
MS78-1014	Feb. 17, 1978.
Nevada:	
NV78-5009	Mar. 10, 1978.
NV78-5011; NV78-5018	Mar. 17, 1978.
New York:	
IL77-5038	Apr. 8, 1977.
Pennsylvania:	
IL77-5038	Do.
PA77-3057	May 13, 1977.
PA77-3060	May 20, 1977.
PA77-3100	July 15, 1977.
PA77-3126	Sept. 9, 1977.
PA77-3129	Sept. 16, 1977.
PA78-3012	Apr. 28, 1978.
PA78-3015; PA78-3044	May 12, 1978.
Texas:	
TX78-4025	Mar. 31, 1978.
TX78-4028; TX78-4042	Apr. 14, 1978.
Utah:	
UT78-5012	Mar. 17, 1978.
Wisconsin:	
IL77-5038	Apr. 8, 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.

Arkansas:	
AR76-5041 (AR78-4070)	May 7, 1976.
Louisiana:	
AR76-5041 (AR78-4070)	Do.
Mississippi:	
AR76-5041 (AR78-4070)	Do.
Oregon:	
OR77-5078 (OR78-5104)	Sept. 23, 1977.
Tennessee:	
AR76-5041 (AR78-4070)	May 7, 1976.
Washington:	
WA77-5096 (WA78-5105)	Oct. 14, 1977.

CANCELLATION OF GENERAL WAGE DETERMINATION DECISIONS

None.

Signed at Washington, D.C., this 23d day of June 1978.

HERBERT GOLDSTEIN,
Acting Assistant Administrator,
Wage and Hour Division.

DECISION #AZ77-5058 - Mod. #10
(42 FR 31056 - June 17, 1977)
Statewide Arizona

Change:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters:					
Central and Southern Areas:					
Carpenters; Drywall Applicators; Saw Filers; Shingler	$10.485	$1.045	$1.055		.05
Floorlayers (finish); Piledrivermen	10.77	1.045	1.055		.05
Millwrights	10.90	1.045	1.055		.05
Northern Area:					
Carpenters; Drywall Applicator; Saw Filer; Shingler	12.36	1.045	1.055		.05
Floorlayers (finish); Piledrivermen	12.645	1.045	1.055		.05
Millwrights	12.775	1.045	1.055		.05
Plasterers:					
Phoenix Area:					
Zone A: 0 to 35 miles from Phoenix, Arizona	11.02	.95	1.30		.06
Zone B: 35 to 60 miles from Phoenix, Arizona	11.77	.95	1.30		.06
Zone C: 60 miles and over from Phoenix, Arizona	12.895	.95	1.30		.06
Add:					
Terrazzo Workers; Tile Setters: Phoenix Area	10.67	.65	.70		.13

DECISION #AZ77-5059 - Mod. #8
(42 FR 31065 - June 17, 1977)
Maricopa County, Arizona

Change:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters:	—				
Carpenters; Drywall Applicator	$10.485	$1.045	$1.055		.05
Piledrivermen; Floorlayers (finish)	10.77	1.045	1.055		.05
Millwrights	10.90	1.045	1.055		.05
Plasterers:					
Northern 3/4 of County:					
Zone A: 0 to 35 miles from Phoenix, Arizona	11.02	.95	1.30		.06
Zone B: 35 to 60 miles from Phoenix, Arizona	11.77	.95	1.30		.06
Zone C: 60 miles and over from Phoenix, Arizona	12.895	.95	1.30		.06
Add:					
Terrazzo Workers; Tile Setters	10.67	.65	.70		.13

DECISION #AZ77-5060 - Mod. #6
(42 FR 31070 - June 17, 1977)
Pima County, Arizona

Change:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters:					
Carpenters; Drywall Applicator	$10.485	$1.045	$1.055		.05
Piledrivermen; Floor layers (finish)	10.77	1.045	1.055		.05
Millwrights	10.90	1.045	1.055		.05
Sprinkler Fitters	12.74	.75	1.05		.08

DECISION NO. CT78-3003- Mod #4
(43 FR 7110- February 17, 1978
Farfield, Litchfield, and Windham Counties, Connecticut

Change:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Ironworkers: Ornamental, reinforcing, structural, precast concrete erection	$12.25	.75	1.45	1	.08
Truck Drivers (Heavy & Highway): Change to read same as Building schedule					
Description of work: Building construction (including Residential construction), Heavy (excluding tunnel construction), and highway construction.					

DECISION NO. CT78-3004- Mod #5
(43 FR 7117- February 17, 1978)
Harford, Middlesex, New Haven, New London, and Tolland Counties, Connecticut

Change:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Ironworkers: Ornamental, reinofeing, structural, and precast concrete	12.25	.75	1.45	m	.08
Truck Drivers (Heavy & Highway): Change to read same as Building schedule					

DECISION #ID78-5017 - Mod. #6
(43 FR 14841 - April 7, 1978)
Statewide Idaho

Change:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers; Stonemasons:					
Bannock, Bear Lake, Bingham County (south half), Caribou, Franklin, Oneida, Power Counties	$11.05	.50	.50		
Ironworkers:					
Ornamental; Reinforcing;					
Structural:					
Benewah, Bonner, Boundary, Clearwater, Idaho County (north of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties	12.60	.93	1.45		.10
Those postions of Adams, Idaho, Valley and Washington Counties located south of the 46th Parallel and north of the Weiser-Gibbonsville Line	12.60	.93	1.45		.10
Laborers:					
Area 2:					
Remaining Counties and Idaho County (south of the 46th Parallel):	Basic Hourly Rates ZONE 1	ZONE 2			
Group 1	$8.11	$9.36	.80	1.17	.40	.10
Group 2	8.21	9.46	.80	1.17	.40	.10
Group 3	8.31	9.56	.80	1.17	.40	.10
Group 4	8.41	9.66	.80	1.17	.40	.10
Group 5	8.46	9.71	.80	1.17	.40	.10
Group 6	8.71	9.96	.80	1.17	.40	.10
Group 7	8.96	10.21	.80	1.17	.40	.10
Underground work:					
Group 8	8.26	9.51	.80	1.17	.40	.10
Group 9	8.41	9.66	.80	1.17	.40	.10
Group 10	8.71	9.96	.80	1.17	.40	.10

DECISION #ID78-5017 (Cont'd):

Change (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Marble Setters:					
Bannock, Bear Lake, Bingham County (south half), Caribou, Franklin, Oneida, Power Counties	$10.25	.50	.50		
Power Equipment Operators:					
Area 2:					
Remaining Counties and Idaho County (south of the 46th Parallel):	Basic Hourly Rates ZONE	ZONE 2			
Group 1	$9.56	$10.81	.90	1.10	.10
Group 2	9.72	10.97	.90	1.10	.10
Group 3	10.09	11.34	.90	1.10	.10
Group 4	10.40	11.65	.90	1.10	.10
Group 5	10.57	11.82	.90	1.10	.10
Group 6	10.75	12.00	.90	1.10	.10
Group 7	11.11	12.36	.90	1.10	.10
Group 8	11.34	12.59	.90	1.10	.10
Group 9	11.57	12.82	.90	1.10	.10
Group 10	11.81	13.06	.90	1.10	.10
Terrazzo Workers & Tile Setters:					
Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, Washington Counties	$10.90	.75	$1.10		
Bannock, Bear Lake, Bingham County (south half), Caribou, Franklin, Oneida, Power Counties	10.25	.50	.50		

DECISION #ID78-5017 (Cont'd):

Change (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Truck Drivers:					
Area 1:					
Benewah, Bonner, Boundary, Clearwater, Idaho County (north of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties:					
Zone 1:					
Group 1	$10.98	$1.07	.80		
Group 2	11.02	1.07	.80		
Group 3	11.08	1.07	.80		
Group 4	11.17	1.07	.80		
Group 5	11.38	1.07	.80		
Group 6	11.42	1.07	.80		
Group 7	11.48	1.07	.80		
Group 8	11.52	1.07	.80		
Group 9	11.63	1.07	.80		
Group 10	11.67	1.07	.80		
Group 11	11.98	1.07	.80		
Group 12	12.12	1.07	.80		
Group 13	12.28	1.07	.80		
Group 14	12.42	1.07	.80		
Zone 2:					
Group 1	11.63	1.07	.80		
Group 2	11.67	1.07	.80		
Group 3	11.73	1.07	.80		
Group 4	11.82	1.07	.80		
Group 5	12.03	1.07	.80		
Group 6	12.07	1.07	.80		
Group 7	12.13	1.07	.80		
Group 8	12.17	1.07	.80		
Group 9	12.28	1.07	.80		
Group 10	12.32	1.07	.80		
Group 11	12.63	1.07	.80		
Group 12	12.77	1.07	.80		
Group 13	12.93	1.07	.80		
Group 14	13.07	1.07	.80		

DECISION #ID78-5017 (Cont'd):

Change (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Truck Drivers (Cont'd):					
Area 1 (Cont'd):					
Benewah, Bonner, Boundary, Clearwater, Idaho County (north of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties (Cont'd):					
Zone 3:					
Group 1	$11.88	$1.07	.80		
Group 2	11.92	1.07	.80		
Group 3	11.98	1.07	.80		
Group 4	12.07	1.07	.80		
Group 5	12.28	1.07	.80		
Group 6	12.32	1.07	.80		
Group 7	12.38	1.07	.80		
Group 8	12.42	1.07	.80		
Group 9	12.53	1.07	.80		
Group 10	12.57	1.07	.80		
Group 11	12.88	1.07	.80		
Group 12	13.02	1.07	.80		
Group 13	13.18	1.07	.80		
Group 14	13.32	1.07	.80		
Zone 4:					
Group 1	12.33	1.07	.80		
Group 2	12.37	1.07	.80		
Group 3	12.43	1.07	.80		
Group 4	12.52	1.07	.80		
Group 5	12.73	1.07	.80		
Group 6	12.77	1.07	.80		
Group 7	12.83	1.07	.80		
Group 8	12.87	1.07	.80		
Group 9	12.98	1.07	.80		
Group 10	13.02	1.07	.80		
Group 11	13.33	1.07	.80		
Group 12	13.47	1.07	.80		
Group 13	13.63	1.07	.80		
Group 14	13.77	1.07	.80		

DECISION #ID78-5017 (Cont'd):

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change (Cont'd):					
Truck Drivers (Cont'd):					
Area 1 (Cont'd):					
Benewah, Bonner, Boundary, Clearwater, Idaho County (north of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties (Cont'd):					
Zone 5:					
Group 1	$12.78	$1.07	.80		
Group 2	12.82	1.07	.80		
Group 3	12.88	1.07	.80		
Group 4	12.97	1.07	.80		
Group 5	13.18	1.07	.80		
Group 6	13.22	1.07	.80		
Group 7	13.28	1.07	.80		
Group 8	13.32	1.07	.80		
Group 9	13.43	1.07	.80		
Group 10	13.47	1.07	.80		
Group 11	13.78	1.07	.80		
Group 12	13.92	1.07	.80		
Group 13	14.08	1.07	.80		
Group 14	14.22	1.07	.80		

DECISION NO. IL77-5038 - MOD. #4
(42 FR 18802 - April 8, 1977)

Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Tug Engineers	$12.89		.70	a	
Tug Operators - On Launch	12.52		.70	a	
Tug Workers:					
Firemen, Linesmen, Oilers, Deckhands, Scowmen (on/or with tugboats, launches or other selfpropelled boats)	11.60	b	.75		
Dredge Workers:					
Firemen, Oiler, Deckhands and Scowmen (with dipper dredges, hydraulic dredges or other floating equipment engaged in dredging operations); Pipeline men (both afloat and ashore, including loading, unloading, installing, maintaining and handling pipe lines for hydraulic dredges and sandboats	11.60	b	.75	.75+d	
Range and Sweepmen, Service Truck Drivers	8.81	b	.75	.75+d	

FOOTNOTES:
b. $7.20 per day, per employee.
d. 8 paid holidays: A through F plus Washingtons's Birthday and Veterans' Day.

PAID HOLIDAYS (Where Applicable):

A - New Year's Day; B - Memorial Day; C - Independence Day; D - Labor Day;
E - Thanksgiving Day; F - christmas Day.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #LA78-4013 - Mod. #5 (43 FR 7125 - February 17, 1978) Bossier, Caddo & Calcasieu Pars., Louisiana					
Change:					
Carpenters:					
Calcasieu Parish:					
Carpenters & piledrivermen	$10.05	.50	.33		.07
Soft floor layers:					
Calcasieu Parish	10.05	.50	.33		.07
DECISION #LA78-4052 - Mod. #4 (43 FR 20659 - May 12, 1978) Statewide Louisiana					
Change:					
Carpenters (Building Construction):					
Zone 2 - Carpenters, piledrivermen & soft floor layers	10.05	.50	.33		.07
Zone 4 - Carpenters & piledrivermen	11.00	.40	.50		.05
Electricians:					
Zone 2 - Electricians	11.35	.35	3%		.02
Cable splicers	11.85	.35	3%		.02
DECISION NO. MS78-1014 - MOD. #2 (43 FR 7130 - February 17, 1978) Hancock, Harrison, Jackson & Pearl River Counties, Mississippi					
CHANGE:					
Description of work to read: Building Construction (does not include Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories)					

DECISION #NV78-5009 - Mod. #5
(43 FR 10229 - March 10, 1978)
Statewide (does not include the Nevada Test Site and Tonopah Test Range, and highway construction in Douglas County), Nevada

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters:					
Clark, Esmeralda County (south of Hwy. #6), Lincoln, Nye County (south of Hwy. #6):					
Zone 1: The area within the city limits of Henderson, Nevada, and Boulder City, Nevada; area within a 10-mile radius of Las Vegas, Nevada; area within a 5-mile radius of Tonopah, Nevada; present fenced area of Nellis Air Force Base bounded on the North by the Nellis spur track and on the West by the train line of the Union Pacific Railroad:					
Carpenters	$11.96	.85	$1.10	$1.00	.10
Floor layers; Patent Scaffold Erectors; Power Saw Operator	12.11	.85	1.10	1.00	.10
Piledrivermen	12.16	.85	1.10	1.00	.10
Millwrights	12.46	.85	1.10	1.00	.10
Zone 2: Area outside of Zone 1 and not more than 20 miles from the communities described above:					
Carpenters	12.46	.85	1.10	1.00	.10
Floor layers; Patent Scaffold Erectors; Power Saw Operator	12.61	.85	1.10	1.00	.10
Piledrivermen	12.66	.85	1.10	1.00	.10
Millwrights	12.96	.85	1.10	1.00	.10
Zone 3: Area over 20 miles and not more than 40 miles from the communities described above:					
Carpenters	12.71	.85	1.10	1.00	.10
Floor layers; Patent Scaffold Erectors; Power Saw Operator	12.86	.85	1.10	1.00	.10
Pliedrivermen	12.91	.85	1.10	1.00	.10
Millwrights	13.21	.85	1.10	1.00	.10

DECISION #NV78-5009 (Cont'd):

Change (Cont'd):

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters:					
Clark, Esmeralda County (south of Hwy. #6), Lincoln, Nye County (south of Hwy. #6):					
Zone 4: Area over 40 miles from the communities described above:					
Carpenters	$13.96	.85	$1.10	$1.00	.10
Floor layers; Patent Scaffold Erectors; Power Saw Operator	14.11	.85	1.10	1.00	.10
Piledrivermen	14.16	.85	1.10	1.00	.10
Millwrights	14.46	.85	1.10	1.00	.10
Cement Masons:					
Clark, Lincoln, Nye Counties:					
Cement Masons	11.90	1.00	1.00		.08
Cement Floor Finishing Machine and Color Work	12.15	1.00	1.00		.08
Drywall Installers:					
Clark, Esmeralda County (south of Hwy. #6), Lincoln, Nye County (south of Hwy. #6, including City of Tonopah):					
Zone 1: Area within the city limits of Henderson, Nevada, and Boulder City, Nevada; area within a 10 mile radius of Las Vegas, Nevada; area within a 5 mile radius of Tonopah, Nevada; present fenced area of Nellis Air Force Base, as well as that area adjacent to Nellis Air Force Base bounded on the north by the Nellis spur track and on the west by the train line of the Union Pacific Railroad	12.13	.85	1.10	1.00	.10

DECISION #NV78-5009 (Cont'd):

Change (Cont'd):

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Drywall Installers (Cont'd):					
Clark, Esmeralda County (south of Hwy. #6), Lincoln, Nye County (south of Hwy. #6, including City of Tonopah):					
Zone 2: Area outside of Zone 1 and not more than 20 miles from the communities described in Zone 1	$12.63	.85	$1.10	$1.00	.10
Zone 3: Area over 20 miles and not more than 40 miles from the communities described in Zone 1	12.88	.85	1.10	1.00	.10
Zone 4: Area over 40 miles from the communities described in Zone 1	14.13	.85	1.10	1.00	.10
Painters:					
Clark, Esmeralda, Lincoln, Nye Counties:					
Brush; Roller	13.64	.75	.35		.06
Paperhangers; Spray; Steel; Swing Stage; Sandblasters; Sign; Tapers;	13.99	.75	.35		.06
Buffing Steel; Sandblasters, Structural Steel	14.34	.75	.35		.06
Steeplejack	15.14	.75	.35		.06
Plasterers:					
Clark, Esmeralda, Lincoln, Nye County (south half), White Pine Counties	12.18	1.00	1.00		.08

DECISION #NV78-5009 (Cont'd):

Change (Cont'd):	Basic Hourly Rates AREA 1	Basic Hourly Rates AREA 2	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators: (Except Piledriving and Steel Erection): Remaining Counties:						
Group 1-A	$9.68	$10.83	$1.98	$2.35	$1.17	.10
Group 2	10.08	11.23	1.98	2.35	1.17	.10
Group 3	10.29	11.44	1.98	2.35	1.17	.10
Group 4	10.85	12.00	1.98	2.35	1.17	.10
Group 5	11.08	12.23	1.98	2.35	1.17	.10
Group 6	11.21	12.36	1.98	2.35	1.17	.10
Group 7	11.39	12.54	1.98	2.35	1.17	.10
Group 8	11.81	12.96	1.98	2.35	1.17	.10
Group 9	12.04	13.19	1.98	2.35	1.17	.10
Group 10	12.29	13.44	1.98	2.35	1.17	.10
Group 10-A	12.42	13.57	1.98	2.35	1.17	.10
Group 11	12.60	13.75	1.98	2.35	1.17	.10
Group 11-A	13.77	14.92	1.98	2.35	1.17	.10

DECISION #NV78-5009 (Cont'd):

Change (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators:					
Steel Erection:					
Remaining Counties:					
Group 1	$10.19	$1.98	$2.35	$1.17	.10
Group 2	10.60	1.98	2.35	1.17	.10
Group 3	11.69	1.98	2.35	1.17	.10
Group 4	11.84	1.98	2.35	1.17	.10
Group 4-A	12.15	1.98	2.35	1.17	.10
Group 5	12.65	1.98	2.35	1.17	.10
Group 6	13.11	1.98	2.35	1.17	.10
Group 6-A	13.72	1.98	2.35	1.17	.10
Group 7	14.81	1.98	2.35	1.17	.10
Piledriving:					
Remaining Counties:					
Group 1	9.68	1.98	2.35	1.17	.10
Group 1-A	10.05	1.98	2.35	1.17	.10
Group 1-B	10.28	1.98	2.35	1.17	.10
Group 2-A	10.28	1.98	2.35	1.17	.10
Group 2-B	11.10	1.98	2.35	1.17	.10
Group 3	11.42	1.98	2.35	1.17	.10
Group 3-A	11.86	1.98	2.35	1.17	.10
Group 4	12.43	1.98	2.35	1.17	.10
Group 5	12.61	1.98	2.35	1.17	.10
Group 6	13.77	1.98	2.35	1.17	.10
Sheet Metal Workers:					
Clark, Esmeralda, Lincoln, Nye County (south half), White Pine Counties	14.82	1.03	1.61		.17

DECISION #NV78-5011 - Mod. #4
(43 FR 11441 - March 17, 1978)
Washoe County, Nevada

Change:	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators: (Except Piledriving and Steel Erection):	AREA 1	AREA 2				
Group 1-A	$9.68	$10.83	$1.98	$2.35	$1.17	.10
Group 2	10.08	11.23	1.98	2.35	1.17	.10
Group 3	10.29	11.44	1.98	2.35	1.17	.10
Group 4	10.85	12.00	1.98	2.35	1.17	.10
Group 5	11.08	12.23	1.98	2.35	1.17	.10
Group 6	11.21	12.36	1.98	2.35	1.17	.10
Group 7	11.39	12.54	1.98	2.35	1.17	.10
Group 8	11.81	12.96	1.98	2.35	1.17	.10
Group 9	12.04	13.19	1.98	2.35	1.17	.10
Group 10	12.29	13.44	1.98	2.35	1.17	.10
Group 10-A	12.42	13.57	1.98	2.35	1.18	.10
Group 11	12.60	13.75	1.98	2.35	1.17	.10
Group 11-A	13.77	14.92	1.98	2.35	1.17	.10

DECISION #NV78-5011 (Cont'd):

Change (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators: Steel Erection:					
Group 1	$10.19	$1.98	$2.35	$1.17	.10
Group 2	10.60	1.98	2.35	1.17	.10
Group 3	11.69	1.98	2.35	1.17	.10
Group 4	11.84	1.18	2.35	1.17	.10
Group 4-A	12.15	1.98	2.35	1.17	.10
Group 5	12.67	1.98	2.35	1.17	.10
Group 6	13.11	1.98	2.35	1.17	.10
Group 6-A	13.72	1.98	2.35	1.17	.10
Group 7	14.81	1.98	2.35	1.17	.10
Power Equipment Operators: Piledriving:					
Group 1	9.68	1.98	2.35	1.17	.10
Group 1-A	10.05	1.98	2.35	1.17	.10
Group 1-B	10.28	1.98	2.35	1.17	.10
Group 2-A	10.28	1.98	2.35	1.17	.10
Group 2-B	11.10	1.98	2.35	1.17	.10
Group 3	11.42	1.98	2.35	1.17	.10
Group 3-A	11.86	1.98	2.35	1.17	.10
Group 4	12.43	1.98	2.35	1.17	.10
Group 5	12.61	1.98	2.35	1.17	.10
Group 6	13.77	1.98	2.35	1.17	.10

DECISION #NV78-5018 - Mod. #3
(43 FR 11447 - March 17, 1978)
Clark County (does not include the Nevada Test Site), Nevada

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters:					
Zone 1: Area within the City limits of Henderson, Nevada, and Boulder City, Nevada; area within a 10 mile radius of Las Vegas, Nevada; In Clark County, the present fenced area of Nellis Air Force Base, as well as that area adjacent to Nellis Air Force Base bounded on the north by the Nellis spur track and on the west by the train line of the Union Pacific Railroad:					
Carpenters	$11.96	.85	$1.10	$1.00	.10
Floor layers; Patent Scaffold Erectors; Power Saw Operators	12.11	.85	1.10	1.00	.10
Piledrivermen	12.16	.85	1.10	1.00	.10
Millwrights	12.46	.85	1.10	1.00	.10
Zone 2: Area outside of Zone 1 and not more than 20 miles from the communities described above:					
Carpenters	12.46	.85	1.10	1.00	.10
Floor layers; Patent Scaffold Erectors; Power Saw Operators	12.61	.85	1.10	1.00	.10
Piledrivermen	12.66	.85	1.10	1.00	.10
Millwrights	12.96	.85	1.10	1.00	.10
Zone 3: Area over 20 miles and not more than 40 miles from the communities described above:					
Carpenters	12.71	.85	1.10	1.00	.10
Floor layers; Patent Scaffold Erectors; Power Saw Operators	12.86	.85	1.10	1.00	.10
Piledrivermen	12.91	.85	1.10	1.00	.10
Millwrights	13.21	.85	1.10	1.00	.10

DECISION #NV78-5018 (Cont'd):

Change (Cont'd):

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters (Cont'd):					
Zone 4: Area over 40 miles from the communities described in Zone 1:					
Carpenters	$13.96	.85	$1.10	$1.00	.10
Floor layers; Patent Scaffold Erectors; Power Saw Operators	14.11	.85	1.10	1.00	.10
Piledrivermen	14.16	.85	1.10	1.00	.10
Millwrights	14.46	.85	1.10	1.00	.10
Cement Masons:					
Cement Masons	11.90	1.00	1.00		.08
Cement Floor Finishing Machine; Color Work	12.15	1.00	1.00		.08
Drywall Installers:					
Zone 1: Area within the City limits of Henderson, Nevada, and Boulder City, Nevada; area within a 10 mile radius of Las Vegas, Nevada; In Clark County, the present fenced area of Nellis Air Force Base, as well as that area adjacent to Nellis Air Force Base bounded on the north by the Nellis spur track and on the west by the train line of the Union Pacific Railroad	12.13	.85	1.10	1.00	.10
Zone 2: Area outside of Zone 1 and not more than 20 miles from the communities described above	12.63	.85	1.10	1.00	.10
Zone 3: Area over 20 miles and not more than 40 miles from the communities described in Zone 1	12.88	.85	1.10	1.00	.10
Zone 4: Area over 40 miles from the communities described in Zone 1	14.13	.85	1.10	1.00	.10

DECISION #NV78-5018 (Cont'd):

Change (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Painters:					
Brush; Roller	$13.64	.75	.35		.06
Paperhangers; Spray; Steel; Swing Stage; Sandblasters; Tapers	13.99	.75	.35		.06
Plasterers	12.18	1.00	1.00		.08
Sheet Metal Workers	14.82	1.03	1.61		.17

Decision #PA77-3057 - Mod. #8
(42 FR 24700 - May 13, 1977)
Sullivan County, Pennsylvania

Change:					
Laborers:					
Unskilled & window washers	$ 9.17	.45	.75		
Mason tenders incl. scaffold builders	9.57	.45	.75		
Semi-skilled; Pneumatic, electrical 7 mechanical tool ops., under the jurisdiction of the laborers - 2" pumps-non-metallic pipelayers & making of joints clay, terra cotta, ironstone, vitrified concrete, handling of burning torches, asphalt or other hot materials, cement finishers & blaster helpers, power buggies, walk along hoist	9.37	.45	.75		
Plasterers tenders, blasters & wagon drill operators	9.49	.45	.75		
Painters:					
Brush	9.55	.75	.40		.10
Tapers	9.81	.75	.40		.10
Hazardous	10.81	.75	.40		.10
Roofers	9.90	.85	.80		
Carpenters:					
Benton Air Force Base	11.04	.50	.55		.04

Decision No. PA77-3060 - Mod. #6
(42 FR 26179 - May 20, 1977)
Adams, Berks, Bradford, Carbon, Columbia, Cumberland, Dauphin, Juniata, Lackawanna, Lancaster, Lebonon, Lehigh, Luzerne, Lycoming, Monroe, Montour, Northanpton, Northumberland, Perry, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming & York Counties, Pennsylvania

Change:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators:					
Highway Construction Group 5	$ 8.50	7%	10.3%	a	1.8%

Decision #PA77-3100 - Mod. #8
(42 FR 36775 - July 15, 1977)
Columbia, Montour & Snyder Counties, Pennsylvania

Change:					
Laborers:					
Zone III					
Class I	$ 7.90	.35	.40		
Class II	8.05	.35	.40		
Class III	8.37	.35	.40		
Class IV	7.55	.35	.40		
Plumbers & Steamfitters	11.30	.70	.80		.12
Electricians					
Zone I	11.45	.50	3%+.20		.05
Painters:					
Brush	9.55	.75	.40		.10
Tapers	9.81	.75	.40		.10
Hazardous	10.81	.75	.40		.10
Roofers					
Zone I	9.90	.85	.80		

Decision #PA77-3126 - Mod. #3
(42 FR 45622 - September 9, 1977)
Lycoming County, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Painters:					
Brush	$ 9.55	.75	.40		.10
Tapers	9.81	.75	.40		.10
Hazardous	10.81	.75	.40		.10
Roofers & Kettleman	9.90	.85	.80		

Decision #PA77-3129 - Mod. #4
(42 FR 46903 - September 16, 1977)
Northumberland County, Pennsylvania

Change:					
Electricians:					
Remainder of County	$11.45	.50	3%+.20		.05
Laborers:					
South of Susquehanna River	7.90	.35	.40		
Plumbers & Steamfitters	11.30	.70	.80		.12
Painters:					
Brush	9.55	.75	.40		.10
Tapers	9.81	.75	.40		.10
Hazardous	10.81	.75	.40		1.0
Roofers:					
Remainder of County	9.90	.85	.80		

Decision NO. PA78-3012 - Mod. #3
(43 FR 18476 - April 28, 1978)
Clinto,n, Centre, Huntingdon,
Fulton & Mifflin Counties, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appt. Tr.
Change:					
Painters					
Zone 1					
Brush	$ 9.55	.75	.40		.10
Tapers	9.81	.75	.40		.10
Hazardous	10.81	.75	.40		.10
Roofers:					
Zone 2					
Composition & Kettleman	9.90	.85	.80		

Decision #PA78-3015 - Mod. #2
(43 FR 20697 - May 12, 1978)
Greene, Somerset & Potter
Counties, Pennsylvania

Change:					
Laborers					
Zone III					
Class 1	$ 8.35	10%	8%		
Class 2	8.85	10%	8%		
Class 3	8.95	10%	8%		
Class 4	8.85	10%	8%		
Class 5	8.40	10%	8%		

MODIFICATIONS P. 23

Decison #PA78-3017 - Mod. #2
(43 FR 19574 -May 5, 1978)
Carbon, Monroe Counties, including
Tobyhanna Army Depot and Pike County,
Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers & Stonemasons					
Zone 2	$10.90	.60	.75		
Electricians					
Zone 1	11.25	.50	3%+.80		.02
Laborers:					
Zone 2					
Class 1	7.55	.62	.59		
Class 2	7.80	.62	.59		
Class 3	7.95	.62	.59		
Class 4	8.57	.62	.59		
Class 5	8.30	.62	.59		
Marble Setters					
Zone 1	9.05	1.00	1.15		
Terrazzo Workers					
Zone 1	9.30	1.00	1.15		
Tile Setters					
Zone 1	9.05	1.00	1.15		
Painters					
Zone 1					
Brush	9.55	.75	.40		.10
Tapers	9.81	.75	.40		.10
Hazardous	10.81	.75	.40		.10
Roofers					
Zone 2					
Composition & Kettleman	9.90	.85	.80		

MODIFICATIONS P. 24

Decision #PA78-3044 - Mod. #1
(43 FR 20711 - May 12. 1978
Luzerne, County, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers & Stonemasons;					
Nescopeck, Hallenback, and Salem Twps.	$ 9.70	.55	.70		.01
Remainder of County	10.90	.60	.75		
Carpenters:					
Remainder of County	11.04	.50	.55		.05
Electricians					
Remainder of County	11.24	.65	3%+.85		.03
Laborers:					
Hazelton:					
Laborers	7.44	.45	.79		
Mason tenders including scaffold builders	7.84	.45			
Pneumatic, electric and mechanical tool operators 2" pumps-non metallic pipelaying and making joint clay, Terra cotta, Ironstone vitrified concrete, Handling of burning torches, asphalt or other hot materials Cement finishers and blasters' helpers, Power buggies, Walk along hoist	7.54	.45	.75		
Plasterers' tenders, blasters, and wagon drill operators	7.69	.45	.75		
Remainder of County:					
Unskilled laborers	9.17	.45	.75		
Semi skilled laborers, Pneumatic and other mechanical tool operators; 2" pump or under, Handling and mixing of all material used by masons from stock pile to mason; Non-metallic pipelayer and making of joints clay, terra cotta, ironstone, vitrified concrete, handling of burning torches, asphalt or other hot material, Cement finishers and blasters' helpers	9.37	.45	.75		
Plasterers' tenders, wagon drill operators	9.49	.45	.75		

Decision #PA78-3044 - Mod. #1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers:					
Remainder of County (Cont'd)					
Mason tenders and scaffold builders	$ 9.57	.45	.75		
Painters:					
Remainder of County:					
Brush	9.55	.75	.40		.10
Tapers	9.81	.75	.40		.10
Hazardous	10.81	.75	.40		.10
Plasterers:					
Hazleton	10.00				.01
Roofers:					
Composition & Kettlemen	9.90	.85	.80		
Soft Floor Layers	9.20	.50	.55		.05

DECISION #TX78-4025 - Mod. #2 (43 FR 13739) - Statewide Texas (March 31, 1978)

Change Area Covered by Various Zones to Read as Follows:

Zone 4 - Brewster, Culberson, El Paso*, Hudspeth, Jeff Davis, Pecos, Presidio, Reeves & Terrell Cos.

Description of Work: Highway Construction (does not include building structures in rest area projects) & Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes & garden type apartments up to & including 4 stories).

*Not to be used for Utilities Incidental to General Building Construction in El Paso County

Zone 10 - Cooke, Denton, Hood, Jack, Johnson, Palo Pinto, Parker, Sommervell, Tarrant* & Wise Cos.

Description of Work: Heavy (excluding dams), Water & Sewer Lines & Highway Construction (does not include building structures in rest area projects) & Paving & Utilities Incidental to General Building Construction). This wage determination does not apply to any residential construction (single family homes & garden type apartments up to & including 4 stories).

*Not to be used for Heavy Construction & Utilities Incidental to General Building Construction in Tarrant County

Zone 14 - Brazos, Burleson, Grimes, Leon, Madison, Milam, Robertson, Walker* & Washington Cos.

Description of Work: (Heavy (excluding tunnels & dams) & Highway Construction (does not include building structures in rest area projects) & Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes & garden type apartments up to & including 4 stories).

*Not to be used for Paving & Utilities Incidental to General Building Construction in Walker County

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TX78-4028 - Mod. #4 (43 FR 16112 - April 14, 1978) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties, Texas					
Change:					
Carpenters:					
Zone 1 - Carpenters	$ 9.90		.40		.01
Millwrights	10.25		.40		.01
DECISION #TX78-4042 - Mod. #1 (43 FR 16134 - April 14, 1978) Smith County, Texas					
Change:					
Plasterers	9.575			.50	.05

MODIFICATIONS P. 27

DECISION #UT78-5012 - Mod. #2
(43 FR 11454 - March 17, 1978)
Statewide Utah

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers	$11.61	.45	.42		.09
Carpenters:					
Building Construction:					
Carpenters	10.25	.55	.65		.03
Saw operators; Carpenters handling creosote materials	10.50	.55	.65		.03
Millwrights	11.00	.55	.65		.03
Piledrivermen	12.08	.55	.60		.03
Drywall Installers:					
Taping, finishing and texturing (hand or machine)	10.64	.51	.30		.03
Line Construction Workers:					
Groundman	8.24	.45	3%		1/4%
Line Equipment Serviceman	9.82	.45	3%		1/4%
Line Equipment Mechanic:					
Base Shop	9.82	.45	3%		1/4%
Right-of-Way	10.49	.45	3%		1/4%
Line Equipment Operators	9.98	.45	3%		1/4%
Linemen	11.07	.45	3%		1/4%
Cable Splicers	12.18	.45	3%		1/4%
Marble Setters	10.52	.37	.30		
Plasterers	10.40	.55	.65		.01

Change (Cont'd):	Basic Hourly Rates AREA 1	Basic Hourly Rates AREA 2	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators:						
Building construction:						
Group 1	$8.06	$9.06	.90	$1.565	.75	.05
Group 2	8.45	9.45	.90	1.565	.75	.05
Group 3	8.65	9.65	.90	1.565	.75	.05
Group 4	8.76	9.76	.90	1.565	.75	.05
Group 5	8.76	9.76	.90	1.565	.75	.05
Group 6	9.27	10.27	.90	1.565	.75	.05
Group 7	9.44	10.44	.90	1.565	.75	.05
Group 7-A	9.56	10.56	.90	1.565	.75	.05
Group 8	9.89	10.89	.90	1.565	.75	.05
Group 8-A	9.96	10.96	.90	1.565	.75	.05
Group 9	10.12	11.12	.90	1.565	.75	.05
Group 10	10.30	11.30	.90	1.565	.75	.05
Group 11	10.79	11.79	.90	1.565	.75	.05
Group 11-A	11.75	12.75	.90	1.565	.75	.05
Group 11-B	12.24	13.24	.90	1.565	.75	.05
Group 12	12.52	13.52	.90	1.565	.75	.05
Terrazzo Workers and Tile Layers		$10.52	.37	.30		

SUPERSEDEAS DECISION

STATES: Arkansas, Louisiana, Mississippi and Tennessee
DECISION No.: AR78-4070 DATE: Date of Publication
Supersedes Decison No. AR76-5041, dated May 7, 1976, in 41 FR 19017.
DESCRIPTION OF WORK: For construction of all river, harbor and floor control work on the Mississippi River and tributaries (excluding the metropolitan areas of Vicksburg, Greenville and Natchez, Mississippi; Pine Bluff, Little Rock and Ft. Smith, Arkansas; Memphis, Tennessee and New Orleans, Baton Rouge, Alexandria, Monroe and Shreveport, Louisiana and contracts for the Red River Waterway Projects.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS	$ 4.50				
LABORERS:					
Unskilled	3.15				
Revetment and dikes	3.15				
Chain saw operator or filer	3.50				
Air tool operator	3.50				
Powderman	4.50				
POWER EQUIPMENT OPERATORS:					
Pile driver operator, mechanic (heavy equipment), cranes, derricks, draglines, welder, power shovels and backhoes, mixer (concrete, 21 cu. ft. & over), asphalt plant operator, trenching machine (over 18")	6.35				.05
Bulldozer (finisher, push cat & on barges), motor patrol finisher, scraper and like equipment, front end loader, backhoe (tractor mounted), asphalt finisher or spreading machine, well point system operator, self-propelled loader (conveyor type)	5.30				.05
Fireman (heavy construction), pile driver, leadsman, winchman	4.50				.05
Asphalt plant dryer operator, asphalt distributor, asphalt roller, bulldozer (rough, including disc, plow or roller), motor patrol (haul roads), trenching machine (18" and under), self-propelled roller (except asphalt), end dump equipment (off highway), mixer (concrete up to 21 cu. ft), bottom dump euclids (and like equipment)	4.40				.05
Oiler, pump, mechanic helper, greaser, welder helper, tractor (farm type including disc, plow, or roller)	3.95				.05
TRUCK DRIVERS:					
1½ tons or less	3.50				
Over 1½ tons	4.00				

SUPERSEDEAS DECISION

STATE: Oregon COUNTIES: Statewide
DECISION NUMBER: OR78-5104 DATE : Date of Publication
Supersedes Decision No. OR77-5078 dated September 23, 1977, in 42 FR 48700
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.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 13.16	.57	1.20		.12
BOILERMAKERS	12.025	1.075	1.00	.75	.02
BRICKLAYERS; Stonemasons:					
Clackamas, Clatsop, Columbia, Gilliam, Hood River, Marion, Multnomah, Morrow, Polk, Sherman, Tillamook, Wasco (north of the City of Maupin), Washington, Yamhill, Baker, Union, Umatilla, Wallowa, North half of Malheur Cos.	11.83	.75	.85		.15
Benton, Crook, Coos, Curry, Deschutes, Douglas, Grant, Harney, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, Lincoln, Linn, Wheeler, Wasco (including the City of Maupin and south thereof), and S½ of Malheur Counties	12.02	.75	.75		.08
CARPENTERS:					
Acoustical and Drywall Applicators; Automatic Nailing Machine; Carpenters; Form Strippers; Manhole Builders	11.28	.60	.95	.50	.04
Piledrivermen; Bridge, Dock and Wharf Builders	11.38	.60	.95	.50	.04
Floor Layers and Finishers; Stationary Power Saw Operators	11.43	.60	.95	.50	.04
Boom Men	11.48	.60	.95	.50	.04
Millwrights and Machine Erectors	11.53	.60	.95	.50	.04
CEMENT MASONS:					
Cement Masons	11.00	.85	.76	.60	.10
Composition Workers; Power Machinery Operator	11.15	.85	.76	.60	.10
ELECTRICIANS:					
Malheur County					
Electricians	10.75	.70	3%+.50		1%
Cable Splicers	11.825	.70	3%+.50		1%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS: (Cont'd)					
Baker, Gilliam, Grant, Morrow, Umatilla, Wheeler Counties					
Electricians	$ 13.17	.57	3%+.70		.02
Lead Cable Splicers	13.83	.57	3%+.70		.02
Coos, Curry, Lincoln, and those portions of Douglas and Lane Counties lying west of a line north and south from the NE corner of Coos County to the SE corner of Lincoln County					
Electricians	12.55	.90	3%+2.00		.04
Cable Splicers	13.81	.90	3%+2.00		.04
Benton, Crook, Deschutes, Jefferson, Lane (eastern portion), Linn, Marion, Polk, S½ of Yamhill Counties					
Electricians	14.55	.90	3%+1.00		.06
Lead Cable Splicers	15.71	.90	3%+1.00		.06
Clackamas, Clatsop, Columbia, Hood River, Multnomah, Sherman, Tillamook, Wasco, Washington, N½ of Yamhill Counties					
Electricians	14.55	.90	3%+1.00		.05
Lead Cable Splicers	15.30	.90	3%+1.00		.05
Harney, Jackson, Josephine, Klamath, Lake, that portion of Douglas lying east of a line running north and south from the NE corner of Coos to the SE corner of Lincoln Counties					
Electricians	13.38	.65	3%+1.00		.08
Cable Splicers	14.72	.65	3%+1.00		.08
ELEVATOR CONSTRUCTORS	12.205	.745	.35	4%+a	.02
GLAZIERS	11.11	.51	.65		.01
IRONWORKERS:					
Structural; Reinforcing; Ornamental; Riggers; Fence Erectors; Signal Men	12.60	.93	1.45		.05
LATHERS:					
Clackamas, Clatsop, Columbia, Gilliam, Harney, Hood River, Morrow, Multnomah, Sherman, Yamhill Counties	11.05	.60	1.00		.01
Lane County	10.85	.60	.75		.01

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE SETTERS:					
Clackamas, Clatsop, Columbia, Gilliam, Hood River, Multnomah, Morrow, Sherman, Tillamook, Wasco (north of the City of Maupin), Washington, N½ of Yamhill Counties	$ 11.83	.75	.85		.15
Baker, Union, Umatilla, Wallowa, N½ of Malheur Counties	11.06	.55	.50		
MASON TENDERS:					
(including tenders of plasterers, bricklayers, tile setters, marble setters and terrazzo worker; Topping for cement finishers and mortar mixer)	9.46	.90	1.00		.10
PAINTERS:					
Malheur County					
Painters and Tampers	8.75	.45	.30		.02
Umatilla (Township of Pendleton only)					
Brush; Glazier; Sign Painter Spray; Sandblasting; Swing Stage; Taping and paperhanging	5.50				
	5.57				
Remaining Counties					
Brush	9.92	.55	.70		.10
Spray	10.32	.55	.70		.10
Bridges, High work over 50' (brush)	10.67	.55	.70		.10
Bridges, High work over 50' (spray)	11.07	.55	.70		.10
Drywall Tapers	10.65	.65	.60	.50	.06
PLASTERERS:					
Benton, Coos, Crook, Curry, Douglas, Deschutes, Harney, Jefferson, Northern 1/3 of Klamath, Lane, Southern 1/2 Lincoln, Linn, Wasco, and Wheeler Counties	11.10	.60	1.00		.01
Remaining Counties	11.05	.65	1.00		.01

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS; Steamfitters:					
Baker; Harney (except NW portion); Malheur Counties	$ 10.42	.59	.70		
Grant (except SW corner); Morrow, Umatilla, Wallowa, Union Counties	13.27	.75	1.55	2.00	.11
N½ of Benton, Lincoln and Linn Counties; S½ of Tillamook and Yamhill Counties; Marion and Polk Counties	13.77	1.00	1.65	1.25	.12
Clackamas, Clatsop, Columbia, Gilliam, Hood River, Jefferson, Multnomah, Sherman, Wasco, Wheeler, Washington, N½ of Yamhill Counties, N½ of Tillamook Counties	14.32	1.50	1.60		.13
Coos, Curry, West coast portion of Douglas, Lane (City of Florence)	11.08	.81	1.40		.10
Lane (except City of Florence); Douglas (except coast portion) Crook, Deschutes, NW portion of Harney, Northern portions of Klamath and Lake Counties, S½ of Lincoln, Linn, Benton and Jefferson Counties, SW corner of Grant County	14.78	.91	1.60		.15
Remainder of Klamath and Lake Counties	12.73	.90	1.55		.10
Jackson and Josephine Counties	12.46	.85	1.70	1.20	.05
ROOFERS:					
Benton, Lincoln, Linn, Marion, Polk and Yamhill Counties	10.69	.74	.15		
Clackamas, Clatsop, Columbia, Gilliam, Hood River, Multnomah, Sherman, Tillamook, Wasco, Washington and Wheller Cos. Roofers	11.25	.70	.80		
Handling of irritating material (coal, tar or epoxy) in inconfined area	11.75	.70	.80		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS: (Cont'd)					
Handling of irritating material (coal, tar or epoxy) in confined area	$ 12.00	.70	.80		
Coos, Crook, Curry, Deschutes, Douglas, Harney, Jackson, Josephine, Klamath, Lake and Lane Counties					
Roofers	10.49	.65	.10		
Spray and/or application of irritating materials in a confined area	11.49	.65	.10		
Malheur County	9.60	.60	.30		
Wallowa County	9.69	.60	.75		.02
SHEET METAL WORKERS:					
Benton, Clackamas, Clatsop, Columbia, Crook, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Lincoln, Linn, Sherman, Wheeler & Yamhill Cos.	12.13	3%+.91	1.05	1.00	.04
Malheur County	10.94	.57	.52		.14
Baker, Uamtilla, Union, and Wallowa Counties	13.88	3%+.68	1.14		.14
Coos, Curry, Douglas, Klamath, Lake, Lane, Jackson and Josephine Counties	12.635	.61	.61		.03
SOFT FLOOR LAYERS:					
All Counties except Malheur Co.	10.435	.50	.90	c	.08
Malheur County	7.00	.25	.10		.10
SPRINKLER FITTERS	12.10	.75	1.05		.08
TILE SETTERS:					
Clatsop, Clackamas, Columbia, Gilliam, Hood River, Morrow, Multnomah, Sherman, Wasco (North of the City of Maupin), Washington, Tillamook and N½ of Yamhill County	10.44	.70	.75		.15
Baker, Umatilla, Union, Wallowa Counties and N½ of Malheur County	10.39	.55	.50		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TILE SETTERS: (Cont'd)					
Benton, Coos, Crook, Curry, Deschutes, Douglas, Grant, Harney, Jackson, Josephine, Klamath, Lake, Lane, Lincoln, Linn, Wheeler, Wasco (including the City of Maupin and south thereof) and S½ of Malheur Counties	$ 10.20	.70	.70		

WELDER; RIGGERS: Receive rate prescribed for craft performing operation to which welding is incidential.

FOOTNOTES:

a. Employer credits 4% basic hourly rate of employee with 5 years' service; 2% basic hourly rate for 6 months to 5 years' service to Vacation Plan. Six Paid Holidays: A through F.

b. Two weeks' Vacation with pay after 1 year of employment. Also seven (7) paid holidays: A through F plus Washington's Birthday.

c. 4% of all gross wages to be placed to the credit of employees with less than one year's service. 6% of all gross wages to be placed to credit of employees with more than one year of service.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

LINE CONSTRUCTION

	BASE ZONE	ZONE A	ZONE B	ZONE C	ZONE D
Cable Splicer, Leadman Pole Sprayer	$13.29	$14.54	$15.29	$16.04	$ 17.29
Lineman, Pole Sprayer Heavy Line Equipment man, certified Lineman Welder	12.00	13.25	14.00	14.75	16.00
Tree Trimmer	10.84	12.09	12.84	13.59	14.84
Line Equipment Man	10.34	11.59	12.34	13.09	14.34
Head groundman (chipper), Head Groundman, Powderman, Jackhammer Man	9.04	10.29	11.04	11.79	13.04
Groundman, Tree Trimmer Helper	8.50	9.75	10.50	11.25	12.50

BASE ZONE - 0 to 3 miles from grographical center of Cities listed below.

Zone A - 3 to 20 miles radius

Zone B - 20 to 35 miles radius

Zone C - 35 to 50 miles radius

Zone D - Over 50 miles radius

Base Zone rate is paid when working our of employer's permanent shop.

Spokane	Ellensburg	Astoria	Medford	Corvallis
Tacoma	Ephrata	Baker	Portland	Coeur D' Alene
Walla Walla	Everett	Burns	Pendleton	Kellog
Wenatchee	Kennewick	Bend	Salem	Lewiston
Yakima	Longview	Eugene	Roseburg	Orofino
Wilbur	Olympia	Klamath Falls	The Dalles	Sand Point
Bellingham	Seattle	Lakeview	Umatilla	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION: (Cont'd) Malheur County					
All work over 34.5 KV and all work on steel towers and/or multiple stations of 1,000 KVA or greater capacity, all communications, underground work, 34.5 KV; street and highway lighting and motor traffic controls:					
Groundman	$ 7.48	.45	3%		3/4%
Equipment Operator	9.05	.45	3%		3/4%
Linemen	9.94	.45	3%		3/4%
Cable Splicers	10.93	.45	3%		3/4%
All power construction of 34.5 KV and under when performed for an operating utility. Street lighting when performed for an operating utility or municipality					
Groundman	7.22	.45	3%		3/4%
Equipment Operator	8.47	.45	3%		3/4%
Linemen	9.41	.45	3%		3/4%
DREDGING:					
Levermen:					
Dipper	11.80	1.00	1.00	.50	.05
Hydraulic	11.14	1.00	1.00	.50	.05
Assistant Engineer (including watch engineer, Welder, mechanic and machinist); Mate	10.78	1.00	1.00	.50	.05
Tenderman (boatman, attending dredge plant); Fireman	10.54	1.00	1.00	.50	.05
Assistant Mate (deckhand); Oiler	10.28	1.00	1.00	.50	.05
TIMBER SALES ROADS:					
Operating Engineer	8.65	1.00	1.00		
Operating Engineer Assistant (oiler)	7.64	1.00	1.00		
Teamster	8.214	.68	.70		
Laborer	7.106	.90	1.00		
Power Saw, Driller, Powdermen	6.856	.90	1.00		

LABORERS

	ZONE A	ZONE B	ZONE C	ZONE D	ZONE E	ZONE F
Group 1	$8.40	$8.80	$9.15	$9.40	$9.65	$9.90
Group 2	8.93	9.33	9.68	9.93	10.18	10.43
Group 3	9.28	9.68	10.03	10.28	10.53	10.78
Group 4	9.58	9.98	10.33	10.58	10.83	11.08
Group 5	9.83	10.23	10.58	10.83	11.08	11.33

FRINGE BENEFITS:

Health and Welfare	$.95	Vacation	$ .70
Pension	1.05	Apprenticeship Training	.10

*SEE ZONE DESCRIPTIONS - Following Truck Driver Classifications

LABORERS

Group 1: Asphalt Plant Laborers; Asphalt Spreaders; Batch Weighman; Broomers; Brush Burners and Cutters; Car and Truck Loaders; Carpenter Tender; Change-house Man or Dry Shack Man; Clean up Laborers; Culvert, hand laborer; Curing, concrete; Demolition, Wrecking and Moving Laborers; Driller Helpers; Dumpers, Road Oiling Crew; Dumpmen (for grading crew); Elevator Feeders; Fence Builder (including Guard Rail, Median Rail, Reference Post, Guide Post, Right-of-way Marker); Fine Graders; Form Strippers (not swinging stages); Landscaping or Plant Laborers; Leverman or Aggregate Spreader (Flaherty and similar types); Loading Spotters; Material Yard Man (including electrical); Railroad Track Laborers; Ribbon Setters (including steel forms); Rip Rap Man (hand placed); Road Pump Tender; Sewer Labor; Signalman; Skipmen; Slopers Spraymen; Stake Chaser; Stockpiler; Timber Faller and Bucker (hand labor); Toolroom Man (at job site); Weight man - Crusher (aggregate when used)

Group 2: Choke Setter; Concrete Laborers; Pittsburgh Chipper Operator or similar types; Powderman helper; Tunnel Bull Gang (above ground)

Group 3: Applicator (including Pot Tender for same), applying protective material by hand or nozzle on utility lines or storage tanks on project; Brush Cutters (power saw); Burners; Choker Splicers; Clary Power Spreader and similar types; Clean-up Nozzleman - Greencutter (concrete, rock, etc.); Concrete Power Buggyman; Crusher Feeder; Demolition and Wrecking Charred Materials; Grade Checker; Gunite Nozzleman Tender; gunite and Sand Blasting Pot Tender; Handlers or Mixers or all materials of an irritating nature (including cement and lime); Power Tool Operators, includes but not limited to: Dry Pack Machine, Jackhammer, Chipping Guns, Paving Breakers, Vibrators (less than 4" in diameter), Post Hole Digger, air, gas, or electric, Vibrating Screed, Tampers, Ribbon Setter, head; Rip Rap Man (head), hand placed; Sand Blasting (wet); Stake Setter; Tunnel - Muckers, Brakemen, Concrete Crew, Bull Gang (underground)

Group 4: Asphalt Rakers; Bit Grinder; Drill Doctor; Drill Operators, Air Tracks, Cat Drills, Wagon Drills, Rubber-mounted Drills and other similar types; Concrete Saw Operator; Gunite Nozzleman; High Scalers, Strippers and Drillers (covers work in swinging stages, chairs or belts, under extreme conditions unusual to normal drilling, blasting, barring down, or sloping to move, set up, align laser beam; Manhole Builder; Powdermen; Power Saw Operators (bucking and falling); Pumpcrete Nozzleman; Sand Blasting (dry); Swere Pipe Layers; Sewer Timberman; Track Liners, Anchor Machines, Ballast Regulators, Multiple Tampers, Power Jacks; Tugger Operator; Tunnel - Chuck Tenders, Nippers and Timbermen; Vibrators (4" and larger); Water Blaster; Welder

Group 5: Laser Beam (tunnel) - Tunnel Miners; Tunnel Powderman

POWER EQUIPMENT OPERATORS

Group No.	ZONE A	ZONE B	ZONE C	ZONE D	ZONE E	ZONE F
1	$10.40	$10.80	$11.15	$11.40	$11.65	$11.90
2	10.54	10.94	11.29	11.54	11.79	12.04
3	10.64	11.04	11.39	11.64	11.89	12.14
4	10.80	11.20	11.55	11.80	12.05	12.30
5	10.82	11.22	11.57	11.82	12.07	12.32
6	10.90	11.30	11.65	11.90	12.15	12.40
7	10.96	11.36	11.71	11.96	12.21	12.46
8	11.06	11.46	11.81	12.06	12.31	12.56
9	11.12	11.52	11.87	12.12	12.37	12.62
10	11.18	11.58	11.93	12.18	12.43	11.68
11	11.20	11.60	11.95	12.20	12.45	12.70
12	11.26	11.66	12.01	12.26	12.51	12.76
13	11.34	11.74	12.09	12.34	12.59	12.84
14	11.50	11.90	12.25	12.50	12.75	13.00
15	11.66	12.06	12.41	12.66	12.91	13.16
16	11.84	12.24	12.59	12.84	13.09	13.34
17	11.98	12.38	12.73	12.98	13.23	13.48
18	12.16	12.56	12.91	13.16	13.41	13.66
19	12.30	12.70	13.05	13.30	13.55	13.80

FRINGE BENEFITS:

Health and Welfare	$1.00	Vacation	$.50
Pension	1.21	Apprenticeship Tr	.05

*SEE ZONE DESCRIPTION - following Truck Drivers classifications.

POWER EQUIPMENT OPERATORS

Group 1: Oiler, including Plant, Crane, Crusher, Guradrail equipment, and Trenching Machine; Assistant Conveyor Operator; Crusher Feederman; Deckhand; Self-propelled Scaffolding Operator; Guardrail Punch Oiler; Pump Operator, under 4"; Brakeman; Switchman; Parts Man (tool room)

Group 2: Blade Operator, pulled type; Truck Crane Oiler-driver, 25 ton capacity or over; Crane Fireman, (all equipment except floating); A-frame Truck Operator, single drum; Tugger or Coffin type Hoist Operator; Driller Helper; Auger; Oiler; Boatman; Fork Lift or Lumber Stacker Operator (on job site); Oiler, combination Guardrial Machines; Temporary Heating Plant Operator; Grade Oiler, required to check grade; Grade Checker; Tar Pot Fireman; Tar Pot Fireman (power agitated); H.D. Repairman Helper; Welder's Helper; Helicopter Radioman (ground); Roller Operator, grading of base rock (not asphalt)

Group 3: Asphalt Plant Fireman; Pugmill Operator (any type); Truck mounted Asphalt Spreader, with Screed; Compressor Operator (any power), under 2,250 cu. ft. total capacity; Conveyor Operator; Mixer Box Operator (C.T.B., Dry Batch, etc.); Cement Hog; Concrete Saw; Concrete Curing Machine (riding type); Wire Mat or Brooming Machine; Ross Carrier Operator (on job site); Bucket Elevator Loader, Barber Greene and similar types; Hydraulic Pipe Press; Pump Operator (any power), 4" and over; Hydrostatic Pump; Motorman; Ballast Jack Tamper; Bell Boy phones, etc.; Tamping Machine, mechanical self-propelled; Hydrographic Seeder Machine, straw, pulp or seed; Broom Operator, self-propelled (on job site); Air Filtration Equipment; Welding Machine Operator

Group 4: Screed Operator; Compactor, including Vibratory; Compressor (any power) over 1,250 cu. ft. total capacity; Combination Mixer and Compressor, Gunnite work; Concrete Mixer Operator, single drum, under five bag capacity; Helicopter Hoist Operator; Floating Equipment Fireman; Lull Hi-lift Operator or similar type; Fork Lift, over 5 ton; Service Oiler (greaser); Hydra Hammer or similar types; Pavement Breaker; Pump Operator, more than 5 (any size); Locomotive, under 40 tons; Roller Operator, Oiling, C.T.B.

Group 5: Extrusion Machine; Wagner Pactor or similar type (without blade); Concrete Batch Plant Quality Control Operator; Power Jumbo, Setting Slip Forms, etc. in tunnels; Slip Form Pumps, Power driven Hydraulic Lifting Device for concrete forms; Hoist, single drum; Elevator Operator; Pulvamixer or similar types; Chip Spreading Machine Operator; Lime Spreading (on job site); Sweeper (Wayne type) Self-propelled (on job site); Tractor, rubber-tired 50 H.P. Flywheel and under; Trenching Machine, Maximum digging capacity 3 ft. depth

POWER EQUIPMENT OPERATORS (Cont'd)

Group 6: Asphalt Burner and Reconditioner; Pavement Grinder and/or Grooving Machine (riding type); Cast-in-place Pipe Laying Machine; Maginnis Internal Full Slab Vibrator; Concrete Finishing Machine, Clary, Johnson, Bidwell, Burgess Bridge Deck or similar type; Curb Machine, Mechanical Berm, Curb and/or Curb and Gutter; Concrete Joint Machine; Concrete Planer; Concrete Paving Machine; Concrete Spreader; Loaders, rubber-tired type, 2½ cu. yds. and under; Rock Spreaders, self-propelled

Group 7: Roller (any asphalt mix); Beltcrete; Pumpcrete Operator (any type); Fuller-Kenyon and similar; Concrete Pump; Grouting Machine; Concrete Mixer, single drum, five bag capacity and over; Tower Mobile Operator; A-Frame Truck double drum; Boom Truck; Churn Drill and Earth Boring Machine; Hydraulic Backhoe, wheel type 3/8 cu. yds. and under with or without front end attachments 2½ cu. yds. and under (Ford, John Deere, Case type); Elevating Grader, Tractor towed requiring operator or grader; Pot Rammer; Ballast Regulator; Ballast Tamper, Multiple-purpose; Track Liner; Tie Spacer; Shuttle Car; Locomotive, 40 tons and over

Group 8: Diesel-Electric Engineer, Plant, Crusher, Generator, Floating; Batch Plant and/or wet mix, one and two drum; Generator Operator; Belt Loader, Kolman and Ko Cal types; Asphalt Paver Operator

Group 9: Bulldozer; Drill Cat Operator; Side-boom Cat; Compactor, with blade; Concrete Cooling Machine; Chicago Boom and similar types; Lift Slab Machine; Boom type lifting device, 5 ton capacity or less; Cherry Picker or similar type Crane-hoist, 5 ton capacity or less; Grizzley Crusher; Crusher Plant; Drill Doctor; Boring Machine; Guardrail Punch and Auger (all types); Surface Heater and Planer; Hydraulic Backhoe, track type 3/8 cu. yd.; Loader, front end and overhead, 2½ cu. yds. and under 4 cu. yds.; Hammer operator; Pipe Cleaning, Doping, Bending and Wrapping Machines; Bolt-threading Machine; Drill Doctor (bit grinder); H.D. Mechanic and Welder; Machine Tool Operator; Stationary Drag Scraper; Tractor, rubber-tired over 50 H.P. flywheel; Tractor with boom attachment; Trench Machine, maximum digging capacity over 3 ft. depth; Asphalt Plant Operator

Group 10: Bulldozer, twin engine (TC 12 and similar); Cable Plow (any type); Compactor, multi-engine; Jack Operator, Elevating Barges; Barge Operator, self-unloading; Combination H.D. Mechanic-Welder, with dispatched and/or when required to do both; Rubber-tired Dozers and Pushers (Michigan, Cat, Hough type); Driller-Percussion, Diamond, Core, Cable, Rotary and similar type

Group 11: Mixer Mobile; Concrete Breaker; Crane Operator, 25 tons and under; Combination Guardrail Machines, i.e., Punch, Auger, etc.; Shovel; Dragline; Clamshell, Hoe, etc., under 1 cu. yd.; Grade-alls, under 1 cu. yd.; Mucking Machine (tunnel)

POWER EQUIPMENT OPERATORS (Cont'd)

Group 12: Blade Operator; Batch Plant and/or Wet Mix, 3 units or more; Reinforced Tank Banding Machine (K-17 or similar); Hoist, two or more drums; Elevating Loader, Athey and similar; Piledriver (not crane type); Rubber-tired Scraper, single and twin engine, Single Scraper, with Push-pull attachments, self-loader, Paddle Wheel, Auger type; Blade mounted Spreaders, Ulrich and similar types; Shield Operator

Group 13: Blade Operator, finish; Blade, externally controlled by electronic, mechanical hydraulic means; Blade, multi-engine; Concrete Paving Road Mixer; Derrick, under 100 tons; Hoist, Stiff Leg, Guy Derrick or similar, 50 tons and over; Cableway Operator 25 ton and over; Crane, over 25 ton and including 50 tons; Piledriver Operator; Floating Clamshell, etc. under 3 cu. yds.; Floating Crane (derrick barge), less than 30 ton; Elevating Grader, operated by tractor operator, Sierra, Euclid, or similar; Back Filling Machine; Shovel, etc. 1 cu. yd. and less than 3 cu. yds.; Grade-all, 1 cu. yd. and over; Bridge Crane Operator, Locomotive Crane, Gantry and Overhead

Group 14: Tower Crane Operator; Rubber-tired Scraper, with Tandem Scrapers, self-loading, Paddle Wheel, Auger type, Finish and/or 2 or more units

Group 15: Rock Hound Operator; Loader, 4 cu. yds., but less than 6 cu. yds.

Group 16: Autograder or "Trimmer"; Tandem Bulldozer, Quad-nine and similar; Automatic Concrete Slip Form Paver; Concrete Canal Line; Cableway, 25 ton and over; Crane, over 40 ton and including 100 ton; Whirley, 80 ton and under; Floating Clamshell, etc., 3 cu. yds. and over; Floating Crane (derrick barge) 30 ton but less than 80 ton; Loader, 6 cu. yds., but less than 12 cu. yds.; Rubber-tired Scraper, with Tandem Scrapers, Multi-engine; Shovel, etc., 3 cu. yds. but less than 5 cu. yds.; Wheel Excavator, under 750 cu. yds. per hour

Group 17: Crane over 100 ton and including 200 ton; Whirley over 80 ton and including 150 ton; Floating Crane (derrick barge) 80 ton less than 150 ton; Loader, 12 cu. yds. and over; Shovel, etc., 5 cu. yds. and over; Canal Trimmer

Group 18: Crane, over 200 ton; Whirley, 150 ton and over; Floating Crane 150 ton but less than 250 ton; Wheel Excavator, over 750 cu. yds. per hour; Band Wagons, in conjunction with Wheel Excavator

Group 19: Helicopter, when used in erecting work; Floating Crane 250 ton and over; Remote Controlled Earth Moving Equipment; Underwater equipment, remote or otherwise

TRUCK DRIVERS

Group No.	ZONE A	ZONE B	ZONE C	ZONE D	ZONE E	ZONE F
1	$10.29	$10.69	$11.04	$11.29	$11.54	$11.79
2	10.34	10.74	11.09	11.34	11.59	11.84
3	10.39	10.79	11.14	11.39	11.64	11.89
4	10.44	10.84	11.19	11.44	11.69	11.94
5	10.49	10.89	11.24	11.49	11.74	11.99
6	10.59	10.99	11.34	11.59	11.84	12.09
7	10.69	11.09	11.44	11.69	11.94	12.19
8	10.79	11.19	11.54	11.79	12.04	12.29
9	10.89	11.29	11.64	11.89	12.14	12.39
10	11.06	11.46	11.81	12.06	12.31	12.56
11	11.16	11.56	11.91	12.16	12.41	12.66
12	11.16	11.66	12.01	12.26	12.51	12.76
13	11.36	11.76	12.11	12.36	12.61	12.86
14	11.46	11.86	12.21	12.46	12.71	12.96

FRINGE BENEFITS:

Health & Welfare	$ .68
Pension	.70
Vacation	.88
Apprenticeship Training	.05

*SEE ZONE DESCRIPTION - following Truck Driver Classifications.

TRUCK DRIVERS

Group 1: Battery Rebuilders; Bus or Manhaul Driver; Concrete Buggies (power operated); Dump Trucks, side, end and bottom dumps, including Semi-trucks and Trains or combinations thereof: 6 cu. yds. and under, Lift Jitneys, Fork Lifts (all sizes in loading, unloading and transporting material on job site); Loader and/or Leverman on concrete dry batch plant (manually operated); Pilot Car; Solo Flat Bed and misc. Body Trucks, 0-10 tons; Truck Helper; Truck Mechanic Helper; Warehouseman (warehouse parts, tool men and parts chaser, checkers and receivers); Water Wagons (rated capacity) - up to 1,600 gallons

Group 2: "A" Frame of Hydra-lift Truck with load bearing surface; Lubrication Man, Fuel Truck Driver, Tireman, Wash Rack, Steam Cleaner or combinations; Team Drivers

Group 3: Dump Trucks, side, end and bottom dumps, including Semi-trucks and Trains or combinations thereof: over 6 cu. yds. and including 10 cu. yds.; Slurry Truck Driver or Leverman; Transit Mix, and wet or dry mix trucks: 5 cu. yds. and under; Tireman (full-time basis); Water Wagons (rated capacity) - 1,600 to 3,000 gallons

Group 4: Flaherty Spreader Driver or Leverman; Lowbed Equipment, Flat Bed Semi-trailer, Truck and Trailers of doubles transporting equipment or wet or dry materials; Lumber Carrier Driver - Straddle Carrier (used in loading, unloading and transporting of materials on job site); Oil Distributor Driver or Leverman; Water Wagons (rated capacity) - 3,000 to 5,000 gallons

Group 5: Dumpsters of similar equipment, all sizes; Transit Mix and wet or dry trucks, over 5 cu. yds. and including 7 cu. yds.

Group 6: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains of combinations thereof: over 10 cu. yds. and including 20 cu. yds.; Transit Mix and wet or dry mix truck, over 7 cu. yds. and including 9 cu. yds.; Truck Mechanic-Welder - Body Repairman; Water Wagons (rated capacity 5000 to 7000 gallons

TRUCK DRIVERS

Group 7: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 20 cu. yds. and including 30 cu. yds.; Transit Mix and wet or dry mix trucks, over 9 cu. yds. and including 11 cu. yds.; Water Wagons (rated capacity), over 7000 gallons to 10,000 gallons

Group 8: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 30 cu. yds. and including 40 cu. yds.; Transit Mix and wet or dry mix trucks, over 11 cu. yds. and including 15 cu. yds.; Water Wagons (rated capacity), over 10,000 gallons to 15,000 gallons

Group 9: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combination thereof: over 40 cu. yds. and including 50 cu. yds.; Transit Mix and wet or dry mix trucks, over 13 cu. yds. and including 15 cu. yds.

Group 10: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 50 cu. yds. and including 60 cu. yds.

Group 11: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 60 cu. yds. and including 70 cu. yds.

Group 12: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 70 cu. yds. and including 80 cu. yds.

Group 13: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 80 cu. yds. and including 90 cu. yds.

Group 14: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 90 cu. yds. and including 100 cu. yds.

Drivers and Helpers (handling sacked Cement - add $.15 per hour)

Winch Truck - takes classification of Truck on which Winch is mounted.

LABORERS
POWER EQUIPMENT OPERATORS
TRUCK DRIVERS

ZONE WAGE SCALE

CITIES:

Astoria	Hood River	Newport	Tillamook
Baker	Klamath Falls	Ontario	Vancouver
Bend	La Grande	Pendleton	
Brookings	Lakeview	Port Orford	
Burns	Longview	Reesdport	
Coos Bay	Madras	Roseburg	
Goldendale	Medford	The Dalles	
Grants Pass	McMinnville		

Zone A - All jobs or projects located within 10 miles of the respective City Hall

Zone B - More than 10 miles but less than 25 miles from the respective City Hall

Zone C - More than 25 miles but less than 35 miles from the respective City Hall

Zone D - More than 35 miles but less than 45 miles from the respective City Hall

Zone E - More than 45 miles but less than 75 miles from the respective City Hall

Zone F - More than 75 miles from the respective City Hall

Albany and Corvallis Only

Zone A - All jobs or projects located within 5 miles of the respective City Hall

Zone B - More than 5 miles but less than 25 miles from the respective City Hall

Zone C - More than 25 miles but less than 35 miles from the respective City Hall

Zone D - More than 35 miles but less than 45 miles from the respective City Hall

Zone E - More than 45 miles but less than 75 miles from the respective

DECISION NO. OR78-5104

LABORERS
POWER EQUIPMENT OPERATORS
TRUCK DRIVERS

ZONE WAGE SCALE (Cont'd)

Portland Only

Zone A - All jobs or projects located within 25 miles of the City Hall of Portland

Zone C - More than 25 miles but less than 35 miles from City Hall

Zone D - More than 35 miles but less than 45 miles from City Hall

Zone E - More than 45 miles but less than 75 miles from City Hall

Zone F - More than 75 miles from City Hall

Eugene and Salem Only

Zone A - All jobs or projects located within 20 miles of the respective City Hall

Zone B - More than 20 miles but less than 25 miles from the respective City Hall

Zone C - More than 35 miles but less than 45 miles from the respective City Hall

Zone D - More than 35 miles but less than 45 miles from the respective City Hall

Zone E - More than 45 miles but less than 75 miles from the respective City Hall

Zone F - More than 75 miles from the respective City Hall

SUPERSEDEAS DECISION

STATE: Mississippi COUNTY: Warren
DECISION NO.: MS78-1056 DATE: Date of Publication
Supersedes Decision No. MS77-1033 dated March 25, 1977 in 42 FR 16361
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	$ 9.82	.45	.50		
Boilermakers	9.95	1.05	1.05		.02
Bricklayers:					
Bricklayers	8.70	.25	.10		.03
Stone, block, & marble masons	8.70	.25	.10		.03
Caulkers, pointers, & cleaners	8.70	.25	.10		.03
Tile & terrazzo workers	8.60	.25	.10		.03
Carpenters:					
Carpenters	7.85	.30	.25		.05
Drywall application	7.85	.30	.25		.05
Soft floor layers	7.85	.30	.25		.05
Millwrights	8.45	.30	.25		.05
Piledrivermen	8.45	.30	.25		.05
Cement masons	6.80	.25	.30	a	.05
Electricians:					
Electricians	9.70	.35	3% + .50		.04
Cable splicers	9.95	.35	3% + .50		.04
Elevator constructors:					
Elevator constructors	7.83	.545	.35	4%+a&b	.02
Glaziers	7.10				
Ironworkers	9.30	.45	.85		.04
Laborers:					
Laborers	2.65				
Mortar mixers	2.70				
Lathers	8.65				.01
Millwrights	8.45	.30	.25		
Painters:					
Brush; Drywall tapers; Rollers	7.45	.15	.10		
Spray	7.95	.15	.10		
Structural steel, (brush)	7.70	.15	.10		
Plasterers	7.60	.25	.50		.05
Plumbers; pipefitters	10.74		.67	c	.05
Roofers	8.60		.20		
Sheet metal workers	9.35	.35	.45		.03 + .02
Truck drivers:					
1½ to 5 tons	6.15				
Over 5 tons	6.80				

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. 6 paid holidays: A through F

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. 2 paid holidays: D & F

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP I	9.40	.30	.30		
GROUP II	8.45	.30	.30		
GROUP III	8.20	.30	.30		
GROUP IV	7.75	.30	.30		
GROUP V	6.40	.30	.30		

GROUP I: Engineer, operating under air pressure.

GROUP II: Mechanic

GROUP III: Asphalt plant, backhoe, blacksmith, boom tractor, bulldozer, central mixing plant, cherry picker, clamshell, crane, derrick, derrick car, derrick boat, dragline, dredge, elevating grader, excavator (power belt), fork lift (5 tons & over), hoists (2 drum in active use), locomotive engineer, marine engineer (chief), master pilot, minermobile, motor patrol and similar equipment, paver (21 c. f. or larger), pile driver, recharger, scoop (skimmer), scraper, shovel, trenching machine (over 18" bucket line width), turnapull (DJ-10 and similar pull type scrapers), Traxcavator and similar endloaders, welder, welding machines and pumps (operating 2 to 6 machines), well driller, well point pumps.

GROUP IV: Asphalt spreader (bituminous distributor), asphalt spreader (bituminous mixer), backfilling machine, conveyor, drill (earth), finishing machine, fireman, forklift (over 2 tons and less than 5 tons), heating plant, hoist (one drum), marine engineer's assistant, mixer payloader and similar endloaders, pilot, power generating plant, pump (concrete), roller, scoopmobile, tractor (with power take-off), trenching machines (18" or smaller bucket line width), tugboat, winch truck and tractor, small rubber tired with backhoe attachment.

GROUP V:
Air compressor, batch scale, deckhand, forklift (2 tons & under), form grader, locomotive hostler, motorboat (in or outboard), oiler, pump, roughneck, scowman, tractor (with attachments), welding machine.

MS78-1056 (Cont'd)

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.

Booms, including jib:
25¢ per hour above regular rate - 100 feet to and including 200 feet.

50¢ per hour above regular rate - 201 feet to and including 300 feet.

75¢ per hour above regular rate - 301 feet and above.

Operators servicing other crafts shall draw rate of pay not less than journeyman rate of craft being serviced.

SUPERSEDEAS DECISION

STATE: Washington
COUNTIES: Statewide
DECISION NUMBER: WA78-5105
DATE : Date of Publication
Supersedes Decision No. WA77-5096 dated October 14, 1977, in 42 FR 55412
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.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Chelan, Clallam, Douglas, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, Okanogan, Pacific (Northern portion), Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom and Yakima Counties	$13.20.	.51	$ 1.20		.06
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties	13.16	.57	1.20		.12
Remaining Counties	12.75	.51	1.20		
BOILERMAKERS	12.025	1.075	1.00	.75	.02
BRICKLAYERS:					
Adams (except City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Grand Coulee Dam area in Okanogan County	11.94	.80	.70		.05
Benton, Frnaklin and Walla Walla Counties	11.81	.65	.70		
Chelan, Douglas and Okanogan (except area of Grand Coulee Dam)	9.50	.55	.50		
Clallam, Island, Jefferson, King, Kitsap, Snohomish and Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) Counties	11.52	.80	.85		.11
Clark, Cowlitz, Pacific (Southern portion), Skamania, Wahkiakum Counties and ten mile strip bordering the Columbia River in Klickitat County	11.83	.75	.85		.15
Grant County and that portion of Adams County including the City of Othello	10.50	.40			
Kittitas, Yakima and Klickitat (except a ten mile strip bordering the Columbia River) Counties	10.95	.65	.75		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS: (Cont'd)					
Grays Harbor, Lewis, Mason, Thurston and Northern portion of Pacific County	$ 11.35	.65	.50		
Pierce County	11.58	.65	.85		.06
San Juan, Skagit (including the Cities of Burlington, Sedro-Woolley, Concrete and north thereof), and Whatcom Counties	11.88	.65	.75		
CARPENTERS:					
All Counties and parts of Counties east of the 120th Meridian (except those parts of Kittitas, Klickitat and Yakima east of the 120th Meridian)					
Carpenters	11.59	.78	.85		.075
Piledriver; Floor Sanders; Saw Filers; Stationary Power Woodworking Tool Operator	11.74	.78	.85		.075
Boom Men; Carpenters (creosoted material)	11.84	.78	.85		.075
Piledriver (creosoted material)	11.99	.78	.85		.075
Millwrights & Machine Erectors	12.09	.78	.85		.075
All Counties and parts of Cos. west of the 120th Meridian except Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties					
Carpenters and Drywall Applicators	11.88	.60	.80		.02
Carpenters on Creosoted material	11.98	.60	.80		.02
Sawfilers; Stationary power saw; Floor Finisher; Floor Layer; Shingles; Floor Sander and other stationary power woodworking tools	12.01	.60	.80		.02
Millwrights & Machine Erectors	12.38	.60	.80		.02
Piledrivers; Bridge, dock and wharf builders	12.03	.60	.80		.02
Acoustical Workers	12.04	.60	.80		.02
Boommen	12.08	.60	.80		.02

DECISION NO. WA78-5105

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS: (Cont'd)					
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties					
Carpenters; Form Strippers; Manhole Builders; Acoustical Applicators, Drywall Applicators	$ 11.28	.60	.95	.50	.04
Piledrivermen, bridge, dock and wharf builders	11.38	.60	.95	.50	.04
Floor Layers; Floor Finishers; Stationary Power Saw Operator	11.43	.60	.95	.50	.04
Boomman	11.48	.60	.95	.50	.04
Millwrights; Machine Erectors	11.53	.60	.95	.50	.04

CEMENT MASONS

Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas (except for western portion lying one mile west of City of Easton), Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties

	ZONE A	ZONE B	ZONE C	ZONE D	ZONE E
Cement Masons	$ 10.93	$11.58	$ 11.83	$12.28	$ 12.73
Power Troweling Machine Gunnite Operator	11.08	11.73	11.98	12.43	12.88
Power Tool Operator (grinding, bushing of toxic material)	11.38	12.03	12.28	12.73	13.18

FRINGE BENEFITS: H&W $.75 PEN. $1.00 App. Tr. $.05

*SEE Page following TRUCK DRIVERS for ZONE DESCRIPTIONS.

CEMENT MASONS:					
Clallam, Grays Harbor, Jefferson, King, Kitsap, Kittitas (western portion lying one mile west of the City of Easton), Lewis, Mason, Pacific (Northern portion), Pierce and Thurston Counties					
Cement Masons	11.53	.55	1.00	.50	.02
Composition, Color, Mastic, Trowel Machine; Grinder, Power Tool, Gunnite Nozzleman	11.78	.55	1.00	.50	.02

DECISION NO. WA78-5105

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS: (Cont'd)					
Island, Skagit, Snohomish and Whatcom Counties					
Cement Masons	$ 11.95	.94	.70		.09
Composition, Color, Mastic, Trowel Machine, Grinder, Power Tools, Gunnite Nozzleman	12.20	.94	.70		.09
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties					
Cement Masons	11.00	.85	.76	.60	.10
Composition materials and power machinery	11.15	.85	.76	.60	.10
ELECTRICIANS:					
Adams, Ferry, Lincoln, Pend Oreille, Spokane, Stevens and Whitman Counties					
Electricians	13.47	.73	3%+.40		.02
Cable Splicers	13.97	.73	3%+.40		.02
Asotin, Benton, Columbia, Franklin, Garfield, Kittitas, Walla Walla and Yakima Counties					
Electricians	13.17	.73	3%+.40		.02
Cable Splicers	13.83	.73	3%+.40		.02
Chelan, Douglas, Grant and Okanogan Counties					
Electricians	13.07	.73	3%+.70		.02
Cable Splicers	14.38	.73	3%+.70		.02
Clallam, Jefferson, King and Kitsap Counties					
Electricians	14.53	.85	3%+.90		.05
Cable Splicers	15.98	.85	3%+.90		.05
Clark, Klickitat and Skamania Counties					
Electricians	14.55	.90	3%+1.00		.05
Cable Splicers	15.30	.90	3%+1.00		.05
Cowlitz and Wahkiakum Counties					
Electricians	13.80	.90	3%	5%	.02
Cable Splicers	15.18	.90	3%	5%	.02
Grays Harbor, Lewis, Mason, Pierce, Pacific and Thurston Cos.					
Electricians	12.64	.75	3%+.65	8%	.07
Cable Splicers	13.90	.75	3%+.65	8%	.07

DECISION NO. WA78-5105

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICINAS: (Cont'd)					
Island, San Juan, Skagit, Snohomish and Whatcom Counties					
Electricians	$ 15.02	.90	3%+.40		.04
Cable Splicers	16.52	.90	3%+.40		.04
ELECTRONIC TECHNICIANS:					
(Installation and repair of low-voltage communication and alarm systems, excluding any work under the jurisdiction of a journeyman wireman):					
Adams, Ferry, Lincoln, Pend Oreille, Spokane, Stevens, and Whitman Counties					
Journeyman Installer	7.30	.43			.02
ELEVATOR CONSTRUCTORS:					
Adams, Asotin, Benton, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla and Whitman Counties					
Elevator Constructors	12.965	.745	.35	4%+a	.02
Chelan, Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, Pacific (Northern portion), Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom and Yakima Cos.					
Elevator Constructors	13.225	.745	.35	4%+a	.02
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties					
Elevator Constructors	12.205	.745	.35	4%+a	.02
GLAZIERS:					
Adams (northeastern portion), Lincoln (eastern half); Pend Oreille, Spokane and Stevens Counties	10.49	.35	.10	b+.43	
Adams (southeastern portion), Benton, Columbia, Franklin and Walla Walla Counties	9.83	.40	.45	.64	
Adams (Southwestern corner), Chelan, Douglas, Grant, Lincoln, (western half) and Okanogan Cos.	8.25	.40	.70	.59	.02

DECISION NO. WA78-5105

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GLAZIERS: (Cont'd)					
Asotin, Garfield and Whitman Cos.	$ 9.53	.40	.55	b	
Clallam, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific (Northern portion), Pierce, San Juan, Snohomish and Thurston Counties	10.40	.34	.75	b	
Yakima and Kittitas Counties	9.46	.35	.50		
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Cos.	10.03	.51	.65	6.8%	.01
INSULATION APPLICATORS:					
King County	8.25	.55	.70		.02
IRONWORKERS:					
Statewide except Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties					
Reinforcing; Structural; Fence Erectors; Ornamental; Riggers and Signalmen	12.60	.93	1.45		.10
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties					
Reinforcing; Structural; Fence Erectors; Ornamental; Riggers; Signalmen	12.60	.93	1.45		.10
LATHERS:					
Adams, Asotin, Benton, Chelan, Columbia, Ferry, Franklin, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties	9.95	.70	.85		
Clallam, Island, Jefferson, King, Kitsap, Lewis, Pacific (Northern portion), Pierce, San Juan, Skagit, Snohomish and Whatcom Counties	10.90	.55	.100		.04
Clark, Cowlitz, Klickitat, Pacific (Southern poriton), Skamania and Wahkiakum Counties	11.05	.60	1.00		.01

DECISION NO. WA78-5105

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE SETTERS:					
Adams (except that portion including the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens and Whitman Counties, and Grand Coulee Dam Area in Okanogan County	$ 11.94	.80	.70		.05
Benton, Franklin and Walla Walla Counties	11.81	.65	.70		
Chelan, Douglas and Okanogan Counties (except area of Grand Coulee Dam)	9.50	.55	.50		
Clallam, Island, Jefferson, King, Kitsap, Snohomish and Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) Counties	11.52	.80	.85		.11
Clark, Cowlitz, Pacific (Southern portion), Skamania, Wahkiakum Counties and a ten mile strip bordering the Columbia River in Klickitat County	11.83	.75	.85		.15
Grant County and that portion of Adams County including the City of Othello	10.50	.40			
Grays Harbor, Lewis, Mason, Thruston and northern half of Pacific County	11.35	.65	.50		
Pierce County	11.58	.65	.85		.06
San Juan, Sakgit (including the Cities of Burlington, Sedro-Woolley, Concrete and north thereof) and Whatcom Counties	10.87	.65	.75		
MARBLE, TILE and TERRAZZO WORKERS HELPERS:					
All Counties west of the Cascade Mountain Range (except Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties	9.52	.65	.30		

DECISION NO. WA78-5105

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MASON TENDERS:					
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties (including tenders of plasterers, bricklayers, tile setters, marble setters and terrazzo workers; topping for cement finishers and mortar mixers)	$ 9.36	.90	$ 1.00		.10
PAINTERS:					
Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties					
Brush	11.22	.40	.90		.02
Steel; Spray; Steam cleaning; Roller over 9" or 10' handle; Drywall Taper	11.47	.40	.90		.02
Swing Stage work or high rate (over 30')	11.57	.40	.90		.02
Bitumastic; Sandblasting; Bridge; Tanks on legs; Tower; Stacks; Steeples	11.62	.40	.90		.02
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties					
Brush	9.92	.55	.70	.50	.10
Spray	10.32	.55	.70	.50	.10
Bridges, High work over 50' (brush)	10.67	.55	.70	.50	.10
Bridges, High work over 50' (spray)	11.07	.55	.70	.50	.10
Drywall Finishers	10.65	.65	.60	.50	.06
Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pierce, San Juan, Skagit, Snohomish, Thurston, Pacific (Northern portion) and Whatcom Counties					
Brush; Roller; Drywall Tapers, Paperhangers	10.53	.60	.70		.04

DECISION NO. WA78-5105

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Spray; Structrual Steel; Bridge; Sandblasting; Stacks; Steam Cleaning; Steeples; Swing Stage; Tanks on legs; Toxic Material	$ 10.77	.60	.70		.04
Tower Painters	10.88	.60	.70		.04
Statewide except Wahkiakum, Cowlitz and Skamania Counties Striper	12.47	.61	.33		
PLASTERERS:					
Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties	10.73	.75	1.00		
Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific (Northern portion), Pierce, San Juan, Skagit, Snohomish, Thurston and Whatcom Counties	10.90	.55	1.00		.06
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties	11.05	.60	1.00		.01
PLASTERERS' TENDERS:					
All Counties and portions of Counties East of the 129th Meridian	9.35	.82	.70		.05
PLUMBERS:					
Chelan, Clallam, King, Kittitas (North of 47°15' N. Lat.), Douglas (West of the 119°30' W. Long.), Jefferson and Okanogan (except the area lying east of 119°30 W. Long., North to 48°30' W. Long., North lines) Counties	13.90	.89	1.51	1.25	.12

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS: (Cont'd)					
Adams (except area between a line drawn south from the western boundary of Ferry County to Highway #10 eastward to Whitman County), Asotin, Benton, Columbia, Franklin, Garfield, Grant, Klickitat, Walla Walla, Yakima, Douglas (east of 119°30' W Long.), Ferry (west of a line drawn from Creston in Lincoln County northward to the Canadian Border), Kittitas (south of 47°15' N. Lat.), Lincoln (west of a line drawn from Schrag in Adams County northward to the Ferry County Line), and Okanogan (east of 119°30' west Long. and south of 48°30' N. Lat.) Counties	$ 13.27	.75	$ 1.55	$2.00	.11
Adams (area between a line drawn south from the western boundary of Ferry County to Highway #10 and eastward to Whitman County) Asotin, Cowlitz, Ferry (east of a line drawn from Creston in Lincoln County northward to the Canadian Border), Grays Harbor, Kitsap, Lewis, Lincoln (east of a line drawn from Schrag in Adams County northward to the Ferry County Line), Mason, Pend Oreille, Pierce, Skagit, Snohomish, Spokane, Stevens, Thurston, Wahkiakum, Whatcom, Whitman and Clark and Skamania (those portions lying north of an east-west line drawn through Woodland eastward to the Klickitat County Line, Counties	13.94	.85	1.26	1.25	.12
Clark and Skamania Counties south of an east-west line drawn through Woodland eastward to the Klickitat County Line	13.12	1.21	1.60		.13

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
Adams, Asotin, Chelan, Douglas, Ferry, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens and Whitman Counties	$ 9.69	.60	.75		.02
Benton, Franklin, Kittitas, Klickitat and Yakima Counties					
Roofers; Kettlemen; Waterproofing; Shinglers; Spraying	10.50	.60	.30		
Clallam, Jefferson, King, Kitsap, Mason and Snohomish Counties					
Roofers, Waterproofers	11.78	.65	.80		.03
Slate and Tile Roofers	12.03	.65	.80		.03
Cowlitz, Grays Harbor, Lewis, Pacific, Pierce, Thurston and Wahkiakum Counties					
Roofers; Waterproofers	11.31	.65	1.00		.02
Slate and Tile Roofers	11.56	.65	.100		.02
Island, San Juan, Skagit and Whatcom Counties					
Roofers and Waterproofers	9.05	.50	.40		
Slate and Tile Roofers	9.55	.50	.40		
Clark and Skamania Counties					
Roofers	11.25	.70	.80		
Handling of irritating material (coal, tar or epoxy) in unconfined area	11.75	.70	.80		
Handling of irritating material (Coal, tar or epoxy) in confined area	12.00	.70	.80		
SHEET METAL WORKERS:					
Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties	13.88	3%+.68	1.14		.14
Clallam, Jefferson, Kitsap and Mason Counties	12.24	3%+.37	.82	1.50	.03
Clark and Skamania Counties	11.13	3%+.81	.93	1.00	.04
Cowlitz, Grays Harbor, Lewis, Pacific, Pierce, Thurston and Wahkiakum Counties	13.01	3%+.63	1.01		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS: (Cont'd)					
King, Kittitas, Island and Snohomish Counties	$ 14.23	3%+.68	1.32		.06
Whatcom, Skagit and San Juan Cos.	12.53	3%+.61	.83		.04
SOFT FLOOR LAYERS:					
Adams (N.E. portion), Ferry, Lincoln (E.½), Pend Oreille, Spokane and Stevens Counties	9.79	.40	.60		
Adams (S.E. portion), Benton, Columbia, Franklin and Walla Walla Counties	9.55	.40	.70	1.21	
Adams (S.W. portion), Chelan, Douglas, Grant, Lincoln (western ½), and Okanogan Counties	10.25	.40	.70	.40	
Asotin, Garfield and Whitman Cos.	9.38	.40	.50		
King and Snohomish Counties	10.36	.36	1.00		.05
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties	10.435	.50	.90	c	.08
Grays Harbor, Mason, Pacific (Northern portion), Pierce and Thurston Counties	9.91	.56	1.00		.05
Yakima and Kittitas Counties	9.44	.40	.35		
Island, Skagit and Whatcom Cos.	9.94	.56	1.00		.05
Malheur County	7.26	.49	.10		.10
SPRINKLER FITTERS:					
Skagit, Snohomish, King, Island, Kitsap, Pierce and Thurston Cos.	14.12	.65	1.45		.10
Remaining Counties	11.65	.65	.95		.08
TERRAZZO WORKERS:					
Adams (except that portion including the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, Whitman and Grand Coulee Dam area in Okanogan County	10.75	.65	.70		
Benton, Franklin and Walla Walla Counties	11.14	.65	.70		
Chelan, Douglas, Okanogan (except area of Grand Coulee Dam)	9.50	.55	.50		
Clallam, Island, Jefferson, King, Kitsap, Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) and Snohomish Counties	11.31	.80	.75		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TERRAZZO WORKERS: (Cont'd)					
San Juan, Skagit (including Cities of Burlington, Sedro-Woolley, Concrete and north thereof) and Whatcom Counties	$ 10.87	.65	.75		
Grant County and that portion of Admas County including the City Othello	10.50	.40			
Grays Harbor, Lewis, Mason and Thurston Counties	9.20	.55	.30		
Pierce County	11.47	.65	.80		.05
TILE SETTERS:					
Admas (except that portion incl. the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, Whitman and Grand Coulee Dam area in Okanogan County	10.75	.65	.70		
Benton, Franklin and Walla Walla Counties	11.14	.65	.70		
Chelan, Douglas, Okanogan (except area of Grand Coulee Dam)	9.50	.55	.50		
Clallam, Island, Jefferson, King Kitsap, Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) and Snohomish Counties	11.31	.80	.75		.05
Clark, Cowlitz, Pacific (Southern portion), Skamania, Wahkiakum and a ten-mile strip bordering the Columbia River in Klickitat Co.	10.44	.70	.75		.15
Grant County and that portion of Adams County including the City of Othello	10.50	.40			
Grays Harbor, Lewis, Mason and Thurston Counties	9.20	.55	.30		
Pierce County	11.47	.65	.80		.05
San Juan, Skagit (including the Cities of Burlington, Sedro-Woolley, Concrete and north thereof) and Whatcom Counties	10.87	.65	.75		
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.					

*Where Pacific County is states as "Northern Portion" or "Southern portion" such areas are defined as follows:

Pacific (Norhtern portion) - North of Wahkiakum County Northern boundary extended due West to the Pacific Ocean

Pacific (Southern portion) - South of Wahkiakum County Northern boundary extended due West to the Pacific Ocean.

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 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

b. Two weeks' vacation with pay after 1 year employment. Also seven Paid Holidays: A through F plus Washington's Birthday.

c. 4% of all gross wages to be placed to the credit of the employee with less than one year's service - 6% of all gross wages to be placed to the credit of the employee with more than one year of service.

LINE CONSTRUCTION

	BASE ZONE	ZONE A	ZONE B	ZONE C	ZONE D
Cable Splicer, Leadman Pole Sprayer	$13.29	$14.54	$ 15.29	$16.04	$ 17.29
Lineman, Pole Sprayer Heavy Line Equipment Man, Certified Lineman Welder	12.00	13.25	14.00	14.75	16.00
Tree Trimmer	10.84	12.09	12.84	13.59	14.84
Line Equipment Man	10.34	11.59	12.34	13.09	14.34
Head Groundman (chipper), Head Groundman, Powderman, Jackhammer Man	9.04	10.29	11.04	11.79	13.04
Groundman, Tree Trimmer Helper	8.50	9.75	10.50	11.25	12.50

BASE ZONE - 0 to 3 miles from geographical center of Cities listed below.

ZONE A - 3 to 10 miles radius

ZONE B - 20 to 35 miles radius

ZONE C - 35 to 50 miles radius

ZONE D - Over 50 miles radius

BASE ZONE Rate is paid when working our of employer's permanent shop.

Spokane	Ellensburg	Astoria	Medford	Corvallis
Tacoma	Ephrata	Baker	Portland	Coeur D' Alene
Walla Walla	Everett	Burns	Pendleton	Kellog
Wenatchee	Kennewick	Bend	Salem	Lewiston
Yakima	Longview	Eugene	Roseburg	Orofino
Wilbur	Olympia	Klamath Falls	The Dalles	Sand Point
Bellingham	Seattle	Lakeview	Umatilla	

LABORERS (AREA 1)
All Counties and portions of Counties East of the 120th Meridian

Group No.	ZONE A	ZONE B	ZONE C	ZONE D	ZONE E
1	$ 9.45	$10.10	$ 10.35	$10.80	$ 11.25
2	9.70	10.35	10.60	11.05	11.50
3	9.95	10.60	10.85	11.30	11.75
4	10.20	10.85	11.10	11.55	12.00
5A	10.15	10.80	11.05	11.50	11.95
5B	10.20	10.85	11.10	11.55	12.00
5C	10.60	11.25	11.50	11.95	12.40
5D	10.65	11.30	11.55	12.00	12.45
FRINGE BENEFITS:					
Health and Welfare	$ .82				
Pensions	.90				
Apprenticeship Training	.05				

NOTE: See ZONE DEFINITIONS Following TRUCK DRIVERS Classifications
For Building Construction use base rates (ZONE A)
Zone rates apply to Heavy and Highway Construction ONLY.

LABORERS (Area 2) (All Counties West of the 102th Meridian (except those enumerated in Areas 3 and 4) and the Northern portion of Pacific County)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 9.92	.95	$ 1.10		.08
Group 2	10.26	.95	1.10		.08
Group 3	10.40	.95	1.10		.08
Group 4	10.50	.95	1.10		.08

LABORERS (Area 1)
All Counties and portions of Counties East of the 120th Meridian

Group 1: Brush Hog Feeder; Concrete Crewman (to include: stripping of forms, hand operating jacks on slip form construction, application of concrete curing compounds, pumpcrete machine, signaling, handling the nozzle of squeezecrete or similar machine - 6 inches and smaller); Crusher Feeder; Demolition (to include: clean-up, burning, loading, wrecking and salvage of all material); Dumpman; Fence Erector (to include: guard rails, guide and reference posts, sign posts, and right-of-way markers); Flagman; General Laborer; Grout Machine Header Tender; Nipper; Riprap Man; Scaffold Erector, wood or steel; Scaleman; Stake Jumper; Structural Mover (to include: separating foundation, preparation, cribbing, shoring, jacking and unloading of structures); Tailhoseman (water nozzle); Timber Bucker and Faller (by hand); Track Laborer (Railroad); Truck Loader; Well-point Man; Window Cleaner

Group 2: Asphalt Raker; Asphalt Roller, walking; Carpenter Tender; Cement Finisher Tender; Cement Handler; Concrete Saw, walking; Demolition Torch; Dope Pot Fireman, non-mechanical; Driller Helper (when required to move and position machine); Form Cleaning Machine Feeder; Stacker; Form Setter, paving; Grade Checker using level; Jackhammer Operator; Nozzleman (to include: Squeeze and flow-crete nozzle); Nozzleman, water, air or steam; Pavement Breaker; Pipelayer, corrugated metal culvert; Pipelayer, multi-section; Pot Tender; Powderman Helper; Power Buggy Operator; Power Tool Operator, gas, electric, pneumatic; Railroad Equipment, power driven, except dual mobile power spiker or puller; Railroad Power Spiker or Puller, dual mobile; Rodder and Spreader; Sandblast Tailhoseman; Tamper (to include: operation of Barco, Essex and similar tampers, and pavement breakers); Trencher, Shawnee; Tugger Operator; Vibrator, under 4 inches; Wagon Drills; Water Pipe Liner; Wheelbarrow, power driven

Group 3: Air Track Drill; Brush Machine (to include: horizontal construction joint Clean-up Brush Machine, power propelled); Caisson Worker, free air; Chain Saw Operator and Faller; Concrete Stack (to include: Laborers when working on free standing concrete stacks for smoke or fume control above 40 ft. high); Gunnite (to include: operation of machine and nozzle); High Scaler; Hod Carrier; Laser Beam Operator (to include: grade checkers and elevation control); Monitor Operator, air track or similar mounting); Mortar Mixer; Nozzleman (to include: jet blasting nozzleman, over 1,200 lbs., jet blast machine, power-propelled, sandblast nozzle); Pipelayer (to include: working topman, caulker, collarman, jointer, mortarman, rigger, jacker, shorer, valve or meter installer); Pipewrapper; Vibrator, 4 inches and over

Group 4: Drills with dual Masts; Powderman; Welder, electric, manual or automatic

Group 5: Tunnel and Shaft, free air
Class A: Bull Gang, Pump Crete Crewman including distribution pipe, Assembling and dismantle and Nipper
Class B: Brakeman, Dumpman
Class C: Miner and Nozzleman for concrete and laser beam operator on tunnels
Class D: Raise and Shaft Miner and Laser Beam Operator on Raises and Shafts

LABORERS (Area 2)
All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4)

Group 1: General Laborer: Asphalt Laborers; Batch Weighman; Broomers; Brush Cutter; Brush Hog Feeder; Burners; Car and Truck Loader; Carpenter Tender; Cement Handler; Changehouse or Dry Shack; Chocker Setter; Clean Up Laborer; Concrete Form Stripper; Concrete and Monolithic Laborer; Crusher Feeder; Curing Laborer; Demolition: Wrecking and Moving (including charred material); Ditch Digger; Drierman; Dumpman; Elevator Feeders; Epoxy Technician; Faller and Bucker: Hand; Fence Laborer; Fine Graders; Flagman; Form Setter; Grout Machine Header Tender; Header Laborer and Guardrail Erector; House Wrecker; Landscaping or Planting; Material Yard Man (including electrical); Nipper-Swamper; Pilot Car; Pitman; Pot Tender; Rip Rap Man; Scaleman; Signalman; Skipman; Sloper Sprayman; Stockpiler; Toolroom Man (at job site); Track Laborer; Truck Spotter; Window Cleaner

Group 2: Air, Gas or Electric Vibrating Screed; Anchor Machines; Ballast Regulator Machines; chippers; chocker Splicer; Chuck Tender; Clary Power Spreader and others; Concrete Saw Operator; Gabian Basket Builder; Grinders; Groutman (pressure), including Post Tension Beams; Jackhammer; Multiple Tampers; Pipe Pot Tender; Pipe Wrapper; Powderman's Helper; Power Jacks; Power Wheelbarrow or Buggy; Railroad Spike Puller; Ribbon Setter, head; Rip Rap Man, head; Rodder; Sloper (over 20'); Stake Hopper; Swinging Scaffold or Boatswain Chair over water or 25' in height; Tamper (multiple and self propelled); Tamper and similar electric and air operated tools; Topman - Tailman; Track Liners; Vibrator; Wagon Driller and Air Trac Helper; Well Point Laborer

Group 3: Bit Grinder and Drill Doctor; Cement Dumper - paving; Cement Finisher Helper; Faller and Bucker - Chain Saw; Grade Checker and Transit Man; High Scaler; Laser Beam Operator; Manhole Builder; Mortarman and Hodcarrier; Nozzleman (concrete pump, green cutter when using combination of high pressure air and water on concrete and rock, sandblast, gunnite, shotcrete); Water Blaster; Pipe Layer and Cualker; Powderman; Raker - asphalt; Spreader (carries grade with rodder); Timberman - sewer; Tugger Operator; Vibrator 4" and over; Wagon Driller and Air Trac Operator

Group 4: Caisson Worker; Laser Beam Operator (tunnel); Miner; Spader (tunnel); Powderman; Re-timberman; Maintenance Man

LABORERS (AREA 3)
Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group No.	Zone A	Zone B	Zone C	Zone D	Zone E	Zone F
1	$8.93	$ 9.33	$ 9.68	$ 9.93	$10.18	$ 10.43
2	9.28	9.68	10.03	10.28	10.53	10.78
3	9.58	9.98	10.33	10.58	10.83	11.08
4	9.83	10.23	10.58	10.83	11.08	11.33

FRINGE BENEFITS:

Health and Welfare	$ .95
Pension	1.10
Vacation	.65
Apprenticeship Training	.10

NOTE: See ZONE DEFINITIONS Following TRUCK DRIVERS Classifications

LABORERS (Area 4) (Those portions of Chelan, Douglas, Kittitas, Okanogan and Yakima Counties lying West of the 102th Meridian)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 9.82	.95	$ 1.10		.08
Group 2	10.16	.95	1.10		.08
Group 3	10.30	.95	1.10		.08
Group 4	10.40	.95	1.10		.08

LABORERS (Area 3)
Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group 1: Asphalt Plant Laborers; Asphalt Spreaders; Batch Weighman; Broomers; Brush Burners and Cutters; Car and Truck Loaders; Carpenter Tender; Changehouse Man or Dry Shack Man; Choke Setter; Clean-up Laborers; Concrete Laborers; Culvert, hand labor; Curing, concrete; Demolition, wrecking and moving Laborers; Drillers Helpers; Dumpers, road oiling crew; Dumpman (for grading crew); Elevator Feeders; Fence Builder (including guard rail, median rail, reference post, guide post, right-of-way marker); Fine Graders; Form Strippers (not swinging stages); Landscaping or Planting Laborers; Leverman or Aggregate Spreader (Flaherty and similar types); Loading Spotters; Material Yard Man (including electrical); Powderman Helper; Pittsburgh Chipper Operator or similar types Railroad Track Laborers; Ribbon Setters (including steel forms); Rip Rap Man (hand placed); Road Pump Tender; Sewer Labor; Signalman; Skipmen; Slopers Spraymen; stake Chaser; Stockpiler; Timber Faller and Bucker (hand labor); Toolroom Man (at job site); Tunnel Bull Gang (above ground); Weight Man - Crusher (aggregate when used)

Group 2: Applicator (including pot tender for same); Applying protective Material by hand or nozzle on utility lines or storage tanks on project; Brush Cutters (power saw); Burners; Choker Splicer; Clary, Power Spreader and similar types: Clean-up Nozzleman-Greencutter (concrete, rock, etc.); Concrete Power Buggyman; Crusher Feeder; Demolition and Wrecking charred materials; Grade Checker; Gunite Nozzleman Tender; Gunite and Sand Blasting Post Tender; Handlers or Mixers of all materials of an irritating nature (including cement and lime); Power Tool Operators, includes but not limited to: Dry Pack Machine, Jackhammer, Chipping Guns, Paving Breakers, Vibrators (less than 4" in diameter); Post Hole Digger, air, gas or electric; Vibrating Screed; Tampers, Ribbon Setter, head, Rip Rap Man (head) hand placed, Sand Blasting (wet), Stake Setter, Tunnel-Muckers, Brakemen, Concrete Crew, Bull Gang (underground)

Group 3: Asphalt Rakers; Bit Grinder; Drill Doctor; Drill Operators, Air Tracks, Cat Drills, Wagon Drills, Rubber-mounted Drills, and other similar typed; Concrete Saw Operator; Gunite Nozzleman; High Scalers, Strippers and Drillers (covers work in swinging stages, chairs or belts, under extreme conditions unusual to normal drilling, blasting, barring-down or sloping and stripping); Laser Beam (pipe laying) - Applicable when employee assigned to move, set up, align Laser Bean; Manhole Builder; Powdermen; Power Saw Operators (bucking and falling); Pumpcrete Nozzleman; Sandblasting (dry); Sewer Pipe Layers; Sewer Timberman; Track Liners; Anchor Machines, Ballast Regulators, Multiple Tampers, Power Jacks; Tugger Operator; Tunnel Chuck Tenders, Nippers and Timbermen; Vibrators (4" and larger); Water Blaster; Welder

Group 4: Laser Beam (Tunnel) - Tunnel Miners; Tunnel Powderman

LABORERS (Area 4)
Those portions of Chelan, Douglas, Kittitas, Okanogan and Yakima Counties lying West of the 102th Meridian

Group 1: General Laborer: Asphalt Laborers; Batch Weighman; Broomers; Brush Cutter; Brush Hog Feeder; Burners; Car and Truck Loader; Carpenter Helper; Cement Handler; Changehouse or Dry Shack; Choker Setter; Clean Up Laborer; Concrete Form Stripper; Concrete and Monolithic Laborer; Crusher Feeder; Curing Laborer; Demolition: wrecking and moving (including charred material); Ditch Digger; Drierman; Dumpman; Elevator Feeders; Epoxy Technician; Faller and Bucker: hand; Fence Laborer; Fine Graders; Flagman; Form Setter; Grout Machine Header Tender; Header Laborer and Guardrail Erector; House Wrecker; Landscaping or Plant Material Yard Man (including electrical); Nipper-Swamper; Pilot Car; Pitman; Pot Tender; Rip Rap Man; Scaleman; Signalman; Skipman; Sloper Sprayman; Stockpiler; Toolroom Man (at job site); Track Laborer; Truck Spotter; Window Cleaner

Group 2: Air, Gas or Electric Vibrating Screed; Anchor Machines; Ballast Regulatior Machines; Chippers; Choker Splicer; Chuck Tender; Clary Power Spreader and others; Concrete Saw Operator; Gabian Basket Builder; Grinders; Groutman (pressure), including Post Tension Beams; Jackhammer; Multiple Tampers; Pavement Breaker; Pit Pot Tender; Pipe Wrapper; Powderman's Helper; Power Jacks; Power Wheelbarrow or Buggy; Railroad Spike Puller; Ribbon Setter, head; Rip Rap Man, head; Rodder; Sloper (over 20'); Stake Hopper; Swinging Scaffold or Boatswain Chain over water or 25' in height; Tamper (multiple and self propelled); Tamper and similar Electric and air operated tools; Topman-Tailman; Track Liners; Vibrator; Wagon Driller and Air Trac Helper; Well Point Laborer

Group 3: Bit Grinder and Drill Doctor; Cement Dumper - paving; Cement Finisher Helper; Faller and Bucker, chain saw; Grade Checker and Transit Man; High Scaler; Laser Beam Operator; Manhole Builder; Mortarman and and Hodcarrier; Nozzleman (concrete pump, green cutter when using combination of high pressure air and water on concrete and rock, sandblast, gunnite, shotcrete); Water Blaster; Pipe Layer and Caulker; Powderman; Raker - asphalt; Spreader (carries grade with rodder); Timberman - sewer; Tugger Operator; Vibrator 4" and over; Wagon Driller and Air Track Operator

Group 4: Caisson Worker; Laser Beam Operator (tunnel); Miner; Spader (tunnel); Powderman; Re-Timberman; Maintenance Man

POWER EQUIPMENT OPERATORS (Area)
All. Counties and portions of Counties East of the 120th Meridian

GROUP NO.	ZONE A	ZONE B	ZONE C	ZONE D	ZONE E
1	$ 9.80	$10.45	$ 10.70	$11.15	$ 11.60
2	10.10	10.75	11.00	11.45	11.90
3	10.65	11.30	11.55	12.00	12.45
4	10.80	11.45	11.70	12.15	12.60
5	10.95	11.60	11.85	12.30	12.75
6	11.20	11.85	12.10	12.55	13.00
7	11.45	12.10	12.35	12.80	13.25

FRINGE BENEFITS:

Health and Welfare	$ .90
Pension	1.40
Apprenticeship Training	.03

Group 1: Bit Grinders; Bolt Threading Machine; Compressors, under 2,000 cu. ft. per minute gas, diesel or electric power; Crusher Feeder (mechanical); Deckhand; Driller's Helper; Fireman and Heater Tender; Grade Checker; Helper (mechanic or Welder, H.D.); Oiler; Oiler and Cable Tender, mucking machine; Pumpman; Rollers, all types on subgrade (farm type, Case, John Deere and similar - or compacting or vibrator) except when pulled by dozer with operable blade; Steam Cleaner; Welding Machine

Group 2: A-Frame Truck (single-drum); Assistant Refrigeration Plant (under 1,000 tons); Assistant Plant Operator, Fireman or Pugmixer Operator, single unit (concrete); Belt Finishing Machine; Bending Machine (pipeline); Blower Operator (cement); Cement Hog; Compressor (2,000 cu. ft. or over, 2 or more - gas, diesel or electric power); Concrete Saw (multiple cut); Distributor Leverman; Elevator Hoisting Materials; Dop Posts (power agitated); Fork Lift or Lumber Stacker; Hydra-lift and similar; Gin Trucks (pipeline); Hoist, single drums; Loader (bucker elevator and conveyors); Longitudinal Float; Mixer Operator; Post Hole Auger or Punch; Power Broom; Railroad Ballast Regulation Operator (self-propelled); Railroad Power Tamper Operator (self-propelled); Railroad Power Tamper Jack Operator (self-propelled); Spray Curing Machine (concrete); Spreader Jack Operator (self-propelled); Straddle Buggy (Ross and similar on construction job site); Tractor (farm type R/T with attachments except backhoe); Tugger Operator; Ditch Witch or similar

POWER EQUIPMENT OPERATORS (AREA 1) (Cont'd)
All Counties and portions of Counties East of the 120th Meridian

Group 3: A-Frame Truck (2 or more drums); Assistant Refrigeration Plant and Chiller Operator (over 1,000 tons); Backfillers (Cleveland and similar); Beltcrete Conveyors with power pack or similar; Belt Loader (Kocal or similar); Blade Operator (motor patrol and attachments); Boat Operators; Boom Cats (side); Boring Machine (earth); Boring Machine (rock under 8" bit) (Quarry Master, Joy or similar); Bump Cutter (Wayne, Saginaw or similar); Canal Lining Machine (concrete); Chipper (without crane); Cleaning and Doping Machine (pipeline); Concrete Pumps (Squeeze-crete, flow-crete, pumpcrete, Whitman and similar); Drills (Churn, Core, Calyx or Diamond); Elevating Belt-type Loader (Euclid, Barber Green or similar); Elevating Grader-type Loader (Dumor, Adams or similar); Equipment Serviceman, Greaser and Oiler; Generator Plant Engineers (diesel, electric); Gunite Combination Mixer and Compressor; Hoist (2 or more drums or tower hoist); Loader (Overhead and Front-end under 4 yards, R/T); Locomotive Engineer; Mixermobile; Mucking machines; Paver or Curb Extruder (asphalt and concrete); Pump (grout or jet); Rollerman (finishing pavement); Rubber-tired Scraper (one motor with one scraper, under 40 yards); Screed Operator, Soil Stabilizer (P & H or similar); Spreader Machine; Tractor (Crawler, including Dozer, Scraper, Drills, Booms, Rollers, etc.); Traverse Finishing Machine; Trenching Machines (under 7 feet depth capacity); Turnhead Operator; Vacuum Drill (reverse circulation drill, under 8"); Chain Person

Group 4: H.D. Mechanic; H.D. Welder; Refrigeration Plant Engineer (under 1,000 ton); Rubber-tride Scraper, multi-engine power, with one Scraper (Euclid, TS-24 and similar); Rubber-tired Scrapers, one motor with one scraper (40

Group 5: Asphalt Plant Operator; Automatic subgrader (ditches and trimmers) (Auto-grade, ABC, R.A. Hansen and similar on grade wire); Backhoes (under 3 yards); Batch and Wet Mix Operator - multiple units (2 and including 4); Blade (automatic, CMI, ABC and similar); Chipper (with crane); Clamshell Operator (under 3 yards); Concrete Slip Form Paver; Cranes (under 65 tons, sideboom over 24 feet, butt pin to CTR sheave); Crusher, Grizzle and Screening Plant Operators; Drilling Equipment (8" bit and over) (Robbins' reverse circulation and similar); Loader Operator (Front end and Overhead 4 yards to 8 yards); Pile driving Engineers; Paver (dual drum); Quad-track or similar equipment; Railroad Track Liner Operator (self-propelled); Rubber-tired Scrapers, Multi-engine, power with one scraper (Euclid, TS-24 and similar); Push Pull or Help Mate in use; Rubber-tired Scrapers, Multiple Engines with two scrapers; Shovels (under 3 yards); Refrigeration Plant Engineer (1,000 tons and over); Signalmen (Whirleys, Highline Hammerheads or similar); Trenching Machines (7 feet depth and over); Multiple Dozer units with single blade; Instrument Man

Group 6: Backhoes (3 yards and over); Batch Plant (over 4 units); Cableway Controller - Dispatcher; Cableway Operator; Clamshell Operator (3 yards and over); Cranes, all - 65 tons and over; Derricks and Stifflegs (65 tons and over); Draglines (3 yards and over); Elevating Belt (Holland type); Loader 360 degrees revolving Koehring Scooper or similar); Loaders (overhead and Front-end over 8 to 12 yards); Rubber-tired Scrapers (multiple engine with three or more scrapers); Shovels (3 yards and over); Tower Crane; Whirleys and Hammerheads (all)

Group 7: Helicopter Pilot; Loaders (Overhead and Front-end - over 12 yards); Party Chief

POWER EQUIPMENT OPERATORS (Area 2) (All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$12.10	.85	$ 1.00		.11
Group 2	12.20	.85	1.00		.11
Group 3	12.31	.85	1.00		.11
Group 4	12.36	.85	1.00		.11
Group 5	12.38	.85	1.00		.11
Group 6	12.43	.85	1.00		.11
Group 7	12.44	.85	1.00		.11
Group 8	12.48	.85	1.00		.11
Group 9	12.50	.85	1.00		.11
Group 10	12.63	.85	1.00		.11
Group 11	12.66	.85	1.00		.11
Group 12	12.69	.85	1.00		.11
Group 13	12.79	.85	1.00		.11
Group 14	12.76	.85	1.00		.11
Group 15	12.78	.85	1.00		.11
Group 16	12.81	.85	1.00		.11
Group 17	12.84	.85	1.00		.11
Group 18	12.88	.85	1.00		.11
Group 19	12.95	.85	1.00		.11
Group 20	12.96	.85	1.00		.11
Group 21	13.01	.85	1.00		.11
Group 22	13.06	.85	1.00		.11
Group 23	13.28	.85	1.00		.11
Group 24	13.32	.85	1.00		.11
Group 25	13.37	.85	1.00		.11
Group 26	13.45	.85	1.00		.11
Group 27	13.67	.85	1.00		.11
Group 28	13.87	.85	1.00		.11
Group 29	13.98	.85	1.00		.11
Group 30	14.00	.85	1.00		.11
Group 31	14.28	.85	1.00		.11

POWER EQUIPMENT OPERATORS (Area 2)
All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 1: Mechanics' Helpers (heavy duty)

Group 2: Oilers, Grade Checkers and Stakemen and/or Brakemen

Group 3: Firemen; Firemen (drier and hot plant)

Group 4: Rollers, Tampers and Vibrators (other than plant, road mix or multi-lift materials); Tractor (farmall type, 60 h.p. and under); Compressor (excavating and general purposes)

Group 5: Oiler Driver on Truck Cranes (over 45 tons up to 100)

Group 6: Blower Distributors and Mulch Seeding Operator; Oil Distributors

Group 7: Locomotive (Dinkey-air, diesel, electric, gas, steam)

Group 8: Equipment Service Oiler; Oiler Driver on Truck Cranes (100 tons and over)

Group 9: Pump (water); Tractors (Farmall type, over 60 h.p.)

Group 10: Post Hole Diggers (mechanical)

Group 11: Brooms (power, Wayne, Saginaw and similar types); Bulldozers (under D9 or similar); Loaders (Fork Lifts or Lumber Stacker - on construction job site - Drott Travel Lift); Rollers, Tampers and Vibrators (twin engine); Saw (concrete); Scrapers (carry-all type, single)

Group 12: Batch Plant (batch and mixer, 200 yards per hour and under); Cranes ("A" Frame Trucks, single power drum); Conveyors; Crusher (rock); Washing and Screening Plants; Finishing Machine Operator, Concrete Paving; Hoists, Air Tuggers, Strato Tower Bucket, Elevators and Deck Winches (power); Loaders (Elevating-Athey, Barber Greene and similar types, and Overhead and Front-end, under 2½ yards); Mixers (asphalt up to 4 tons per batch, and concrete mixer and batch - 200 yards per hour and under); Power Plant Operators; Pumps (Fuller Kenyon and Concrete and Pumpcrete); Rollers, Tampers and Vibrators (on plant, road mix or multi-lifts materials); Screed Man; Spreaders (Blaw Knox, Cedarapids, Jaeger, Flarrety or similar types); Trenching Machine (under 16 inches)

POWER EQUIPMENT OPERATORS (Area 2) (Cont'd)
All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 13: Mechanics or Welder (heavy duty)

Group 14: Motor Patrol Graders (including Model 14 and similar); Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment (25 yards and under)

Group 15: Compressor (steel erection including sandblasting, painting of the same); Hoists on steel erection, Air Tuggers and Towermobiles; Loaders (fork lifts with tower)

Group 16: Cement Hogs; Loaders (Elevating Grader type, Dumor and similar); Locomotive (geared or rod engine); Mixers (paving); Scraper (carryall type, double)

Group 17: Tractors (farmall type, used as Backhoes, Rubber-tired, Ford, Ferguson, Case and similar type 60 h.p. and under)

Group 18: Bull Dozer (D-9 or similar)

Group 19: Trenching Machines (16 inches and over)

Group 20: Bump Cutter (Concut, Christianson or similar types)

Group 21: Batch Plant (batch and mixer, over 200 yards per hour through 400 yards per hour); Conveyors (Beltcrete with power pack and similar types); Loaders (elevating belt type - Euclid and similar types); Mixer (asphalt, 4 tons and over, per batch, and concrete mixers and batch - over 200 yards per hour through 400 yards per hour, and paving dual)

Group 22: Bulldozer engaged in Yo Yo Operating (while clearing and scaling); Cableways (3 yards and under); Cranes ("A" Frame Trucks, double power drum: and Crawler, truck type, floating, Locomotive, Whirley, either 3 yards and under, or 150' of boom including jibs and under, or 45 tons and under: and Hydralifts, Hyster Cat Cranes and attachments and Chipper, wood with boom attachment); Derricks, all; Drilling Machine (Core, Cable Rotary and Exploration); Loader (fork lift with power boom and swing attachment, and overhead and front end, 2½ yards and up to 4 yards); Mixers (mobile type with hoist combination); Motor Patrol Graders (over Model 14 and similar); Mucking Machines (Mole, Tunnel Drill, and/or Shield); Paydozer and Linker Pusher (Quad-9 and similar); Piledriver Engineer, (L.B. Foster Puller or similar, Paving Breaker); Shovels (Crawler and truck types, all attachments, 3 yards and under); Sub Grader (Gurries, CMI and similar types); Tractors (Farmall type, used as Backhoes, Rubber-tired - Ford, Ferguson, Case and similar types - over 60 h.p.); Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment over 25 yards through 40 yards

POWER EQUIPMENT OPERATORS (Area 2) (Cont'd)
All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 23: Loaders (overhead and front end, 4 yards up to 8 yards)

Group 24: Mixer (concrete mixers and batch over 400 yards per hour through 600 yards per hour)

Group 25: Tournapulls, Caterpillar, Euclid, Scrapers and similar type(over 40 yards through 55 yards)

Group 26: Cableways (over 3 yards); Crane (Crawler, truck type, floating, Locomotive, Whirley, either over 3 yards, or over 150' of boom including jibs or over 45 tons up to 100 tons: and, Tower Cranes, Pecco, Lorraine, Bucyrus and similar types); Helicopter Winch Operator; Remote Control Operator on Rubber-tired Earth Moving Equipment; Shovels (Crawler and truck type, all attachments, over 3 yards up to 6 yards); Slip Form Paver (Zimmerman, CMI and similar types)

Group 27: Tournapulls, Caterpillar, Euclid, Scrapers and similar type equipment (over 55 yards through 70 yards)

Group 28: Loaders (overhead and front end 8 yards and over)

Group 29: Tournapulls, Caterpillar, Euclid, Scrapers and similar type equipment (over 70 yards through 85 yards)

Group 30: Cranes (Crawler, Truck type, floating, Locomotive, Whirley, either 5 yards and over 200' of boom including jibs and over, or 100 tons and over); Shovel (Crawler and Truck type, all attachments, 6 yards and over)

Group 31: Tournapulls, Caterpillar, Euclid, Scrapers and similar type equipment (over 85 yards through 100 yards)

POWER EQUIPMENT OPERATORS (Area 3)
Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group No.	ZONE A	ZONE B	ZONE C	ZONE D	ZONE E	ZONE F
1	$10.40	$10.80	$11.15	$11.40	$11.65	$11.90
2	10.54	10.94	11.29	11.54	11.79	12.04
3	10.64	11.04	11.39	11.64	11.89	12.14
4	10.80	11.20	11.55	11.80	12.05	12.30
5	10.82	11.22	11.57	11.82	12.07	12.32
6	10.90	11.30	11.65	11.90	12.15	12.40
7	10.96	11.36	11.71	11.96	12.21	12.46
8	11.06	11.46	11.81	12.06	12.31	12.56
9	11.12	11.52	11.87	12.12	12.37	12.62
10	11.18	11.58	11.93	12.18	12.43	11.68
11	11.20	11.60	11.95	12.20	12.45	12.70
12	11.26	11.66	12.01	12.26	12.51	12.76
13	11.34	11.74	12.09	12.34	12.59	12.84
14	11.50	11.90	12.25	12.50	12.75	13.00
15	11.66	12.06	12.41	12.66	12.91	13.16
16	11.84	12.24	12.59	12.84	13.09	13.34
17	11.98	12.38	12.73	12.98	13.23	13.48
18	12.16	12.56	12.91	13.16	13.41	13.66
19	12.30	12.70	13.05	13.30	13.55	13.80

FRINGE BENEFITS:

Health and Welfare	$1.00	Vacation	$.50
Pension	1.21	Apprenticeship Tr	.05

*SEE ZONE DESCRIPTION - following Truck Drivers classifications.

POWER EQUIPMENT OPERATORS (AREA 3)
Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group 1: Oiler, including Plant, Crane, Crusher, Guradrail equipment, and Trenching Machine; Assistant Conveyor Operator; Crusher Feederman; Deckhand; Self-propelled Scaffolding Operator; Guardrail Punch Oiler; Pump Operator, under 4"; Brakeman; Switchman; Parts Man (tool room)

Group 2: Blade Operator, pulled type; Truck Crane Oiler-driver, 25 ton capacity or over; Crane Fireman, (all equipment except floating); A-frame Truck Operator, single drum; Tugger or Coffin type Hoist Operator; Driller Helper; Auger; Oiler; Boatman; Fork Lift or Lumber Stacker Operator (on job site); Oiler, combination Guardrial Machines; Temporary Heating Plant Operator; Grade Oiler, required to check grade; Grade Checker; Tar Pot Fireman; Tar Pot Fireman (power agitated); H.D. Repairman Helper; Welder's Helper; Helicopter Radioman (ground); Roller Operator, grading of base rock (not asphalt)

Group 3: Asphalt Plant Fireman; Pugmill Operator (any type); Truck mounted Asphalt Spreader, with Screed; Compressor Operator (any power), under 2,250 cu. ft. total capacity; Conveyor Operator; Mixer Box Operator (C.T.B., Dry Batch, etc.); Cement Hog; Concrete Saw; Concrete Curing Machine (riding type); Wire Mat or Brooming Machine; Ross Carrier Operator (on job site); Bucket Elevator Loader, Barber Greene and similar types; Hydraulic Pipe Press; Pump Operator (any power), 4" and over; Hydrostatic Pump; Motorman; Ballast Jack Tamper; Bell Boy phones, etc.; Tamping Machine, mechanical self-propelled; Hydrographic Seeder Machine, straw, pulp or seed; Broom Operator, self-propelled (on job site); Air Filtration Equipment; Welding Machine Operator

Group 4: Screed Operator; Compactor, including Vibratory; Compressor (any power) over 1,250 cu. ft. total capacity; Combination Mixer and Compressor, Gunnite work; Concrete Mixer Operator, single drum, under five bag capacity; Helicopter Hoist Operator; Floating Equipment Fireman; Lull Hi-lift Operator or similar type; Fork Lift, over 5 ton; Service Oiler (greaser); Hydra Hammer or similar types; Pavement Breaker; Pump Operator, more than 5 (any size); Locomotive, under 40 tons; Roller Operator, Oiling, C.T.B.

Group 5: Extrusion Machine; Wagner Pactor or similar type (without blade); Concrete Batch Plant Quality Control Operator; Power Jumbo, Setting Slip Forms, etc. in tunnels; Slip Form Pumps, Power driven Hydraulic Lifting Device for concrete forms; Hoist, single drum; Elevator Operator; Pulvamixer or similar types; Chip Spreading Machine Operator; Lime Spreading (on job site); Sweeper (Wayne type) Self-propelled (on job site); Tractor, rubber-tired 50 H.P. Flywheel and under; Trenching Machine, Maximum digging capacity 3 ft. depth

POWER EQUIPMENT OPERATORS (AREA 3) (Cont'd)
Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group 6: Asphalt Burner and Reconditioner; Pavement Grinder and/or Grooving Machine (riding type); Cast-in-place Pipe Laying Machine; Maginnis Internal Full Slab Vibrator; Concrete Finishing Machine, Clary, Johnson, Bidwell, Burgess Bridge Deck or similar type; Curb Machine, Mechanical Berm, Curb and/or Curb and Gutter; Concrete Joint Machine; Concrete Planer; Concrete Paving Machine; Concrete Spreader; Loaders, rubber-tired type, 2½ cu. yds. and under; Rock Spreaders, self-propelled

Group 7: Roller (any asphalt mix); Beltcrete; Pumpcrete Operator (any type); Fuller-Kenyon and similar; Concrete Pump; Grouting Machine; Concrete Mixer, single drum, five bag capacity and over; Tower Mobile Operator; A-Frame Truck double drum; Boom Truck; Churn Drill and Earth Boring Machine; Hydraulic Backhoe, wheel type 3/8 cu. yds. and under with or without front end attachments 2½ cu. yds. and under (Ford, John Deere, Case type); Elevating Grader, Tractor towed requiring operator or grader; Pot Rammer; Ballast Regulator; Ballast Tamper, Multiple-purpose; Track Liner; Tie Spacer; Shuttle Car; Locomotive, 40 tons and over

Group 8: Diesel-Electric Engineer, Plant, Crusher, Generator, Floating; Batch Plant and/or wet mix, one and two drum; Generator Operator; Belt Loader, Kolman and Ko Cal types; Asphalt Paver Operator

Group 9: Bulldozer; Drill Cat Operator; Side-boom Cat; Compactor, with blade; Concrete Cooling Machine; Chicago Boom and similar types; Lift Slab Machine; Boom type lifting device, 5 ton capacity or less; Cherry Picker or similar type Crane-hoist, 5 ton capacity or less; Grizzley Crusher; Crusher Plant; Drill Doctor; Boring Machine; Guardrail Punch and Auger (all types); Surface Heater and Planer; Hydraulic Backhoe, track type 3/8 cu. yd.; Loader, front end and overhead, 2½ cu. yds. and under 4 cu. yds.; Hammer operator; Pipe Cleaning, Doping, Bending and Wrapping Machines; Bolt-threading Machine; Drill Doctor (bit grinder); H.D. Mechanic and Welder; Machine Tool Operator; Stationary Drag Scraper; Tractor, rubber-tired over 50 H.P. flywheel; Tractor with boom attachment; Trench Machine, maximum digging capacity over 3 ft. depth; Asphalt Plant Operator

Group 10: Bulldozer, twin engine (TC 12 and similar); Cable Plow (any type); Compactor, multi-engine; Jack Operator, Elevating Barges; Barge Operator, self-unloading; Combination H.D. Mechanic-Welder, with dispatched and/or when required to do both; Rubber-tired Dozers and Pushers (Michigan, Cat, Hough type); Driller-Percussion, Diamond, Core, Cable, Rotary and similar type

Group 11: Mixer Mobile; Concrete Breaker; Crane Operator, 25 tons and under; Combination Guardrail Machines, i.e., Punch, Auger, etc.; Shovel; Dragline; Clamshell, Hoe, etc., under 1 cu. yd.; Grade-alls, under 1 cu. yd.; Mucking Machine (tunnel)

POWER EQUIPMENT OPERATORS (Area 3) (Cont'd)
Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the portion of Pacific, Counties

Group 12: Blade Operator; Batch Plant and/or Wet Mix, 3 units or more; Reinforced Tank Banding Machine (K-17 or similar); Hoist, two or more drums; Elevating Loader, Athey and similar; Piledriver (not crane type); Rubber-tired Scraper, single and twin engine, Single Scraper, with Push-pull attachments, self-loader, Paddle Wheel, Auger type; Blade mounted Spreaders, Ulrich and similar types; Shield Operator

Group 13: Blade Operator, finish; Blade, externally controlled by electronic, mechanical hydraulic means; Blade, multi-engine; Concrete Paving Road Mixer; Derrick, under 100 tons; Hoist, Stiff Leg, Guy Derrick or similar, 50 tons and over; Cableway Operator 25 ton and over; Crane, over 25 ton and including 50 tons; Piledriver Operator; Floating Clamshell, etc. under 3 cu. yds.; Floating Crane (derrick barge), less than 30 ton; Elevating Grader, operated by tractor operator, Sierra, Euclid, or similar; Back Filling Machine; Shovel, etc. 1 cu. yd. and less than 3 cu. yds.; Grade-all, 1 cu. yd. and over; Bridge Crane Operator, Locomotive Crane, Gantry and Overhead

Group 14: Tower Crane Operator; Rubber-tired Scraper, with Tandem Scrapers, self-loading, Paddle Wheel, Auger type, Finish and/or 2 or more units

Group 15: Rock Hound Operator; Loader, 4 cu. yds., but less than 6 cu. yds.

Group 16: Autograder or "Trimmer"; Tandem Bulldozer, Quad-nine and similar; Automatic Concrete Slip Form Paver; Concrete Canal Line; Cableway, 25 ton and over; Crane, over 40 ton and including 100 ton; Whirley, 80 ton and under; Floating Clamshell, etc., 3 cu. yds. and over; Floating Crane (derrick barge) 30 ton but less than 80 ton; Loader, 6 cu. yds., but less than 12 cu. yds.; Rubber-tired Scraper, with Tandem Scrapers, Multi-engine; Shovel, etc., 3 cu. yds. but less than 5 cu. yds.; Wheel Excavator, under 750 cu. yds. per hour

Group 17: Crane over 100 ton and including 200 ton; Whirley over 80 ton and including 150 ton; Floating Crane (derrick barge) 80 ton less than 150 ton; Loader, 12 cu. yds. and over; Shovel, etc., 5 cu. yds. and over; Canal Trimmer

Group 18: Crane, over 200 ton; Whirley, 150 ton and over; Floating Crane 150 ton but less than 250 ton; Wheel Excavator, over 750 cu. yds. per hour; Band Wagons, in conjunction with Wheel Excavator

Group 19: Helicopter, when used in erecting work; Floating Crane 250 ton and over; Remote Controlled Earth Moving Equipment; Underwater equipment, remote or otherwise

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
(DREDGING) (Area 1) (All Counties and portions of Counties East of the 120th Meridian)					
Group 1	$10.94	.75	$ 1.00		.11
Group 2	11.04	.75	1.00		.11
Group 3	11.38	.75	1.00		.11
Group 4	11.43	.75	1.00		.11
Group 5	11.48	.75	1.00		.11
Group 6	11.80	.75	1.00		.11
Group 7:					
(a)	12.19	.75	1.00		.11
(b)	12.74	.75	1.00		.11
DREDGING (Area 2) (All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County)					
Group 1	10.94	.75	1.00		.11
Group 2	11.04	.75	1.00		.11
Group 3	11.38	.75	1.00		.11
Group 4	11.43	.75	1.00		.11
Group 5	11.48	.75	1.00		.11
Group 6	11.80	.75	1.00		.11
Group 7:					
(a)	12.19	.75	1.00		.11
(b)	12.74	.75	1.00		.11
DREDGING (Area 3) (Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties)					
Group 1	11.14	1.00	1.00	.50	.05
Group 1A	11.80	1.00	1.00	.50	.05
Group 2	10.78	1.00	1.00	.50	.05
Group 3	10.54	1.00	1.00	.50	.05
Group 4	10.28	1.00	1.00	.50	.05

POWER EQUIPMENT OPERATORS (Areas 1 and 2)
(DREDGING)

Group 1: Assistant Mate (deckhand)

Group 2: Fireman; Oiler

Group 3: Assistant Engineer (Electric, Diesel, Steam or Booster pump); Mates and Boatmen

Group 4: Engineer Welder; Craneman

Group 5: Assistant Engineer (Electric Generator Operator for primary pump, power barge or dredge)

Group 6: Leverman, Hydraulic

Group 7: Leverman, Dipper:
(a) 5 yards and under
(b) Over 5 yards

POWER EQUIPMENT OPERATORS (Area 3)
(DREDGING)

Group 1: Leverman, Hydraulic

Group 1A: Leverman, Dipper

Group 2: Assistant Engineer (including Watch Engineer, Welder, Mechanic, and Machinist) and Mate

Group 3: Tenderman (Boatman, Attending Dredge Plant); Fireman

TRUCK DRIVERS (Area 1)
All Counties and portions of Counties East of the 120th Meridian

GROUP NO.	ZONE A	ZONE B	ZONE C	ZONE D	ZONE E
1	$ 10.98	$11.63	$11.88	$12.33	$12.78
2	11.02	11.67	11.92	12.37	12.82
3	11.08	11.73	11.98	12.43	12.88
4	11.17	11.82	12.07	12.52	12.97
5	11.38	12.03	12.28	12.73	13.18
6	11.42	12.07	12.32	12.77	13.22
7	11.48	12.13	12.38	12.83	13.28
8	11.52	12.17	12.42	12.87	13.32
9	11.63	12.28	12.53	12.98	13.42
10	11.67	12.32	12.57	13.02	13.47
11	11.98	12.63	12.88	13.33	13.78
12	12.12	12.77	13.02	13.47	13.92
13	12.28	12.93	13.18	13.63	14.08
14	12.42	13.07	13.32	13.77	14.22
FRINGE BENEFITS:					
Health & Welfare	$1.07				
Pensions	.80				

NOTE: See ZONE DEFINITIONS following TRUCK DRIVERS Classifications

Group 1: Flat Bed Truck, single rear axle; Escort Driver; Fish Truck; Fork Lift, 3,000 pounds and under; Fuel Truck Driver (Steam Cleaner and Washer); Helper and Swamper; Leverperson loading Trucks at Bunkers; Pick-up hauling material; Seeder and Mulcher; Stationary Fuel Operator; Team Driver; Tractor (small rubber tired pulling trailer or similar equipment); Water Tank Truck 1,800 gallons.

Group 2: Bus Driver or Employeehaul Driver; Flat Bed Truck, dual rear axle; Power Boat hauling employees or material; Tireperson No. 1; Warehouseperson

Group 3: Buggy Mobile and similar; Bulk Cement Tanker; Oil Tank Driver; Power operated Sweeper; Semi-trailer, Low Bed, Truck and Trailer; Straddle Carrier (Ross Hyster and similar); Transit Mixers and Trucks hauling concrete (3 yards and under); Trucks, side, end, and bottom dump (under 6 yards); Water Tank Truck (1,801 - 4,000 gallons)

Group 4: Auto Crane - 2,000 pounds capacity; Bulk Cement Spreader; Dumptor (56 yards and under); Flaherty Spreader, Box Driver; Flat Bed Truck (using power take off); Fork Lift (over 3,000 pounds); Oil Distributor Driver (road, bootperson, leverperson helper); Rubber-tired tunnel jumbo; Scissor Truck; Slurry Truck Driver; Transit Mixers and Trucks hauling concrete (over 3 yards to 6 yards); Water Tank Truck (4,001 - 6,000 gallons); Wrecker and Tow Trucks

TRUCK DRIVERS (AREA 1) (Cont'd)
All Counties and portions of Counties East of the 120th Meridian

Group 5: Low Boy (under 50 tons); Service Greaser; Tireperson No. 2; Truck, side, end, and bottom dump (over 6 yards to 12 yards)

Group 6: A-Frame (Swedish Crane, Iowa 3,000, Hydrolift); Water Tank Truck (6,001 - 8,000 gallons)

Group 7: Dumptor (over 6 yards); Transit Mixers and Trucks hauling concrete (6 yards to 10 yards); Trucks, side, end, and bottom dump (over 12 yards including 20 yards)

Group 8: Low Boy (over 50 tons); Water Tank Truck (8,001 - 10,000 gallons); Tractor with Steer Trailer

Group 9: Transit Mixers and Trucks hauling concrete (10 yards to 15 yards); Trucks, side, end and bottom dump (over 20 yards including 30 yards); Water Tank Truck (10,001 - 12,000 gallons)

Group 10: Mechanic, Field

Group 11: Tournarocker, D.W.'s and similar, with 2 or 4 wheel power tractor with trailer, gallonage or yardage scale, which is greater; Transit Mixers and Trucks hauling concrete (15 yards to 20 yards); Trucks, side, end and bottom dump (over 30 yards to 40 yards); Water Tank Truck (12,001 - 14,000 gallons)

Group 12: Transit Mixers and Trucks hauling concrete (over 20 yards); Trucks, side, end and bottom dump (over 40 yards to 50 yards)

Group 13: Truck, side, end and bottom dumps (over 50 yards to 100 yards)

Group 14: Helicopter Pilot hauling employees or material; Trucks, side, end and bottom dump (over 100 yards)

TRUCK DRIVERS (Area 2) (All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County and all of Kittitas and Yakima Counties)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$12.28	.94	.75		.09
Group 2	12.33	.94	.75		.09
Group 3	12.38	.94	.75		.09
Group 4	12.39	.94	.75		.09
Group 5	12.55	.94	.75		.09
Group 6	12.59	.94	.75		.09
Group 7	12.60	.94	.75		.09
Group 8	12.66	.94	.75		.09
Group 9	12.71	.94	.75		.09
Group 10	12.73	.94	.75		.09
Group 11	12.76	.94	.75		.09
Group 12	12.86	.94	.75		.09
Group 13	12.88	.94	.75		.09
Group 14	12.92	.94	.75		.09
Group 15	13.04	.94	.75		.09
Group 16	13.08	.94	.75		.09
Group 17	13.20	.94	.75		.09
Group 18	13.25	.94	.75		.09
Group 19	13.41	.94	.75		.09
Group 20	13.57	.94	.75		.09
Group 21	13.73	.94	.75		.09

TRUCK DRIVERS (Area 2)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County and including all of Kittitas and Yakima Counties

Group 1: Leverman and Loaders at bunkers and batch plants; Pickup Truck, Escort or Pilot Car; Swampers; Warehouseman and Checkers

Group 2: Team Drivers

Group 3: Bull Lifts and similar equipment used in loading and unloading trucks, transporting materials on job site, warehousing; Dumpsters, and similar equipment (including Tournarockers, Tournawagon, Turna-trailer, Cat DW series, Terra Cobra, LeTourneau, Westinghouse, Athey Wagon, Euclid, two and four-wheeled power tractor with trailer and similar top-loaded equipment transporting material: Dump Trucks - side, end and bottom dump, including Semi-trucks and Trains or combinations thereof) - up to and including 5 yards; Flatbed, single rear axle; Fuel Truck; Grease Truck; Greaser, Battery Service Man and/or Tire Service Man; Scissor Truck; Spreader, Flaherty; Tractor (small, rubber-tired); Vacuum Truck; Water Wagon and Tank Truck (up to 1,600 gallons); Winch Truck, single rear axle; Wrecker, tow truck and similar equipment

Group 4: Flatbed, dual rear axle

Group 5: Buggymobile; Hyster Operators; Straddle Carrier (Ross, Hyster, and similar equipment); Water Wagon and Tank Truck, 1,600 gallons to 3,000 gallons)

Group 6: Transit-mix, 0 to and including 41 yards

Group 7: Dumpsters and similar equipment (as listed in Group 3) - over 5 yards to and including 12 yards; Explosive Truck (field mix) and similar equipment; Lowbed and Heavy Duty Trailer, under 50 tons gross; Road Oil Distributor Driver; Slurry Truck; Sno-go and similar equipment; Winch Truck, dual rear axle

Group 8: Dumpster and similar equipment (as listed in Group 3) - over 12 yards to and including 16 yards

Group 9: Bulk Cement Tanker; Dumpsters and similar equipment (as listed in Group 3) - over 16 yards to and including 20 yards; Water Wagon and Tank Truck, over 3,000 gallons

TRUCK DRIVERS (Area 2) (Cont'd)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County and including all of Kittitas and Yakima Counties

Group 10: Bull Lifts or similar equipment used in loading or unloading trucks transporting materials on job site, other than warehousing

Group 11: Transit-mix, over 4½ yards to and including 6 yards

Group 12: "A" Frame or Hydralift Trucks or similar equipment

Group 13: Dumpsters and similar equipment (as listed in Group 3) - over 20 yards to and including 30 yards; Lowbed and Heavy Duty Trailer, over 50 tons gross to and including 100 tons gross

Group 14: Transit-mix, over 6 yards, to and including 8 yards

Group 15: Dumpsters and similar equipment (as listed in Group 3) - over 30 yards to and including 40 yards; Lowbed and Heavy Duty Trailer, over 100 tons gross

Group 16: Transit-mix, over 8 yards to and including 10 yards

Group 17: Dumpsters and similar equipment (as listed in Group 3) - over 40 yards to and including 55 yards

Group 18: Transit-mix, over 10 yards to and including 12 yards

Group 19: Transit-mix, over 12 yards to and including 16 yards

Group 20: Transit-mix, over 16 yards to and including 20 yards

Group 21: Transit-mix, over 20 yards

TRUCK DRIVERS (Area 3)
Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern Portion of Pacific, Counties

Group No.	Zone A	Zone B	Zone C	Zone D	Zone E	Zone F
1	$10.29	$10.69	$11.04	$11.29	$11.54	$11.79
2	10.34	10.74	11.09	11.34	11.59	11.84
3	10.39	10.79	11.14	11.39	11.64	11.89
4	10.44	10.84	11.19	11.44	11.69	11.94
5	10.49	10.89	11.24	11.49	11.74	11.99
6	10.59	10.99	11.34	11.59	11.84	12.09
7	10.69	11.09	11.44	11.69	11.94	12.19
8	10.79	11.19	11.54	11.79	12.04	12.29
9	10.89	11.29	11.64	11.89	12.14	12.39
10	11.06	11.46	11.81	12.06	12.31	12.56
11	11.16	11.56	11.91	12.16	12.41	12.66
12	11.26	11.66	12.01	12.26	12.51	12.76
13	11.36	11.76	12.11	12.36	12.61	12.86
14	11.46	11.86	12.21	12.46	12.71	12.96

FRINGE BENEFITS:

Health & Welfare	$ .68
Pension	.70
Vacation	.88
Apprenticeship Training	.05

*SEE ZONE DESCRIPTION - following Truck Driver Classifications.

TRUCK DRIVERS (Area 3)
Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group 1: Battery Rebuilders; Bus or Manhaul Driver; Concrete Buggies (power operated); Dump Trucks, side, end and bottom dumps, including Semi-trucks and Trains or combinations thereof: 6 cu. yds. and under, Lift Jitneys, Fork Lifts (all sizes in loading, unloading and transporting material on job site); Loader and/or Leverman on concrete dry batch plant (manually operated); Pilot Car; Solo Flat Bed and misc. Body Trucks, 0-10 tons; Truck Helper; Truck Mechanic Helper; Warehouseman (warehouse parts, tool men and parts chaser, checkers and receivers); Water Wagons (rated capacity) - up to 1,600 gallons

Group 2: "A" Frame of Hydra-lift Truck with load bearing surface; Lubrication Man, Fuel Truck Driver, Tireman, Wash Rack, Steam Cleaner or combinations; Team Drivers

Group 3: Dump Trucks, side, end and bottom dumps, including Semi-trucks and Trains or combinations thereof: over 6 cu. yds. and including 10 cu. yds.; Slurry Truck Driver or Leverman; Transit Mix, and wet or dry mix trucks: 5 cu. yds. and under; Tireman (full-time basis); Water Wagons (rated capacity) - 1,600 to 3,000 gallons

Group 4: Flaherty Spreader Driver or Leverman; Lowbed Equipment, Flat Bed Semi-trailer, Truck and Trailers of doubles transporting equipment or wet or dry materials; Lumber Carrier Driver - Straddle Carrier (used in loading, unloading and transporting of materials on job site); Oil Distributor Driver or Leverman; Water Wagons (rated capacity) - 3,000 to 5,000 gallons

Group 5: Dumpsters of similar equipment, all sizes; Transit Mix and wet or dry trucks, over 5 cu. yds. and including 7 cu. yds.

Group 6: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains of combinations thereof: over 10 cu. yds. and including 20 cu. yds.; Transit Mix and wet or dry mix truck, over7 cu. yds. and including 9 cu. yds.; Truck Mechanic-Welder - Body Repairman; Water Wagons (rated capacity 5000 to 7000 gallons

TRUCK DRIVERS (Area 3) (Cont'd)
Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group 7: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 20 cu. yds. and including 30 cu. yds.; Transit Mix and wet or dry mix trucks, over 9 cu. yds. and including 11 cu. yds.; Water Wagons (rated capacity), over 7000 gallons to 10,000 gallons

Group 8: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinatins thereof: over 30 cu. yds. and including 40 cu. yds.; Transit Mix and wet or dry mix trucks, over 11 cu. yds. and including 15 cu. yds.; Water Wagons (rated capacity), over 10,000 gallons to 15,000 gallons

Group 9: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combination thereof: over 40 cu. yds. and including 50 cu. yds.; Transit Mix and wet or dry mix trucks, over 13 cu. yds. and including 15 cu. yds.

Group 10: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 50 cu. yds. and including 60 cu. yds.

Group 11: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 60 cu. yds. and including 70 cu. yds.

Group 12: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 70 cu. yds. and including 80 cu. yds.

Group 13: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 80 cu. yds. and including 90 cu. yds.

Group 14: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 90 cu. yds. and including 100 cu. yds.

Drivers and Helpers (handling sacked cement - add $.15 per hour)

Winch Truck - takes classification of Truck on which Winch is mounted.

ZONE WAGE SCALE (AREA 1)

Cement Masons

Travel Zone Centers:
Moses Lake Wenatchee Pasco Yakima Spokane
*Coeur d'Alene *Walla Walla Lewiston

Laborers (Heavy and Highway)
Power Equipment Operators
TRUCK DRIVERS

Travel Zone Centers:
Moses Lake Pasco Spokane Lewiston
*Coeur d'Alene *Walla Walla

*15 mile free Zone

Zone A - Within a 15 mile radius from the center of the above named Cities
Zone B - 15-30 miles radius from the center of the above named Cities
Zone C - 30-45 miles radius from the center of the above named Cities
Zone D - 45-90 miles radius from the center of the above named Cities
Zone E - Over 90 miles radius from the center of the above named Cities

ZONE WAGE SCALE (AREA 3) ONLY

LABORERS
Goldendale, Longview and Vancouver

POWER EQUIPMENT OPERATORS
Astoria, Goldendale, Hood River, Longview
The Dalles and Vancouver

TRUCK DRIVERS
Astoria, Goldendale, Longview, the Dalles and Vancouver

ZONE A: All jobs or projects located within 10 miles of the respective City Hall

ZONE B: More than 10 miles but less than 25 miles from the City Hall

ZONE C: More than 25 miles but less than 35 miles from the respective City Hall

ZONE D: More than 35 miles but less than 45 miles from the City Hall

ZONE E: More than 45 miles but less than 75 miles from the respective City Hall

ZONE F: More than 75 miles from the respective City Hall

[FR Doc. 78-17937 Filed 6-29-78; 8:45 am]

federal register

FRIDAY, JUNE 30, 1978
PART IV



COMMUNITY SERVICES ADMINISTRATION

NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITTING FROM FEDERAL FINANCIAL ASSISTANCE

■

Implementation of Section 504 of the Rehabilitation Act of 1973, as amended, and Executive Order 11914

[6315-01]

COMMUNITY SERVICES ADMINISTRATION

[45 CFR Part 1010]

CIVIL RIGHTS REGULATIONS

Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefitting From Federal Financial Assistance; Implementation by CSA of Section 504 of the Rehabilitation Act of 1973, as Amended, and Executive Order 11914

AGENCY: Community Services Administration.

ACTION: Proposed rule.

SUMMARY: This proposed rule defines and prohibits discrimination against qualified handicapped persons. The rule is needed to implement section 504 of the Rehabilitation Act of 1973, as amended, and is required by Executive Order 11914.

COMMENT DATE: Comments are invited from other Federal agencies and the public—particularly handicapped persons and their advocates and CSA grantees. Comments received on or before August 29, 1978 will be considered in drafting the final rule.

ADDRESS: Comments should be submitted in writing to: Jill Robinson, Office of Legal Affairs and General Counsel, Community Services Administration, 1200 19th Street NW., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT:

Jill Robinson, 202-254-5127 (telephone), 202-254-6218 (teletypewriter). Visually impaired persons may obtain a taped copy of the proposed rule by calling or writing Ms. Robinson.

SUPPLEMENTARY INFORMATION:

BACKGROUND

In September of 1973, section 504 of the Rehabilitation Act of 1973 was enacted. That section provides:

> No otherwise qualified handicapped individual in the United States * * * shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

By November of 1974 when Congress amended some of the other provisions of the Rehabilitation Act, implementation of section 504 had not begun. The Senate Report (No. 93-1297, November 26, 1974) which accompanied those amendments indicated that the Congressional intent in the enactment of section 504 was to enact for the benefit of handicapped persons a civil rights statute on the magnitude of those protecting racial minorities and women:

> Section 504 was patterned after, and is almost identical to, the antidiscrimination language of section 601 of the Civil Rights Act of 1964, 42 U.S.C. 2000d-1 (relating to race, color, or national origin), and section 901 of the Education Amendments of 1972, 42 U.S.C. 1683 (relating to sex) * * * It does not specifically require the issuance of regulations or expressly provide for enforcement procedures, but it is clearly mandatory in form, and such regulations and enforcement are intended.
>
> The language of section 504, in following the above-cited acts, further envisions the implementation of a compliance program which is similar to those acts * * *

In April of 1976, then-President Ford issued Executive Order 11914 (41 FR 17871, April 28, 1976). This Executive Order directed the Secretary of HEW to coordinate the Government-wide implementation of section 504 and to define handicapped persons and discriminatory practices. Each grant-making agency was directed to issue regulations consistent with HEW's.

In May of 1977, HEW issued its final substantive section 504 regulation (42 FR 22676, May 4, 1977), and in January of 1978 it issued a regulation to implement its Executive order responsibility (43 FR 2132, January 13, 1978).

HEW's Executive Order regulation contains three subparts: The first deals with the responsibility each grant-making agency has to implement section 504, the second contains standards for determining who are handicapped individuals, and the third establishes the minimum criteria for determining what are discriminatory practices.

CSA's Special Interest in section 504: The mission of CSA—and the Office of Economic Opportunity (OEO) before it—is:

> * * * to eliminate the paradox of poverty in the midst of plenty in this Nation by opening to everyone the opportunity for education and training, the opportunity to work, and the opportunity to live in decency and dignity. (Economic Opportunity Act of 1964, as amended, 42 U.S.C. 2701)

Through its grantees, OEO/CSA has been working to achieve this goal with respect to much of the low-income population.

This has been an enormous task, and in OEO/CSA's enthusiasm about serving a neglected portion of the American population, OEO/CSA and its grantees have failed in their efforts to identify unserved portions of the low-income population. Only the recent increase in public awareness of disability issues and in Federal disability legislation have brought to CSA's attention the significant low-income handicapped population.

HEW figures indicate that 36 million Americans have handicapping conditions. Of these thirty-six million, over 7.5 million are low-income individuals. CSA is committed to intensifying its efforts to serve low-income handicapped individuals. One of the first steps in this process is necessarily full and effective implementation of section 504.

Frequently, handicapped persons, like other minorities, have incomes below poverty level only because of the discrimination they experience daily—in securing employment and in securing services designed to increase employability, for example.

To the extent that CSA grantees perpetuate discriminatory practices, they are part of the cause of—not the cure for—poverty among handicapped persons. These discriminatory practices must be eliminated before CSA grantees can effectively fulfill their mission.

THE PROBLEM OF DISCRIMINATION

CSA recognizes that the problem of ending discrimination on the basis of handicap involves extremely complex issues. The diversity of types of handicaps, as well as the wide variety of programs and activities receiving financial assistance, makes the task of prescribing general rules of non-discriminatory treatment a difficult one. The goal throughout has been to draft a regulation that fully and effectively prohibits its denial, exclusion and discrimination while avoiding the imposition of unnecessary or counterproductive administrative obligations on recipients.

In drafting the regulation, it became clear that different treatment of handicapped persons, because of their handicaps, may be necessary in a number of contexts in order to insure equal opportunity. For example, an equal opportunity to participate in an advisory board meeting is not provided to a deaf person who understands only sign language if all the other participants speak English or Spanish and no interpreter is provided. Similarly, an equal opportunity to participate in a training program is not provided to a blind person unless the content of written materials is communicated in some other way.

The problem of ending discrimination against handicapped persons is compounded by the fact that abandoning discriminatory practices and providing equal access and equal opportunity will, in some instances, involve an administrative and financial burden on grantees.

In the past, handicapped persons have been the subjects of blatant and pervasive discriminatory practices. These practices have violated the human dignity of handicapped persons, and have, in many cases, violated their right to equal protection of the laws under the 14th Amendment to the United States Constitution. (See e.g., *Halderman* v. *Pennhurst State School and Hospital*, No. 74-1345 (E.D. Pa., Dec. 23, 1977), suggesting that sec-

tion 504 was enacted to codify the constitutional right to equal protection.)

In enacting section 504, Congress declared that the time had come to relieve handicapped persons of the burden of discrimination by recipients of Federal financial assistance. If relieving handicapped persons of this burden creates a burden elsewhere, Congress must be presumed to have decided that a re-allocation of burden was in the best interest of the country. Indeed, it has repeatedly been held that affirmative conduct on the part of recipients of Federal financial assistance is required by section 504 even when that conduct becomes expensive. (See, e.g., *Davis* v. *Southeastern Community College*, No. 77-1237 (4th Cir. March 28, 1978); *United Handicapped Federation* v. *Andre*, 558 F.2d 413, 415-16 (8th Cir. 1977); *Lloyd* v. *Regional Transportation Authority*, 548 F.2d 1277, 1281-84 (7th Cir. 1977); *Barnes* v. *Converse College*, 436 F. Supp. 635, 637 (D.S.C. 1977); *Hairston* v. *Drosick*, 423 F. Supp. 180, 184 (S.D. W. Va. 1976).) The administrative or financial problems that may arise in the process of ending discrimination against handicapped persons provide no basis for exemption from section 504 or this regulation. They were taken into account—not in defining discriminatory practices—but in establishing the regulatory scheme under which the elimination of these practices would be mandated.

Overview of the Proposed Rule

The proposed rule is divided into six parts: General Provisions, Employment Practices, Accessibility and Usability, Programs and Activities, Transportation, and Procedures for Enforcement.

Subpart A, General Provisions, defines important terms that are used throughout the regulation and states in general terms the discriminatory acts that are prohibited. It also sets forth what the Direcotr believes is a simple, workable system of administration: Assurances of compliance, self-evaluation by grantees, establishment of grievance procedures, and notification to employees and beneficiaries of the grantee's policy or nondiscrimination on the basis of handicap.

Subpart B, dealing with employment practices, bars discrimination by CSA grantees in recruitment, hiring, compensation, job assignment and classification, and fringe benefits. It also requires employers to make reasonable accommodation to qualified handicapped applicants and employees unless it can be demonstrated that the accommodation would impose an undue hardship on the employer.

Subpart C, Asscessibility and Usability, sets as a long-term goal the complete accessibility and usability of each facility or part thereof used by a grantee in the operation of a CSA funded program or activity, and each facility or part thereof constructed or rehabilitated by a grantee. Each grantee that owns or uses an inaccessible facility on the effective date of the final rule is required to draw up, in consultation with interested persons—particularly handicapped persons, a transition plan for insuring that within 3 years each facility will be accessible. A 2-year extension provision is included to provide even greater flexibility for grantees whose existing facilities present peculiarly difficult situations.

Subpart D, Programs and Activities, bars discrimination by grantees in program eligibility requirements, in the administration of programs and activities, and in recruitment and outreach. Additionally, the Subpart requires grantees to make intensive efforts to undertake a program adapted to the needs of any segment of the low-income handicapped population which is, on account of handicap, unqualified to participate in an existing or planned program.

Subpart E, Transportation, requires a grantee that provides transportation services to provide comparably efficient transportation services which they can effectively utilize to handicapped persons.

Subpart F, Procedures for Enforcement, references CSA's procedures for enforcing Title VI of the Civil Rights Act of 1964, 45 CFR Part 1010. This part is being revised. The new rule, which will replace the existing procedural rule, will be published in the Federal Register in the near future.

Issues of Particular Concern

Comments are encouraged on all aspects of the proposed rule. Subparts A and B are in most respects similar to Subparts A and B of HEW's section 504 rule. Subparts C, D and E are unlike HEW's rule in many ways. Many of the following questions reflect CSA's primary interest in those sections which are unlike HEW's.

SUBPART A: GENERAL PROVISIONS

(1) Is the self-evaluation filing requirement so necessary to a grantee's effective compliance program that the administrative burden on the grantee is justified?

SUBPART B: EMPLOYMENT PRACTICES

(1) Does the fringe benefit section clarify, weaken or strengthen the proposed rule as it would stand without that section?

SUBPART C: ACCESSIBILITY AND USABILITY

(1) Is it appropriate for CSA to depart from HEW's "program access" concept? Does the "facility access" requirement more fully implement section 504?

(2) Is a performance standard appropriate for the regulation of existing facilities?

(3) Is the standard in appendix A appropriate? Are its requirements too minimal? Is each of its requirements so necessary to accessibility and usability that Federal financial assistance should be terminated if a requirement is violated?

(4) If a grantee begins to use, or acquires a property right in a facility after the effective date of the regulation, should the facility have to meet the requirements of the performance standard or of the ANSI standard?

(5) Should the performance standard apply (a) only to renovation or rehabilitation undertaken to provide access, (b) only to renovation or rehabilitation undertaken for other reasons, (c) to all renovation or rehabilitation or (d) to no renovation or rehabilitation (with the ANSI standard applying whenever the performance standard does not)?

(6) Should all levels of all housing units rehabilitated by grantees be required to be accessible to and usable by handicapped persons? If a waiver should be allowed for certain units (for example, row houses), what test should be applied in processing a request for a waiver, which units or parts of units should be eligible for a waiver, and should any condition or conditions be imposed on a grantee who receives a waiver?

(7) Are the time limits flexible enough to realistically permit compliance, yet strict enough to ensure the most prompt compliance possible?

(8) Is the test stated for the granting of an extension an appropriate one?

SUBPART D: PROGRAMS AND ACTIVITIES

(1) Are the tests for determining the feasibility of undertaking an adapted program appropriate?

SUBPART E: TRANSPORTATION

(1) Does this Subpart implement section 504? Is it adequate?

Frank N. Jones,
Acting Director, Community Services Administration.

45 CFR 1010 is proposed to be amended to add the following:

Subpart A—General Provisions

Sec.
1010.50-2 Purpose.
1010.50-4 Policy.
1010.50-6 Application.
1010.50-8 Definitions.
1010.50-10 Discrimination prohibited.
1010.50-12 Assurances required.
1010.50-14 Remedial action, voluntary action, and self-evaluation.
1010.50-16 Designation of § 504 officer and adoption of grievance procedures.
1010.50-18 Dissemination of policy.
1010.50-20 Waiver of administrative requirements for small grantees.
1010.50-22 Effect of State or local law or other requirements and effect of employment opportunities.
1010.50-23—1010.50-35 [Reserved]

Subpart B—Employment Practices

1010.50-36 Discrimination prohibited.

Sec.

1010.50-38 Reasonable accommodation.
1010.50-40 Employment criteria.
1010.50-42 Preemployment inquiries.
1010.50-44 Fringe benefits.
1010.50-45—1010.50-57 [Reserved]

Subpart C—Accessibility and Usability

1010.50-58 Discrimination prohibited.
1010.50-60 Application.
1010.50-62 Exisiting facilities.
1010.50-64 New facilities.
1010.50-65—1010.50-77 [Reserved]

Subpart D—Progams and Activities

1010.50-78 Discrimination prohibited.
1010.50-80 Program eligibility requirements.
1010.50-82 Administration of programs and activities.
1010.50-84 Recruitment and outreach.
1010.50-86 Program design.
1010.50-87—1010.50-99 [Reserved]

Subpart E—Transportation

1010.50-100 Discrimination prohibited.
1010.50-102 Acequate number of accessible vehicles required.
1010.50-103—1010.50-115 [Reserved]

Subpart F—Procedures for Enforcement

1010.50-116 Procedures
1010.50-117—1010.50-129 [Reserved]

Appendix A—Performance standards for determining the accessibility and usability of existing facilities.

AUTHORITY: Section 504, Rehabilitation Act of 1973, Pub. L. 93-112, 87 Stat. 394 (29 U.S.C. 794); sec. 111(a), Rehabilitation Act Amendments of 1974, Pub. L. 93-516, 88 Stat. 1619 (29 U.S.C. 706).

Subpart A-General Provisions

§ 1010.50-2 Purpose.

The purpose of this part is to implement section 504 of the Rehabilitation Act of 1973, which is designed to eliminate discrimination on the basis of handicap in any program or activity receiving Federal financial assistance.

§ 1010.50-4 Policy.

(a) CSA's mission is to help enable low-income individuals become self-sufficient, living decent, dignified lives. Conservative estimates indicate that well over 7.5 million low-income individuals are handicapped individuals. Handicapped individuals frequently have low incomes only because of the discrimination they experience daily. Many cannot get jobs because job sites are physically inaccessible to them, or because job vacancies are announced using methods of communication closed to them. For the same reasons, handicapped individuals are denied access to the services designed to help them achieve economic self-sufficiency.

(b) to the extent that CSA grantees exclude handicapped individuals from or segregate them in programs or employment, CAS grantees are part of the cause of rather than the cure for poverty among handicapped individuals.

(c) This part is intended to prohibit all forms of discrimination—exclusion and segregation are only the most obvious—against handicapped persons by CSA grantees. This part implements section 504, and thereby insures that CSA grantees can become part of the cure for rather than the cause of poverty among handicapped individuals.

§ 1010.50-6 Application.

This part applies to all grantees, and the delegate agencies of all grantees receiving financial assistance from CSA, and to each program or activity that receives or benefits from such assistance.

§ 1010.50-8 Definitions.

As used in this part, the term:

"Applicant for assistance" means one who submits an application, request, or plan required to be approved by a CSA official or by a grantee as a condition to becoming a grantee.

"CSA" means the Community Services Administration.

"Facility" means all or any portion of buildings, structures, equipment (excluding transportation vehicles), or personal property or interest in such property.

"Federal financial assistance" means any grant, loan, contract (other than a procurement contract or a contract of insurance or guaranty), or any other arrangement by which CSA provides or otherwise makes available assistance in the form of—

(a) Funds;

(b) Services of Federal personnel; or

(c) Real and personal property or any interest in or use of such property, including:

(1) Transfers or leases of such property for less than fair market value or for reduced consideration; and

(2) Proceeds from a subsequent transfer or lease of such property if the Federal share of its fair market value is not returned to the Federal Government.

"Field representative" means that CSA official who is administratively closest to the grantee, who processes its application for funding, and who oversees its grant activities.

"Grantee" means any State or its political subdivision, any instrumentality of a State or its political subdivision, any public or private agency, institution, organization, or other entity, or any person to which Federal financial assistance is extended directly or through another grantee, but excluding the ultimate beneficiary of the assistance.

"Handicap" means any condition or characteristic that renders a person a "handicapped person" as defined in the following paragraph:

"HANDICAPPED PERSON"

(a) "Handicapped person" means any person who—

(1) Has a physical or mental impairment which substantially limits one or more major life activities;

(2) Has a record of such an impairment; or

(3) Is regarded as having such an impairment.

(b) As used in the preceding paragraph, the phrase—

(1) "Physical or mental impairment" means—

(i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or

(ii) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(2) "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(3) "Has a record of such an impairment" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(4) "Is regarded as having an impairment" means—

(i) Has a physical or mental impairment that does not substantially limit major life activities but that is treated by a grantee as constituting such a limitation;

(ii) Has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or

(iii) Has none of the impairments listed above but is treated by a grantee as having such an impairment.

(5) "Qualified handicapped person" means—

(i) With respect to employment, a handicapped person who, with reasonable accommodation, can perform the essential functions of the job in question;

(ii) With respect to programs and activities, a handicapped person who meets the essential eligibility requirements.

"Section 503" means section 503 of the act.

"Section 504" means section 504 of the act.

"The act" means the Rehabilitation Act of 1973, Pub. L. 93-112, as amended by the Rehabilitation Act Amendments of 1974, Pub. L. 93-516, 29 U.S.C. 794.

"The Director" means the Director of CSA.

§ 1010.50–10 Discrimination prohibited.

(a) General. No qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from Federal financial assistance.

(b) Discriminatory actions prohibited.

(1) A grantee, in providing any aid, benefit, or service, may not directly or through contractual, licensing, or other arrangements, on the basis of handicap—

(i) Deny a qualified handicapped person the opportunity to participate in or benefit from the aid, benefit, or service;

(ii) Afford a qualified handicapped person an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others;

(iii) Provide a qualified handicapped person with an aid, benefit, or service that is not as effective as that provided to others;

(iv) Provide different or separate aid, benefits, or services to handicapped persons or to any class of handicapped persons unless such action is necessary to provide qualified handicapped persons with aid, benefits, or services that are as effective as those provided to others;

(v) Aid or perpetuate discrimination against a qualified handicapped person by providing significant assistance to an agency, organization, or person that discriminates on the basis of handicap in providing any aid, benefit, or service to beneficiaries of the grantee's program;

(vi) Deny a qualified handicapped person the opportunity to participate as a member of planning or advisory boards; or

(vii) Otherwise limit a qualified handicapped person in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving an aid, benefit, or service.

(2) For purposes of this part, aids, benefits, and services, to be equally effective, are not required to produce the identical result or level of achievement for handicapped and nonhandicapped persons, but must afford handicapped persons equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement, in an integrated setting.

(3) Despite the existence of separate or different programs or activities provided in accordance with this part, a grantee may not deny a qualified handicapped person the opportunity to participate in such programs or activities that are not separate or different.

(4) A grantee may not, directly or through contractual or other arrangements, utilize criteria or methods of administration—

(i) That have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the grantee's program with respect to handicapped persons;

(ii) That have the effect of subjecting qualified handicapped persons to discrimination on the basis of handicap; or

(iii) That perpetuate the discrimination of another grantee if both grantees are subject to common administrative control or are agencies of the same State.

(5) In determining the site or location of a facility and in selecting a particular facility, an applicant for assistance or a grantee may not make selections—

(i) That have the effect of excluding handicapped persons from, denying them the benefits of, or otherwise subjecting them to discrimination under any program or activity that receives or benefits from Federal financial assistance; or

(ii) That have the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the program or activity with respect to handicapped persons.

(6) As used in this section, the aid, benefit, or service provided under a program or activity receiving or benefiting from Federal financial assistance includes any aid, benefit, or service provided in or through a facility that has been constructed, expanded, altered, leased, or rented, or otherwise acquired, in whole or in part, with Federal financial assistance.

(c) Programs limited by Federal law. The exclusion of nonhandicapped persons from the benefits of a program limited by Federal statute or executive order to handicapped persons or the exclusion of a specific class of handicapped persons from a program limited by Federal statute or executive order to a different class of handicapped persons is not prohibited by this part.

§ 1010.50–12 Assurances required.

(a) Assurances. A grantee or an applicant for assistance to which this part applies shall submit an assurance on a form specified by the Director, that the program will be operated in compliance with section 504 and this part.

(b) Duration of obligation.

(1) In the case of Federal assistance extended in the form of real property or to provide real property or structures on the property, the assurance will obligate the grantee or, in the case of a subsequent transfer, the transferee, for the period during which the real property or structures are used for the purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.

(2) In the case of Federal financial assistance extended to provide personal property, the assurance will obligate the grantee for the period during which it retains ownership or possession of the property.

(3) In all other cases the assurance will obligate the grantee for the period during which Federal financial assistance is extended.

(c) Covenants.—(1) Where Federal financial assistance is provided in the form of real property or interest in the property from CSA, the instrument effecting or recording this transfer shall contain a convenant running with the land to assure nondiscrimination for the period during which the real property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.

(2) Where no transfer of property is involved but property is purchased or improved with Federal financial assistance, the grantee shall agree to include the convenant described in paragraph (b)(2) of this section in the instrument effecting or recording any subsequent transfer of the property.

(3) Where Federal financial assistance is provided in the form of real property or interest in the property from CSA, the convenant shall also include a condition coupled with a right to be reserved by CSA to revert title to the property in the event of a breach of the convenant. If a transferee of real property proposes to mortgage or otherwise encumber the real peroperty as secruity for financing construction of new, or improvement of existing, facilities on the property for the purposes for which the property was transferred, the Director may, upon request of the transferee and if necessary to accomplish such financing and upon such conditions as he or she deems appropriate, agree to forbear the exercise of such right to revert title for so long as the lien of such mortgage or other encumbrance remains effective.

§ 1010.50–14 Remedial action, voluntary action, and self-evaluation.

(a) Remedial action.—(1) If the Director finds that a grantee has discriminated against persons on the basis of handicap in violation of section 504 or this part, the grantee shall take such remedial action as the Director deems necessary to overcome the effects of the discrimination.

(2) Where a grantee is found to have discriminated against persons on the basis of handicap in violation of section 504 or this part and where another grantee exercises control over the grantee that has discriminated, the Director, where appropriate, may

require either or both grantees to take remedial action.

(3) The Director may, where necessary to overcome the effects of discrimination in violation of section 504 or this part, require a grantee to take remedial action—

(i) With respect ot handicapped persons who are no longer participants in the grantee's program but who were participants in the program when such discrimination occurred; or

(ii) With respect ot handicapped persons who would have been participants in the program had the discrimination not occurred.

(b) Voluntary action. A grantee may take steps, in addition to any action that is required by this part, to overcome the effects of conditions that resulted in limited participation in the grantee's program or activity by qualified handicapped persons.

(c) Self-evaluation.—(1) A grantee and an applicant for assistance whose application is submitted within six (6) months of the effective date of this part shall—

(i) Within six months of the effective date of this part; and

(ii) After consultation with interested persons, including low-income handicapped persons or their representatives or organizations representing handicapped persons;

(A) Evaluate its current policies and practices and the effects thereof that do not or may not meet the requirements of this part;

(B) Modify any policies and practices that do not meet the requirements of this part; and

(C) Take appropriate remedial steps to eliminate the effects of any discrimination that resulted from adherence to these policies and practices.

(2) An applicant for assistance whose application is submitted after six (6) months from the effective date of this part shall conduct the self-evaluation described in paragraph (c)(1) of this section prior to submitting its application, and shall submit with its application the written self-evaluation described in paragraph (c)(3) of this section.

(3) Each grantee and applicant for assistance shall submit to its field representative a copy of the results of the self-evaluation conducted in accordance with paragraph (c)(1) of this section. In its self-evaluation, a grantee or applicant for assistance shall include—

(i) The name, address, and telephone number of the interested persons consulted (subject to their consent);

(ii) A description of areas examined and problems identified;

(iii) The rationale for not adopting any recommendation of the interested persons consulted which was not adopted;

(iv) A description of modifications made and of remedial steps taken;

(v) A copy of the transition plan if one is required by Sub-Part C; and

(vi) The name and title of the section 504 officer designated pursuant to § 1010.50-16 of this subpart.

(4) A grantee shall—

(i) Maintain the written self-evaluation on file for three (3) years;

(ii) Make it available for public inspection; and

(iii) Deliver a copy of it to each of the interested persons consulted in accordance with paragraph (c)(1) of this section.

§ 1010.50-16 Designation of Section 504 officer and adoption of grievance procedures.

(a) Designation of section 504 officer. A grantee shall designate a section 504 officer to coordinate its efforts to comply with this part. This employee shall also be responsible for assisting handicapped applicants, employees and beneficiaries with special problems they encounter, on account of handicap, in their dealings with the grantee.

(b) Adoption of grievance procedures. A grantee shall adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any action prohibited by this part. A beneficiary, employee, or applicant shall allow a grantee thirty (30) days to resolve a complaint prior to filing a complaint with CSA; however, if a grantee has no grievance procedures or refuses to act upon a complaint, a beneficiary, employee, or applicant may immediately file a complaint with CSA.

§ 1010.50-18 Dissemination of policy.

(a) Notification of Policy. A grantee shall take appropriate and continuing steps to notify participants, beneficiaries, applicants and employees, including those with impaired vision or hearing, and those with mental handicaps, and unions or professional organizations holding collective bargaining or professional agreements with the grantee that it does not discriminate on the basis of handicap in violation of section 504 and this part.

(1) The notification shall—

(i) Contain the information and be given in the modes of communication necessary to apprise interested persons, including those with impaired vision or hearing, and those with mental handicaps, of the protections against discrimination assured them by section 504 and this part;

(ii) State that the requirement not to discriminate extends to admission and access thereto; and

(iii) State that inquiries concerning the application of section 504 and this part to the grantee may be referred to the section 504 officer designated pursuant to § 1010.50-16 of this subpart or to the Director.

(2) A grantee shall make the initial notification required by paragraph (a)(1) of this section within 60 days of the effective date of this part. Notification should include publication in—

(i) Newspapers and magazines operated by, for, or in connection with the grantee;

(ii) Newspapers and magazines operated by, for, or in connection with local organizations representing handicapped individuals;

(iii) Local newspapers of general circulation;

(iv) Memoranda or other communications which the grantee makes available to participants, beneficiaries and employees; and

(v) Public service radio and televison spots.

(b) Publications. If a grantee disseminates general information regarding its programs, activities or employment opportunities to participants, beneficiaries, applicants or employees, it shall make such information available to those with impaired vision or hearing, and those with mental handicaps, and it shall include with that information a statement of the policy described in paragraph (a) of this section.

§ 1010.50-20 Waiver of administrative requirements for small grantees.

If a grantee with fewer than fifteen employees can prove that compliance with § 1010-50.16 and § 1010-50.18 will significantly impair the ability of the grantee to provide benefits or services, the grantee may apply to the Regional Director (for regionally administered grants) or to the grant making official (for headquarters administered grants) for a waiver of the requirements of one or both of those sections.

§ 1010.50-22 Effect of State or local law or other requirements and effect of employment opportunities.

(a) The obligation to comply with this part is not obviated or alleviated by the existence of any State or local law or other requirement that, on the basis of handicap, imposes prohibitions or limits upon the eligibility of qualified handicapped persons to receive services or to practice any occupation or profession.

(b) The obligation to comply with this part is not obviated or alleviated because employment opportunities in any occupation or profession are or may be more limited for handicapped persons than for non-handicapped persons.

§ 1010.50-23—§ 1010.50-35 [Reserved]

Subpart B—Employment Practices

§ 1010.50-36 Discrimination prohibited.

(a) General.—(1) No qualified handicapped person shall, on the basis of

handicap, be subjected to discrimination in employment under any program or activity to which this part applies.

(2) A grantee shall make all decisions concerning employment under any program or activity to which this part applies in a manner which insures that discrimination on the basis of handicap does not occur and may not limit, segregate, or classify applicants or employees in any way that adversely affects their opportunities or status because of handicap.

(3) A grantee may not participate in a contractual or other relationship that has the effect of subjecting qualified handicapped applicants or employees to discrimination prohibited by this subpart. The relationships referred to in this subparagraph include relationships with employment and referral agencies, with labor unions, with organizations providing or administering fringe benefits to employees of the grantee, and with organizations providing training and apprenticeship programs.

(b) Specific activities. The provisions of this subpart apply to—

(1) Recruitment, advertising, and the processing of applications for employment;

(2) Hiring, upgrading, promotion, award of tenure, demotion, transfer, lay-off, termination, right of return from lay-off, and rehiring;

(3) Rates of pay or any other form of compensation and changes in compensation;

(4) Job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;

(5) Leaves of absence, sick leave, or any other leave;

(6) Fringe benefits available by virtue of employment, whether or not administered by the grantee;

(7) Selection and financial support for training, including apprenticeship, professional meetings, conferences, and other related activities, and selection for leaves of absence to pursue training;

(8) Employer sponsored activities, including social or recreational programs; and

(9) Any other term, condition, or privilege of employment.

(c) A grantee's obligation to comply with this subpart is not affected by any inconsistent term of any collective bargaining agreement to which it is a party.

§ 1010.50-38 Reasonable accommodation.

(a) A grantee shall make reasonable accommodation to known physical or mental limitations of an otherwise qualified handicapped applicant or employee unless the grantee can demonstrate that the accommodation would impose an undue hardship on the operation of its program.

(b) Reasonable accommodation to an employee may include—

(1) Making facilities used by employees readily accessible to and usable by handicapped persons;

(2) Job restructuring, part-time or modified work schedules;

(3) Acquisition or modification of equipment or devices;

(4) The provision of readers or interpreters; and

(5) Other similar actions.

(c) Reasonable accommodation to an applicant for employment may include—

(1) Making job announcements available in a form readily understandable by mentally handicapped persons and by persons with impaired vision or hearing;

(2) Providing readers, interpreters and other aides and assistance during application, testing, and interviewing processes; and

(3) Other similar actions.

(d) In determining pursuant to paragraph (a) of this section whether an accommodation would impose an undue hardship on the operation of a grantee's program, factors to be considered include—

(1) The overall size of the grantee's program with respect to number of employees, number and type of facilities, and size of budget; and

(2) The nature and cost of the accommodation needed.

(e) A grantee may not deny an employment opportunity to a qualified handicapped employee or applicant if the basis for the denial is the need to make reasonable accommodation to the physical or mental limitations of the employee or applicant.

§ 1010.50-40 Employment criteria.

(a) A grantee may not make use of any employment test or other selection criterion that screens out or tends to screen out handicapped persons or any class of handicapped persons unless—

(1) The test score or other selection criterion, as used by the grantee, is shown to measure the job skills required for the position in question; and

(2) Alternative job-related tests or criteria that do not screen out or tend to screen out as many handicapped persons are not shown by the Director to be available.

(b) A grantee shall select and administer tests concerning employment so as best to insure that, when administered to an applicant or employee who has a handicap that impairs sensory, manual, reading, writing, or speaking skills, the test results accurately reflect the applicant's or employee's job skills, aptitude, or whatever other factor the test purports to measure rather than reflecting the applicant's or employee's impaired sensory, manual, reading, writing or speaking skills (except where those skills are the factors that the test purports to measure).

§ 1010.50-42 Preemployment inquiries.

(a) Except as provided in paragraphs (b) and (c) of this section, a grantee may not conduct a preemployment medical examination or make preemployment inquiry of an applicant as to whether the applicant is a handicapped person or as to the nature or severity of a handicap. A grantee may, however, make preemployment inquiry into an applicant's ability to perform job-related functions.

(b) When a grantee is taking remedial action to correct the effects of past discrimination pursuant to § 1010.50-14(a) of this part, when a grantee is taking voluntary action to overcome the effects of conditions that resulted in limited participation in its federally assisted program or activity pursuant to § 1010.50-14(b) of this part, or when a grantee is taking affirmative action pursuant to section 503 of the act, the grantee may invite applicants for employment to indicate whether and to what extent they are handicapped; *Provided* that—

(1) The grantee states clearly on any written questionnaire used for this purpose or makes clear orally if no written questionnaire is used that the information requested is intended for use solely in connection with its remedial action obligations or its voluntary or affirmative action efforts; and

(2) The grantee states clearly that the information is being requested on a voluntary basis, that it will be kept confidential as provided in paragraph (d) of this section, that refusal to provide it will not subject the applicant or employee to any adverse treatment, and that it will be used only in accordance with this part.

(c) This section does not prohibit a grantee from conditioning an offer of employment on the results of a medical examination conducted prior to the employee's entrance on duty IF—

(1) All entering employees are subjected to such an examination regardless of handicap; and

(2) The results of such an examination are used only in accordance with the requirements of this part.

(d) Information obtained in accordance with this section as to the medical condition or history of the applicant shall be collected and maintained on separate forms that shall be accorded confidentiality as medical records, except that—

(1) Supervisors and managers may be informed of the job-related functional implications, if any, of a person's handicap, and of reasonable accommodation which may be needed;

(2) If a condition might require emergency treatment, first aid and

safety personnel may be informed of the appropriate emergency procedures; and

(3) Government officials investigating compliance with the Act shall be provided relevant information upon request.

§ 1010.50-44 Fringe benefits.

(a) In making fringe benefits available to employees, a grantee may not—

(1) Administer, operate, offer, or participate in a fringe benefit plan which does not provide for equal benefits to handicapped and nonhandicapped persons unless any difference in benefits or contributions is justified by—

(i) Verifiable actuarial figures; and

(ii) An actual, substantial increase in cost to the recipient; or,

(2) Otherwise discriminate on the basis of handicap.

(b) Fringe benefits include any medical, hospital, disability, accident, life insurance, or retirement benefit, service, policy, or plan, any profit sharing or bonus plan, leave, or any similar employment benefit or service.

§ 1010.50-45—§ 1010.50-57 [Reserved]

Subpart C—Accessibility and Usability

§ 1010.50-58 Discrimination prohibited.

No qualified handicapped person shall, because a grantee's facilities are inaccessible to or unusable by handicapped persons, be denied the benefits of, be excluded from participation or employment in, or otherwise be subjected to discrimination under any program or activity to which this part applies.

§ 1010.50-60 Application.

This subpart applies only to facilities or parts of facilities—

(a) Leased, purchased, constructed, rehabilitated or renovated, in whole or in part, with CSA funds;

(b) Claimed as all or part of the non-Federal share requirement of a CSA grant; or

(c) In which CSA funded programs or activities are conducted—

(1) Even though the facility or part thereof may not be leased, purchased, constructed, rehabilitated or renovated with CSA funds, or claimed as all or part of the non-Federal share; and

(2) Including, but not limited to, the grantee's own offices, and facilities in which the grantee conducts Board and Advisory meetings, training and educational sessions and elections.

§ 1010.50-62 Existing facilities.

(a) General. An existing facility is one which has already been constructed no matter when a grantee begins to use it or acquires a property right in it, and includes a facility acquired for rehabilitation. Each facility to which this part applies shall be fully accessible to and usable by handicapped persons. A grantee may come into compliance with this requirement by renovating its existing facilities, by relocating to accessible and usable facilities, by rehabilitating facilities so that the rehabilitated portions are accessible and usable, or by a combination of methods.

(b) Accessibility and usability. An existing facility shall be considered accessible and usable only if it complies, as a minimum, with the standards set out in appendix A.

(c) Grantees. A grantee that is not in compliance with the requirement of paragraphs (a) and (b) of this section on the effective date of this regulation shall make its facilities accessible and usable as expeditiously as possible, following the requirements outlined in paragraphs (e), (f), and (g) of this section.

(d) Applicants for assistance. An applicant for assistance who becomes a grantee after the effective date of this regulation shall bring its facilities into conformity with the requirement of paragraphs (a) and (b) of this section within three (3) years of the effective date of this regulation, unless it has applied for and been granted an extension pursuant to paragraph (i) of this section. If an applicant for assistance is not in conformity with the requirements of paragraphs (a) and (b) of this section on the date of its application, it shall submit with its application a statement describing how it will insure interim service delivery as described in paragraph (e) of this section and a copy of its transition plan as described in paragraph (f) of this section.

(e) Phase I of the transition period—Interim service delivery. Within three (3) months from the effective date of these regulations, a grantee shall have taken such action as is necessary to insure that qualified handicapped persons have ready access to each of the grantee's programs and activities. Such action may include relocation of meetings, home visits, making services provided in inaccessible areas available in accessible areas, and any other method which insures that qualified handicapped persons have ready access to the grantee's programs and activities. Actions to insure service delivery shall continue until the need for these actions have been alleviated by facility accessibility and usability.

(f) Phase II of the transition period—The facility access and use plan. Within six (6) months of the effective date of these regulations, a grantee shall submit to its field representative for approval, an acceptable transition plan, approved by its Board of Directors, if any, describing in detail how the grantee will achieve facility accessibility and usability. The transition plan shall be developed in consultation with interested persons, particularly low-income handicapped persons, or their representatives, or organizations representing handicapped persons. An acceptable transition plan shall include at a minimum—

(1) Identification of each feature in each of a grantee's facilities which violates the standards found in appendix A (if a grantee will relocate in order to comply with this subpart, only those features of the old facility which made renovation inefficient need be identified);

(2) Priorities for achieving facility access and use, established on the basis of those facilities and parts thereof which are most essential to the grantee's beneficiaries and employees;

(3) Detailed description of the methods which will be used to bring each facility or part thereof into compliance, and cost estimates and a specific timetable for making the contemplated changes;

(4) The name, address, and phone number of each of the interested persons consulted in the preparation of the facility access and use plan (subject to their consent); and

(5) The name, address, phone number, and title of the person(s) responsible for preparing and implementing the plan.

(g) Phase III of the transition period—Implementation of the plan. Within three (3) years of the effective date of these regulations, a grantee shall have completed the renovation or relocation of each of its facilities as required by this section.

(h) Notice.

(1) A Grantee shall insure that interested persons, particularly low-income handicapped persons, are informed of—

(i) Facilities or parts thereof that are accessible and usable;

(ii) The provisions for interim service delivery; and

(iii) The contents of the facility access and use plan.

(2) A grantee shall make this information available in a form which provides effective notice to persons with impaired vision or hearing, and those with mental handicaps.

(i) Extension. A grantee or an applicant for assistance may apply to the Director for an extension (of no more than 2 years) of the timetable required by paragraph (g) of this section if it can prove that the changes required by § 1010.50-62 are so numerous, costly, and time-consuming that a grantee's programs and activities would be seriously jeopardized if adherence to the timetable is required. In applying for an extension, a grantee must document the factors which make the extension necessary, propose an alternate timetable not to exceed a period of 2 years, and document the

efforts it has made to obtain the necessary funds, technical assistance, and materials. In processing an application for an extension, the Director may conduct a public hearing in the grantee's community to which interested persons, particularly low-income handicapped persons, or their representatives, or organizations representing handicapped persons will be invited.

(j) Waiver of non-Federal share requirement. A grantee may apply, following regulations which will be published seperately, for a waiver of that percentage of its non-Federal share requirement lost in complying with the requirements of this subpart if—

(1) A grantee's facility is an in-kind contribution forming the whole or a part of the non-Federal share requirement of its grant;

(2) Meeting the requirements of this subpart causes the grantee to lose all or a part of its non-Federal share; and

(3) The grantee is unable to locate a comparable in-kind contribution which would comply with this subpart.

§ 1010.50-64 New Facilities.

(a) Design and construction. Each facility or part of a facility constructed by, on behalf of, or for the use of a grantee shall be designed and constructed in such a manner that the facility or part of the facility is readily accessible to an usable by handicapped persons, if the construction was commenced after the effective date of this part.

(b) Accessibility and usability. A new facility shall be considered accessible and usable only if it conforms to the "American National Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," published by the American National Standards Institute, Inc. (ANSI A117.1—1961 (R 1971)),* which is incorporated by reference in this part. Departures from the particular requirements of those standards by the use of other methods shall be permitted only when it is clearly evident that equivalent accessibility and usability is thereby provided.

§ 1010.50-65—§ 1010.50-77 [Reserved]

Subpart D—Programs and Activities

§ 1010.50-78 Discrimination prohibited.

No qualified handicapped person shall, because of the manner in which a grantee plans or operates its programs and activities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which this part applies.

§ 1010.50-80 Program eligibility requirements.

Program eligibility requirements for each of a grantee's programs and activities shall be scrutinized and modified as necessary to insure that the requirements are essential to achieving the purpose of the program or activity and that they do not exclude qualified handicapped persons on the basis of handicap.

§ 1010.50-82 Administration of programs and activities.

In the administration of its programs and activities, a grantee shall take such steps as are necessary to insure that qualified handicapped persons are afforded an equal opportunity to participate in or benefit from the grantee's programs and activities. Such steps may include the provision of interpreters for the deaf in situations in which the grantee uses verbal communication, the provision of readers in situations in which the grantee uses printed matter, and any similar actions.

§ 1010.50-84 Recruitment and outreach.

If a grantee engages in recruitment or outreach efforts, it shall insure that equally effective recruitment and outreach efforts are made with respect to handicapped persons.

§ 1010.50-86 Program design.

(a) If, in the planning or operation of a program or activity, a grantee discovers that a segment of the low-income handicapped population is, on account of handicap, unqualified to participate in that program or activity, and if the purpose of the program or activity is to fulfill a need shared by that segment of the population, then the grantee shall investigate the feasibility of and make intensive efforts to undertake a similar program or activity which is designed to achieve the same purpose with respect to that segment, taking physical or mental limitations into account.

(b) In determining the feasibility of undertaking an adapted program or activity, a grantee shall consider—

(1) The size of the population to be served by the adapted program or activity;

(2) The severity of the need which it is the purpose of the program to fulfill; and

(3) If adapting an existing program, the extent of the modifications needed.

(c) If a grantee does establish such an adapted program, it shall not require a handicapped person to participate in that program, nor shall it prohibit a qualified handicapped person from participating in programs which are not so adapted.

§ 1010.50-87—§ 1010.50-99 [Reserved]

Subpart E—Transportation

§ 1010.50-100 Discrimination prohibited.

No qualified handicapped person shall, because a grantee's transportation vehicles are inaccessible to or unusable by handicapped persons, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which this part applies.

§ 1010.50-102 Adequate number of accessible vehicles required.

A grantee that provides transportation services to beneficiaries shall make transportation services which they can effectively utilize available to handicapped beneficiaries. A grantee is not required to retrofit each of its transportation vehicles, but is required to have or to have access to the number of accessible transportation vehicles necessary to transport handicapped beneficiaries as efficiently as nonhandicapped beneficiaries are transported.

§ 1010.50-103—§ 1010.50-115 [Reserved]

Subpart F—Procedures for Enforcement

§ 1010.50-116 Procedures.

The procedural rules for enforcement of section 504 and this part are those CSA uses for enforcement of title VI of the Civil Rights Act of 1964. These procedures are found in 45 CFR Part 1010.

§ 1010.50-117—§ 1010.50-129 [Reserved]

APPENDIX A—PERFORMANCE STANDARDS FOR DETERMINING THE ACCESSIBILITY AND USABILITY OF EXISTING FACILITIES

INDEX

Part I—Introduction

2 Standards for new facilities.
4 Standards for existing facilities.
6 Prescriptive v. performance standards.
8 Purpose of this standard.
10 Scope of this standard.
12 Use of this standard.
14 Interpretation of this standard.

Part II—Reference Measurements and Concepts

16 Introduction.
18 Lengths, widths, and heights of average adult plus wheelchair.
20 Range of reach for average adult wheelchair user.
22 Operational requirements for average adult wheelchair user.
24 Inclines.
25 Long cane touch technique.

Part III—Basic Minimum Performance Requirements

26 General.

* Copies are available from the American National Standards Institute, Inc., 1430 Broadway, New York, N.Y. 10018. As of March 1978, a single copy cost $2.75. The standard is subject to change—it has been under revision since 1974.

Subpart A—Exterior Requirements

28 Drop-off zone.
30 Parking area.
32 Accessible path.
34 Ramps.
36 Signage.

Subpart B—Accessible Entrance

38 One principal entrance.
40 Required features.
42 Doors.

Subpart C—Accessible Routes of Circulation

44 Where required.
46 Required features.
48 If ramp used, alternate stairs required
50 Doors.
52 Ramps.
54 Elevators
56 Platform lifts.

Subpart D—Usability

58 Toilet rooms.
60 Drink of water.
62 Public telephone.
64 Teletypewriter.
66 Emergency alarms.
68 Controls, etc.
70 Counters, etc.
72 Carpet.

PART I: INTRODUCTION

2 Standards for new facilities.

The standards and specifications generally available for making facilities accessible to and usable by handicapped persons are designed to be applicable to new construction and to renovation. Many of the features they require are absolutely necessary, that is, they must be provided if a handicapped person is to be able to make use of the facility (for example, an alternative to stairs *must* be provided if a wheelchair user is to gain access to a facility). Other features commonly required by access standards are intended to make use of a facility more convenient (for example, it is more convenient for a wheelchair user to go through a 32-inch door than a 30-inch door, although the majority of wheelchair users could squeeze through a 30-inch door). A few features commonly required are somewhat redundant (for example, the nosing of stairs should be rounded for people who walk with crutches and braces, but if an elevator is also required, people will not have to use the stairs). At least one common feature is disclaimed by many of the handicapped persons it is intended to benefit (the two major national organizations of blind people do *not* advocate for knurled door knobs at potentially hazardous doorways).

Features which are not absolutely necessary, such as those provided for convenience, those which are somewhat redundant, or those upon which there is not complete agreement are included in standards applicable to new facilities because they provide a benefit (be it convenience or increased options in the use of the facility) and are easily and cheaply incorporated in the design of a new facility.

4 Standards for existing facilities.

There appears to be no generally accepted standard which can be used to determine whether an existing facility provides all of those features which are absolutely necessary to its use by handicapped persons and which is specifically designed to insure that the resources used for renovations undertaken to provide access are allocated most effectively. Such a standard would mandate only features of a facility which are absolutely necessary to its use by handicapped persons.

The standard would thereby insure that resources were not depleted in providing convenience features when necessary features had not been provided.

6 Prescriptive vs. performance standards.

The accessibility standards generally available are prescriptive standards—that is, they prescribe the exact minimum measurements which are permissible. When the standards are applicable to new facilities, the prescribed measurements may be easily and economically incorporated during the design stage.

Incorporating the prescribed measurements in an existing facility may be neither easy nor economical and, indeed, may be unnecessary. Frequently, the need which a particular set of measurements addresses may be met in several ways—the method prescribed by the standard being only one. If a method other than that prescribed by a standard is as effective, and if that method is easier and more economical, it should be used. A performance standard permits this flexibility—a prescriptive standard does not.

A performance standard lists the ends that must be accomplished. The designer is free to choose the most practical and economical method of achieving the end, and indeed may discover a creative new solution to an old problem.

The danger involved in the use of a performance standard is that it may not give enough guidance so that even well-intentioned designers may make mistakes.* CSA believes that the need for flexibility in a standard applicable to existing facilities outweighs the potential dangers of a flexible standard. It is recommended, however, that this standard be used in conjunction with the technical assistance of design professionals and of handicapped persons.

8 Purpose of this standard.

This standard is intended to mandate only those features of a facility which are necessary to its use by handicapped persons. The standard is intended to insure that handicapped persons are not excluded by barriers from facilities or parts of facilities to which they are entitled to go, and thereby to ensure that handicapped persons are not segregated into separate facilities or parts of facilities.

10 Scope of this standard.

This standard addresses the architectural needs of only a portion of those handicapped persons entitled to the protection of section 504. It is only the needs of persons who walk with difficulty or use standard wheelchairs* and persons who have impaired vision or hearing that this standard takes into account. If other handicapped persons have architectural needs, those needs are not addressed either because there is no general consensus as to the nature of the need or because there is no general consensus on an appropriate response to the need.

The requirement of section 504 that all handicapped persons be provided access to and use of each facility or part thereof is not alleviated by the failure of this standard to address a particular need.

12 Use of this standard.

The standard itself is divided into two parts (part II and part III). The second part lists design considerations, the third part identifies the features of a facility to which those considerations shall be applied. The two parts must be read together. For example, part III requires that a door be wide enough to accommodate a wheelchair user. Part II indicates that an average person plus his/her wheelchair is commonly 28 inches wide. A door, then, that does not provide at least 28 inches clear open space between the

---

* A General Accounting Office Report to the Congress entitled "Further Action Needed to Make All Public Buildings Accessible to the Physically Handicapped" (FPCD-75-166; July 15, 1975) summarized the results of an investigation of compliance with the ANSI access standard. The report noted that 26 percent of the buildings studied had a ramp with a slope greater than the required 8.33 percent, 26 percent had doors with less than the required 32-inch clear-opening, 64 percent had steps without the required 32-inch handrail, and 62 percent had restrooms with toilet stall doors of a width less than the required 32 inches. Since the ANSI standard is a prescriptive one, these results suggest that noncompliance with access standards may be caused by something other than a lack of guidance.

* Generally, the needs of persons who walk with difficulty, particularly those who use walking aids, are met if the needs of wheelchair users are met. Throughout the standard the term "wheelchair user" appears alone where "person who walks with difficulty or wheelchair user" would be more appropriate. This is done for no reason other than brevity.

Where persons who walk with difficulty have a need which is different than that of wheelchair users, a separate requirement is stated.

opened door and the opposite door jamb could not be considered accessible.

14 Interpretation of this standard.

This standard shall be interpreted liberally to ensure that handicapped applicants, employees and beneficiaries have full access to and use of each facility or part thereof used, leased, purchased, constructed, rehabilitated or renovated by CSA grantees.

PART II: REFERENCE MEASUREMENTS AND CONCEPTS

16 Introduction.

This part establishes the reference measurements and concepts which shall be applied to the performance requirements of part III. Although this part lists only reference measurements and concepts relevant to wheelchair users and blind persons who use a long cane, the needs of all handicapped persons are to be accommodated in the application of the performance requirements of part III.

18 Lengths, widths and heights of average adult plus wheelchair (in inches).

	Range	Most Common
A Length	39.5 to 54	48
B Overall width	18.5 to 32.5	28
C Width at footplates	17 to 19	18

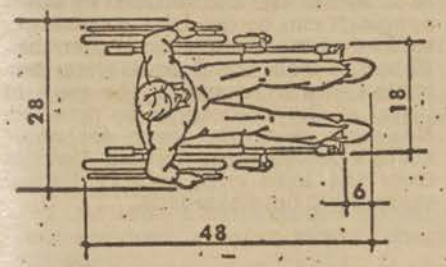


FIGURE 1: LENGTHS AND WIDTHS OF AVERAGE PERSON PLUS WHEELCHAIR

	Height at	Range	Most Common
D	Eye level	43 to 51	43-51
E	Lap	23 to 28	27
F	Wheelchair seat	17 to 22	19
G	Wheelchair armrest	19.5 to 33.5	29
H	Toes	7 to 10	8

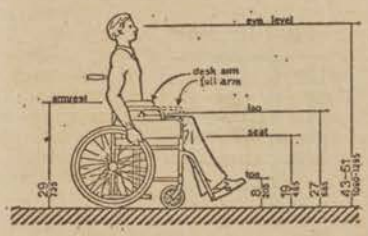


FIGURE 2: HEIGHTS OF AVERAGE PERSON PLUS WHEELCHAIR

20 Range of reach for average adult wheelchair user.

A. The reaching abilities of wheelchair users vary widely. The upward or vertical reach ranges from 44 inches to 72 inches above floor level. Horizontal forward reach ranges from 28 inches to 52 inches.

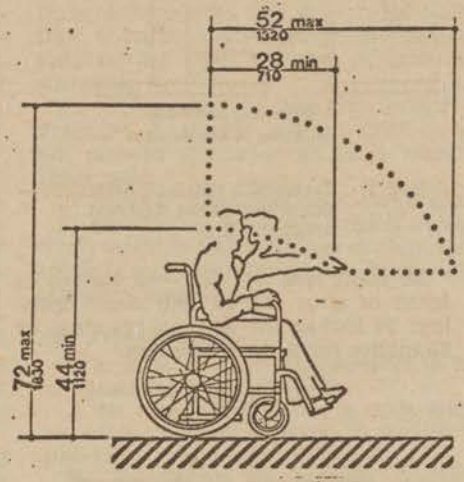


FIGURE 3: RANGE OF VERTICAL AND HORIZONTAL REACH

B. The direction of approach and the height of the object influence the comfortable reaching limits acceptable to most people. At desk or counter height (from 30 to 36 inches above the floor) a forward reach of 24 inches is an acceptable design limit, while at shelf height (from 44 to 48 inches above floor) a forward reach of 15 inches is comfortable and 20 inches is considered maximum.

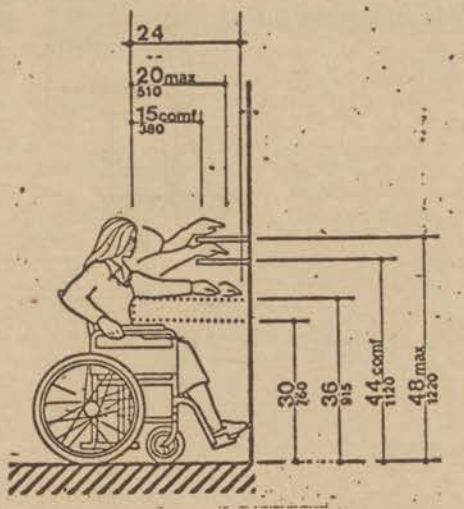


FIGURE 4: RANGE OF FORWARD REACH

C. The limits of side reach measured horizontally from the plane of the pushrim of a wheelchair ranges from 15 inches to 24 inches at heights of from 36 inches (normal counter height) to 46 inches above the floor. The limits of side reach measured vertically from the floor vary from a height 9 inches above the floor to a maximum of 62 inches, however a vertical limit of 54 inches is comfortable for most wheelchair users and is the recommended maximum for design purposes.

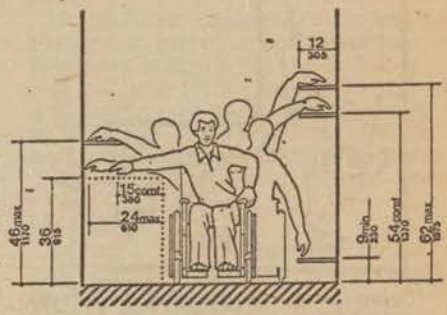


FIGURE 5: RANGE OF SIDE REACH

22 Operational requirements for average adult wheelchair user.

A. Through doors or other openings—32 inches clear open space.

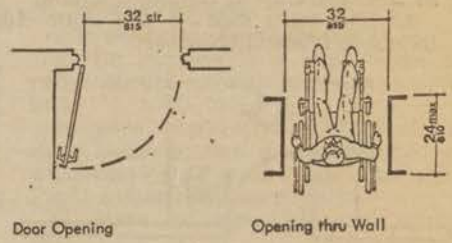


FIGURE 6: CLEAR OPENINGS

B. Corridors—36-inch width for one-way wheelchair passage; 60-inch width for two-way wheelchair passage.

C. U turn—78 inches by 60 inches.

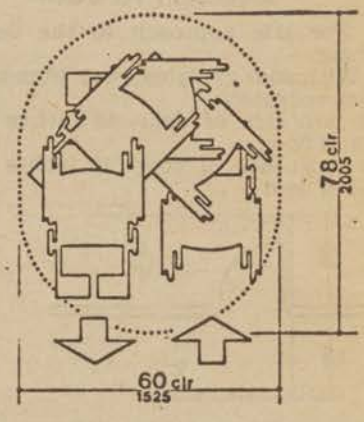


FIGURE 7: CLEARANCE U-TURN

D. 180° turn—60-inch diameter space with one wheel moving forward and one wheel moving in reverse; 72-inch diameter space with one wheel locked and the other moving.

E. L turn—36-inch-wide right angle path.

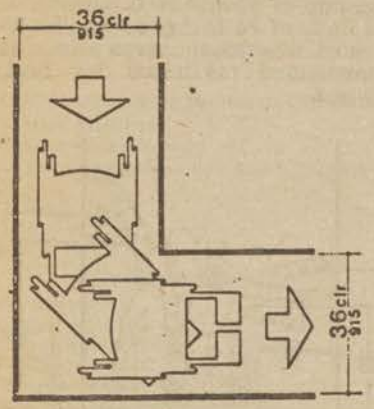


FIGURE 8: CLEARANCE L-TURN

F. Maneuvering Clearance at Doors. Recommended clear maneuvering areas for manually operated hinged doors are as follows:

1. For direct frontal approach:

At the pull side of the door—60 inches in front of the door and 24 inches clearance at the latch jamb.

At the push side of the door—48 inches in front of the door.

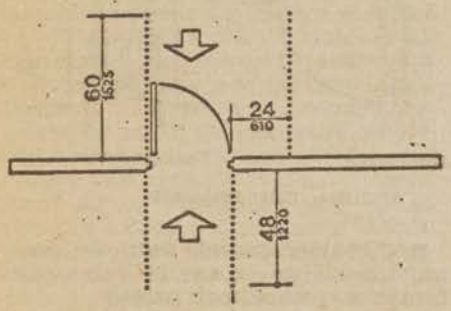


FIGURE 9: CLEARANCES FOR FRONTAL APPROACH TO DOOR

2. For side approach to the door opening:

a. With door swinging away from the line of approach—

At pull side of door—48 inches in front of door.

At push side of door—42 inches in front of door.

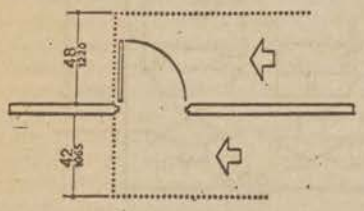


FIGURE 10: CLEARANCES FOR SIDE APPROACH TO DOOR — DOOR SWINGING AWAY FROM APPROACH

b. With door swinging against the approach path—

At pull side of door—60 inches in front of door and 36-inch clearance from latch jamb; or 54 inches in front of door and 42-inch clearance from latch jamb.

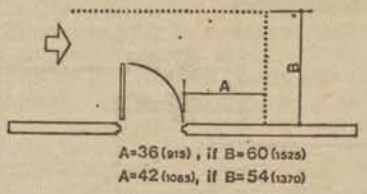


FIGURE 11: CLEARANCE FOR SIDE APPROACH — DOOR SWINGING AGAINST APPROACH PATH

At push side of door—42 inches in front of door for 32-inch clear opening; 39 inches for 34-inch opening; or 36 inches for 36-inch opening.

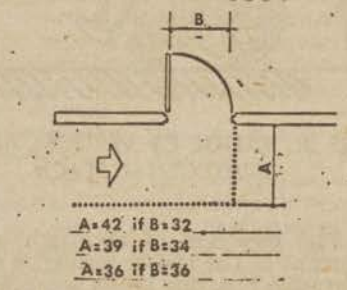


FIGURE 12: CLEARANCE FOR SIDE APPROACH — HINGE JAMB AT APPROACH SIDE

24 Inclines.

A. Any vertical rise exceeding one-half inch cannot be negotiated by the average adult wheelchair user unless it is inclined.

B. Any inclined way having a slope greater than 1:20 (5 percent) is a ramp and shall conform to the requirements for ramps.

C. The maximum slopes which can be negotiated by the average adult wheelchair user are:

Length of run [1]	Percent	Maximum slope [2]
From 4 in to 2 ft	12.5	1:8
Over 2 ft to 8 ft	10.0	1:10
Over 8 ft to 30 ft	8.3	1:12
Over 30 ft to 40 ft	6.25	1:16

[1] Horizontal dimension.
[2] Ratio rise to run.

D. Several ramp runs with landings or rest stops between each run may be combined.

E. A cross-slope exceeding 1:50 (2 percent) makes negotiation of level surfaces difficult, and negotiation of inclined surfaces extremely difficult.

25 Long Cane Touch Technique.

Most people with severe visual impairments use a long cane as a mobility aid. A person moving forward and using a touch technique swings the cane rythmically from side to side touching points at or near floor level in an area extending approximately 6 inches outside both shoulders. The movement of the cane defines an area in which hazards can be detected by touch. An object overhanging as much as 12 inches and encountered by direct approach can be detected if the lower surface of the object is no higher than 27 inches from the floor. Objects projecting and overhanging the path of travel at the side cannot be detected. However, since the cane technique keeps a person approximately 6 inches from the path edge, a very limited overhang is not hazardous.

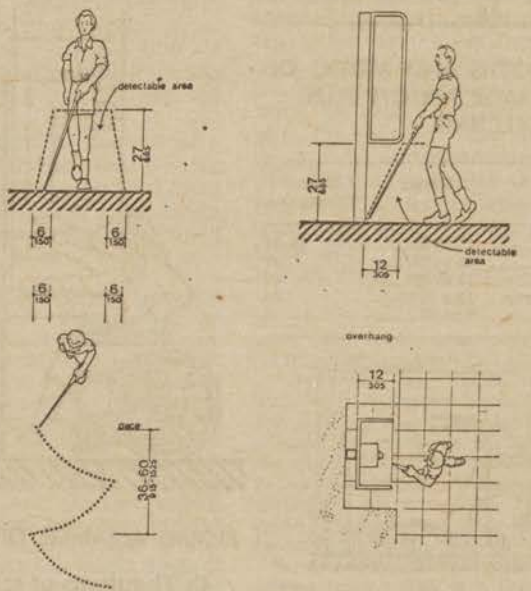


FIGURE 13: LONG CANE TOUCH TECHNIQUE

PART III: BASIC MINIMUM PERFORMANCE REQUIREMENTS

26 General.

Barriers which restrict the free and independent movement of handicapped persons to and through each facility or part thereof shall be removed. Handicapped persons shall be allowed access to and use of the exterior environment of each facility, allowed to enter the facility, and allowed access to and use of the interior of the facility.

SUBPART A: EXTERIOR REQUIREMENTS

28 Drop-off zone.

If a drop-off zone is provided for passengers to get in or out of vehicles, the drop-off zone shall—

A. Be large enough to allow a wheelchair user to get in or out of a vehicle with side or rear mounted lift (lifts are usually approximately 50 inches long);

B. Be located on an accessible path to an accessible entrance;

C. Have a firm, smooth surface; and

D. Be sloped to provide positive drainage, but with a slope that does not impede the mobility of a wheelchair user.

30 Parking area.

If parking is provided, parking spaces reserved for handicapped persons shall—

A. Be provided in a number sufficient to accommodate the number of handicapped drivers using the facility, but in no case less than 2 percent (1:50) of the total number of spaces or a minimum of one space;

B. Be located—

1. So that a handicapped person is not required to move behind parked vehicles;

2. So that no curb, step, or other abrupt grade change interrupts the path between each side of the vehicle and an accessible path to an accessible entrance;

3. Conveniently to an accessible path to an accessible entrance;

C. Be wide enough to accommodate a wheelchair user getting in or out of a full-sized car with one door fully open (less than 12 feet would be acceptable only in the most unusual of circumstances);

D. Be sloped to provide positive drainage, but with a slope that does not impede the mobility of a wheelchair user;

E. Have a firm, smooth surface; and

F. Be marked by a sign which effectively notifies potential users that the space is one reserved for use by handicapped persons only.

32 Accessible path.

If a path of travel is intended to be an accessible path, it shall—

A. Be ramped wherever a curb, step, or other abrupt change in grade is present;

B. Be sloped to provide positive drainage, but with a slope that does not impede the mobility of a wheelchair user;

C. Be unobstructed by such barriers to wheelchair users as turnstiles, posts, overhanging growth, snow, and ice;

D. Be unobstructed by such hazards to blind persons as objects protruding into the path at a level or height undetectable by a long cane;

E. Be wide enough to safely accommodate a wheelchair user;

F. Have a firm, smooth surface; and

G. Lead to an accessible entrance.

34 Ramps.

Each ramp in an accessible path, shall—

A. Have the minimum slope practicable (a slope steeper than those listed in part II would be acceptable only in the most unusual of circumstances);

B. Be wide enough to safely accommodate a wheelchair user (a width less than 36 inches would be acceptable only in the most unusual of circumstances);

C. Have a handrail on each side if the slope is greater than 5 percent (1:20) and the length greater than 6 feet;

D. Have an edge guard designed to prevent a wheel, crutch tip, cane, or foot from slipping off the ramp;

E. Have a level landing at the top and bottom of each run which is as wide as the ramp and long enough to accommodate a wheelchair user; and

F. Have a firm, fixed, nonslip finish.

36 Signage.

If there is more than one path, but only one is accessible, the accessible one shall be marked by a sign which effectively notifies potential users that it is accessible.

SUBPART B: ACCESSIBLE ENTRANCE

38 One principal entrance.

At least one principal entrance to a facility shall be accessible.

40 Required features.

The accessible entrance shall—

A. Be ramped if a curb, step, or other abrupt change in grade is present;

B. Have a level area in front of the door large enough and positioned to accommodate a wheelchair user pulling the door fully open; and

C. Have an accessible and usable door.

42 Doors.

An accessible and usable door shall—

A. Be operable by a single, easy effort without fine hand control;

B. Be wide enough and positioned to accommodate a wheelchair user (a door width which yields less than 30 inches of clear open space measured between the door in its fully open position and the opposite door jamb would be acceptable only in the most unusual of circumstances);

C. Be unobstructed by barriers such as turnstiles, posts, and thick or heavily textured door mats;

D. Have a threshold, if at all, with a change in level or slope which does not impede the mobility of a wheelchair user; and

E. Have vestibule or other doors in series opening in the same direction only if a distance equal to the combined length of a wheelchair user plus the swing of the door is provided between the doors.

SUBPART C: ACCESSIBLE ROUTES OF CIRCULATION

44 Where required.

An accessible route of circulation shall be provided—

A. Between an accessible entrance and each level and area within the facility which is open to the public;

B. Between an accessible entrance and each level and area within the facility which is used by employees, except that a particular type of access modification need not be made to an area used by employees if—

1. The area is restricted to one employee or one type of employee; and

2. The essential functions of that employee's job could not conceivably be performed by the kind of handicapped person for whom the access modification is made;

C. Between an accessible entrance and each level and area within the facility in which people reside; and

D. Between each accessible area and a fire-safe means of egress or a fire-safe place of refuge.

46 Required feature.

An accessible route of circulation shall—

A. Use ramps or an elevator or a combination of both for vertical circulation, except that a platform lift may be used if the change in floor elevation is less than one story;

B. Be wide enough to safely accommodate a wheelchair user (less than 36 inches would be acceptable only in the most unusual of circumstances);

C. Be unobstructed by such barriers to wheelchair users as turnstiles, posts, furniture, or thick or unsecured carpet; and

D. Be unobstructed by such hazards to blind persons as objects protruding into the path at a level or height undetectable by a long cane.

48 If ramp used, alternate stairs required.

If a ramp is used to provide vertical circulation in an accessible route of circulation, an alternate accessible route using stairs shall be provided. The shairs shall—

A. Be without nosings, or have rounded or sloped nosings;

B. Have treads of a nonslip material; and

C. Have a handrail which is easily grasped on each side at a height of approximately 30-34 inches above the stair nosing.

50 Doors.

Each door in an accessible route of circulation shall comply with the requirements of § 42 regarding doors at an accessible entrance.

52 Ramps.

Each ramp in an accessible route of circulation shall comply with the requirements of § 34 regarding ramps in an accessible path.

54 Elevators.

If an elevator is used to provide vertical circulation in an accessible route of circulation, the elevator shall—

A. Be fully accessible to and usable by handicapped persons;

B. Have a cab large enough to allow a wheelchair user to enter, maneuver to reach the controls, get out of the door closing line, and exit safely;

C. Include a visable and an audible signal at each elevator entrance indicating the arrival of and the direction of travel of the elevator cab (an audible signal which sounds once for elevators going up and twice for elevators going down is acceptable);

D. Be equipped with a door reopening device which stops and reopens a cab door and the adjacent hoistway door when either door is obstructed;

E. Be equipped with each elevator control and instrument within the reach range of a wheelchair user;

F. Have raised letters or numbers placed adjacent to each control button or instrument;

G. Have a cab equipped with a visual and an audible signal indicating cab arrival at and direction of travel from a floor level;

H. Have an emergency communication system which may be used effectively by deaf persons and by persons who cannot speak, if it has an emergency communication system;

I. Be equipped with a handrail along at least one side of the cab; and

J. Be accompanied by a raised letter or number at each door jamb indicating the floor.

56 Platform lifts.

If a platform lift is used to provide vertical circulation in an accessible route of circulation, it shall—

A. Be independently operable by a wheelchair user;

B. Be spacious enough to safely accommodate a wheelchair user; and

C. Respond to a call from each level which it serves.

SUBPART D: USABILITY

58 Toilet rooms.

Accessible toilet rooms shall—

A. Be provided in the number necessary to provide handicapped persons with convenience equivalent to that provided for all users of the facility;

B. Be equipped with one fixture of each kind provided within the reach limits and maneuvering capabilities of, and easily operable by a wheelchair user;

C. Have at least one toilet stall, if a toilet stall is provided, which—

1. Has a door wide enough to accommodate a wheelchair user;

2. Is large enough and designed so that the door may be closed behind a wheelchair user;

3. Is large enough and arranged to allow a wheelchair user to approach the toilet from the front, turn around and back up alongside the toilet;

4. Is equipped with handrails capable of supporting the weight of a heavy person and located to assist handicapped persons in transferring to the toilet and in getting up; and

5. Has a hand-operated flush lever.

D. Have at least one accessible lavatory which—

1. Has enough clear space both in front and underneath to accommodate a wheelchair user pulling up to the lavatory;

2. Has easily operable faucets; and

3. Has insulated hot water pipes and drains if the water temperature reaches 110 degrees and the pipes would otherwise be exposed;

E. Have at least one accessible urinal, if a urinal is provided, which—

1. Has a rim at or below approximately 15 inches from the floor; and

2. Has a hand-operated flush lever.

E. Have a bathtub, if a bathtub is provided, which—

1. Is positioned so that a wheelchair user can pull up sideways alongside the bathtub; and

2. Has supportive handrails along the front and side walls of the bathtub;

G. Have a shower, if a shower is provided, which—

1. Has supportive handrails along all three walls of the shower stall; and

2. Has a shower stall and stall door large enough to accommodate a wheelchair user, and has no curb, step, or other abrupt change in level; or

3. Has a shower stall with a curb no higher than approximately 4 inches and has a permanently attached seat along the wall closest to the entry point.

H. Have a mirror which can be effectively utilized by a wheelchair user, if a mirror is provided.

60 Drink of water.

A convenient, obvious, and reliable method of getting a drink of water shall be provided wheelchair users.

62 Public telephones.

If public telephones are provided, at least one shall—

A. Be mounted so that all operable parts of the telephone are within the reach limits of a wheelchair user;

B. Not have any enclosure or other structure which impedes approach to or use of the telephone by a wheelchair user;

C. Have a telephone book within the reach and viewing limits of a wheelchair user; and

D. Be equipped with a volume control handset.

64 Teletypewriter.

If telephones are generally available for use by employees, or if one or more telephone is provided for incoming calls from the public, at least one teletypewriter (TTY) shall be provided.

66 Emergency alarms.

Each emergency alarm or signal shall be both visible and audible, however a visual alarm or signal shall not flash with a frequency more rapid than five flashes per second.

68 Controls, etc.

Necessary controls, switches, locks, outlets, and similar devices shall—

A. Be within the reach limits of a wheelchair user; and

B. Be marked by tactile identifications, if they are labeled in writing.

70 Counters, etc.

If counters, cabinets, tables, sheleves, chairs, stoves, refrigerators, work benches, and similar accommodations are provided, an adequate number of them shall be usable by handicapped persons.

72 Carpet.

If used, carpet shall—

A. Have a high density and a low pile;

B. Have a one-way grain, if at all, running in the major direction of travel; and

C. Be stretched tautly, securely anchored at the edges, and affixed to the floor.

[FR Doc. 78-17971 Filed 6-29-78; 8:45 am]

FRIDAY, JUNE 30, 1978
PART V



federal register

ENVIRONMENTAL PROTECTION AGENCY

■

PESTICIDE PRODUCTS

Intent to Cancel the Registrations of Certain Products

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 919-4; OPP-66044]

PESTICIDE PROGRAMS

Intent To Cancel the Registrations of Certain Pesticide Products Pursuant to 40 CFR Section 162.30

On February 9, 1978, the Agency published in the FEDERAL REGISTER final regulations (40 CFR 162.31) classifying for restricted use certain uses of pesticide products containing certain active ingredients, limiting them to use by or under the direct supervision of a certified applicator (43 FR 5788).

On the same date, the Agency also published final regulations (40 CFR 162.30(d)-(i)) establishing the procedures to be followed by registrants of pesticide products which have use(s) classified for restricted use by regulation (43 FR 5782). In particular, § 162.30(d) of those regulations requires the registrant of an affected product to submit an appropriate application for amended registration (as detailed in that subsection) no later than 60 days after the effective date of the final rule classifying the use(s) for restricted use. Further, § 162.30(h) of those regulations states that a notice of intent to cancel the registration of an affected product will be issued unless an appropriate application for amended registration is submitted in a timely manner in accordance with § 162.30(d).

On March 7, 1978, the Agency sent letters to affected registrants, informing them that use(s) of their registered products had been classified by regulation for restricted use, and detailing the procedures for them to follow in order to comply with the requirements of §162.30(d). More than 60 days have expired since the transmission of that information, and the Agency has still not received appropriate applications for amended registrations with respect to the products listed below.

Accordingly, this serves notice that each registration listed herein will be canceled, and the Administrator will issue a final order of cancellation with respect thereto, at the end of 30 days from the receipt of this notice by the respective registrant (or from publication hereof, whichever occurs later) unless within that time either:

(1) The registrant submits an appropriate application for amended registration in accordance with § 162.30(d); or

(2) The registrant requests a hearing in accordance with section 6(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (7 U.S.C. 136 et seq.).

Any such hearing under § 6(b) of FIFRA will be limited to the sole issue—as to which the registrant shall have the affirmative burden of proof—of whether the registrant had submitted in a timely manner an application for amended registration which complied with the provisions of § 162.30.

If a registrant chooses option (1) above, an application for amended registration should be submitted to:

Registration Division (WH-567), Product Manager, Office of Pesticide Programs, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

If the registrant chooses option (2) above, a request for hearing should be submitted which complies with all of the procedural requirements of 40 CFR Part 164, to:

Hearing Clerk (A-110), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Under either option, the material submitted must be received by the Agency within 30 days of the registrant's receipt of this notice or publication hereof, whichever occurs later.

Dated: June 6, 1978.

STEVEN D. JELLINEK,
Assistant Administrator for Toxic Substances.

[FR Doc. 78-17995 Filed 6-29-78; 8:45 am]

**** PRODUCT SEARCH LISTING ****

****

REGISTRANT *NAME AND ADDRESS*

* 000030 SWEENEY W R MFR INC
340 S MAIN ST
SALISBURY MO 65281

********** PRODUCT NAME **********

00005 SWEENEY'S POISON WHEAT

****

REGISTRANT *NAME AND ADDRESS*

* 000056 EATON JT & COMPANY INC
1393 E. HIGHLAND ROAD
TWINSBURG, OH 44087

********** PRODUCT NAME **********

00022 EATON'S PIGEON POISONED GRAIN

****

REGISTRANT *NAME AND ADDRESS*

* 000148 THOMPSON-HAYWARD CHEMICAL COMPANY
BOX 2383
KANSAS CITY KS 66110

********** PRODUCT NAME **********

00364 DE-PESTER PARATHION E-2

00383 DE-PESTER COTTON DUST 2.5-0-0 METHYL PARATHION

00387 T-H PHOSDRIN E-2*

00709 DE PESTER METHYL PARATHION E-5

00710 DE PESTER PHOSDRIN 2% DUST

00711 DE-PESTER PHOSDRIN THIO 2-4

00766 DE PESTER PHOSDRIN KELTHANE SULFUR 1-4-10

00767 DE-PESTER COTTON SPRAY 1.6-2-0

00802 DE-PESTER PHOSDRIN E-4

00813 DE-PESTER PARATHION 2% DUST

00880 DE-PESTER PARATHION-METHYL PARATHION 6-3

01007 T-H 1% PARATHION DUST

01015 T-H 2% PARATHION DUST

01020 T-H TOXAPHENE-PARATHION DUST

01021 T-H 2% PHOSDRIN DUST

01028 T-H METHYL PARATHION EMULSIBLE CONCENTRATE

01030 T-H 5% SEVIN* 1% PARATHION DUST

01038 T-H WIREWORM GRANULES

01044 T-H METHYL PARATHION 4 E

01066 T-H 3% SEVIN 1% PARATHION 7% COPPER DUST

01073 T-H 2 LB. PARATHION EMULSION

01079 T-H 4 LB. PHOSDRIN EMULSIFIABLE CONCENTRATE

01081 T-H FLORIDA SHADE DUST 1-3-10

01090 T-H FLORIDA SHADE DUST 2-3-10
CONT 2% PAR 3% THIODAN-6.5% ZINEB

*CONTINUE REGISTRANT 000148

01091 T-H FLORIDA SHADE DUST 2-3-20
CONT 2% PAR-3% THIODAN-13% ZINEB

01092 T-H FLORIDA SHADE DUST 1-3-20
CONT 1% PAR 3% THIODAN 13% ZINEB

01093 T-H FLORIDA SHADE DUST 2-4-10

01096 T-H PARATHION 2 THIODAN 3 DUST INSECTICIDE

01097 T-H METHYL PARATHION THIODAN 1-2 EMULSIBLE CONCENTRATE

01098 T-H SULFUR-COPPER 21/2% M.P. DUST

01101 T-H PARATHION 1 THIODAN 2 EMULSIFIABLE CONCENTRATE
INSECTICIDE

01108 T-H TOBACCO SPRAY

01151 THION 3-75

01156 COTNION-M E-2

01201 COTTON SPRAY 1.6-1-0

****

REGISTRANT *NAME AND ADDRESS*

* 000168 WASATCH CHEMICAL DIVISION ENTRADA IND INC
P O BOX 6219
SALT LAKE CITY UT 84106

********** PRODUCT NAME **********

00398 METHYL PARATHION 25% EMULSIBLE

****

REGISTRANT *NAME AND ADDRESS*

* 000221 REARDON W G LABORATORIES INC
PLEASANT VIEW RD
PLEASANT VALLEY NY 12569

********** PRODUCT NAME **********

00001 MOUSE SEED

****

REGISTRANT *NAME AND ADDRESS*

* 000239 CHEVRON CHEMICAL COMPANY
ORTHO DIVISION 940 HENSLEY WAY
RICHMOND CA 94801

********** PRODUCT NAME **********

01158 ORTHO PHOSDRIN 2 DUST

****

REGISTRANT *NAME AND ADDRESS*

* 000240 DALY HERRING COMPANY
PO BOX 428
KINSTON NC 28501

********** PRODUCT NAME **********

00159 D-H PARATOX CONTAINS 8 LBS. TOXAPHENE &
2 LBS. METHYL PARATHION PER GALL

****

**** PRODUCT SEARCH LISTING ****

REGISTRANT	*NAME AND ADDRESS*
* 000241	AMERICAN CYANAMID COMPANY BOX 400 PRINCETON NJ 08540

********** PRODUCT NAME **********

00007 AERO BRAND HCN DISCOIDS

REGISTRANT	*NAME AND ADDRESS*
* 000322	FORT DODGE CHEMICAL COMPANY 2116 8TH AVE, SOUTH FORT DODGE IA 50501

********** PRODUCT NAME **********

00001 GOPHER DEATH (TABLETS)

REGISTRANT	*NAME AND ADDRESS*
* 000368	MASTER LABS BEAVER FALLS PA 15010

********** PRODUCT NAME **********

00030 STAR TREATED SEED FOR KILLING MICE

00044 STAR POISON WHEAT

00045 STAR POISON PEANUTS

REGISTRANT	*NAME AND ADDRESS*
* 000419	CENOL COMPANY DIV OF BURGESS VIBROCRAFTERS INC P O BOX 177 ROUTE 45 & PETERSON RD LIBERTYVILLE, IL 60048

********** PRODUCT NAME **********

00006 CENOL POISONED WHEAT

00020 CENOL GOPHER CORN POISON

REGISTRANT	*NAME AND ADDRESS*
* 000449	TECHNE CORPORATION C/O REGULATORY AFFAIRS DEPT, FARMLAND IND., INC. P. O. BOX 7305 KANSAS CITY, MO 64116

********** PRODUCT NAME **********

00442 SURE DEATH BRAND APHIDCIDE 50 SPRAY CONCENTRATE

REGISTRANT	*NAME AND ADDRESS*
* 000456	CHEMICAL FORMULATORS INC 2045 PEACHTREE RD,N.E. ATLANTA, GEORGIA 30309

********** PRODUCT NAME **********

00044 STEMITE GRANULES

REGISTRANT	*NAME AND ADDRESS*
* 000464	DOW CHEMICAL U S A PO BOX 1706 MIDLAND MI 48640

********** PRODUCT NAME **********

00103 PROFUME-ASPACE FUMIGANT

00378 DOW DOWFUME EB-70 SPOT FUMIGANT FOR MILLING MACHINERY

00438 DOWFUME EB-30 FUMIGANT FOR MANU OR REPACKAGING PURPOSE ONLY

00444 DOW FUME (R) EB-30

REGISTRANT	*NAME AND ADDRESS*
* 000530	PIPER COMPANY INC 2152 YALE AVE ST LOUIS MO 63143

********** PRODUCT NAME **********

00001 PAKET BRAND HOUSE SEED BAIT KILLS MICE

00006 PAKET BRAND POISON WHEAT

REGISTRANT	*NAME AND ADDRESS*
* 000635	GROWER SERVICE CORP DIV. OF GROWER SERVICE CORP. BOX 18037 LANSING MI 48901

********** PRODUCT NAME **********

00373 TOBACCO FORMULA 2-3

00374 TOBACCO FORMULA 1-3

00390 TOBACCO FORMULA 1-3-10

00394 TOBACCO FORMULA 1-3-20

00421 TOBACCO FORMULA 1% PARATHION-10(T) DITHANE DUST

00441 E Z FLO TOBACCO DUST NO. 101

00472 E-Z-FLO 1% PARATHION - 10% DITHANE DUST

00491 E-Z-FLO PEACH DUST

00496 TOBACCO FORMULA 1% PARATHION 20 DITHANE DUST

**** PRODUCT SEARCH LISTING ****

**CONTINUE REGISTRANT 000635

00497 E-Z-FLO PEACH SPRAY NO. 6

00498 E-Z-FLO PEACH SPRAY NO. 2

00518 E-Z-FLO 23% PARATHION E.C.

00554 E Z FLO 2% PARATHION 20% TOXAPHENE DUST

00556 E-Z-FLO TOBACCO DUST NO. 51

00564 E-Z FLO CYPREX PARATHION 3-3 DUST

00568 E-Z-FLO 10% SEVIN 2% PARATHION DUST

00571 E-Z-FLO CYPREX PARATHION LEAD ARSENATE 3-3-15 DUST

00577 E-Z FLO BULK METHYL BROMIDE

00598 E Z FLO TOBACCO FORMULA 1% PARATHION 6.5% ZINEB DUST

00603 E-Z-FLO TOBACCO FORMULA 1% PARATHION 3% THIODAN AND 6.5% ZINEB DUST

00611 E Z FLO TOBACCO FORMULA 2% PARATHION 4% THIODAN 6.5% ZINEB

00613 E-Z-FLO TOBACCO FORMULA 2% PARATHION 4% THIODAN

00623 E-Z-FLO PARA CAP

00628 E Z FLO METHYL BROMIDE (SOIL FUMIGANT)

****

REGISTRANT *NAME AND ADDRESS*

* 000690 PERK PRODUCTS COMPANY
1338 LE-IS ST
NASHVILLE TN 37210

********** PRODUCT NAME **********

00003 BLAM - KILLS MICE

****

REGISTRANT *NAME AND ADDRESS*

* 000788 VICTORY CHEM COMPANY
728-30 N 2ND ST
PHILADELPHIA PA 19123

********** PRODUCT NAME **********

00001 VICTORY POISONED SEED MOUSE KILLER

****

REGISTRANT *NAME AND ADDRESS*

* 000802 LILLY CHAS H COMPANY MILLER RD DIV
7737 N.E. KILLINGSWORTH
PORTLAND, OR 97218

********** PRODUCT NAME **********

00317 MILLERS ENDRIN 1.6E

****

****

REGISTRANT *NAME AND ADDRESS*

* 000814 CARAJON CHEMICAL COMPANY INC
PO BOX 167
FREMONT MI 49412

********** PRODUCT NAME **********

00002 FORCE'S QUICK ACTING MOUS-RID

00011 FORCE'S MOLE KILLER

****

REGISTRANT *NAME AND ADDRESS*

* 000854 MEYER INC THEODORE
922 CALLOWHILL ST
PHILADELPHIA PA 19123

********** PRODUCT NAME **********

00001 MEYERS SPECIAL FOR MICE

****

REGISTRANT *NAME AND ADDRESS*

* 000939 LEITTE E H COMPANY
BOX 180 1060 6TH ST
LAKE ELMO ST PAUL MN 55042

********** PRODUCT NAME **********

00022 LEITTE METHYL BROMIDE FUMIGANT

****

REGISTRANT *NAME AND ADDRESS*

* 001022 CHAPMAN CHEMICAL COMPANY
BOX 9158
MEMPHIS TN 38109

********** PRODUCT NAME **********

00440 CHAPMAN METHYL PARATHION - 2

00441 CHAPMAN ETHYL PARATHION-2

****

**** PRODUCT SEARCH LISTING ****

REGISTRANT *NAME AND ADDRESS*

* 001208 JANSON IND PLAINSMAN AGRICULTURAL
BOX 174
PLAINVIEW, TX 79880

********** PRODUCT NAME **********

00004 PLAINSMAN BRAND 25-WE-PARATHION

00034 PLAINSMAN METHYL PARATHION 4-E

00035 PLAINSMAN BRAND 4-E PARATHION

REGISTRANT *NAME AND ADDRESS*

* 001386 UNIVERSAL COOPERATIVES INC
3001 METRO DR, SUITE 500
MINNEAPOLIS MN 55420

********** PRODUCT NAME **********

00240 UNICO METHYL PERATHION-4 EMULSIFIABLE CONCENTRATE

REGISTRANT *NAME AND ADDRESS*

* 001388 KORINEK REMEDY COMPANY
BOX 10 / 222 = WATER ST
STAYTON, OR 97383

********** PRODUCT NAME **********

00021 DEADLY TO GOPHERS

00025 DEADLY POISONED GRAIN FOR GROUND SQUIRRELS AND MICE

REGISTRANT *NAME AND ADDRESS*

* 001598 FCX INC
P O BOX 2419
RALEIGH, NC 27602

********** PRODUCT NAME **********

00121 FCX PARATHION 4G

00159 FCX BROZONE SOIL FUMIGANT

00161 FCX PARATHION-THIODAN L

00181 FCX PARATHION-4L

00185 FCX 10% SEVIN-1% PARATHION DUST

00204 FCX "82" SPRAY

00210 FCX 25% PARATHION DUST BASE

00216 75-3 EC COTTON INSECTICIDE

00223 COTTON SPRAY 161

**CONTINUE REGISTRANT 001598

00231 FCX 6-1.5 BEAN SPRAY

REGISTRANT *NAME AND ADDRESS*

* 001748 YORK CHEMICAL COMPANY
195 ATLANTIC AVE
GARDEN CITY PARK NY 11040

********** PRODUCT NAME **********

00090 CERTOX STRYCHNINE SEED

REGISTRANT *NAME AND ADDRESS*

* 001812 GRIFFIN CORP.
P.O. BOX 1847
VALDOSTA, GA 31601

********** PRODUCT NAME **********

00088 PARATHION 1 THIODAN 2 EC

00094 PEE GEE 31 THIODAN PARATHION DUST

00135 PARAPHENE 8-2 TOXAPHENE-METHYL PARATHION

00154 PEE GEE BIG 9 EMULSIFIABLE CONCENTRATE INSECTICIDE

00173 SHADE TOBACCO DUST PARATHION 2 THIODAN 3 = ZINEB 13

00177 SHADE TOBACCO DUST PARATHION 1 = THIODAN 4 = ZINEB 13

00183 PEE GEE COTTON SPRAY

00197 44 SPECIAL

00198 2-3 TOBACCO DUST

00208 2 1/2% METHYL PARATHION 10% SEVIN

00209 P.G. PEACH

REGISTRANT *NAME AND ADDRESS*

* 001842 TRIANGLE CHEMICAL COMPANY
BOX 4528
MACON GA 31208

********** PRODUCT NAME **********

00248 TRIANGLE 6-3 TOX = MP

REGISTRANT *NAME AND ADDRESS*

* 001926 NAVY BRAND MFG COMPANY
5111 SW AVE
ST LOUIS MO 63110

********** PRODUCT NAME **********

00021 NAVY BRAND PL-=1250...FILTER FLY CONCENTRATE

**** PRODUCT SEARCH LISTING ****

****

REGISTRANT *NAME AND ADDRESS*

* 002269 GOLD KIST INC
PO BOX 2210
ATLANTA GA 30301

********** PRODUCT NAME **********

00130 CPA/GK BUG DRUG

****

REGISTRANT *NAME AND ADDRESS*

* 002342 KERR-MCGEE CHEMICAL CORP
MGR PKG & LABELING
KERR-MCGEE CENTER
OKLAHOMA CITY OK 73102

********** PRODUCT NAME **********

00766 KERR-MCGEE DO-FUME MC-2

00780 4% PARATHION GRANULES

00784 1% PARATHION 5% SEVIN DUST

00796 4# METHYL PARATHION EMULSIBLE CONCENTRATE

00797 METHYL PARATHION 1.5 THIODAN 3 E.C.

00806 METHYL PARATHION EMULSIBLE CONCENTRATE

00847 PARATHION 8-E

00852 5% CAPTAN 1.5% PARATHION DUST

00855 2% PARATHION DUST

00860 10% CAPTAN 3% PARATHION DUST

00870 25% ETHYL PARATHION DUST CONC.

00898 TRONA M-B-2 FUMIGANT

00899 TRONA METHYL BROMIDE

00904 TRONA M-B-C .5

00911 TRONA M-B-C-1

****

REGISTRANT *NAME AND ADDRESS*

* 002459 STEVENS IND INC
N MAIN ST PO BOX 272
DAWSON GA 31742

********** PRODUCT NAME **********

00046 MASTER BRAND 2% ENDRIN DUST

00170 MASTER BRAND 1.6 METHYL PARATHION 1.6 ENDRIN
EMULSIFIABLE CONCENTRATE

00226 MASTER BRAND BIG M SEVIN PARATHION TOBACCO DUST

00246 MASTER BRAND 2.5% METHYLPARATHION-20% TOXAPHENE DUST

****

****

REGISTRANT *NAME AND ADDRESS*

* 002460 HOWERTON GOWEN COMPANY INC
BOX 247 E 11TH ST
ROANOKE RAPIDS NC 27870

********** PRODUCT NAME **********

00053 GOWEN S 28 COTTON SPRAY

00054 GOWEN'S 6-3 EMULSIFIABLE INSECTICIDE CONCENTRATE

00055 GOWEN'S 6-1 1/2 EMULSIFIABLE LIQUID

****

REGISTRANT *NAME AND ADDRESS*

* 002737 PUEBLO CHEMICAL & SUPPLY COMPANY
BOX 1279 - 2200 W. 8T. JOHN
GARDEN CITY, KS 67846

********** PRODUCT NAME **********

00015 SURE KILL 8L8, PARATHION-MISCIBLE EMULSIFIABLE
CONCENTRATE

****

REGISTRANT *NAME AND ADDRESS*

* 002881 LYSTAD INC.
BOX 1716
GRAND FORKS ND 58201

********** PRODUCT NAME **********

00012 LYSTAD'S SODIUM FLOURDACETATE

00049 LYSTADS GRAIN FUMIGANT 73

****

REGISTRANT *NAME AND ADDRESS*

* 002917 CARTER INSEC & CHEMICAL COMPANY INC
PO BOX 127
TEACHEY, NC 28464

********** PRODUCT NAME **********

00022 CARTER CAROLINA BRAND 1% PARATHION DUST

00046 CARTER CAROLINA BRAND 2% PARATHION DUST

00063 CAROLINA PARATHION EMULSIFIABLE CONCENTRATE

00064 4% PARATHION GRANULAR

00073 CARTERFUME SOIL FUMIGANT

00077 CARTERFUME 98 PENETRATING FUMIGANT

****

**** PRODUCT SEARCH LISTING ****

REGISTRANT *NAME AND ADDRESS*

* 002935 *ILBUR ELLIS CO,
P. O. BOX 1286
FRESNO, CA 93715

********** PRODUCT NAME **********

00352 RED TOP ENDRIN 50 SEED PROTECTANT

REGISTRANT *NAME AND ADDRESS*

* 003051 AGRICULTURAL PRODUCTS COMPANY INC
PO BOX 698
MESQUITE NM 88048

********** PRODUCT NAME **********

00061 AGCO PARATHION THIODAN 2=3

REGISTRANT *NAME AND ADDRESS*

* 003125 AGRICULTURAL DIV. OF MOBAY CHEM. CORP.
BOX 4913
KANSAS CITY MO 64120

********** PRODUCT NAME **********

00179 GUTHION M=E 4 CONCENTRATE

00225 GUTHION GARDEN SPRAY/REPACKAGING ONLY=NOT/RESALE
UNDER THIS LABEL

REGISTRANT *NAME AND ADDRESS*

* 003238 AGRICO CHEMICAL CO.
CROP PROTECTION CHEMICAL DIV.
BOX 3451
TULSA, OK 74101

********** PRODUCT NAME **********

00060 STANDARD BRAND TOXAPHENE=METHYL PARATHION 6=3 EC
INSECTICIDE

00065 ENDRIN=METHYL PARATHION 1.6=1.6 EMULSIVE COTTON
SPRAY INSECTICIDE

00085 AGRICO BROM=O=SOL

REGISTRANT *NAME AND ADDRESS*

* 003342 CAPE FEAR CHEMICALS INC
PO BOX 695
ELIZABETHTOWN NC 28337

********** PRODUCT NAME **********

00057 TIGER BRAND PARATHION 4 EMULSIABLE

REGISTRANT *NAME AND ADDRESS*

* 003624 NOVA PRODUCTS INC
PO BOX 5086
KANSAS CITY KS 66119

********** PRODUCT NAME **********

00160 NORA CENTURY=CIDE FILTER FLY CONCENTRATE

REGISTRANT *NAME AND ADDRESS*

* 003743 SOUTHERN AGRICULTURAL CHEMICALS INC
PO BOX 527
KINGSTREE SC 29556

********** PRODUCT NAME **********

00068 ROYAL BRAND METHYL PARATHION 2 EMULSIFIABLE

00211 ROYAL BRAND DU=MO COTTON SPRAY EMULSIFIABLE
INSECTICIDE CONCENTRATE

REGISTRANT *NAME AND ADDRESS*

* 003886 FERGUSON FUMIGANTS
93 FORD LANE
HAZELWOOD MO 63042

********** PRODUCT NAME **********

00001 DAWSON 73 FUMIGANT

00011 DAWSON HALISOL FUMIGANT

00013 ROTOX GELLED SOIL FUMIGANT

00014 ZYTOX GELLED SOIL FUMIGANT

REGISTRANT *NAME AND ADDRESS*

* 004185 SMITH=DOUGLASS DIV.
BORDEN CHEMICAL, BORDEN INC.
5100 VIRGINIA BEACH BLVD.
NORFOLK, VA 23501

********** PRODUCT NAME **********

00135 SMITH=DOUGLASS 3% SEVIN 1% PARATHION DUST

00141 SMITH DOUGLASS 2% PHOSDRIN DUST

00348 SMITH=DOUGLASS BROM=O=SOL

00356 SMITH DOUGLASS MAL PAR

00406 SMITH=DOUGLASS PARATHION 8 LB. FLOWABLE

**** PRODUCT SEARCH LISTING ****

REGISTRANT *NAME AND ADDRESS*

* 004271 R & M EXTERM INC
BOX 5
TYLER MA 99035

********** PRODUCT NAME **********

00010 R & M FIELD RODENT BAIT CONTAINING STRYCHNINE

FORMULATION

REGISTRANT *NAME AND ADDRESS*

* 004746 CHEMICAL INDUSTRIES INC
P O BOX 991
BORGER TX 79007

********** PRODUCT NAME **********

00004 HEREFORD BRAND PHOSDRIN EMULSIBLE CONCENTRATE

00040 HEREFORD BRAND METHYL PARATHION TOXAPHENE 3-6 E

REGISTRANT *NAME AND ADDRESS*

* 004941 NIP-CO MANUFACTURING CO INC
276 FAIR ST
KINGSTON NY 12401

********** PRODUCT NAME **********

00002 MOUSE-NIP

REGISTRANT *NAME AND ADDRESS*

* 005011 CARMEL CHEMICAL CORPORATION
BOX 406
WESTFIELD IN 46074

********** PRODUCT NAME **********

00076 FORMULA GH - 20

REGISTRANT *NAME AND ADDRESS*

* 005549 COASTAL CHEMICAL CORPORATION
PO BOX 856
GREENVILLE NC 27834

********** PRODUCT NAME **********

00058 COASTAL TMP 8-2

00059 COASTAL METHYL PARATHION 4-E EMULSIFIABLE CONCENTRATE

**CONTINUE REGISTRANT 005549

00068 COASTAL DOWFUME MC-33

REGISTRANT *NAME AND ADDRESS*

* 005602 HUB STATES CORPORATION
2002 NORTH ILLINOIS STREET
INDIANAPOLIS IN 46202

********** PRODUCT NAME **********

00062 HUB STATES FORMULA 40

REGISTRANT *NAME AND ADDRESS*

* 005785 GREAT LAKES CHEM CORP
DIRECTOR AGRI CHEM
P O BOX 2200
WEST LAFAYETTE, IN 47906

********** PRODUCT NAME **********

00004 BROM-O-GAS METHYL BROMIDE SOIL FUMIGANT

REGISTRANT *NAME AND ADDRESS*

* 005797 CAROLINA CHEMICAL CORP
PO BOX 70
WILSON NC 27893

********** PRODUCT NAME **********

00048 LIQUID 4E PARATHION

00080 CHAMPION SEVIN-PARATHION 5-1 DUST

00094 CHAMPION PARATHION 4% GRANULAR

00103 CHAMPION BROZONE

REGISTRANT *NAME AND ADDRESS*

* 006704 US DEPARTMENT OF INT FISH & WILDLIFE
SER PREDATOR & ROD CONTROL DIVISION
WASHINGTON DC 20240

********** PRODUCT NAME **********

00015 PORCUPINE BLOCKS, CONTAINING STRYCHNYNE CODE 1.1

00042 1-10 POISONED GRAIN CODE 5.1

**** PRODUCT SEARCH LISTING ****

REGISTRANT	*NAME AND ADDRESS*
* 006720	SOUTHERN MILL CREEK PRODUCTS COMPANY INC BOX 1096 TAMPA FL 33601

********** PRODUCT NAME **********

00147 SMCP TETRA-FUMIGANT

REGISTRANT	*NAME AND ADDRESS*
* 006735	TIDE PRODUCTS INC ATTN Mr MARSH BOX 1020 EDINBURG TX 78539

********** PRODUCT NAME **********

00080 2,5 METHYL PARATHION

00090 ENDRIN METHYL PARATHION 1,6-2E

00200 TIDE EL PRO-DUC-TOR

REGISTRANT	*NAME AND ADDRESS*
* 007122	AR CHEMICAL CORP 1514 ELEVENTH ST PORTSMOUTH OH 45662

********** PRODUCT NAME **********

00090 FLUDRAKIL 90 FLUDTOACETAMIDE

REGISTRANT	*NAME AND ADDRESS*
* 007401	VOLUNTARY PURCHASING GROUP INC PO BOX 460 BONHAM TX 75418

********** PRODUCT NAME **********

00191 HI-YIELD BRAND KILLZALL #3

REGISTRANT	*NAME AND ADDRESS*
* 007629	PLANTERS OF PINE BLUFF INC PO BOX 897 PINE BLUFF AR 71601

********** PRODUCT NAME **********

00019 RAZORBACK METHYL PARATHION 7.5 EC

REGISTRANT	*NAME AND ADDRESS*
* 007679	AMERICAN BRAND CHEMICAL COMPANY BOX 4 BONHAM TX 75418

********** PRODUCT NAME **********

00010 AMERICAN 4 LB. METHYL PARATHION

REGISTRANT	*NAME AND ADDRESS*
* 007796	W.R. GRACE & CO. BO. CENTRAL REGION P.O. BOX 35447 TULSA, OK 74135

********** PRODUCT NAME **********

00050 RED BARN EPN - MP 303 EMULSIFIABLE CONCENTRATE

00053 RED BARN TOXAPHENE-METHYL PARATHION 6-3 EMULSIFIABLE CONCENTRATE

00054 RED BARN METHYL PARATHION TOXAPHENE 505

REGISTRANT	*NAME AND ADDRESS*
* 008438	DOTSON & SONS INC BOX 173 BRAWLEY CA 92227

********** PRODUCT NAME **********

00028 DOT-SON BRAND METHYL PARATHION - 5

REGISTRANT	*NAME AND ADDRESS*
* 008620	ESCAMBIA CHEMICAL CORP PO BOX 467 PENSACOLA FL 32502

********** PRODUCT NAME **********

00041 BIG BOY TRIPLE THREAT 6-2-1

00047 BIG BOY ENDRIN 1.6 EMULSIFIABLE CONCENTRATE

**** PRODUCT SEARCH LISTING ****

REGISTRANT *NAME AND ADDRESS*

* 008648 STAPLE COTTON SERVICES ASSOCIATION
210 W MARKET ST
GREENWOOD MS 38930

********** PRODUCT NAME **********

00029 GUTHION METHYL PARATHION

REGISTRANT *NAME AND ADDRESS*

* 008660 STA-GREEN PLANT FOOD COMPANY
P. O. BOX 540
SYLACAUGA, AL 35150

********** PRODUCT NAME **********

00005 STA-GREEN SYSTEMIC ROSE FOOD 12-6-6

REGISTRANT *NAME AND ADDRESS*

* 008934 RING AROUND PRODUCTS INC
PO BOX 589
MONTGOMERY AL 36101

********** PRODUCT NAME **********

00071 RING AROUND BRAND SYTEMP 233

REGISTRANT *NAME AND ADDRESS*

* 009159 KAISER AGRICULTURAL CHEMICALS
PO BOX 246
SAVANNAH GA 31402

********** PRODUCT NAME **********

00054 KAISER AGRICULTURAL CHEMICALS BROM-O-SOL

REGISTRANT *NAME AND ADDRESS*

* 009275 BERRIEN PRODUCTS COMPANY INC
BOX 355
NASHVILLE GA 31639

********** PRODUCT NAME **********

00021 BERRIEN BRAND METHYL PARATHION ENDRIN EMULSIFIABLE
CONCENTRATE

00025 BERRIEN 2% ENDRIN DUST

00031 METHYL PARATHION EMULSION

00037 BERRIEN 1.6 ENDRIN EMULSION CONCENTRATE

00039 BERRIEN 42% PARATHION

REGISTRANT *NAME AND ADDRESS*

* 009382 CENTERCHEM INC
475 PARK AVE SOUTH
NEW YORK, NY 10016

********** PRODUCT NAME **********

00004 TETRAETHYL DITHIOPYROPHOSPHATE TECHNICAL

REGISTRANT *NAME AND ADDRESS*

* 009652 SPERRY J COMPANY
P. O. BOX 433
HOSPERS, IA 51238

********** PRODUCT NAME **********

00001 SPERRY'S GOPHER GRAIN

REGISTRANT *NAME AND ADDRESS*

* 009768 THATCHER CHEMICAL COMPANY
BOX 6037
SALT LAKE CITY UT 84106

********** PRODUCT NAME **********

00001 T CHEM PARATHION 25% EMULSION CONCENTRATE

00008 T CHEM PARATHION 50% EMULSION CONCENTRATE

REGISTRANT *NAME AND ADDRESS*

* 009779 RIVERSIDE CHEM COMPANY
P.O. BOX 171199 855 RIDGE LAKE BLVD
MEMPHIS TN 38117

********** PRODUCT NAME **********

00008 RIVERSIDE 23% PARATHION

00019 25% METHYL PARATHION

00046 RIVERSIDE 2% PARATHION COTTON DUST

00064 RIVERSIDE 20% TOXAPHENE 1% METHYL PARATHION DUST

00110 RIVERSIDE 2.5% METHYL PARATHION DUST

00160 KILL A PLENTY METHYL PARATHION ENDRIN 162

00171 KILL A PLENTY BIG 6

00177 RIVERSIDE BRAND MP-4

00184 RIVERSIDE BRAND TOXON 81

00185 RIVERSIDE TORBIDAN 28

**** PRODUCT SEARCH LISTING ****

REGISTRANT	*NAME AND ADDRESS*
* 009782	WOODBURY CHEMICAL COMPANY PO BOX 4319 PRINCETON FL 33030

********** PRODUCT NAME **********

00053 FUME-33 SOIL FUMIGANT

REGISTRANT	*NAME AND ADDRESS*
* 009786	HONEY BEE ENTERPRISES RT 2 BOX 41 BATTLE GROUND WA 98604

********** PRODUCT NAME **********

00001 BAILEY'S MOLEX

REGISTRANT	*NAME AND ADDRESS*
* 009857	WSR INCORPORATED 262 E BANK ST PETERSBURG VA 23803

********** PRODUCT NAME **********

00001 AGEL MB-68 SOIL FUMIGANT

00003 AGEL TG-67 SOIL FUMIGANT

REGISTRANT	*NAME AND ADDRESS*
* 010108	RED STAR POISON COMPANY RT 1 BOX 70 E WOODBURN, OR 97071

********** PRODUCT NAME **********

00001 RED STAR DEATH TO GOPHERS

00003 RED STAR POISONED GROUND GRAIN FOR GROUND SQUIRRELS AND MICE

REGISTRANT	*NAME AND ADDRESS*
* 010212	GREAT LAKES NATURAL GAS CORP, PO BOX 2200 W, LAFAYETTE, IN 47906

********** PRODUCT NAME **********

00001 GLC 75+25 PREPLANT SOIL FUMIGANT

REGISTRANT	*NAME AND ADDRESS*
* 010411	PULVAIR CORP 4599 BIG CREEK CHURCH RD MILLINGTON, TN 38053

********** PRODUCT NAME **********

00002 METHYL TOX I

00003 M,P, 4

REGISTRANT	*NAME AND ADDRESS*
* 015575	SOUTHLAND AGRICULTURAL CHEMICAL COMPANY PO BOX 6207 MONTGOMERY AL 36106

********** PRODUCT NAME **********

00011 SOUTHLAND METHYL PARATHION 4 EMULSIVE

REGISTRANT	*NAME AND ADDRESS*
* 027997	ARIES ALPHA INC PO BOX 590 TIFTON, GA 31794

********** PRODUCT NAME **********

00006 6-3 COTTON SPRAY

REGISTRANT	*NAME AND ADDRESS*
* 033313	BLAKELEY-WELLGRO INC P O BOX 26 WELLINGTON, CO 80549

********** PRODUCT NAME **********

00001 VAPOTOX SOIL INSECTICIDE

federal register

FRIDAY, JUNE 30, 1978
PART VI



DEPARTMENT OF AGRICULTURE

Soil Conservation Service

■

PROTECTION OF WETLANDS

Implementation of Executive Order 11990

PREVIOUSLY PUBLISHED DOCUMENTS

Listed below are other documents on implementation of Executive Orders 11988 and 11990 previously published in the FEDERAL REGISTER:

Agency	1978 Date of Issue	Vol. 43 FR, Page No.
Small Business Administration	May 24	22298
Army Department, Corps of Engineers	May 24	22306
General Services Administration, Public Buildings Service	May 24	22309
Treasury Department	May 24	22311
Agriculture Department, Soil Conservation Service	June 2	24223
Interior Department, Fish and Wildlife Service	June 2	24225
Tennessee Valley Authority	June 2	24228
National Aeronautics and Space Administration	June 9	25317
Interior Department, Office of the Secretary	June 9	25319
Agriculture Department, Office of the Secretary	June 9	25322
Transportation Department, Office of the Secretary	June 22	27148

[3410-16]

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

[7 CFR Part 650]

COMPLIANCE WITH NEPA

Related Environmental Concerns

AGENCY: U.S. Department of Agriculture, Soil Conservation Service (SCS).

ACTION: Proposed rule.

SUMMARY: These proposed rules codify SCS policy for compliance with Executive Order 11990, Protection of Wetlands in SCS assisted programs. They describe the policy and general constraints placed on SCS personnel when considering the protection of wetlands in carrying out SCS assisted actions in programs administered by SCS. Handbooks and internal guidelines of SCS are being revised and amended to address the specific procedural details of compliance with E.O. 11990.

DATE: Comments are due on or before July 31, 1978.

ADDRESS: Interested persons are invited to submit written comments, suggestions, etc., to: Victor H. Barry, Jr., Deputy Administrator for Programs, Soil Conservation Service, U.S. Department of Agriculture, P.O. Box 2890, Washington, D.C. 20013, telephone 202-447-7245.

FOR FURTHER INFORMATION CONTACT:

Glen H. Loomis, Director, Environmental Services Division, Soil Conservation Service, U.S. Department of Agriculture, P.O. Box 2890, Washington, D.C. 20013, telephone 202-447-3839.

SUPPLEMENTARY INFORMATION: On May 24, 1977, the President issued a comprehensive environmental message that included E.O. 11990. Section 8 of this E.O. states:

The provisions of section 2 of this order shall be implemented by each agency not later than October 1, 1977.

The Coil Conservation Service's proposed rules for the protection of wetlands are general and address all Federal assistance programs administered by SCS. Handbooks and internal guidelines of SCS are being revised and amended to give specific details for agency compliance.

Implementation of these rules will not have significant consequences for the economic and social well-being of our society. Therefore, a regulatory impact analysis will not be necessary in accordance with E.O. 12044, Improving Government Regulations, dated March 23, 1978.

AUTHORITY: 7 CFR 2.62; Executive Order 11990.

Dated: June 26, 1978.

R. M. DAVIS,
Administrator,
Soil Conservation Service.

A new § 650.26 is added to Subpart B, Related Environmental Concerns as follows:

§ 650.26 Protection of wetlands.

(a) *Scope.* (1) Because of the fragile nature of wetlands, human activity can and often does inflict lasting change on them, sometimes seriously altering their natural functions. Millions of acres of the Nation's original wetlands have been impaired or converted to other uses. Extraordinary care and effort are required to protect the remaining aquatic ecosystems.

(2) Wetlands moderate extremes in waterflow and have value as natural flood-control mechanisms. They aid in water purification by trapping, filtering, and storing sediment and other pollutants and by recycling nutrients. Many serve as ground-water recharge areas. All function as nursery areas for numerous aquatic animal species and are critical habitat for a wide variety of plant and animal species. Wetlands produce economically important crops of fur, fish, wildlife, timber, wild rice, wild hay, wild cranberries, and other products. Many return profits through fees for hunting, fishing, and trapping privileges.

(3) The plants that grow in tidal marshes and other estuaries yield the nutrients required to sustain high yields of aquatic life. Tidal and wind currents redistribute the nutrients and sediments throughout the aquatic areas, thereby helping to maintain the substrate for all creatures using these areas. Tidal marshes and other estuaries are a primary base for many of the Nation's marine and maritime commercial and sport fisheries. A large number of saltwater finfish and shellfish spend some phase of their lives in such areas.

(4) Riparian wetlands similarly support adjacent or downstream aquatic ecosystems in addition to the complex web of life within those aquatic environments. Bordering marshes, for example, provide the spawning areas required by northern pike to maintain their populations in associated streams, rivers, lakes, and reservoirs.

(5) Various kinds and degrees of management may be required to insure desired stages of productivity of existing wetlands. Management involves manipulation of plant species and densities through measures such as water depth control, burning, grazing, and mowing. Offsite measures are often essential to control wind and water erosion, to minimize sedimentation, to maintain optimum salinity, and to divert pollutants.

(6) On the other hand, many wetlands, if drained, could be used as prime cropland fro the production of food and fiber. It is important to assess long-term needs for protection of environmental resources for the enjoyment and well-being of future generations and to reach a balance with projected needs for food and fiber. The resource inventory, interpretation, and planning assistance provided by the SCS is of value in helping achieve this balance.

(b) *Applicability.* This policy applies to SCS technical and financial assistance which will result in new construction in wetlands types 1 through 20 as described in Circular 39 of the U.S. Department of the Interior, Fish and Wildlife Service, published in 1956 and republished in 1971. These rules do not apply: (i) to lands artificially diked and flooded to produce commercial crops of domestic rice, wild rice, or cranberries, nor to previously wet soils converted to other substantially irrevocable uses, and (2) where SCS commitments were made prior to May 5, 1975.

(c) *Policy.* (1) The environmental assessment (7 CFR 650.3(a) and 650.4) made in the early stages of planning will identify the effects of proposed actions that will occur in wetlands. The environmental assessment identifies and evaluates practicable alternatives to avoid action which may destroy or degrade wetlands. It will also identify actions which may preserve and enhance natural and beneficial values of wetlands. In compliance with section 5 of E.O. 11990, the following factors are among those considered in the environmental assessment:

* * * public health, safety and welfare, including water supply, quality, recharge, and discharge; pollution, flood and storm hazards; and sediment and erosion.

The environmental assessment will evaluate the:

* * * maintenance of natural systems, including conservation and long term productivity of existing flora and fauna, species and habitat diversity and stability, hydrologic utility, fish, wildlife, timber, and food and fiber resources.

The assessment will consider:

* * * other uses of wetlands in the public interest, including recreational, scientific, and cultural uses.

(2) *Compliance with Sections 1(a) and 2(a) of E.O. 11990.*

It is the general policy of SCS to aid in protecting, maintaining, managing, and restoring wetlands to assure the continued realization of their beneficial values. Within this general policy and on the basis of the environmental assessment (c)(1), SCS:

(i) Is not to provide technical and financial assistance for draining or otherwise altering wetlands types 3 through 20 in order to convert them to other land uses. On individual operating units in nonproject type areas where wetlands of types 3 through 20 would be drained or otherwise altered

due to structural measures designed for other purposes, it will be necessary to inform landowners of the alternative ways of avoiding or mitigating the incidental loss of these wetlands. Assistance will be provided only if one of the alternatives is selected for installation.

(ii) Can provide technical and financial assistance to alter wetlands types 1 and 2, including conversion to other uses such as cropland and pastureland. Such assistance in Minnesota, South Dakota, and North Dakota is to be given in accordance with item (iii). SCS will encourage the preservation of wetlands types 1 and 2 where they are adjacent to wetlands types 3 through 20 and are needed to maintain a balanced aquatic or semiacquatic ecosystem. When a decision is made by the landowner or user to alter wetlands types 1 and 2 or to convert them to other uses, SCS will encourage the application of conservation land treatment measures needed to reduce erosion and sedimentation and protect environmental values; and SCS will encourage decisions to preserve key areas and, where possible, to include enhancement measures on such areas.

(iii) Will provide technical and financial assistance in the States of Minnesota, North Dakota, and South Dakota, for draining or otherwise altering wetlands types 1 and 2 in order to convert them to other uses in accordance with provisions of section 16A of Pub. L. 87-732 as follows:

SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT

Pub. L. 87-732, 16 U.S.C. 590 P-1, October 2, 1962

SEC. 16 A. The Secretary of Agriculture shall not enter into an agreement in the States of North Dakota, South Dakota, and Minnesota to provide financial or technical assistance for wetland drainage on a farm under authority of this act if the Secretary of the Interior has made a finding that wildlife preservation of such land in its undrained status will materially contribute to wildlife preservation and such finding, identifying specifically the farm and the land on that farm with respect to which the finding was made, has been filed with the Secretary of Agriculture within 90 days after the filing of the application for drainage assistance: *Provided*, That the limitation against furnishing such financial or technical assistance shall terminate (1) at such time as the Secretary of the Interior notifies the Secretary of Agriculture that such limitation should not be applicable, (2) one year after the date on which the adverse finding of the Secretary of the Interior was filed unless during that time an offer has been made by the Secretary of the Interior or a State government agency to lease or to purchase the wetland area from the owner thereof as a waterfowl resource, or (3) five years after the date on which such adverse finding was filed if such an offer to lease or to purchase such wetland area has not been accepted by the owner thereof: *Provided further*, That upon any change in the ownership of the land with respect to which such adverse finding was filed, the eligibility of such land for such financial or technical assistance shall be redetermined in accordance with the provisions of this section.

(iv) Will not provide assistance in project actions, such as watershed or resource conservation and development (R.C. & D.) areas, which include features designed for the purpose of draining or otherwise altering wetlands types 3 through 20 in order to convert them to other land uses. If such projects include features for other purposes that unavoidably result in losses to types 3 through 20 wetlands, the loss is to be mitigated by establishing wetland habitat values in the same vicinity that are equivalent, insofar as possible, to the wetland habitat values lost. Provisions are to be made for managing these established wetlands in a way to assure that the habitat values provided are equal to those lost, insofar as possible. Sponsors, conservation organizations, State fish and wildlife agencies, or others can assume these management responsibilities.

(v) Will assist in restoring damaged wetlands that are not irrevocably committed to other uses and in establishing wetland habitat where appropriate.

(vi) Will encourage landowners and project sponsors to consider and use the programs of other Federal, State, and local agencies and private organizations that may help to preserve wetlands.

(3) *Exceptions.* Section 2(a) of Executive Order 11990 provides that the head of a Federal agency may use discretion in providing assistance for new construction located in wetlands when there is no practical alternative and when the proposed action includes all practical measures to minimize harm to wetlands. SCS policy is as follows:

(i) For project-type activities, the SCS Administrator may grant exceptions to the above policies on a case-by-case basis where necessary to meet identified irrigation water management (water quality and water conservation) objectives. In considering such exceptions, the Administrator will evaluate economic, environmental, and other pertinent factors and all practical measures to minimize harm to wetlands are to be included in the proposed action.

(ii) For nonproject-type activities, State Conservationists are delegated the authority to grant exceptions to the above procedures on a farm-by-farm basis where irrigation water management (water quality and water conservation) objectives are in conflict with wetland protection. In considering such exceptions, the State Conservationist is to evaluate economic, environmental, and other pertinent factors and is to provide assistance only if all practical measures to minimize harm to wetlands are included in the planned action to be implemented.

(4) *Early Public Review.* SCS will provide an opportunity for early public review of any plans or proposals for new construction in wetlands, in accordance with section 2(b) of Executive Order 11514, as amended. SCS procedures for such review are described in 7 CFR 650.6.

[FR Doc. 78-18298 Filed 6-29-78; 8:45 am]

federal register

FRIDAY, JUNE 30, 1978
PART VII



DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Low-Income Housing

■

MODERNIZATION PROGRAM—PHA-OWNED PROJECTS

Interim Rule

[4210-01]

Title 24—Housing and Urban Development

CHAPTER VIII—LOW-INCOME HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-78-554]

PART 868—MODERNIZATION PROGRAM—PHA-OWNED PROJECTS

Modernization as a Separate Project; Interim Rule

AGENCY: Department of Housing and Urban Development (HUD).

ACTION: Interim rule.

SUMMARY: The current rule on the modernization program—PHA-owned projects is being amended to provide for modernization as a separate project. This change is authorized by a statutory amendment, which permits HUD to finance modernization work as a separate project, supported by a separate HUD commitment under an annual contributions contract (ACC).

DATES: Effective date: July 1, 1978. Comment due date: August 1, 1978.

ADDRESS: Send comments to the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of HUD, 451 Seventh Street SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT:

Wayne Hunter, Office of Assisted Housing Management, Department of HUD, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-6460. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Under the present system of financing public housing modernization, the amount borrowed by a public housing agency (PHA) for modernization of a project is added to the development debt for the project. The new modernization debt must be paid by HUD debt service annual contributions within the balance of the statutory maximum period (currently 40 years) during which HUD may pay debt service on a project. The need to amortize the modernization debt within the original maximum period has required a HUD commitment of annual contributions contract authority (the maximum amount payable annually) which is sufficient enough to pay off both the original development debt and the modernization debt within the original ACC term. Where more years have elapsed under the ACC term, more contract authority is needed to cover a given amount of modernization cost. Since the need for modernization tends to increase with the age of the housing, HUD's ability to approve modernization for older projects, where the need is the greatest, has been most constricted because of the high amount of contract authority required.

The U.S. Housing Act of 1937 was amended by the Housing and Community Development Act of 1974 to provide in section 3(9)(B) that a low-income project, for which HUD may enter into an ACC, may include "the improvement" of low-income housing. Therefore, HUD may enter into a separate commitment to finance the cost of improvement, which includes modernization, over a separate ACC term, without regard to the number of years elapsed under the maximum ACC term for payment of the original development debt. The term for payment of debt service annual contributions to retire the modernization debt may extend beyond the period for amortization of the original development debt, so long as the term for the separate modernization project itself does not exceed the statutory maximum period. The financing of modernization by establishment of separate modernization projects will eliminate the number of years remaining in the original ACC term as a variable in determining the amount of contract authority required. The amount of contract authority will be the amount needed to amortize the modernization cost over a 20-year term during which debt service annual contributions will pe paid.

Since the need for public housing far exceeds the current and anticipated supply, HUD desires to promote the maximum conservation and utilization of the existing stock beyond the original ACC terms. Modernizing older projects to insure continued low-income occupancy is generally more economical than providing replacement units.

To reduce accounting and budgetary problems, to facilitate the modernization of older projects within the available contract authority, and to preserve the existing public housing inventory, HUD will finance modernization work as separate projects. Each separate modernization project will include modernization work for all of a PHA's individual public housing projects that are approved for modernization at the same time. Each modernization project will have a maximum amortization period of 20 years, regardless of the number of years that have elapsed under the original ACC terms of the projects involved. A project or projects may be included in successive modernization projects. For the full 20 years, the project or projects included under the modernization projects will be subject to the ACC and to HUD requirements for public housing operation. The period for amortization of the modernization debt of the modernization project will not affect the term of HUD payment of annual contributions to amortize the original development debt.

Where a project is under the ACC after expiration of the original term because of its inclusion in a modernization project, HUD may approve payment of operating subsidy for the project, under the applicable HUD regulation. Where a project's ACC term will expire, whether the original term or the extended term resulting from the modernization, HUD intends to offer an extension of the ACC for a 10-year period for purposes of continuing the low-income use of the housing and permitting payment of operating subsidy. This policy of extension of the ACC after expiration of the existing term will be implemented by a separate rule.

Because this method of financing modernization cost is necessary to modernize older projects in urgent need, and to allow this change to become effective by the fourth quarter of Federal fiscal year 1978, the Secretary has determined that this amendment will become effective July 1, 1978. However, interested persons are invited to participate in this rulemaking by filing data, comments, and suggestions with the rules docket clerk at the above address, on or before the comment due date. Each comment should include the commentor's name and address, and must refer to the docket number indicated in the heading to this document. All relevant comments will be considered before adoption of a final rule and copies of all comments received will be available for copying and inspection in the office of the rules docket clerk at the above address.

A finding of inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this finding of inapplicability is available for public inspection in the office of the rules docket clerk at the above address.

Accordingly, the Department amends chapter VIII of title 24 of the Code of Federal Regulations by:

1. Revising the following definition in § 868.2, Definitions:

§ 868.2 Definitions.

* * * * *

"Modernization funds" mean funds derived from an allocation of contract authority under section 5 of the act for the purpose of financing capital improvements under an approved modernization program.

* * * * *

2. Adding a new § 868.6a, as follows:

§ 868.6a Modernization Project.

(a) For purposes of financing modernization, each modernization program approved for a PHA shall be treated as a separate modernization project. The modernization project may include improvements to one or more projects. Improvements to a single project may be included in more than one modernization project.

(b) HUD and the PHA shall enter into an ACC amendment, in a form prescribed by HUD, for each modernization project. The ACC amendment shall provide for the payment of annual contributions sufficient to amortize the modernization cost over a period of no more than 20 years, and shall require low-income use of the housing for not less than 20 years.

Issued at Washington, D.C., June 19, 1978.

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

[FR Doc. 78-18245 Filed 6-29-78; 8:45 am]

federal register

FRIDAY, JUNE 30, 1978
PART VIII



DEPARTMENT OF JUSTICE

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

■

Nondiscrimination in Federally-Assisted Crime Control and Juvenile Delinquency Programs

[4410-18]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

PART 42—NONDISCRIMINATION: EQUAL EMPLOYMENT OPPORTUNITY: POLICIES AND PROCEDURES

Nondiscrimination in Federally-Assisted Crime Control and Juvenile Delinquency Programs

AGENCY: Law Enforcement Assistance Administration (LEAA), Department of Justice.

ACTION: Final rule.

SUMMARY: LEAA is amending its nondiscrimination regulations to reflect the recent amendments to the Juvenile Justice and Delinquency Prevention Act of 1974. The amendments to the Juvenile Justice and Delinquency Prevention Act of 1974 incorporated by reference the nondiscrimination provisions of the Crime Control Act of 1976. LEAA is also amending its Equal Employment Opportunity Program Guidelines to conform them to the nondiscrimination regulations. In addition, LEAA explains why no reduction in its complaint investigation timetables can be made at the present time. The amendments to both the regulations and guidelines are effective immediately because they are largely procedural and technical. Although some substantive changes are being made in the juvenile justice regulations, those changes are identical to ones previously proposed for public comment in response to identical amendments to the Crime Control Act.

EFFECTIVE DATE: The amendments to both the regulations and guidelines are effective on June 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Thomas J. Madden, General Counsel, LEAA, 202-376-3691.

SUPPLEMENTARY INFORMATION:

JUVENILE JUSTICE AMENDMENTS

On October 3, 1977, the Juvenile Justice Amendments of 1977, Pub. L. 95-115 was enacted into law, amending, among other things, the nondiscrimination provisions of the Juvenile Justice and Delinquency Prevention Act of 1974, Pub. L. 93-415, 88 Stat. 1109. The amendments substituted the language of section 518(c) of the Crime Control Act of 1976, Pub. L. 94-503, 90 Stat. 2407 for former section 262(b) of the Juvenile Justice Act. The LEAA Nondiscrimination Regulations, 28 CFR 42.201, et seq., first published at 42 FR 9491 (February 16, 1977), implemented both section 518(c) and former section 262(b). Amendments to these regulations are now required to insure that new section 262 will be interpreted and enforced in the same manner as section 518(c), its identical counterpart in the Crime Control Act. Accordingly, the amendments below have been made to eliminate any differences in the previous regulations' implementation of section 518(c) and former section 262(b).

These amendments are final upon publication. The previous regulations were proposed for comment at 41 FR 51762 (November 23, 1976). The final regulations were substantially revised in response to the comments received. An analysis of the changes made can be found in the introduction to the final regulations under "Supplementary Information," at 42 FR 9492-96. These amendments do no more than conform the regulations implementing the Juvenile Justice Act to those previously proposed, and adopted with modification, to implement the Crime Control Act.

The following specific amendments have been made:

1. All references to former subsection (b) of section 262 of the Juvenile Justice and Delinquency Prevention Act of 1974 have been deleted. Amended section 262 has no subsections. See §§ 42.201(a), 42.202(e), 42.202(1), 42.203(c), 42.203(e), 42.205(a)(2), 42.205(c)(4), 42.205(e), 42.206(e), 42.210(a)(2), and 42.217(a), and the commentary on §§ 42.203(b) and 42.203(e-1), and 42.205(c)(1).

2. The phrase "or section 262" or "or section 262 of the Juvenile Justice Act" has been added after "Section 518(c)(1)" or "Section 518(c)(1) of the Crime Control Act" in several places in order to reflect the statutory amendment. See §§ 42.210(a)(1)(iii), 42.211(e), 42.212(a), 42.212(b), 42.213(a)(2)(ii), 42.215(b)(1)(i), 42.217(b)(1), 42.217 (c)(1), and 42.217(c)(3), and the commentary on sections 42.201(c), 42.203(b), and 42.203(e-i), 42.203(c) and 42.210(b).

3. Section 42.202(e). The definition of "Juvenile Justice Act" has been amended to include a reference to the Juvenile Justice Amendments of 1977 and to amendments made in the act by the Crime Control Act of 1976.

4. Section 42.202(j). The phrase "or creed" has been deleted. Old section 262(b) prohibited discrimination on the basis of "creed." New section 262, incorporating section 518(c) of the Crime Control Act by reference, now prohibits discrimination on the basis of "religion," rather than "creed." Accordingly, the need to define the term "creed" no longer exists.

5. Section 42.207(b). The phrase "(if required to develop one under 28 CFR 42.302(d))" has been inserted after "Equal Employment Opportunity Program" in order to clarify that only those recipients required to develop EEOP's under LEAA's EEOP guidelines, 28 CFR 42.301, et seq., must submit copies prior to the award of grants they may receive for $250,000 or more.

6. Section 42.210. An (a) inadvertently omitted in the previous regulation before "Whenever the Administration" has been added. In § 42.210(a)(1)(i), the phrase "under Section 518(c)(3) of the Crime Control Act)" has been deleted after "(other than in a proceeding brought by the Attorney General," in accordance with the language of section 518(c)(2)(A) of the Crime Control Act.

In § 42.210(g)(5), the phrase "if the determination is of noncompliance with section 518(c)(1)" has been deleted after "pursuant to § 42.414," because the subsection now applies to determinations made under either section 518(c)(1) or section 262.

7. Section 42.212(a). The phrase "or Juvenile Justice Act, as appropriate" has been inserted after "under the Crime Control Act" to reflect the statutory amendment.

8. Section 42.212(b). The word "the" has been inserted before "suspension of funds" and the phrase "made available under the Crime Control Act" has been deleted after "suspension of funds," because funds can now be suspended under the Juvenile Justice Act as well as the Crime Control Act in the described circumstances.

9. Former § 42.212(c). Because §§ 42.212 (a) and (b) are now applicable to the Juvenile Justice Act, former § 42.212(c), explaining the separate enforcement procedures to be taken in cases of noncompliance with former section 262(b), has been deleted.

10. Section 42.213(a). The phrase "or the Juvenile Justice Act" has been added after "the Crime Control Act" in order to reflect the statutory amendment.

11. Section 42.215(a). The phrase "with Section 518(c)(1)" after "notification of noncompliance" has been deleted in order to reflect the statutory amendment. For the same reason, the phrase "or within 30 days after notification of noncompliance with Section 262(b)," after "referred to in § 42.212" has been deleted.

12. Former § 42.215(b)(2) has been deleted because the amended Juvenile Justice Act no longer requires that its nondiscrimination provision be enforced in accordance with title VI of the Civil Rights Act of 1964. Former § 42.215(b)(3) has been redesignated § 42.215(b)(2) as a result of this deletion.

13. Section 42.216. Everything following "section 511 of the Crime Control Act" has been deleted because the amended Juvenile Justice Act no

longer requires that judicial review of noncompliance determinations be made in accordance with title VI, supra.

14. Commentary on § 42.203(c). The United States Reports citation has been added to the reference to *Washington* v. *Davis*.

15. Commentary on § 42.205(c)(3). This Commentary, stating LEAA's intention to treat the backlog of complaints existing on February 16, 1977, as received on that date for the purpose of the complaint investigation timetables, has been deleted as outdated. This deletion in no way changes LEAA's previous position on this issue.

16. Commentary on § 42.210(a)(2). This discussion of the separate enforcement procedure to be used in cases of noncompliance with former 262(b) has been deleted in light of the statutory amendment establishing the same enforcement procedure for noncompliance with new section 262 as for noncompliance with section 518(c).

17. The reference to "§ 42.106 of Subpart C of the Department of Justice Nondiscrimination Regulations" in § 42.207 has been amended to read "28 CFR 42.106" for the sake of clarity.

Equal Employment Opportunity Program Guidelines

The LEAA Equal Employment Opportunity Program Guidelines, Subpart E, 28 CFR 42.301, et seq., are being amended to eliminate outdated references and language that conflicts with the substantive LEAA nondiscrimination regulations. No changes are being made that will alter the responsibilities of recipients.

The following specific amendments have been made:

1. The title of the guidelines have been changed from "Equal Employment Opportunity Guidelines" to "Equal Employment Opportunity Program Guidelines" in order to more accurately indicate the focus of the subpart and to avoid confusion between this subpart and subpart D, the substantive LEAA nondiscrimination regulations. Subpart E describes the content of recipients' Equal Employment Opportunity Programs (EEOP), but does not address the other issues of EEO compliance that subpart D does.

2. Section 42.301(b) stating the source of authority for the promulgation of the guidelines has been deleted because an adequate statement of authority is already provided under the subpart title.

3. The definition of "recipient" in § 42.302(a) has been replaced by the definition of "recipient" found in § 42.202(i) of subpart D. This amendment is intended to implement a consistent LEAA approach to its recipients and their responsibilities.

4. References in §§ 42.302(d) and 42.304(g) to "§ 42.202(b)" of former subpart D have been changed to "§ 42.202(c)" the corresponding section of amended subpart D.

5. The definition of "minority persons" in § 42.302(e) has been amended to conform the ethnic and racial categories cited in the definition to the recommendations of the Office of Management and Budget Ad Hoc Committee on Racial/Ethnic Categories. For the same reason, the terms "Hispanic," "Asian or Pacific Islander," and "American Indian or Alaskan Native" have been substituted for the terms "Spanish-surnamed," "Oriental," and "American-Indian," respectively, in § 42.304(a).

6. In § 42.302(f), the fiscal year is now designated as lasting from October 1 to September 30, rather than July 1 to June 30. This amendment conforms the guidelines to the policy expressed in the Congressional Budget and Impoundment Control Act, Pub. L. 93-344, 31 U.S.C. 1020.

7. Section 42.302(g) has been redesignated § 42.302(f) as a result of the deletion of former § 42.302(f) on February 16, 1977, at 42 FR 9493.

8. A discussion of recipients' responsibilities with respect to consulting and complying with the Equal Employment Opportunity Commission (EEOC) Guidelines on Employee Selection Procedures, 29 CFR Part 1607 has been deleted from § 42.304(g)(1). The Department of Justice has recently adopted "Uniform Guidelines on Employee Selection Principles." These guidelines are binding, as Department of Justice policy, on all LEAA recipients. See 28 CFR 42.203(b)(9). Accordingly, subsection (1) has been revised as follows, with the amended language in italic:

(1) The statement should include the recipient's detailed analysis of existing employment policies, procedures, and practices as they relate to employment of minorities and women (see § 42.303) and, where improvements are necessary, the statement should set forth in detail the specific steps the recipient will take for the achievement of full and equal employment opportunity. *The Department of Justice Guidelines on Employee Selection Procedures, 28 CFR Part 50, set out the appropriate standards for nondiscriminatory selection procedures.* Recipients of LEAA assistance using selection procedures which are not in conformity with the Guidelines shall set forth the specific areas of nonconformity, the reasons which may explain any such nonconformity, and if necessary, the steps the recipient agency will take to correct any existing deficiency.

9. The phrase "or with the LEAA Office of Civil Rights Compliance" has been substituted for the phrase "or LEAA regional office" in § 42.305, because LEAA no longer has regional offices. The offices were ordered closed by the Attorney General effective October 1, 1977. Accordingly, recipients must now file their certificates with either their State Planning Agency, or with the LEAA Office of Civil Rights Compliance.

10. Former § 42.306(c), defining a "significant disparity" between a recipient's labor force and its "service population" has been deleted. This subsection was inadvertently left in the guidelines despite the deletion, on February 16, 1977, of the sentence that it was intended to explain.

The former first sentence of § 42.306(b) explained that LEAA would first seek to do compliance reviews of those recipients who had a "significant disparity" between the percentage of minorities on its workforce and the percentage of minorities in the population it served. Because the LEAA nondiscrimination regulations adopted on February 16, 1977, established a new set of criteria for selecting recipients for compliance review, that sentence was deleted. As a result, § 42.306(c) has existed since that time without a frame of reference, and has served only to confuse recipients and, at least in one instance, this section led a court to interpret the provision as a benchmark of discrimination. See *Detroit Police Officers Association* v. *Young, et al.*, Civil Action Nos. 74-71838 and 75-71376, Slip Opinion, at p. 40 (E.D. Mich., February 27, 1978).

11. A reference to § 42.206 of former subpart D has been changed to "28 CFR 42.207," in order to reflect the corresponding section of amended subpart D.

Complaint Investigation Timetables

In the Preamble to the nondiscrimination regulations, at 42 FR 9493, LEAA stated that during the next 8 months, it would monitor its performance under the new complaint investigation timetables, and shorten the time periods if its experience demonstrated that such a step was warranted. For the reasons set forth below, LEAA does not believe it can shorten the timetables at this time.

As explained in the preamble, LEAA was facing a backlog of 325 complaints at the time the regulations took effect. We promised to treat those complaints in the same manner as any new complaint, in order not to, in effect, penalize earlier complainants for filing complaints prior to the effective date of the regulations. As a result, the Office of Civil Rights Compliance undertook a "crash program" utilizing all staff and an additional five persons detailed from other LEAA offices to eliminate the backlog. That effort has been successful: less than 35 of the cases being investigated by LEAA at that time still require further attention.[1]

[1] In addition, 23 complaints that had been deferred to other agencies for resolution prior to the effective date of the regulations are still being investigated by those agen-

Footnotes continued on next page

The "crash program," however, did not permit LEAA to make a realistic prediction of staff capability, nor did it permit accurate measurement of the time periods necessary for the conduct of investigations. LEAA's assessment of its performance was also complicated by the "emergency" use of persons with varying knowledge of investigation technique and civil rights law, and the diversified status of outstanding cases. A final inhibiting factor was the loss of four positions to the General Services Administration as part of the effort to coordinate the Government's construction compliance program.

Four investigators have been recently hired, and are being intensively trained. Several members of the existing staff are also receiving the same training. In addition, the recent computerization of the office's operations is expected to facilitate administrative management of the investigative caseload. With the stabilization of the caseload and a corps of trained investigators, LEAA hopes to be better able to evaluate OCRC's performance and shorten the investigation timetables within the next year.

Subparts D and E of Part 42 of Title 28 CFR are revised to read as follows:

Subpart D—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

Sec.

42.201 Purpose and application.
42.202 Definitions.
42.203 Discrimination prohibited.
42.204 Assurances required.
42.205 Complaint investigation.
42.206 Complaince reviews.
42.207 Compliance information.
42.208 [Reserved]
42.209 [Reserved]
42.210 Notice of noncompliance.
42.211 Compliance secured.
42.212 Compliance not secured.
42.213 Resumption of suspended funds.
42.214 Preliminary hearing.
42.215 Full hearing.
42.216 Judicial review.
42.217 Other actions authorized under the Crime Control Act.
Appendix A—Commentary.

AUTHORITY.—Subpart D; Secs. 501, 518(c), and 521(d) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3701, et seq.), as amended (Pub. L. 90-351, as amended by Pub. L. 93-83, Pub. L. 94-415, and Pub. L. 94-503 (October 15, 1976)) and Sec. 262 of the Juvenile Justice and Delinquency Prevention Act of 1974 (Pub. L. 93-415, 88 Stat. 1109).

Footnotes continued from last page

cies. LEAA is reviewing the current status of those cases. In those situations where the other agencies cannot assure prompt resolution, LEAA will assume jurisdiction and seek an expedited conclusion.

Subpart D—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.

§ 42.201 Purpose and application.

(a) The purpose of this subpart is to implement the provisions of section 518(c) of the Crime Control Act of 1976, Pub. L. 94-503, 90 Stat. 2407, and section 262 of the Juvenile Justice and Delinquency Prevention Act of 1974, Pub. L. 93-415, 88 Stat. 1109, to the end that no person in any State shall on the ground of race, color, national origin, sex, or religion be excluded for participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with any program or activity funded in whole or in part with funds made available by LEAA under either Act.

(b) The regulations in this subpart apply to the delivery of services by, and employment practices of recipients administering, participating in, or substantially benefiting from any program or activity receiving Federal financial assistance extended under title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, or the Juvenile Justice and Delinquency Prevention Act of 1974.

(c) Where a private recipient which receives such assistance through a unit of government is engaged in prohibited discrimination, the Administration will invoke the enforcement procedures of this subpart (sections 42.210, et seq.) against the appropriate unit of government for failure to enforce the assurances of nondiscrimination given it by the private recipient pursuant to § 42.204(a). Where a private recipient receives assistance either directly from LEAA, or through another private entity which receives funds directly from LEAA, the Administration will enforce compliance pursuant to section 509 of the Crime Control Act.

§ 42.202 Definitions.

(a) "Law enforcement," "State," and "unit of general local government" shall have the meanings set forth in section 601 of the Crime Control Act.

(b) "Crime Control Act" means title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

(c) "Employment practices" means all terms and conditions of employment including but not limited to all practices relating to the screening, recruitment, referral, selection, training, appointment, promotion, demotion, and assignment of personnel, and included advertising, hiring, assignments, classification, discipline, layoff and termination, upgrading, transfer, leave practices, rates of pay, fringe benefits, or other forms of pay or credit for services rendered and use of facilities.

(d) "Investigation" includes fact-finding efforts and, pursuant to § 42.205(c)(3), attempts to secure the voluntary resolution of complaints.

(e) "Juvenile Justice Act" means titles I and II of the Juvenile Justice and Delinquency Prevention Act of 1974, Pub. L. 93-415, 88 Stat. 1109, as amended by Pub. L. 94-503 and Pub. L. 95-115.

(f) "Noncompliance" means the failure of a recipient to comply with section 518(c)(1) of the Crime Control Act, section 262 of the Juvenile Justice Act, or this subpart.

(g) "Program or activity" means the operations of the agency or organizational unit of government receiving or substantially benefiting from the financial assistance awarded; e.g., a police department or department of corrections.

(h) "Pattern or practice" means any procedure, custom, or act, affecting, or potentially affecting more than a single individual, in a single or isolated instance.

(i) "Recipient" means any State or local unit of government or agency thereof, and any private entity, institution, or organization, to which Federal financial assistance is extended directly, or through such government or agency, but such term does not include any ultimate beneficiary of such assistance.

(j) "Religion" includes all aspects of religious observance and practice as well as belief.

(k) "State planning agency" or "SPA" means the criminal justice State planning agency created to implement the Crime Control Act and, where authorized by State law, the Juvenile Justice Act within each State.

(l) "Compliance review" means a review of a recipient's selected employment practices or delivery of services for compliance with the provisions of section 518(c)(1) of the Crime Control Act, section 262 of the Juvenile Justice Act, and this subpart.

§ 42.203 Discrimination prohibited.

(a) No person in any State shall on the ground of race, color, religion, national origin, or sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or denied employment in connection with any program or activity funded in whole or in part with funds made available under the Crime Control Act or the Juvenile Justice Act.

(b) A recipient may not, directly or through contractual or other arrangements, on the grounds set forth in paragraph (a) of this section:

(1) Deny an individual any disposition, service, financial aid, or benefit provided under the program;

(2) Provide any disposition, service, financial aid, or benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program;

(3) Subject an individual to segregation or separate treatment in any matter related to his receipt of any disposition, service, financial aid, or benefit under the program;

(4) Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any disposition, service, or financial aid or benefit under the program;

(5) Treat an individual differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition which individuals must meet in order to be provided any disposition, service, financial aid, function, or benefit provided under the program;

(6) Deny an individual an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program;

(7) Deny a person the opportunity to participate as a member of a planning or advisory body which is an integral part of the program;

(8) Subject any individual to discrimination in its employment practices in connection with any specific program or activity funded in whole or in part with funds made available under the Crime Control Act or the Juvenile Justice Act;

(9) Use any selection device in a manner which is inconsistent with the Department of Justice guidelines on Employee Selection Procedures, 28 CFR Part 50.

(c) In matters involving employment discrimination, section 518(c)(1) of the Crime Control Act and section 262 of the Juvenile Justice Act shall be interpreted by the Administration consistently with title VII of the Civil Rights Act of 1964, Pub. L. 88-352, 79 Stat. 253, as amended by the Equal Employment Opportunity Act of 1972, Pub. L. 92-261, 87 Stat. 103.

(d) The use of a minimum height or weight requirement which operates to disproportionately exclude women and persons of certain national origins, such as persons of Hispanic or Asian descent, is a violation of this subpart, unless the recipient is able to demonstrate convincingly, through use of supportive factual data, that the requirement has been validated as set forth in the Department of Justice guidelines on Employee Selection Guidelines, 28 CFR Part 50.

(e) A recipient, in determining the type of disposition, services, financial aid, benefits, or facilities which will be provided under any such program, or the class of individuals to whom, or the situations in which, such will be provided under any such program, may not directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination under section 518(c)(1) of the Crime Control Act or section 262 of the Juvenile Justice Act, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respects individuals of a particular race, color, sex, national origin, or religion.

(f) In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding individuals from, denying them the benefits of, subjecting them to discrimination under, or denying them employment in connection with any program to which this subpart applies; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Crime Control Act, the Juvenile Justice Act, or this subpart.

(g) For the purposes of this section the disposition, services, financial aid, or benefits provided under a program receiving Federal financial assistance shall be deemed to include any portion of any program or function or activity conducted by any recipient of Federal financial assistance which program, function, or activity is directly or indirectly improved, enhanced, enlarged, or benefited by such Federal financial assistance or which makes use of any facility, equipment, or property provided with the aid of Federal financial assistance.

(h) The enumeration of specific forms of prohibited discrimination in paragraphs (b) through (g) of this section does not limit the generality of the prohibition in paragraph (a) of this section.

(i) (1) In administering a program regarding which the recipient has previously discriminated against persons on the ground of race, color, religion, national origin, or sex, the recipient must take affirmative action to overcome the effects of prior discrimination.

(2) Even in the absence of such prior discrimination, a recipient in administering a program may take affirmative action to overcome the effects of conditions which resulted in limiting participation by persons of a particular race, color, religion, national origin, or sex.

(j) Nothing contained in this subpart shall be construed as requiring any recipient to adopt a percentage ratio, quota system, or other program to achieve racial balance or to eliminate racial imbalance. The use of goals and timetables is not use of a quota prohibited by this section.

§ 42.204 Assurances required.

(a) Every application for Federal financial assistance to which this subpart applies shall, as a condition of approval of such application and the extension of any Federal financial assistance pursuant to such application, contain or be accompanied by an assurance that the applicant will comply with all applicable nondiscrimination requirements and will obtain such assurances from its subgrantees, contractors, or subcontractors to which this subpart applies, as a condition of the extension of Federal financial assistance to them.

(b) Every application for Federal financial assistance from a State or local unit of government or agency thereof shall contain an assurance that in the event a Federal or State court or Federal or State administrative agency makes a finding of discrimination on the ground of race, color, religion, national origin, or sex against the recipient State or local government unit or agency thereof, the recipient will forward a copy of the finding to the cognizant State planning agency and to LEAA.

§ 42.205 Complaint investigation.

(a) The Administration shall investigate complaints that allege a violation of:

(1) Section 518(c)(1) of the Crime Control Act;

(2) Section 262 of the Juvenile Justice Act; or

(3) This subpart.

(b) No complaint will be investigated if it is received more than 1 year after the date of the alleged discrimination, unless the time for filing is extended by the Administrator for good cause shown.

(c) The Administration shall conduct investigations of complaints as follows:

(1) Within 21 days of receipt of a complaint, the Administration shall:

(i) Ascertain whether it has jurisdiction under paragraphs (a) and (b) of this section;

(ii) If jurisdiction is found, notify the recipient alleged to be discriminating of its receipt of the complaint; and

(iii) Initiate the investigation.

(2) The investigation will ordinarily be initiated by a letter requesting data pertinent to the complaint and advising the recipient of:

(i) The nature of the complaint, and, with the written consent of the complainant, the identity of the complainant;

(ii) The programs or activities affected by the complaint;

(iii) The opportunity to make, at any time prior to receipt of the Administration's findings, a documentary submission, responding to, rebutting, or denying the allegations made in the complaint; and

(iv) The schedule under which the complaint will be investigated and a

determination of compliance or noncompliance made.

Copies of this letter will also be sent to the chief executive of the appropriate unit(s) of government, and to the appropriate SPA.

(3) Within 150 days or, where an onsite investigation is required, within 175 days after the initiation of the investigation, the Administration shall advise the complainant, the recipient, the chief executive(s) of the appropriate unit(s) of government, and the appropriate SPA, of:

(i) Its preliminary findings;

(ii) Where appropriate, its recommendations for compliance, and

(iii) If it is likely that satisfactory resolution of the complaint can be obtained, the opportunity to request the Administration to engage in voluntary compliance negotiations prior to the Administrator's determination of compliance or noncompliance.

(4) If, within 30 days, the Administration's recommendations for compliance are not met, or voluntary compliance is not secured, the matter will be forwarded to the Administrator for a determination of compliance or noncompliance. The determination shall be made no later than 14 days after the conclusion of the 30-day period. If the Administrator makes a determination of noncompliance with section 518(c) of the Crime Control Act, or section 262 of the Juvenile Justice Act, the Administration shall institute administrative proceedings pursuant to § 42.210, et seq.

(5) If the complainant or another party, other than the Attorney General, has filed suit in Federal or State court alleging the same discrimination alleged in a complaint to LEAA, and, during LEAA's investigation, the trial of that suit would be in progress, LEAA will suspend its investigation and monitor the litigation through the court docket and contacts with the complainant. Upon receipt of notice that the court has made a finding of discrimination within the meaning of § 42.210, the Administration will institute administrative proceedings pursuant to § 42.210, et seq.

(6) The time limits listed in paragraphs (c)(1) through (c)(5) of this section shall be appropriately adjusted where LEAA requests another Federal agency or another branch of the Department of Justice to act on the complaint. LEAA will monitor the progress of the matter through liaison with the other agency. Where the request to act does not result in timely resolution of the matter, LEAA will institute appropriate proceedings pursuant to this section.

§ 42.206 Compliance reviews.

(a) The Administration shall periodically conduct compliance reviews of selected recipients of LEAA assistance.

(b) The Administration shall seek to review those recipients which appear to have the most serious equal employment opportunity problems, or the greatest disparity in the delivery of services to the white and nonwhite, or male and female communities they serve. Selection for review shall be made on the basis of:

(1) The relative disparity between the percentage of minorities, or women, in the relevant labor market, and the percentage of minorities, or women, employed by the recipient;

(2) The percentage of women and minorities in the population receiving project benefits;

(3) The number and nature of discrimination complaints filed against a recipient with LEAA or other Federal agencies;

(4) The scope of the problems revealed by an investigation commenced on the basis of a complaint filed with the Administration against a recipient; and

(5) The amount of assistance provided to the recipient.

(c) Within 15 days after selection of a recipient for review, the Administration shall inform the recipient that it has been selected and will initiate the review. The review will ordinarily be initiated by a letter requesting data pertinent to the review and advising the recipient of:

(1) The practices to be reviewed;

(2) The programs or activities affected by the review;

(3) The opportunity to make, at any time prior to receipt of the Administration's findings, a documentary submission responding to the Administration, explaining, validating, or otherwise addressing the practices under review; and

(4) The schedule under which the review will be conducted and a determination of compliance or noncompliance made.

Copies of this letter will also be sent to the chief executive of the appropriate unit(s) of government, and to the appropriate SPA.

(d) Within 150 days or, where an onsite investigation is required, within 175 days after the initiation of the review, the Administration shall advise the recipient, the chief executive(s) of the appropriate unit(s) of government, and the appropriate SPA, of:

(1) Its preliminary findings;

(2) Where appropriate, its recommendations for compliance; and

(3) The opportunity to request the Administration to engage in voluntary compliance negotiations prior to the Administrator's determination of compliance or noncompliance.

(e) If, within 30 days, the Administration's recommendations for compliance are not met, or voluntary compliance is not secured, the matter will be forwarded to the Administrator for a determination of compliance or noncompliance. The determination shall be made no later than 14 days after the conclusion of the 30-day negotiation period. If the Administrator makes a determination of noncompliance with section 518(c) of the Crime Control Act, or section 262 of the Juvenile Justice Act, the Administration shall institute administrative proceedings pursuant to § 42.210, et seq.

§ 42.207 Compliance information.

(a) The provisions of 28 CFR 42.106 addressing the maintenance, availability, and submission of compliance information are hereby incorporated in this subpart. A refusal to provide requested information shall be enforced pursuant to the provisions of section 509 of the Crime Control Act.

(b) Each recipient receiving a grant or subgrant of $250,000 or more shall provide the Administration with a copy of its current equal employment opportunity program (if required to develop one under 28 CFR 42.302(d)) and any subsequent revisions or supplements. The Administration shall maintain a file of these plans, which shall be available for inspection.

§ 42.208 [Reserved]

§ 42.209 [Reserved]

§ 42.210 Notice of noncompliance.

(a) Whenever the Administration has:

(1) Received notice of a finding, after notice and opportunity for a hearing by:

(i) A Federal court (other than in an action brought by the Attorney General under section 518(c)(3) of the Crime Control Act);

(ii) A State court; or

(iii) A Federal or State administrative agency (other than the Administration under paragraph (a)(2) of this section); to the effect that there has been a pattern or practice of discrimination in violation of section 518(c)(1) of the Crime Control Act, or section 262 of the Juvenile Justice Act; or

(2) Made a determination after an investigation by the Administration pursuant to § 42.205 or § 42.206 that a State government or unit of general local government is not in compliance with this subpart, section 518(c)(1) of the Crime Control Act, or section 262 of the Juvenile Justice Act;

the Administration shall, within 10 days after such occurrence, notify the chief executive of the affected State and, if the action involves a unit of general local government, the chief executive of such unit of general local government, that such program or activity has been so found or determined not to be in compliance with this subpart or section 518(c)(1) of the Crime Control Act or section 262 of the Juve-

nile Justice Act and shall request each chief executive notified under this section with respect to such violation to secure compliance.

(b) For the purposes of this section, notice means:

(1) Publication in—

(i) Employment Practices Decisions, Commerce Clearinghouse, Inc.;

(ii) Fair Employment Practices, Bureau of National Affairs, Inc.;

(iii) the United States Law Week, Bureau of National Affairs, Inc.;

(iv) Federal Supplement, Federal Reporter, or Supreme Court Reporter, West Publishing Co.; or

(v) National Reporter System, West Publishing Co.; or

(2) Receipt by the Administration of a reliable copy of a finding from any source.

(c) When the Administration receives a finding which has been made more than 120 days prior to receipt, the Administration will not be considered to be in receipt of notice of such finding until it is determined that the finding is currently applicable.

(1) In determining the current applicability of the finding, the Administration will contact the clerk of the court and the office of the deciding judge (or the appropriate agency official) to determine whether any subsequent orders have been entered.

(2) If the information is unavailable through the clerk or the office of the judge (or the appropriate agency official), the Administration will contact the attorneys of record for both the plaintiff and defendant to determine whether any subsequent orders have been entered, or if the recipient is in compliance.

(3) If, within 10 days of receipt of notice, it is not determined through the procedure set forth in paragraphs (c) (1) and (2) of this section, that the recipient is in full compliance with a final order of the court (or agency) within the meaning of § 42.213(b), the Administration willl notify the Governor of the recipient's noncompliance as provided in § 42.210(a).

(d) For purposes of paragraph (a)(1)(iii) of this section a finding by a Federal or State administrative agency shall be deemed rendered after notice and opportunity for a hearing if it is rendered pursuant to procedures consistent with the provisions of subchapter II of chapter 5, title 5, United States Code (the Administrative Procedures Act).

(e) The procedures of a Federal or State administrative agency shall be deemed to be consistent with the Administrative Procedure Act (APA) if:

(1) The agency gives all interested parties opportunity for—

(i) The submission and consideration of facts, arguments, offers of settlement, or proposals of adjustment when time, the nature of the proceeding, and the public interest permit; and

(ii) Hearing and decision on notice by an individual not having participated in the investigation or prosecution of the matter.

(2) A party is entitled to be represented by counsel or other qualified representative, to present his case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts; and

(3) The record shows the ruling on each finding, conclusion, or exception presented. All decisions, including initial recommended, and tentative decisions, shall be a part of the record and shall include a statement of—

(i) Findings and conclusions, and the reasons or basis therefor, on all the material issues of fact, law, or discretion presented on the record; and

(ii) The appropriate rule, order, sanction, relief, or definal thereof.

(f) If within 10 days of receipt of notice the Administration cannot determine whether the finding was rendered pursuant to procedures consistent with the APA, it shall presume the APA procedures were applied, and send notification under § 42.210(a) to the appropriate chief executive(s).

(g) Each notification under § 42.210(a) shall advise the appropriate chief executive of:

(1) The program or activity determined to be in noncompliance;

(2) The general legal and factual basis for its determination;

(3) The Administration's request to secure compliance;

(4) The action to be taken and the provisions of law under which the proposed action is to be taken should the chief executive fail to secure compliance; and

(5) The right of the recipient to request a preliminary hearing, pursuant to § 42.214, and a full hearing, pursuant to § 42.215.

§ 42.211 Compliance secured.

(a) In the event a chief executive secures compliance after notice pursuant to § 42.210, the terms and conditions with which the affected State government or unit of general local government agrees to comply shall be set forth in writing and signed by the chief executive of the State, by the chief executive of such unit (in the event of a violation by a unit of general local government), and by the Administrator.

(b) Prior to the effective date of the agreement, the Administration shall send a copy of the agreement to each complainant, if any, with respect to such violation, and to the appropriate SPA.

(c) The chief executive of the State, or the chief executive of the unit (in the event of a violation by a unit of general local government) shall file semiannual reports with the Administration detailing the steps taken to comply with the agreement.

(d) Within 15 days of receipt of such reports, the Administration shall send a copy to each complainant, if any.

(e) The Administrator shall also determine a recipient to be in compliance if it complies fully with the final order or judgment of a Federal or State court, pursuant to §§ 42.213(a)(2) and 42.213(b); or is found by such court to be in compliance with section 518(c)(1), or section 262.

42.212 Compliance not secured.

(a) If, at the conclusion of 90 days after notification of noncompliance with section 518(c)(1) or section 262:

(1) Compliance has not been secured by the chief executive of that State or the chief executive of that unit of general local government; and

(2) An administrative law judge has not made a determination under § 42.214 that it is likely the State government or unit of local government will prevail on the merits;

the Administration shall notify the Attorney General that compliance has not been secured and suspend further payment of any funds under the Crime Control Act or Juvenile Justice Act, as appropriate, to the specific program or activity in which the noncompliance has been found.

(b) If a hearing is requested pursuant to § 42.215, the suspension of funds shall be effective for a period of not more than 30 days after the conclusion of the hearing, or in the absence of a hearing under § 42.215, funds shall be suspended for not more than 120 days, unless there has been an express finding by the Administrator after notice and opportunity for such a hearing, that the recipient is not in compliance with this subpart, section 518(c)(1) of the Crime Control Act, or section 262 of the Juvenile Justice Act.

§ 42.213 Resumption of suspended funds.

(a) Payment of suspended funds made available under the Crime Control Act or the Juvenile Justice Act shall resume only if—

(1) Such State government or unit of general local government enters into a compliance agreement signed by the Administrator in accordance with § 42.211;

(2) Such State government or unit of general local government:

(i) Complies fully with the final order or judgment of a Federal or State court, if that order or judgment covers all matters raised by the Administrator in the notice pursuant to § 42.210, or

(ii) Is found to be in compliance with section 518(c)(1) of the Crime Control

Act or section 262 of the Juvenile Justice Act, as appropriate, by such court;

(3) After a hearing, the Administrator pursuant to § 42.215 finds that noncompliance has not been demonstrated; or

(4) An administrative law judge has determined, under § 42.214, that it is likely that the State government or unit of local government will prevail on the merits.

(b) Full compliance with a court order, for the purposes of paragraph (a)(2) of this section, includes the securing of an agreement to comply over a period of time, particularly in complex cases or where compliance would require an extended period of time for implementation.

§ 42.214 Preliminary hearing.

(a) Prior to the suspension of funds under § 42.212(a), but within the 90-day period after notification under § 42.210, the State government or unit of local government may request an expedited preliminary hearing by an administrative law judge (ALJ) in order to determine whether it is likely that the State government or unit of local government would, at a full hearing under § 42.215, prevail on the merits on the issue of the alleged noncompliance.

(b) The preliminary hearing shall be initiated within 30 days of request. The ALJ shall make his finding within 15 days after the conclusion of the preliminary hearing.

§ 42.215 Full hearing.

(a) At any time after notification of noncompliance under § 42.210, but before the conclusion of the 120-day suspension period referred to in § 42.212, a State government or unit of general local government may request a full hearing to consider the findings or determination of noncompliance made under § 42.210. The Administration shall initiate the hearing within 60 days of request.

(b) Within 30 days after the conclusion of the hearing, or, in the absence of a hearing, at the conclusion of the 120-day period referred to in § 42.212, the Administrator shall make a finding of compliance or noncompliance.

(1) If the Administrator makes a finding of noncompliance, the Administrator shall:

(i) Notify the Attorney General in order that the Attorney General may institute a civil action under section 518(c)(3) of the Crime Control Act or section 262 of the Juvenile Justice Act;

(ii) Terminate the payment of funds under the Crime Control Act and/or the Juvenile Justice Act; and

(iii) If appropriate, seek repayment of funds.

(2) If the Administrator makes a finding of compliance, payment of the suspended funds and reconsideration of applications shall resume.

§ 42.216 Judicial review.

Any State government or unit of general local government aggrieved by a final determination of the Administration under section 42.215 may appeal such determination as provided in section 511 of the Crime Control Act.

§ 42.217 Other actions authorized under the Crime Control Act.

(a) The Administrator may, at any time, request the Attorney General to file suit to enforce compliance with section 518(c)(1) or section 262. LEAA will monitor the litigation through the court docket and liaison with the Civil Rights Division of the Department of Justice. Where the litigation does not result in timely resolution of the matter, and funds have not been suspended pursuant to § 42.217(b), LEAA will institute administrative proceedings unless enjoined from doing so by the court.

(b)(1) Whenever the Attorney General files a civil action alleging a pattern or practice of discriminatory conduct on the basis of race, color, religion, national origin, or sex in any program or activity of a State government or unit of local government which State government or unit of local government receives funds made available under the Crime Control Act and the conduct allegedly violates or would violate the provisions of this subpart or section 518(c)(1) of the Crime Control Act or section 262 of the Juvenile Justice Act and neither party within 45 days after such filing has been granted such preliminary relief with regard to the suspension or payment of funds as may otherwise be available by law, the Administrator shall suspend further payment of any funds under the Crime Control Act to that specific program or activity alleged by the Attorney General to be in violation of the provisions of section 518(c)(1) of the Crime Control Act or section 262 of the Juvenile Justice Act until such time as the court orders resumption of payment.

(2) The Administration expects that preliminary relief authorized by this subsection will not be granted unless the party making application for such relief meets the standards for a preliminary injunction.

(c)(1) Whenever a State government or unit of local government or any officer or employee thereof acting in an official capacity, has engaged or is engaging in any act or practice prohibited by section 518(c)(1) of the Crime Control Act or section 262 of the Juvenile Justice Act, a civil action may be instituted after exhaustion of administrative remedies by the person aggrieved in an appropriate U.S. district court or in a State court or general jurisdiction.

(2) Administrative remedies shall be deemed to be exhausted upon the expiration of 60 days after the date the administrative complaint was filed with the Administration, or any other administrative enforcement agency, unless within such period there has been a determination by the Administration or the agency on the merits of the complaint, in which case such remedies shall be deemed exhausted at the time the determination becomes final.

(3) The Attorney General, or a specifically designated assistant for or in the name of the United States may intervene upon timely application in any civil action brought to enforce compliance with section 518(c)(1) or section 262 of the Juvenile Justice Act if he certifies that the action is of general public importance. In such action the United States shall be entitled to the same relief as if it had instituted the action.

APPENDIX A—COMMENTARY

Section 42.201(c). The compliance enforcement mechanism of section 518(c)(2) applies by its terms to State and local governments. The prohibitions in section 518(c)(1) and section 262, however, apply to all recipients of LEAA assistance. Accordingly, where a private entity which has received LEAA assistance through a State or local unit of government is determined by LEAA to be in noncompliance, LEAA will invoke the section 518(c)(2) mechanism against the appropriate unit of government for its failure to enforce the assurances of compliance given it by the private recipient, unless the unit has initiated its own compliance action against the private recipient. The fund termination procedures of section 509 will be invoked against noncomplying private recipients which receive assistance directly from LEAA or through another private entity.

Section 42.202(g). Section 518(c) of the Crime Control Act limits suspension and termination of assistance in the event of noncompliance to the "specific program or activity" in which the noncompliance is found.

House Report No. 94-1155 (94th Cong., 2d sess.), at p. 26, explained this provision as follows:

"Suspension may be limited to the specific program or activity found to have discriminated, rather than all of the recipients' LEAA funds.

"For example, if discriminatory employment practices in a city's police department were cited in the notification, LEAA may only suspend that part of the city's payments which fund the police department. LEAA may not suspend the city's LEAA funds which are used in the city courts, prisons, or juvenile justice agencies."

This passage makes it clear that LEAA need not demonstrate a nexus between the particular project funded and the discriminatory activity. See *Lau* v. *Nichols*, 414 U.S. 563, 566 (1974).

Sections 42.203(b) and 42.203(e-i). These provisions are derived from 28 CFR 42.104(b) of subpart C of the Department of Justice Nondiscrimination Regulations. Where appropriate, "sex" and "religion" have been added as prohibited grounds of discrimination, and "denial of employment" as another activity within the scope of sections 518(c)(1) and 262.

Individual projects benefiting a particular sex, race, or ethnic group are not violative of section 518(c) or section 262, unless the granting agency or the recipient has engaged in a pattern of granting preferential treatment to one such group, and cannot justify the preference on the basis of a compelling governmental interest, in the case of racial or ethnic discrimination, or a substantial relationship to an important governmental function, in the case of sex discrimination.

Section 42.203(b)(9). On November 17, 1976, the Department of Justice adopted as official policy the selection guidelines proposed by the Equal Employment Opportunity Coordinating Council (EEOCC) in 41 FR 29016 (July 14, 1976), with modification. Since LEAA is a component of the Department, these guidelines are now applicable to the selection procedures of LEAA recipients. See the Department of Justice questions and answers on the Federal Executive Agency Guidelines on Employee Selection Procedures in 42 FR 3820 (January 19, 1977) for a detailed commentary on the guidelines.

Section *42.203(c). In the conference report on the Crime Control Act, the managers stated that "In the area of employment cases brought under this section (518(c)(1)), it is intended by the conferees that the standards of title VII of the Civil Rights Act of 1964 apply." H. Rept. No. 94-1723 (94th Cong., 2d sess.) at p. 32.*

This section makes the LEAA standards of employment discrimination consistent with those used by the Civil Rights Division of the Department of Justice. It further clarifies that the burden shifts to the employer to validate its selection procedures once LEAA has demonstrated that those procedures disproportionately exclude an affected class. Discriminatory purpose on the part of the employer, which must be shown before the burden shifts in a 14th amendment case such as *Washington* v. *Davis*, 426 U.S. 229, 96 S. Ct. 2040 (1976), need not be shown in an employment discrimination case brought under section 518(c)(1) or section 262.

LEAA will give substantial weight to the Equal Employment Opportunity Commission Guidelines on Discrimination Because of Sex, 29 CFR 1604.1, et seq., Discrimination Because of Religion, 29 CFR 1605.1, and Discrimination Because of National Origin, 29 CFR 1606.1.

Section 42.203(j). Section 518(b) of the Crime Control Act reads:

"Notwithstanding any other provision of law nothing contained in this title shall be construed to authorize the Administration (1) to require, or condition the availability or amount of a grant upon, the adoption by an applicant or grantee under this title of a percentage ratio, quota system, or other program to achieve racial balance or to eliminate racial imbalance in any law enforcement agency, or (2) to deny or discontinue a grant because of the refusal of an applicant or grantee under this title to adopt such a ratio, system, or other program."

In commenting on the Crime Control Act of 1976, Senator Roman Hruska of Nebraska explained the difference between quotas and goals and timetables as follows:

"Section 518(b) of the act prohibits the setting of quotas. This provision was unchanged, and this provision will still bind the Administration.

"LEAA does have an affirmative obligation under this law to seek to eliminate discriminatory practices, voluntarily, if possible, prior to resorting to fund termination. LEAA can request that a recipient eliminate the effect of past discrimination by requiring the recipient to commit itself to goals and timetables. The formulation of goals is not a quota prohibited by section 518(b) of the act. A goal is a numerical objective fixed realistically in terms of the number of vacancies expected and the number of qualified applicants available. Factors such as a lower attrition rate than expected, bona fide fiscal restraints, or a lack of qualified applicants would be acceptable reasons for not meeting a goal that has been established and no sanctions would accrue under the program." Cong. Rec. S. 17320 (September 30, 1976, daily ed.).

See also the Equal Employment Opportunity Coordinating Council Policy Statement on Affirmative Action Programs for State and Local Government Agencies, 41 FR 38816 (September 13, 1976).

Section 42.204. All grantees and subgrantees must make the assurances found in paragraph (a). Only State and local units of government and agencies thereof must make the assurance found in paragraph (b), since, as explained in the commentary on section 42.202(h), the enforcement provisions of section 518(c)(2) apply only to governmental recipients.

Section 42.205(a). Where information available to the Administration clearly and convincingly demonstrates that the complaint is frivolous or otherwise without merit, the complaint will not be investigated, and the complainant will be so advised.

Section 42.205(b) A 1-year statute of limitations is imposed to insure that LEAA will be devoting its resources to the resolution of active issues, and to maximize the possibility that necessary witnesses and evidence are still available.

Examples of good cause which would clearly warrant an extension of the filing period are a statement from the complainant stating that he or she was unaware of the discrimination until after a year had passed, or that he or she was not aware that a remedy was available through LEAA.

Section 42.205(c)(1). Jurisdiction exists if the complaint alleges discrimination on a ground prohibited by section 518(c)(1) or section 262, and the respondent named in the complaint is a current recipient of LEAA assistance.

Prior to a determination of noncompliance, LEAA will attempt to negotiate voluntary compliance only during the 30-day period following receipt of the Administration's preliminary findings, and only at the request of the recipient, as provided in § 42.205(c)(3). If a determination of noncompliance is made, LEAA will participate in voluntary compliance efforts during the 90-day period following the letter sent to the chief executive(s) under section 42.210.

Sections 42.205(c) (3) and (4) and 42.206(e). LEAA proposes to notify the appropriate chief executive(s) of its recommendations during the voluntary resolution phase of both the complaint investigation and compliance review process. LEAA expects that the early involvement of the chief executive will often expedite the resolution of issues.

Section 42.205(c)(5). LEAA will initiate an investigation if the litigation discussed in this subparagraph becomes protracted or apparently will not resolve the matter within a reasonable time.

Section 42.205(c)(6). In order to effectively utilize the resources of other agencies, and to avoid duplication of effort, LEAA may request another agency to act on a particular complaint. LEAA expects this practice to be limited, and will attempt to ensure that any cooperative agreement reached with another agency is consistent with the timetables set forth in § 42.205(c).

Section 42.206(a). LEAA recognizes the practical impossibility of reviewing the compliance of each of its more than 39,000 recipients. The regulations seek to expedite the review process by reducing its length and narrowing its focus. Compliance reviews may, in some instances, be limited to specific employment practices, or other functions of a recipient, that appear to have the greatest adverse impact on an affected class.

LEAA will also continue its practice of making preaward desk audits of all discretionary grants awarded by LEAA which amount to $500,000 or more. If the audit reveals a significant potential for discrimination in employment or services, the recipient will be scheduled for a compliance review.

Section 42.206(b). The factors listed will be considered cumulatively by LEAA in selecting recipients for reviews. LEAA will consider data from all sources, including information provided by both internal and external auditors.

Section 42.207. Section 42.106 of subpart C requires, among other things, that a recipient must keep such records, and submit such reports as the granting agency may determine to be necessary in order to evaluate the recipient's compliance. Each recipient must also permit access by responsible officials during normal business hours to such records as may be pertinent to an evaluation of compliance.

Section 42.210(b). Upon receipt of the publications listed, LEAA will review the case reports for findings that may be violations of section 518(c)(1) or section 262. In the case of the West Publishing Co. reporters, LEAA will consult the topic "Civil Rights" in the key number digests contained in the advance sheets.

Section 42.210(e). This subsection sets forth the minimum procedural safeguards that LEAA would require of an administrative hearing to assure that the process was consistent with the Administrative Procedure Act. The sufficiency of other procedures that may vary in form but insure due process and the same opportunity for a fair hearing of both parties' evidence will be determined by LEAA on a case-by-case basis.

The Administration will compile a list of State agencies whose procedures have been found consistent with the Administrative Procedure Act, and a list of State agencies whose procedures have been found inconsistent. When a finding of an agency not on either list is received, the Administration will attempt to reliably determine the procedures used to render the findings.

Section 42.211(a). Although the signature of the appropriate chief executives are ultimately required on the compliance agreement, these regulations do not preclude them from delegating the responsibility for securing compliance during the 90-day period following notification, to State or local administrative or human rights agencies under their respective authority. A compliance agreement may be an agreement to comply over a period of time, particularly in complex cases or where compliance would require an extended period of time for implementation.

Section 42.211(b). The regulations require that a copy of the proposed compliance

agreement be sent to the complainant, if any, before the effective date of the agreement. Although the Act would permit a copy to be sent as late as the effective date, LEAA believes the compliance agreement would be more likely to resolve all concerns and discourage litigation if the complainant's views were considered before it took effect.

Section 42.213(b). An example of a case where compliance would require an extended period of time for implementation would be a court order setting a goal of 5 years for an employer to raise the percentage of minorities in its workforce to parity with the percentage of minorities in the relevant geographical labor force.

Section 42.215. The full hearing will be conducted in accordance with the LEAA Administrative Review Procedures, 28 CFR 18.1, et seq.

Section 42.217(a). Congressman Peter Rodino, chairman of the House Judiciary Committee, indicated in his comments on the proposed regulations in a letter to the LEAA Administrator dated December 20, 1976, that "the committee intentionally omitted the word 'refer' from the law to ensure that LEAA would always retain administrative jurisdiction over a complaint filed with them. It is not appropriate for LEAA to refer cases to the Civil Rights Division or other Federal or State agencies without monitoring the case for prompt resolution."

Section 42.217(c)(2). The exhaustion of administrative remedies at the end of 60 days (unless the Administration has made a determination) does not limit LEAA's authority to investigate a complaint after the expiration of that period. LEAA will continue to investigate the complaint after the end of the 60-day period, if necessary, in accordance with the provisions of § 42.205.

The provision for attorney's fees in section 518(c)(4)(B) of the Crime Control Act is not recited in the regulations because it does not affect the authority or actions of the Administration.

Subpart E—Equal Employment Opportunity Program Guidelines

Sec.
42.301 Purpose.
42.302 Application.
42.303 Evaluation of employment opportunities.
42.304 Written equal employment opportunity program.
42.305 Recordkeeping and certification.
42.306 Guidelines.
42.307 Obligations of recipients.
42.308 Noncompliance.

AUTHORITY: Sec. 501 of the Omnibus Crime Control and Safe Streets Act of 1968, Pub. L. 90-351, 82 Stat. 197, as amended.

Subpart E—Equal Employment Opportunity Program Guidelines

§ 42.301 Purpose.

The experience of the Law Enforcement Assistance Administration in implementing its responsibilities under the Omnibus Crime Control and Safe Streets Act of 1968, as amended (Pub. L. 90-351, 82 Stat. 197; Pub. L. 91-644, 84 Stat. 1881) has demonstrated that the full and equal participation of women and minority individuals in employment opportunities in the criminal justice system is a necessary component to the Safe Streets Act's program to reduce crime and delinquency in the United States.

§ 42.302 Application.

(a) "Recipient" means any State or local unit of government or agency thereof, and any private entity, institution, or organization, to which Federal financial assistance is extended directly, or through such government or agency, but such term does not include any ultimate beneficiary of such assistance.

(b) The obligation of a recipient to formulate, implement, and maintain an equal employment opportunity program, in accordance with this subpart, extends to State and local police agencies, correctional agencies, criminal court systems, probation and parole agencies, and similar agencies responsible for the reduction and control of crime and delinquency.

(c) Assignments of compliance responsibility for title VI of the Civil Rights Act of 1964 have been made by the Department of Justice to the Department of Health, Education, and Welfare, covering educational institutions and general hospital or medical facilities. Similarly, the Department of Labor, in pursuance of its authority under Executive Orders 11246 and 11375, has assigned responsibility for monitoring equal employment opportunity under government contracts with medical and educational institutions, and non-profit organizations, to the Department of Health, Education, and Welfare. Accordingly, monitoring responsibility in compliance matters in agencies of the kind mentioned in this paragraph rests with the Department of Health, Education, and Welfare, and agencies of this kind are exempt from the provisions of this subpart, and are not responsible for the development of equal employment opportunity programs in accordance herewith.

(d) Each recipient of LEAA assistance within the criminal justice system which has 50 or more employees and which has received grants or subgrants of $25,000 or more pursuant to and since the enactment of the Safe Streets Act of 1968, as amended, and which has a service population with a minority representation of 3 percent or more, is required to formulate, implement and maintain an equal employment opportunity program relating to employment practices affecting minority persons and women within 120 days after either the promulgation of these amended guidelines, or the initial application for assistance is approved, whichever is sooner. Where a recipient has 50 or more employees, and has received grants or subgrants of $25,000 or more, and has a service population with a minority representation of less than 3 percent, such recipient is required to formulate, implement, and maintain an equal employment opportunity program relating to employment practices affecting women. For a definition of "employment practices" within the meaning of this paragraph, see § 42.202(c).

(e) "Minority persons" shall include persons who are Black, not of Hispanic origin; Asian or Pacific Islanders; American Indians or Alaskan Native; or Hispanics. These categories are defined at 28 CFR 42.402(e).

(f) "Fiscal year" means the 12 calendar months beginning October 1, and ending September 30, of the following calendar year. A fiscal year is designated by the calendar year in which it ends.

§ 42.303 Evaluation of employment opportunities.

(a) A necessary prerequisite to the development and implementation of a satisfactory equal employment opportunity program is the identification and analysis of any problem areas inherent in the utilization or participation of minorities and women in all of the recipient's employment phases (e.g., recruitment, selection, and promotion) and the evaluation of employment opportunities for minorities and women.

(b) In many cases an effective equal employment opportunity program may only be accomplished where the program is coordinated by the recipient agency with the cognizant Civil Service Commission or similar agency responsible by law, in whole or in part, for the recruitment and selection of entrance candidates and selection of candidates for promotion.

(c) In making the evaluation of employment opportunities, the recipient shall conduct such analysis separately for minorities and women. However, all racial and ethnic data collected to perform an evaluation pursuant to the requirements of this section should be cross classified by sex to ascertain the extent to which minority women or minority men may be underutilized. The evaluation should include but not necessarily be limited to, the following factors:

(1) An analysis of present representation of women and minority persons in all job categories;

(2) An analysis of all recruitment and employment selection procedures for the preceding fiscal year, including such things as position descriptions, application forms, recruitment methods and sources, interview procedures, test administration and test validity, educational prerequisites, referral procedures and final selection methods, to insure that equal employment opportunity is being afforded in all job categories;

(3) An analysis of seniority practices and provisions, upgrading and promo-

tion procedures, transfer procedures (lateral or vertical), and formal and informal training programs during the preceding fiscal year, in order to insure that equal employment opportunity is being afforded;

(4) A reasonable assessment to determine whether minority employment is inhibited by external factors such as the lack of access to suitable housing in the geographical area served by a certain facility or the lack of suitable transportation (public or private) to the workplace.

§ 42.304 Written equal employment opportunity program.

Each recipient's equal employment opportunity program shall be in writing and shall include:

(a) A job classification table or chart which clearly indicates for each job classification or assignment the number of employees within each respective job category classified by race, sex and national origin (include for example Hispanic, Asian or Pacific Islander, and American Indian or Alaskan Native). Also, principal duties and rates of pay should be clearly indicated for each job classification. Where auxiliary duties are assigned or more than one rate of pay applies because of length of time in the job or other factors, a special notation should be made. Where the recipient operates more than one shift or assigns employees within each shift to varying locations, as in law enforcement agencies, the number by race, sex and national origin on each shift and in each location should be identified. When relevant, the recipient should indicate the racial/ethnic mix of the geographic area of assignments by the inclusion of minority population and percentage statistics.

(b) The number of disciplinary actions taken against employees by race, sex and national origin within the preceding fiscal year, the number and types of sanctions imposed (suspension indefinitely, suspension for a term, loss of pay, written reprimand, oral reprimand, other) against individuals by race, sex and national origin.

(c) The number of individuals by race, sex and national origin (if available) applying for employment within the preceding fiscal year and the number by race, sex and national origin (if available) of those applicants who were offered employment and those who were actually hired. If such data is unavailable, the recipient should institute a system for the collection of such data.

(d) The number of employees in each job category by race, sex and national origin who made application for promotion or transfer within the preceding fiscal year and the number in each job category by race, sex, and national origin who were promoted or transferred.

(e) The number of employees by race, sex, and national origin who were terminated within the preceding fiscal year, identifying by race, sex, and national origin which were voluntary and involuntary terminations.

(f) Available community and area labor characteristics within the relevant geographical area including total population, workforce and existing unemployment by race, sex and national origin. Such data may be obtained from the Bureau of Labor Statistics, Washington, D.C., State and local employment services, or other reliable sources. Recipient should identify the sources of the data used.

(g) A detailed narrative statement setting forth the recipient's existing employment policies and practices as defined in § 42.202(c). Thus, for example, where testing is used in the employment selection process, it is not sufficient for the recipient to simply note the fact. The recipient should identify the test, describe the procedures followed in administering and scoring the test, state what weight is given to test scores, how a cut-off score is established and whether the test has been validated to predict or measure job performance and, if so, a detailed description of the validation study. Similarly detailed responses are required with respect to other employment policies, procedures, and practices used by the applicant.

(1) The statement should include the recipient's detailed analysis of existing employment policies, procedures, and practices as they relate to employment of minorities and women (see § 42.303) and, where improvements are necessary, the statement should set forth in detail the specific steps the recipient will take for the achievement of full and equal employment opportunity. The Department of Justice Guidelines on Employee Selection Procedures, 28 CFR Part 50, set out the appropriate standards for nondiscriminatory selection procedures. Recipients of LEAA assistance using selection procedures which are not in conformity with the Department of Justice guidelines shall set forth the specific areas of nonconformity, the reasons which may explain any such nonconformity, and if necessary, the steps the recipient agency will take to correct any existing deficiency.

(2) The recipient should also set forth a program for recruitment of minority persons based on an informed judgment of what is necessary to attract minority applications including, but not necessarily limited to, dissemination of posters, use of advertising media patronized by minorities, minority group contacts and community relations programs. As appropriate, recipients may wish to refer to recruitment techniques suggested in revised order No. 4 of the Office of Federal Contract Compliance, U.S. Department of Labor, found at 41 CFR 60-2.24(e).

(h) Plan for dissemination of the applicant's Equal Employment Opportunity Program to all personnel, applicants and the general public. As appropriate, recipients may wish to refer to the recommendations for dissemination of policy suggested in revised order No. 4 of the Office of Federal Contract Compliance, U.S. Department of Labor, found at 41 CFR 60-2.21.

(i) Designation of specified personnel to implement and maintain adherence to the equal employment opportunity program and a description of their specific responsibilities suggested in revised order No. 4 of the Office of Federal Contract Compliance, U.S. Department of Labor, found at 41 CFR 60-2.22.

§ 42.305 Recordkeeping and certification.

The equal employment opportunity program and all records used in its preparation shall be kept on file and retained by each recipient covered by these guidelines for subsequent audit or review by responsible personnel of the cognizant State planning agency or the LEAA. Prior to the authorization to fund new or continuing programs under the Omnibus Crime Control and Safe Streets Act of 1968, the recipient shall file a certificate with the cognizant State planning agency or with the LEAA Office of Civil Rights Compliance stating that the equal employment opportunity program is on file with the recipient. This form of the certification shall be as follows:

I, ———— (person filing the application) certify that the ———— (criminal justice agency) has formulated an equal employment program in accordance with 28 CFR 42.301, et seq., subpart E, and that it is on file in the Office of ———— (name), ———— (address), ———— (title), for review or audit by officials of the cognizant State planning agency or the Law Enforcement Assistance Administration as required by relevant laws and regulations.

The criminal justice agency created by the Governor to implement the Safe Streets Act within each State shall certify that it requires, as a condition of the receipt of block grant funds, that recipients from it have executed an Equal Employment Opportunity Program in accordance with this subpart, or that, in conformity with the terms and conditions of this regulation no equal employment opportunity programs are required to be filed by that jurisdiction.

§ 42.306 Guidelines.

(a) Recipient agencies are expected to conduct a continuing program of self-evaluation to ascertain whether any of their recruitment, employee se-

lection or promotional policies (or lack thereof) directly or indirectly have the effect of denying equal employment opportunities to minority individuals and women.

(b) Equal employment program modification may be suggested by LEAA whenever identifiable referral or selection procedures and policies suggest to LEAA the appropriateness of improved selection procedures and policies. Accordingly, any recipient agencies falling within this category are encouraged to develop recruitment, hiring or promotional guidelines under their equal employment opportunity program which will correct, in a timely manner, any identifiable employment impediments which may have contributed to the existing disparities.

§ 42.307 Obligations of recipients.

The obligation of those recipients subject to these guidelines for the maintenance of an equal employment opportunity program shall continue for the period during which the LEAA assistance is extended to a recipient or for the period during which a comprehensive law enforcement plan filed pursuant to the Safe Streets Act is in effect within the State, whichever is longer, unless the assurances of compliance, filed by a recipient in accordance with § 42.204(a)(2), specify a different period.

§ 42.308 Noncompliance.

Failure to implement and maintain an equal employment opportunity program as required by these guidelines shall subject recipients of LEAA assistance to the sanctions prescribed by the Safe Streets Act and the equal employment opportunity regulations of the Department of Justice. (See 42 U.S.C. 3757 and 28 CFR 42.207.)

JAMES M. H. GREGG,
Assistant Administrator,
Office of Planning and Management.

JUNE 23, 1978.

[FR Doc. 78-18326 Filed 6-29-78; 8:45 am]

Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of October 1, 1977)

Quantity	Volume	Price	Amount
_____	Title 42—Public Health (Parts 1 to 399)	$5.50	$_____
_____	Title 45—Public Welfare (Parts 100 to 149)	5.50	_____
_____	Title 45—Public Welfare (Parts 150 to 199)	4.75	_____
_____	Title 46—Shipping (Part 200 to End)	6.00	_____
		Total Order	$_____

[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)]

PLEASE DO NOT DETACH

MAIL ORDER FORM To:

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

Enclosed find $..... (check or money order) or charge to my Deposit Account No. .....

Please send me ..... copies of:

PLEASE FILL IN MAILING LABEL BELOW

Name _____

Street address _____

City and State _____ ZIP Code _____

FOR USE OF SUPT. DOCS.
____Enclosed
____To be mailed later
____Subscription
Refund
Postage
Foreign Handling

FOR PROMPT SHIPMENT, PLEASE PRINT OR TYPE ADDRESS ON LABEL BELOW, INCLUDING YOUR ZIP CODE

SUPERINTENDENT OF DOCUMENTS
U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON, D.C. 20402

OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U.S. GOVERNMENT PRINTING OFFICE
375
SPECIAL FOURTH-CLASS RATE BOOK

Name _____

Street address _____

City and State _____ ZIP Code _____